Understanding the Role of *Halakhah* in the Reform Movement
The Question of Personal Autonomy versus Authority

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Digest

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This thesis will explore the weight *Halakhah* had on the Reform Movement in the 20th century. It analyzes the transition from Classical Reform Judaism to present day practice through the lenses of three prominent thinkers of the Reform Movement: 1) Solomon B. Freehof, 2) Jakob J. Petuchowski, and 3) W. Gunther Plaut. The thesis examines each one of these thinkers separately and investigates how each of them accommodates the concept of *halakhah* within his understanding of Reform Judaism. The investigation is based on the analysis of theological perspectives, sermons, and developed *halakhic* literature. In addition to the analysis of the three thinkers, I will provide some of my own thoughts as a Reform Jew who wrestles with the question of "autonomy" vs. "authority." Chapter 1 presents the thought processes of Rabbi Solomon B. Freehof and his consideration of a Reform Code. Chapter 2 investigates the approach of Jakob J. Petuchowski as he develops a three tiered approach to a Reform *Halakhah*. Chapter 3 analyzes the process W. Gunther Plaut develops in order to rejuvenate Jewish observance in the Reform Movement. Chapter 4 is a synthesis of the three thinkers and their approaches. Chapter 5 is my concluding thoughts addressing certain key questions about the place of *halakhah* within modern Reform Judaism. In the 21st century, do we find a need for more clearly defined boundaries in Reform Judaism? Is the concept of boundaries compatible with present-day Reform Judaism as its adherents understand the movement? This thesis will explore how the Reform thinkers of our past still find relevance in its present, and more than likely, its future.

Table of Contents

Acknowledgements

I must start by giving thanks to God. I am very spiritual when I think of my journey toward the rabbinate. If any one thing does not happen the way it does, I am not an *erev rav*. God has watched over me and guided me through many paths. Honestly, like every Jew, sometimes I ask why me or why this path? But in the end, I am always grateful for the opportunities God has granted me.

My path to Hebrew Union College – Jewish Institute of Religion is no different. I am truly blessed to have walked this path. If Frost says, "Two roads diverged in a wood and I took the one less traveled," then this is it. One thing is for sure. I would not be the educated man I am today if it were not for my studies at Hebrew Union College – Jewish Institute of Religion. What I have learned at the college has far superseded my expectations. Before I came to Cincinnati, I rarely read. Not only have a literally taught myself to read, but I have learned to do so in a critical manner. I no longer simply pick up an article or a book and think "this is the gospel." I am very conscious now of the lens through which I enter. I have entered the classrooms of some magnificent professors. I used to joke, "Don't give the dumb country boy the tools, you never know where that will lead." I yield to all of you; each and every one. For you all have indeed filled my toolbox. You have humbled me and taught me the likes of Talmud/Torah, liturgy, biblical criticism, Jewish history, philosophy, and practical rabbinics. I may not be the greatest scholar or even the greatest rabbi to leave the institution of HUC-JIR, but in the immortal words of Jerry McGuire, "You complete(d) me."

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Repaying those who teach us is something I take very seriously. I hope to make each and every one of my professors proud as I teach the next generation of Reform Jews. However, for me this repayment is not only for my professors. For one does not merely enter the doors of HUC-JIR alone. We are brought together with other students; generally with no knowledge of whom our classmates are beforehand. Once again, I

have truly been blessed. For in my class I have found two wonderful colleagues to travel this journey with me - Brian Stoller and Craig Lewis. I cannot express in words what these two men have meant to me. They have not only been my colleagues but my study partners (my chug-mates) and my closest friends while here in Cincinnati. I think it is safe to say that I would not have learned as much as I have if they had not pushed me. As a rabbi, I hope to make you both proud of me. Men, thank you from the bottom of my heart.

Arriving at this place in my life is probably no surprise to my parents. They are committed Reform Jews. They grew up in the footbed of Reform Judaism outside of New York City. They raised me with a deep sense of what it means to be a Jew. They modeled for me the importance of being a family. When we had very little money when I was a boy, my mother used to ride a Greyhound bus with me from Nashville back to New York so that I would have the opportunity to spend Chanukkah with our family. They have always been there for me as a Jew and a son. Mom and Dad thank you.

