We Have Found the Enemy, and the Enemy is Us: Rethinking Rav Soloveitchik's Views on Orthodox – Non-Orthodox Relations

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In 1954, Rabbi Joseph B. Soloveitchik, the acknowledged leader of Modern Orthodoxy in America, was asked whether it was permissible for Orthodox rabbis and congregations to unite or to cooperate with their non-Orthodox counterparts. The question came amidst gathering controversy concerning Orthodox membership in joint rabbinic councils, formation of community-wide rabbinical courts, growing adoption of Conservative practices in Orthodox congregations (such as mixed seating), and new deviations from traditional observance authorized by the Conservative rabbinate (such as permitting driving to Sabbath services). The Rav, as his followers referred to him, gave his answer in a column in the Yiddish daily, Tog Morgen Journal, which was republished several years ago in Community, Covenant and Commitment: Selected Letters and Communications, Rabbi Joseph. B. Soloveitchik, edited by Nathaniel Helfgot. [1] The answer, paradoxically, was, in a nutshell, that unity and separation must co-exist. The Rav's answer emanated from his understanding of how the concepts of unity and separation grow out of two covenants recounted in the Book of Exodus, which together define the nature of Jewish identity: one covenant based on G-d's "taking" the Jews to be His People, and the other covenant based on the People's declaration of readiness to accept G-d and his terms. We examine here the basis for the Rav's accommodation of contacts between Orthodox rabbis and leaders

and their non-Orthodox counterparts, which in turn is based on the Rav's examination of how and why unity and separation must co-exist within the Jewish People, and how the changed circumstances six decades later have undermined the Rav's solution to resolving the two fundamental forces driving Jewish identity.

The principle of unity, the Rav wrote, is a basic principle of Judaism, succinctly stated in the Sabbath afternoon prayer, "You are One, Your Name is One, and who is like Your people Israel, a unique nation on earth." However, unity in Judaism is expressed in two ways: the unity of Jews as a spiritual community, living a Jewish way of life, which he called the edah – a voluntary congregation of witnesses [tied] to the collective memory and future of the tradition; and the unity of Jews as a unique political/historical nation – the am.

The Rav's conceptualization of two expressions of Jewish unity is based on two covenantal acts, recounted in the Torah, through which the Jewish identity is created. The first is made at Sinai, in which Jews individually and collectively commit themselves to be a community based on the unique Jewish way of life. The Rav cites as his proof-text: "You shall be unto me a kingdom of priests and a holy nation." [2] The heart of this unity, he says, is a collective "transcendental-ethical consciousness" of a special purpose. Jews who have bought into the edah commit not only to a separate and different way of life from the nations, but to be "priests," with each member striving to be an example to all peoples of how to live in the world. This is a separateness of means, not necessarily of ends. To be a member of the edah means to adhere to particularistic rules and ways of living (the Torah tradition) expressing a Divinely commanded universal ethical conception of how to live. Conversely, as the Rav states it: "[T]he Jew who erases from his memory this great testimony [the tradition], and destroys the unique collective tradition, breaks the tie which joins him with the Jewish community as part of a congregation, as part of a spiritual Torah entity." [3]

The second expression of Jewish unity is derived from G-d's declaration, passed on to the Israelites in Egypt, of the historical covenant that is about to unfold, "And I shall take you unto me as a nation, and I shall be unto you a G-d." [4] As the Rav puts it, "this covenant forced upon us all one uniform historical fate."[5] He also cites the blessing that G-d put in Balaam's mouth: "Lo, it is a people that shall live alone, and among the nations shall not reckon itself." [6] "No Jew can renounce his part of the unity," says the Rav, which encompasses the non-traditional as well as the traditional Jew. It is this unbreakable bond, welded through our unique historical transmigrations and in our paradoxical fate, characterized by loneliness and affliction, according to the Rav, that requires all

Jews to “fight the enemy, who does not differentiate between those who believe in G-d and those who reject Him.”[7]

In short, to the Rav, Jewish identity paradoxically is an amalgam of two unities, one a spiritual/ethical unity affirmed and expressed through a particular and unique system of Jewish law and practices, as well as a transcendental world view, the preservation of which may require separation from non-affirming Jews; and the other an existential uniqueness experienced in the historical aloneness and affliction of the Jewish People, which all Jews experience in common and whose existence is threatened by disunity. Under this conception, the spiritual unity of the edah can only be destroyed from within and this must be resisted by separation from those of do not accept this spiritual unity; whereas the existential unity of the am (i.e., the People, rather than the tradition) is destroyed from without, and must be resisted by means of a unified fight against the common outside enemy. Put another way, one can, by choice, separate himself from the tradition; however, all Jews share the same fate, whether they follow the tradition or not.