I have heard it a million times. "Behind every great man is a great woman." Well, I have to say that this phrase is wrong. What is more correct – "Behind every great man is an even greater woman." I know this to be true because I found one. From the minute I laid eyes on Stacey, I knew this to be true. God truly blessed me with the most remarkable *beshert*. How can I even begin to express the gratitude I have for my wife Stacey. She stood by me through all of the exciting and also trying times during this endeavor. If it was not for her, I am certain that I would not be where I am today. I am also certain that I would not be ready to become a rabbi. You not only supported me at this time in my life, but you gave me the most precious gift; Shira. Stace, you are my soulmate, the love of my life and the most important thing in this world to me. One thing is for sure. I am the lucky one. I am just glad you picked me.

Understanding the Role of *Halakhah*
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Introduction

In 1968, W. Gunther Plaut wrote in his essay "The *Halacha* of Reform:" if we cannot develop a Reform *Halakhah*, "we shall shortly be where we were thirty and forty years ago – struggling for a sense of identity, defining that which is Jewish in Reform, and taking refuge in a host of ancillary activities which are Jewish only by Procrustean *force majeure*." Plaut believed that in order to remain a legitimate sect of Judaism, the Reform Movement needed to have some level of observance. He states in his essay that, as a way of accomplishing this goal, the movement should start to recognize its Reform *Minhagim* as formal Reform Practice. This practice will "be the starting point for a practical program of reestablishing a sense of Reform *Halacha*." His reasoning was that many Reform Jews already conduct ritual acts and other observances which indicates that there are indeed some guidelines which exist in the movement.

There are also those in the Reform Movement who gravitate in a different direction. This camp believes that true Progressive Judaism cannot exist within standardized *halakhic* boundaries. For them the *halakhah* as understood in a traditional setting is not an authentic element in Reform Jewish life and consciousness. This is articulated, for instance, in the initial platforms of the movement:

Pittsburgh 1885:

We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and today we accept as binding only its moral laws;

Columbus 1937:

The Torah, both written and oral, enshrines Israel's ever-growing consciousness of God and of the moral law. It preserves the historical precedents, sanctions and norms of Jewish life, and seeks to mould it in the patterns of goodness and of holiness. Being products of historical processes, certain of its laws have lost their binding force with the passing of the conditions that called them forth.

However, there have been prominent thinkers in Reform Judaism who have articulated various approaches to *halakhah* which, in their respective views, may accord with a Reform Jewish outlook. These thinkers believed there is a role which *halakhah* should or may play as Jewish decisions are made in the movement. Three of these thinkers are: 1) Solomon B. Freehof, 2) Jakob J. Petuchowski, and 3) W. Gunther Plaut.

To gain an understanding of the influence and weight *halakhah* had on the Reform Movement in the 20th century, this thesis will examine each one of these thinkers separately and investigate how each of them accommodates the concept of *halakhah* within his understanding of Reform Judaism. The investigation will be developed based on analysis of theological perspectives, sermons, and developed *halakhic* literature. Finally, in light of my analysis of these three thinkers, I will provide some of my own thoughts as a Reform Jew who wrestles with the question of "autonomy" vs. "authority." In concluding my study, I will address certain key questions, such as: Is there a need for more clearly defined boundaries in Reform Judaism? Is the concept of boundaries compatible with present-day Reform Judaism, as its adherents understand the movement?

Chapter 1

Rabbi Solomon Freehof

Rabbi Solomon Freehof was a descendent from the "Alter Rebbe"[1] born in London, England. His family immigrated to the United States in 1903 and resided in Baltimore, Maryland. Freehof graduated college from the University of Cincinnati in 1914, at the age of twenty-two. One year later he completed his rabbinical degree at Hebrew Union College (HUC). Freehof remained at Hebrew Union College to teach on the faculty until 1924; completing his PhD during this time.

In his early thirties, Freehof decided to engage congregants with his teaching. He left the academic environment of HUC to become a pulpit rabbi. For ten years he served Kehillath Anshe Mariv (K.A.M.) Temple in Chicago. For the next thirty two years (until 1966), Freehof was the senior rabbi at Congregation Rodef Shalom in Pittsburgh, Pennsylvania.

In addition to his pulpit obligations, Freehof was very active in the Central Conference of the American Rabbis (CCAR). He served as conference president from 1943 to 1945 and on many committees. This included chairing the Committee on Liturgy during the major revisions of the Reform Movement's prayerbook (The Union Prayerbook) and also chairing the Responsa Committee. In addition, he was the first

[1] Alter Rebbe – Rabbi Shneur Zalman of Lyady (1745-1813). He was from Belarus and the founder of Chabad Chasidism. Zalman was a Talmudic and Kabbalistic scholar as well as learned in science and math. His major work is *Lekkutai Amarim* (The Collected Sayings) also known as the *Tanya*. This is a systematic exposition of Chasidism which is accepted as the *halakhah* for Chabad Chasidism. Source: Shneur Zalman of Lyady, *Encyclopedia Judaica*, CD Rom edition; version 1.0, Judaica Multimedia, Israel, 1997

American representative to hold the office of president of the World Union for Progressive Judaism between the years 1959 to 1964.[2]

Freehof was a prolific writer and wrote extensively throughout his rabbinate. Perhaps his most valuable writings were in the area of *halakhah*. His baseline work in this area is *Reform Jewish Practice* which was first published in 1944. It is still regarded a monumental work in the Reform Movement considering the movement has never adopted a formal code of practice. In addition, he continued his *halakhic* writings through the CCAR Responsa Committee publishing another eight volumes between 1955 and 1980. It was this ability to continue in the mode of traditional thought within the context of modernity which afforded Freehof the ability to live in two worlds.

Perhaps Freehof's life represents a dichotomy in the Reform Movement in the first half of the 20th century. On the one hand there are those in the movement who believe that the "Classical" reforms[3] made in Judaism may have gone too far. While on the other hand there exist others within the Reform Movement who believe that the direction the movement took was indeed the correct path. Freehof's rabbinate epitomizes this division in the movement. He himself experiences an intellectual struggle as he tries to merge his traditional practices with the modern world. It is a struggle which appears to remain with him throughout his many years leading congregations and the CCAR.

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[2] Biographical information of Freehof is adapted from his biographical sketch in the American Jewish Archives. Source: An Inventory to the Solomon B. Freehof papers (1916-1987), manuscript collection no. 435, American Jewish Archives, Cincinnati, OH.

[3] Classical Reform – The reform of this period tested the outer limits of Jewish identity. Its leaders were forced to explain where Reform Judaism differed from the Ethical Culture movement and Unitarian Christianity. Some congregations experimented with Sunday morning services and debated the issue of rabbinical sanction for mixed marriage. In addition, the Classical Reform rabbis instructed their congregants in secular issues as well such as Darwinism, natural science, and biblical criticism. Not only that, but one of the major concerns of the movement became social justice and it began to overshadow Jewish ritual in Reform Congregations. Source: Michael A. Meyer, *Response to Modernity / A History of the Reform Movement in Judaism*, (Detroit: Wayne State University Press, 1995), 264.

Because of this struggle, it is hard to determine where Freehof does completely align himself. That is to say, at points in his rabbinate it is clear that he more or less follows the Classical Reform doctrines of the early 20th century. At other periods he appears to align his beliefs with those Reform Jews responsible for the return of Reform Judaism toward more traditional practice. What is clear is that he plays a prominent role in the Reform Movement's consideration of a *halakhah*. Therefore, the following sections attempt to characterize his work in this area as he confronts his struggle.

Reconciling Judaism within the Modern World

In 1966, Commentary Magazine polled fifty-five distinguished rabbis and theologians and asked them "to offer a contemporary restatement of the basic concepts of Judaism and discuss their relevance to the modern age." The premise of this exercise was based on the discussions of the time surrounding the issue over the "death of God" in many intellectual circles. The editors of the magazine wanted to share with their readers whether or not this issue was a concern in Judaism. It was believed at the time that much of the talk about Judaism was regarding Jewishness. That is to say that the Judaism of the time was a "Jewish identity understood historically and sociologically" rather than as "the system of belief and practice to which Jews are presumably obligated."[4] The magazine asked each thinker five questions its editors believed to be pertinent to the subject. Perhaps the most important of them was the following:

> *In what sense do you believe the Torah to be divine revelation?* Are all 613 commandments equally binding on the believing Jew? If not, how is he to decide