From this conceptual and textual foundation, the Rav concluded in his essay that with regard to spiritual and religious matters “Orthodoxy cannot and should not unite” with groups that deny the fundamentals of the tradition. He placed both the Reform and Conservative movements in this category. But, when Jews face the outside world in defense of their rights, “then all groups and movements must be united.” Disunity in the latter context could be “disastrous for the entire people.” Thus, on the one hand, the Rav railed at Conservative “Halakhic” deviations, which he worried could, in the name of harmony, “erase the [] boundaries between Orthodoxy and other movements” and “cause confusion in the minds” of Orthodox congregations. Separation of the edah from such practices is required to preserve the uniqueness of the tradition. On the other hand, he adamantly opposed creation of separate Conservative rabbinical courts to decide family issues (for non-Orthodox Jews), which he presciently warned would split the Jews into “two camps,” threatening the unity of the am. Similarly, behind the scenes, the Rav, worked (albeit without success) to create a joint beit din with authority to decide all Jewish family law issues arising in both Modern Orthodox and Conservative congregations.[8]

One of the most prominent examples of applying this paradigm – that is, including non-traditional Jews within the unity of the am, while at the same time retaining a strict division between traditional Jews (the edah) and non-traditional approaches – was the Rav’s role in preserving the Synagogue Council of America.[9] The

Synagogue Council of America had been organized in 1926 by the six organizations comprising the three mainstream Reform, Conservative, and Orthodox rabbinical and congregational associations, including the RCA and Union of Orthodox Jewish Congregations of America. Formed to represent Jewish religious interests to the outside world, both in the United States and abroad, the SCA often found itself crippled by differences among its member organizations, and survived as long as it did on the strength of a one-organizational veto, which allowed the Orthodox groups to reject any joint action (particularly one that might be perceived as straying into the “spiritual” realm) they disagreed with. [10]

In 1956, the Rav’s support for the SCA came under attack both from within his community (the RCA) and from without (the Lithuanian yeshivah world). Just days before the RCA’s Halakha Commission, of which the Rav was the chair, was to meet to address a petition from the RCA’s leadership to require withdrawal from the SCA, the ultra-Orthodox Rabbinical Alliance issued a public ban on all Orthodox participation in the SCA as well as other joint rabbinical boards. Neither the Rav nor the Halakhic Commission ever formally ruled on the question, despite repeated efforts by the RCA leadership to force the issue.[11] Indeed, the issue continued to simmer, but despite a widening of the gap between the “two camps,” the RCA and UOJCA remained members of the SCA until the Rav’s death in 1993.[12]

The Rav’s conception of Jewish identity as a dynamic tension between a traditional edah that separated itself from non-traditional “deniers” and a united am (including these same deniers) defending itself from outside forces seems to have enjoyed ever diminishing popular support from within his own community. It is likely that respect for the Rav was an important factor keeping the SCA together for forty years following the Tog Morgen Journal article, but both the SCA and the enterprise of joint defense of the am were gradually being sapped of their force by social forces at work both within the Jewish community and outside it. The dissolution of the SCA in 1994 simply put a punctuation mark on a completed era. With the Rav gone, it was as if the last remaining force (within the Orthodox world) trying to maintain the tension between unity and separation, to restrain the deep separatist forces at work within Orthodoxy, within the larger Jewish world, and in the wider society, was released. It was in fact a watershed. [16] What the Rav’s death marked was not so much the end of the Rav’s influence, but the end of the milieu in which Conservative as well as Orthodox rabbis (and to some extent even Reform rabbis) came from (and in some cases adhered to) traditional roots and perspectives that made debates among them still possible.