[4] The Condition of Jewish Belief, (Northvale: Jason Aronson Inc., 1989), 1. (The book is a reprint of the original article from Commentary Magazine, Vol. 42, No. 2, August 1966)

which to observe? What status would you accord to ritual commandments lacking in ethical or doctrinal content (e.g. the prohibition against clothing made of linen and wool)?[5]

As a leading rabbi and scholar in the Reform Movement, one of the fifty-five rabbis in the United States asked to respond is Solomon Freehof. In his response to this question, he articulates the traditional meaning of the commandments; in that "they are all God-given mandates." After which, in the tone of the "Classical Reformers", he states that this doctrine has now "lost its credibility." Freehof is among those who think that "only a small portion of world Jewry still believes that every detail of observance is God-given." In fact, accordingly, he states that "the classic doctrine now tends to embitter Jewish communal life" because "it leads those who still hold to it to the conclusion that the overwhelming majority of Jews in the world lives in violation of God's clear mandate." The Jews who hold to this traditional doctrine, Freehof maintains, seem to feel that the Jewish people themselves have become "a source of dangerous infection to the Jewish law."[6] The implication is that those who separate themselves from the practices of (traditional) Judaism will spread a disease that will destroy Judaism in the modern world.

Freehof as a descendent of the Alter Rebbe certainly understands this thought process. However, as a rabbi serving constituents in a country whereby there is not only freedom of religion but freedom from religion, he believes that all Jewish denominations "must face the realities of Jewish religious observance." This is to say that if the commandments are not viewed by the masses as God-given, will modern Jews really

[5] Ibid., 7.
[6] Ibid., 70.

(need to) observe them? His clear understanding of traditional Judaism and the modern world in which he resides leads him to the belief that "one can either declare the overwhelming majority of Jewry to be sinful and retreat into a fortress, or else consider the widespread nonobservance or selective observance of the 613 commandments as a historical reality to which Jewish thought and theology must be adjusted."[7] It is this realization and tension which marks the life and career of Solomon Freehof. It is this realization and tension which brings him to the Reform Movement as one of its finest *halakhic* scholars and most influential rabbis.[8]

Freehof enters HUC in the fall of 1910. It is at HUC that he begins to engage the study of historical Judaism from a modern perspective. His thought processes are guided by the vision of Kaufman Kohler; the second president of the college. It is Kohler who brought biblical criticism to HUC for the first time.[9] Prior to his administration, the former president and founder of the college, Isaac Mayer Wise, did not allow the study of Bible through this lens. For the modern rabbis of the Reform Movement critical study of the Bible is important because of the role religion plays in 20th century American society. In particular, Darwinism represents an immense challenge to Reform Judaism and other religions at this time. As Dr. Michael Meyer indicates, "Not only did it undermine the biblical conception of human creation, it substituted a mechanical process of human descent that seemed to leave no room for divine guidance." Therefore, clergy in the later part of the 19th century and beginning of the 20th century in America "were either forced to reject the doctrine or find a way to harmonize with it."[10] Kaufman Kohler believes

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[7] Ibid.
[8] Meyer, *Response to Modernity*, 324.
[9] Ibid., 273.
[10] Ibid.

that the study of evolution is important. Further, embedded in his ideologies is the notion that "Reform Judaism was the necessary outcome of the age of evolution."[11] That is to say that if historical Judaism is to be reconciled with the modern world, it must evolve. Hence, Kohler sees Reform Judaism as the consummate paradigm of Darwinism.

Freehof is influenced not only by Kohler's belief in evolution but also by the latter's traditional theological leanings. Kohler believes "in the efficacy of prayer, that while God would not interfere in the natural order, He would grant new spiritual power to the one who prays." In addition, he wants his students to acquire similar beliefs. Therefore, as president of HUC, he insists "on a religious atmosphere" at the college. Kohler maintains that "students regularly attend services" and "that reverence pervades the mode of instruction."[12] Finally, "for all of his criticism of Orthodox practice," Kohler "never lost appreciation for the emotional side of religion and increasingly stressed the importance of symbol and ceremony."[13] This mode of learning and belief system permeates the life of Freehof as he too forms and wrestles with his ideological convictions first as a teacher at HUC, later as a congregational rabbi, and finally as the chair[14] of the Reform Responsa Committee.

As a disciple of the teachings of Kaufman Kohler, Freehof too believes that Judaism must evolve in the modern world to survive. In the late 1920s, he addresses the subject with his congregation in Chicago, Illinois and writes a series of three sermons on the matter. His goal of the sermons is to help his congregants understand how Judaism

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[11] Kaufman Kohler, *Studies*, 327; Hebrew Union College and Other Addresses, 19, 25, 178-79 (CCAR Yearbook, 1907): 223.
[12] Meyer, *Response to Modernity*, 275.
[13] Noted by Meyer in *Response to Modernity*: See especially his lecture to the CCAR entitled "The Spritual Forces of Judaism", (CCAR Yearbook, 1895), 131-45.
[14] The first Committee on Responsa was created by the CCAR in 1906. Its first chair was Kaufman Kohler. Source: Walter Jacob, *Contemporary American Reform Responsa*, (New York: CCAR, 1987), xvii.

fits into American society in the 20th century and how they as Jews should develop a plan for modernizing Judaism of this period.

His first sermon on the topic is entitled *Modern Science and the Belief in God.* In this sermon Freehof explains what "dominates the mood"[15] of 20th century America. He states that "all present day philosophy and all material development, all ideas and visions are under the decided influence of the dominant power....science."[16] Science as he sees it drives the whole of American Society. This is a reality with which Freehof is not completely comfortable.

In his opening, he makes the point that "the authority of any great name has weight in any discussion." However, he adds that "it often happens that a name becomes so famous that it is deemed to be authoritative even in a field in which that fame was not achieved, and in which this person is not an expert." Freehof states that in the early 20th century this is observed in the newspapers and magazines which often "quote the opinions of chemists, physicists and astronomers on religion and theology." Yet, he qualifies his thoughts by indicating that the opinions of those who are trained in the sciences should not be all together dismissed because they are "a trained intelligence."[17] Freehof makes this statement and its qualification precisely because he understands that logical (scientific) thinking dominates the society of his time. He believes that mainstream America concedes scientific thinking as the be-all and end-all. Therefore, he

[15] Freehof often uses this word to define what the Classical Reformers termed *zeitgeist*. The meaning of which is the spirit of the times.
[16] Solomon B. Freehof, *Modern Science and the Belief in God*, (K.A.M. Temple, Chicago, Sunday, January 8, 1928), 11.
[17] Ibid., 5.

concludes that "the religious attitude of many people will be influenced by the religious attitude of famous scientists."[18]

Freehof expresses the problem with this phenomenon. He states that those people who depend upon well-known famous scientists to describe and formulate religion for them indeed "have no real religion." This is because, according to Freehof, religion "does not need authority." Further, he states that religion cannot "be greatly helped by the logical arguments which mathematically trained thinkers bring." This is due the fact that "the syllogisms[19] of religious philosophy have never done more than merely strengthen the faith of those who already have faith, and have always left unconvinced those who were unconvinced before the debate started."[20] Rhetoric of this type leads the Reform Jew in the pew to believe that Freehof is an absolute believer of faith. That is to say that if one cannot rationalize Judaism through scientific, logical, philosophical thought, then one has to take it on faith that it is the pathway for which to believe in God. This notion is of course a more "traditional" approach to Judaism; one which tugs at the soul of Freehof even as he preaches from the pulpit of a Reform synagogue. But, this mode of belief does not really satisfy the Reform rabbi.

As he continues the sermon, Freehof proclaims that "the strength and the influence of the belief in God lies neither in (divine) authority nor in argument, but chiefly in human need." Freehof maintains that man has always needed to have faith in a God in order to survive. At this point, his congregants begin to see the turmoil inside of the traditionalist who seeks to reconcile with modernity. In looking toward the needs of

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[18] Ibid, pg. 6

[19] Syllogism – Reasoning from the general to the specific whereby one performs deductive reasoning based on a major and minor premises. For example – *major premise*: All humans are mortal; *minor premise*: I am mortal; *conclusion*: therefore, I am mortal. Source: American Heritage Dictionary

[20] Freehof, *Modern Science*, 7.

man, Freehof himself begins to philosophize. He is searching for the answer. However, he cannot concede that the scientific thinking of the 20th century alone can offer it to him. Yet, he searches as he states. "There are certain questions for which man has always sought an answer. He has never been contented with the facts of ordinary observation or with the facts of that keener observation which is called science. What man wants most to know is not the history or the evolution of life but the value of life. Is life worth the battle?"[21] Here Freehof reaches the main point of his sermon. He wants the Reform Jews in his congregation to ask themselves – "When all is said and done, what do we know about life; about religion; about God?" "Can a scientist or an engineer guide us to the ineffable or to the meaning of life?"