What certainly seems to be the case is that even the Rav could not restrain the deep (and bi-polar) forces of Jewish social consciousness driving religious and non-religious Jewry apart. In the decades following the Tog Morgen Journal article, the Rav's (and Modern Orthodoxy's) attempt to maintain a creative tension between tradition and the secular world became increasingly difficult.[13] The Holocaust produced two competing (and conflicting) visions of the American Jewish future – one aimed at recreating the lost European world of traditional Jewry, and one aimed at creating a "post-Holocaust" Jew, fully integrating into American culture and abandoning all outward signs of cultural distinctiveness.

With the perspective of six decades, the Jewish world of the 1950s, despite its fissures, was a much smaller, tighter, and more ethnically united world than we have today. Though acculturation away from Jewish literacy and learning, which had profound impacts on participation in the edah, was then already well under way, the social consequences of illiteracy and acculturation were still to be seen. For example, the societal revolutions of personal identity – intermarriage, equal rights for women and gays, and the personalization of religious self-identification – all of which were to have profound impacts on the am – had yet to become the norms of the society. After all, the world of the 1950s was a world where the division between Jew and non-Jew was still palpable throughout American society, which conversely tended to bring Jews of divergent ideologies closer to one another. It also was a world in which great Jewish minds on both sides of the Orthodox/non-Orthodox divide still talked to each other about the issue of unity and could think that the social fabric was still susceptible to mending. The Rav's warnings to the Conservative movement in Tog Morgen Journal[14] evinced an awareness that the edah was coming under assault from internal forces; but his concept that the am is "forced upon us" by historical forces beyond our control, and that we must "fight the enemy" in "defense of Jewish rights" suggests that the European experience, and particularly the Holocaust, deeply affected the Rav's conception of the am.[15] The Rav did not then foresee the extent of acceptance of the Jews in America; how small a role outside forces would soon play in enforcing the unity of Jewish aloneness; and how, over the next half-century, internal forces would play a larger role in fragmenting Jewish cohesion, undermining the potency of the covenant of the am.

The problems facing the edah and the am today are not only radically different from what they were 60 years ago, they look remarkably similar to each other. If existential threats to the edah and the am exist today, they come not from without, but from within. Orthodox Jews today are not flocking out of traditional shuls to join Conservative, Reform or other non-Orthodox institutions. If anything,

it is the reverse. It is traditional Judaism that is attracting Jews into the edah.

Similarly, few would argue that an American Jew is physically threatened by the outside world, requiring all Jews to unite in order to protect themselves from that threat. Indeed, acceptance and integration of Jews in America have been principal reasons for the weakened potency of the am as an element American Jewish identity. For the majority of American Jews, calls to unite around an aloneness of the am, enforced from without, fail to address the world they live in. Moreover, across the board, from the most traditional to the least, positive assertions of Jewish identity have replaced defensive postures. As a general matter, Jewish identity increasingly is expressed through affirmative Jewish behaviors and "spiritual/ethical consciousness," and less through defense of forced aloneness. Even the most distinctive groups feel safe to openly assert their Jewish practices, programs and political positions. But, the flip side of the decline of external enemies is the readiness, across the board, to assert a particularistic and separatist vision of who are "my People." Thus, at the same time that the am is shrinking in absolute terms, other Jews increasingly are seen as the "other," whether one is traditional or non-traditional. To paraphrase Pogo's words, "We have found the enemy, and the enemy is us!"[16]

The question may therefore legitimately be raised whether, in these times, the Rav's paradigm of edah and am, and his proof-texts, call for a more dynamic approach to the two spheres, one in which the fuel for energizing the outer sphere, the am, is not the threat of external enemies, but rather the same power of the testimony that drives the inner sphere – the edah. The Rav sanctioned cooperation among the rabbinical and congregational organizations only to the extent that such cooperation did not require or involve discussion of religious or Halakhic issues. The Tog Morgen Journal essay was equally clear that what the Rav considered heretical ideas emanating from the non-Orthodox movements were the principal reason for not engaging in cooperation with these movements on such issues.

Does that mean that the traditional community is powerless to engage the non-traditional community in order to prevent the dissolution of what now constitutes the majority of the am? Do the Rav's textual sources require the sort of dichotomy between edah and am advanced by the Rav in his Tog Morgen Journal essay? For example, is there any basis in his proof-texts for declaring that "ethical/spiritual consciousness" of the "collective memory" – that is, the tradition – is an essential characteristic of the edah, but not an essential characteristic of those who "shall live alone" and are taken "as an am"? Another look at these

verses suggests as much overlap as division.