For Freehof, the answer is no. But, he is not sure that his congregants will formulate these types of thoughts nor enter into an internal, intellectual dialogue which will lead them to his guided discovery. His congregants are the products of the most technological age to date. So, he presents them the only answer which he can conceive. It is one which draws out the intellectual struggle for which he wrestles. He states, "There is only one answer under which man can live, namely when he can say to his heart: There is a just will in the world....although wrong is powerful, it shall be overthrown. There is justice in the world: there is truth indestructible....because of which we are assured that wickedness will not triumph forever and that the truth will yet speak its word."[22] For Freehof the path toward God is real but it is not found in the beaker, through relativity or on the radio, but rather through a faith in *Righteousness*. With this thought, he cannot shake the traditional Jewish learning of his youth. Surely,

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[21] Ibid.
[22] Ibid., 8.

he speaks of the Mishnah in Avot (1:2) where Rabbi Shimon declares that "The world is built upon three things: Torah, *Avodah* (prayer) and *Gimilut Chasadim* (acts of love and kindness – meaning; righteousness)." Therefore, it is the notion of righteousness which leads Freehof to his second sermon in the series.

The second sermon in Freehof's series is entitled *Can Righteousness Dispense with Religion?* With this topic Freehof considers the hypothesis that in society "there is a decided conviction in America that church[23] people are frequently hypocritical and that the most truly righteous are often irreligious."[24] It is through this lens that Freehof will pose the question, "If the majority of righteous people in our society are not religious, do we need religion?"

Freehof begins his discussion by stating that "the mere fact that religion teaches morality does not mean that church members have learned morality. Too frequently those, who in their religious service proclaim moral truths. are speaking not with their heart and will, but only with their lips."[25] With this point, he once again verbalizes his struggles between traditional Judaism and the new modern Judaism he works to create in America. Perhaps he has observed Jews who attend synagogue regularly for prayer and listen fervently to the *d'rashot* of the rabbi while at the same time lead a life of lesser meaning outside. This hypothesis would lead to the basis of his next statement; "The moral teachings of religion should give us an appreciation of how great is the gulf

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[23] Church – Classical Reform Rabbis wanted to identify and integrate themselves and their congregations into American society. Since American society was built on the ideologies of Christianity and a good Christian attends church, Reform Jews sought to integrate themselves in a similar manner. That is to say that the Jew attends church as well; synagogue. Therefore, the Classical Reform Rabbis are at ease publicly using such words as 'church' or the notion of 'preaching' a sermon. In addition, in this sermon, Freehof is really speaking directly to his congregation. However, as I see it, he does not want to offend them. Therefore, he craftily speaks of the greater notion of church for which his constituents are a part.

[24] Solomon B. Freehof, *Can Righteousness Dispense with Religion?*, (K.A.M. Temple, Chicago, Sunday, February 5, 1928), 6.

[25] Ibid.

between what we ought to be and what we are." It seems evident that Freehof has observed this type of religious practice in Judaism. As he continues his sermon he tells his congregants just what he thinks about those who attend synagogue and believe that doing so makes them more righteous. Freehof proclaims that "no religious man ought to be pridefully and boastfully righteous. Any religious person who goes about sanctimoniously, as if he had superior moral judgment, looking into the lives of people does not know the loftiness of his own religion and he has forgotten the mighty denunciations spoken by the religious leaders of a braver and truer past."[26]

The preceding argument would lead one to believe that Freehof does believe that "church-goers" are or can be hypocritical (not that he would be speaking to his congregants). However, he does state that it is unjustified to think that the church has not succeeded in developing good, decent people. Accordingly, it is not a complete failure. His reasoning is because religion should not be judged entirely by its ability to teach congregants morals. With this line of thinking, Freehof waffles as he hearkens back to his foundation of traditional Judaism which teaches that "religion has other purposes besides the teaching of righteousness. Religion seeks to give us comfort in the time of trouble; it teaches us to believe that there is a meaning to all our suffering. Religion lifts us out of the transient affairs of our daily life and gives us a glimpse of the infinite." Therefore, according to Freehof, "even if religion never taught men to be righteous but merely gave them faith in life and taught them that their soul is immortal and divine, it would still have its reason for existence."[27] With this statement, he brings his congregants to the crux of his sermon as he asks, "Having received the benefit of past

[26] Ibid.
[27] Ibid., 7.

religion, can we not now live righteously without religious faith?" That is to say, does society really need religion or are the critics (of his time) correct when they say that the truly righteous do not attend religious services; meaning that these people perform righteous acts because righteousness is the true religion?

For Freehof the answer is no. He believes that it is religion which leads one to perform righteous acts (remember my hypothesis is that he finds this notion in rabbinic literature such as the mishnah cited previously). He tells his congregants that "religion always contains the seed of protest. It may be covered up by comfort, it may be buried deep, but it exists in the soil of every great religion....." and "it always seeks to persuade people to live higher than their usual standards of righteousness."[28] Therefore, righteousness can never completely dispense with religion. For Freehof and many of the Classical Reform Rabbis who led congregations in the first part of the 20th century, a Jew must seek righteousness, but only through the lens of religion; Reform Judaism. It is Reform Judaism which speaks to the modern Jew through the notion of prophetic rhetoric and teaches social action. It is from this approach to Judaism that Freehof asks his congregants to proclaim to their peers in American Society, "that my religion wishes me to attempt a nobler way of doing good.....my religion calls me to go upon the great adventure of trying to look deeper into the hearts of people and to find more noble and more understanding ways of being righteous."[29]

Having delivered sermons to answer pertinent religious questions (of his time) regarding the influence of modern science on one's belief in God and the notion of righteousness in religious practice, Freehof directs his thoughts toward the question of

[28] Ibid., 11.
[29] Ibid., 12.

modernizing religion. If according to Freehof, modern religion (and particularly Judaism) does not need the influence of science and technology, what part does modernity play in the life of the modern Jew? To answer this question, Freehof wants to scrutinize the modernity of his time. Hence, the third sermon in his series is entitled *How Modern Should Religion Be?*

As is the case for the two previous sermons, Freehof wrestles with this notion due to his connection to (or perhaps private practice of) traditional Judaism and his desire to practice the true essence of religion (righteousness) through the lens of modernizing. He states in his opening, "Any religion which believes that it possesses the absolute and the revealed truth can not help opposing any ideas which want to change or modify that truth. If what we have received from the past is the complete and eternal verity, then whatever new and different idea the modern age teaches must necessarily be wrong. To a revealed religion, modernity is the same as heresy."[30] However true this statement may have been for Freehof during his formative years, he wants his congregants to understand that (modern) Judaism "does not insist that it has the whole truth given by God once and forever." So, he hearkens back to the teachings of Kaufman Kohler as he continues, "Liberal Judaism especially, believes not so much in a one great revelation as in the constant evolution of truth."[31] Freehof believes that the Judaism he teaches engages modernity. It looks to utilize modernity to find "a new vision of the world" which may lead to a clearer and better reality of Judaism. However, he cannot reconcile with the modernity of his time.

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[30] Solomon B. Freehof, *How Modern Should Religion Be?*, (K.A.M. Temple, Chicago, Sunday, February 12, 1928), 5.
[31] Ibid., 6.

Here again, Freehof begins to struggle. He struggles with modernizing his religion because he cannot find the modernity for which he searches. He asks his congregants, "What then is modernity?" He cites a number of things which he believes to be modern but not meaningful to religion such as: dancing on a crowded dance floor, surgical cosmetics, or psychiatric analysis. All of these things represent the modernity of the time but not the modernity Freehof is looking to infuse into his religion. At this point, he once again arrives at the crux of the sermon as he asks, "What in modernity shall religion accept and what shall it reject? How should religion be modern?"[32]

Freehof believes that "the most noticeable characteristic of the modern age is the love for novelty." He sees this characteristic as a problem because the people he observes in his modern society "pick up one fad after another with utter fickleness." Whatever is the latest is the most appealing. The modern person "finds it difficult to concentrate his mind upon one definite theme." The modern person wants "something new every moment" and "the latest always appeals to him because his heart is restless; it lacks repose."[33] Freehof has a problem reconciling Judaism with this type of modernity because he believes that integration of this nature uses a business model. Religion (Reform Judaism) could never develop any type of consistency because it will always need to give the people something new which has never be thought of before. The style will need to change each and every month in order to keep the constituents guessing.[34] But this type of pandering, according to Freehof, is not really consistent with religion? "Any religion which feeds modern restlessness with the sensationalism which it constantly craves is treacherous to its own unique function." In this form of modernity

[32] Ibid., 7.
[33] Ibid.
[34] Ibid., 8.