Just as the Sabbath afternoon prayer describes “Your people” as a “unique nation,” all of the cited Biblical verses, both the covenant in Egypt (“And I shall take you unto me as a nation, and I shall be unto you a G-d”) and the covenant at Sinai (“You shall be a kingdom of priests and a holy nation”) make the “nation” the partner of G-d in His enterprise. It is the nation that at Sinai is called upon to “witness” the covenant by undertaking the Torah as an expression of “transcendental/ethical consciousness,” thereby becoming a “kingdom of priests.” So too with “aloneness.” In the verse, “Lo, it is a people that shall live alone, and among the nations shall not reckon itself,” separation is from other nations, not from within; and the Jewish nation is to be “reckoned” according to another standard, that is, before G-d. Like the other verses, this one also pairs unity and aloneness with bearing witness to G-d’s will.[17]

Of course, we cannot know how the Rav himself would have applied his liturgical and biblical sources in light of the current situation. However, if our conclusion is that, in this generation, defense against an external enemy is no longer a compelling basis for preserving the am, what sort of glue remains to prevent its dissolution?[18] Similarly, if non-traditional movements are no longer attractive alternatives to Orthodox Jews, to what extent is separation for the sake of the edah necessary to protect traditional communities? What does erection of barriers do other than impede the spread of the “collective testimony” of the tradition? Indeed, wouldn’t the test of interaction strengthen, not weaken, the edah? If the traditional community retreats behind a wall of separation what is left of the “unique nation?” To continue in the same direction under these circumstances would appear to destroy the very covenantal relationship that the Rav sought to preserve.

Even more fundamentally, treating other Jews, no matter how different in their approach to the tradition, as “the Other” creates a duality in Judaism that undermines the unity of G-d, which is the foundation of the ethical/spiritual consciousness which Judaism seeks to instill in its people through Halakha and universally by example. What appears to be required is for both the Orthodox and non-Orthodox communities to recognize that believing or acting as if other Jews are “the Other” is a form of idolatry – a fundamental denial of the unity of G-d. Jews who not only profess a belief in G-d but seek to devote their lives to fulfilling G-d’s will will find this conclusion very difficult to accept, and may reject it out of hand. But this conclusion derives directly from the Rav’s concept of the inclusion of all Jews within the am. Non-Orthodox Jews, including affiliated non-Orthodox

Jews, may find it no less difficult to recognize the obligation to reach across the wall in the other direction, to accept the authority of the tradition, and to discuss with an open mind traditional positions on a host of issues. Unfortunately, treating Jews on the other side of this wall as “the Other” has permeated American Jewish culture to a degree that is not readily acknowledged, and which undermines the feasibility of exchanging ideas about the tradition and physical encounter that is needed. Nevertheless, breaking down the wall between the self and the other is itself a fundamental teaching of the Torah. [19]

In approaching the difficulties raised for traditional Jews by incorporating non-traditional thinking and practices into the traditional community itself, the Rav dealt with this inherent tension through externalization. Non-traditional thinking and practices, and particularly non-traditional rabbis and religious institutions, are essentially kept out of the Torah sphere by defining a second, larger, sphere around it that incorporates traditional Jews without letting non-traditional Jews affect the Torah sphere. The Rav conceptualized this arrangement as maintaining the unity of the covenant of the am, while maintaining the integrity of traditional learning and practice. The experience of the past 60 years shows, however, the corrosive effects of this solution. There no longer is a common enemy that unites all Jews. What is left is an Orthodoxy that claims exclusive possession of the tradition and of the people, and a non-Orthodox world that has little cohesion forced upon it from outside and fewer tools to explore, waning attachment to, and less and less knowledge or understanding of, the testimony of the tradition to nourish it from the inside. The result has been disintegration of the larger sphere, and a failure of the inner sphere to recognize and address the breaking of the covenant of the am. More practically, it deprives those in the larger non-traditional sphere from exposure to the values of living and learning in a Torah-centered world; and it deprives those in the Torah world of the opportunity to spread those same values to the majority of the people to whom the Sabbath afternoon prayer refers – that is, to make “a unique people on earth” a reality.

As a result, it is difficult to imagine the Rav, were he still with us, proposing the same solutions he did nearly 60 years ago. Would the Rav propose reconstitution of the Synagogue Council of America, which sought outreach to the gentile world, and never had the whole-hearted endorsement of the Orthodox world in any event? Or would he emphasize the inter-relationship and inter-dependence of the two expressions of Jewish unity – the ethical transcendental consciousness of the Sinai covenant of witnesses to the testimony and the political/historical covenant of a shared fate – in order to find a new synthesis of these fundamental building blocks of Jewish identity to address the existential issues facing Orthodox and

non-Orthodox Jews alike?[20]

The Rav's articulation, in his essay, Kol Dodi Dofek, of a covenant of "shared destiny" engrafted upon the covenant of the "nation-encampment" suggests that the Rav saw a dynamic relationship between the two covenants, with the Covenant of Sinai having the potential to transform from within all of the Jewish People. How he would apply these insights to Orthodox-non-Orthodox dialogue today is uncertain. Nevertheless, the paradigm presented in the Rav's Tog Morgen Journal essay provides students of the Rav and followers of his teaching (in both the narrow and broader sense) a jumping off point. In short, we should draw from the two-part (edah and am) covenantal partnership between the Jewish People and G-d a call to rebuild Jewish unity from within, not based on the need to fight an external enemy, but on the need to return the entire Jewish nation to a ethical/transcendental consciousness of its unique covenantal relationship with G-d.

This cannot be done without dialogue between Orthodox and non-Orthodox leaders and laymen on how to spread the testimony of the tradition. A central idea behind the concept of the am is that even the most tangentially connected Jew is part of the covenant, and a necessary part of the "unique nation on earth." This generation is experiencing an unparalleled level and breadth of Torah scholarship and living, but with some notable exceptions, has largely turned away from the imperative of Jewish unity.
We – and by "we" I mean thinkers and leaders from Orthodox and non-Orthodox educational and communal institutions – can start down this path by examining why it is that Jews are fighting each other, why we have come to think of other Jews as the "Other," or even the "enemy." This involves studying the texts the Rav relied upon in his Tog Morgen Journal article, but much more – the rest of rabbinic literature, the ebb and flow of Jewish unity and separation throughout Jewish history, as well as the sparks of the tradition that lie embedded in the various forms of contemporary non-traditional and secular Jewish culture. The unifying purpose of this effort should be to study what it means in our situation and our time to be a people "living alone" in a relationship with G-d. And a basic component of such study should be "partnering" with others, at whatever level of partnership appears to be achievable. The Rav's belief in outreach to the non-Orthodox community is evident in a recent compilation of the Rav's 1970s lectures. In one of these, the Rav drew from Moses' encounter with the burning bush that the spiritual flame of the Jew is inextinguishable, and therefore the road back to G-d is never closed.

“This message was crucial not only for Moses thousands of years ago, but is so for us as well. No Jew should be given up on as hopeless! A Jew may look quite like a thornbush . . . We might think that it does not pay to concern ourselves with him. But in truth we must try to expand our concern to embrace everyone.”

If involvement of all Jews in defense of the am from external threats served, in the Rav’s time, to protect and defend the edah, the Torah-living community, wouldn’t strengthening the knowledge and attachment of the entire am to the Torah tradition, in whatever measures are possible, serve as even a better defense today? This “re-purposing” of the defense of the am presents a different, and perhaps more difficult, type of challenge, because it involves a kind of partnering that addresses not merely the fact of our aloneness, but the purpose of our aloneness. It carries more risk, but isn’t facing this risk itself part of the tradition?

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[1] (New York: Ktav, 2005)(“Helfgot Collection”) at 143. The Tog Morgen Journal article was first published in English in Amos Bunim, “Fire in His Soul,” (Jerusalem: Feldheim, 1989).
[2]Ex. 19:6.
[3]Helfgot Collection at 144. The Rav’s paradigm would thus appear to leave out of the edah many Jews who consider themselves “religious,” but either do not believe in “Torah me-Sinai” or do not fully observe the mitzvot.
[4] Ex. 6:7.
[5] Helfgot Collection at 145 (emphasis added).
[6] Num. 23:9.
[7] Helfgot Collection at 144-5.
[8] The beit din was to be composed solely of Orthodox rabbis jointly selected by rabbis from the Modern Orthodox and Conservative movements. A proposal for such an entity was rejected in January 1956 by the Rabbinical Council of America’s Halakhic Commission, by an 11-6 vote. See, Elijah J. Schochet and Solomon Spiro, Saul Lieberman, The Man and His Work, Jewish Theological Seminary of America, 2005, pages 45-46.
[9] Rabbi Walter Wurtzburger, in an essay on the Rav’s life and writings, writes unequivocally that the Rav strongly supported continuation of RCA and UOJCA participation in the SCA, recounting that he and the Rav, along with Rabbi Klavan had strategized how to keep the SCA status quo from falling apart. See, “Rabbi Joseph B. Soloveitchik as Posek of Post-Modern Orthodoxy,” in Angel, Marc D., Exploring the Thought of Rabbi Joseph B. Soloveitchik, at 14 (1997).
[10] See, “From Cooperation to Confrontation: The Rise and Fall of the Synagogue

Council of America," Jonathan J. Golden, at 138-9, 2008. Indeed, cooperation within the SCA framework appeared to be at its highest where the "threat level" to Jews as a whole was greatest and where differences in religious ideology and practice were least relevant.

[11] Three letters from the Rav relating to requests by the RCA's leadership to obtain a formal ruling, published in the Helfgot Collection (151-155), appear to be the Rav's sole published writings on the matter. The Rav, together with Dr. Samuel Belkin, then president of Yeshiva University, wrote successive RCA presidents that the highly-charged political atmosphere prevailing at the time made objective consideration of the issue impossible, and deferred any ruling until an atmosphere of political calm might prevail.

[12] The Orthodox groups did leave the SCA briefly in 1974 and then finally in 1994, a year after the Rav's death.

[13] See Heilman, Samuel, Sliding to the Right, University of California (2006), at 1-14.

[14] See Helfgot Collection at 146-149.

[15] The depth of the Rav's anguish over American Jewry's failure to come to the defense of European Jewry during the 1930s and 1940s was more directly expressed in Kol Dodi Dofek, discussed more fully below.

[16] Walt Kelley, Pogo: We Have Met the Enemy and He is Us, Vintage, 1972, 1987.

Internal separation and division has been an enduring theme throughout Jewish history, but often it has been akin to a cancer in the body of the Jewish People, associated with its downfall.

[17] There are, in fact, countless responses to this question to be found in the "organized Jewish community." One recent example, written by two Federation professionals, is : Erica Brown and Misha Galperin, "The Case for Jewish Peoplehood. Can We Be One?" Jewish Lights, 2009, which discusses the relationship between Jewish identity and Jewish Peoplehood from a variety of perspectives.

[18] Rabbi Akiva said: "You shall love your neighbor as yourself" is the fundamental rule of the Torah (Rashi on Lev. 19:18). A central Mussar teaching is that bearing the burden of the other is the primary pathway to this love. See, Stone, Ira F., A Responsible Life: The Spiritual Path of Mussar," (New York: Aviv, 2006) 160 et seq., annotations to Hochmah U'Mussar of Rabbi Simha Zissel Braude of Kelm. This understanding of the Torah, together with the principle of kavod habreyut (respecting the dignity of others), provide a traditional rationale for the "outreach" that is here suggested.

[19] The potential for such a synthesis is implied in the Rav's essay "Kol Dodi Dofek," first published in 1961, but originating in an address in commemoration

of the eighth anniversary of Israel independence, in 1956, and therefore dated only a short time after his Tog Morgen Journal article. There, the Rav articulated a synthesis of the two covenants. He characterized the Covenant of Egypt as the covenant of a “nation-camp realized through shared fate and forced isolation,” in contrast to the Covenant of Sinai, which he saw as “the covenant of a sacred community and people that finds expression in a shared destiny of a sacred life.” “Our historic obligation today,” he wrote, “is to raise ourselves from a people to a holy nation, from the Covenant of Egypt to the Covenant of Sinai, from a compelled existence to an original way of life, permeated with morality and religious principles that transcends history.” See, Rabbi Joseph B. Soloveitchik, Kol Dodi Dofek, Listen – My Beloved Knocks (New York: Yeshiva University, 2006), at 84, 89.

[20] Rabbi Joseph B. Soloveitchik, Vision and Leadership: Reflections on Joseph and Moses, editors, David Schatz, Joel B. Wolowelsky, Rabbi Reuven Ziegler (New York: OU Press, 2012), at 84-85.