Freehof states "religion must strive to attain the dignity of calm and peace of soul."[35] If this cannot be the case then "religion should be proud that it is not modern" and "the modern church in order to be true to its special function in human life must if necessary risk failure and unpopularity."[36] Risking failure and unpopularity means that modern religion (and particularly Judaism) may want to in essence force a belief system upon society. With this statement, Freehof seems to indicate to his congregation that perhaps the religion of the past is a better pathway to the future for those seeking the true fruits (of Judaism).

It is at this point that Freehof once again waffles. He desperately wants to see Judaism evolve as a liberal religion. Yet, how can this occur when the modernity of his time presents problems which were not present for past generations of Jews. Freehof articulates his frustration with this modern, liberal society. "Homes are differently built and differently arranged. New modes of transportation exist; a boy in his teens can go fifty miles from home in an hour. The family which was once a unit in a house of its own, spending evening after evening together and thus creating a sense of social and spiritual unity, is breaking up before our eyes. Its members are scattered, a thousand things take them away from each other and the home is frequently a hotel room which has no more atmosphere than the thousand other rooms under the same roof."[37] According to Freehof, this type of system has given way to many moral problems in early 20th century America. Freehof believes that it is the function of the church "to study modern problems seriously, to face them frankly, to understand where they lead to and to

[35] Ibid.,9.
[36] Ibid., 10.
[37] Ibid.

try.....to produce a clearer moral understanding"[38] (this is of course the goal of the Reform Movement of the first part of the 20th century).

Freehof answers his question; "How modern should religion be?" In doing so, he argues that "it should maintain the ancient calm and peace of soul." It should also address subject matter which faces "the latest thought and the most modern moral needs." The only detail left to consider, is how modern religion will accomplish these goals. Here Freehof identifies the model of historical Judaism. He states that the plan of implementation "must be left to the conscience of the leader." In essence, he is saying to his congregants that it is the rabbi who will set the agenda and lead the congregation to its end goal of modern Judaism. This is how the modern "church" will succeed. Finally, Freehof proclaims at the conclusion of the sermon that therefore can be "only one type of church which deserves to be called modern, namely a church which is discriminating in its modernity, refusing to pander to every passing fad, but bravely discussing every moral and intellectual perplexity."[39]

Through these three sermons, Freehof wrestles with what to do to make Judaism modern. Should modern Jews engage in the historical Judaism of the past? Yes, but not if it means turning off the flow of its evolution to the present world of 20th century America. He believes that an agenda of social action and righteousness should dominate the American synagogue. Freehof does not think that each and every scientist can layout a pathway toward a divine community. He wants to integrate modernity into his congregation. However, he thinks that the average Jew will view this process as doing whatever the society of the times denotes as modern (who knows what he would have

[38] Ibid.
[39] Ibid.,12.

thought about "Friday Night Live" Shabbat services). Freehof also sees himself as the one with the plan to integrate it; in much the same way as the *posek* of the historical Jewish community did. All this would lead one to think that he cannot decide in his mind what he truly believes and most would in fact consider Freehof to be a waffler. Yet, perhaps it is precisely this struggle with modernity which makes him a Reform Rabbi. It is also this struggle which guides his thoughts as he spends the following ten years of his life producing a number of books and articles pertinent to modern religions and Judaism culminating in identifying what is Reform Judaism.

Code and *Halakhah* for Reform Judaism

Background for the Code:

How and why the CCAR convened a committee to consider the development of a code for Reform Judaism is an important question. The matter arises on the back of the 1937 Reform Platform presented at the CCAR Conference in Columbus, Ohio. The platform itself carries the name which spring boarded this effort – "The Guiding Principles of Reform Judaism"[40] (also known as the Columbus Platform). The platform has three pieces: Judaism and Its Foundations, Ethics, and Religious Practice. Its new description of Reform Judaism contains a more traditional (Jewish) tone that that of its predecessor. This tone is reflected by the president of the CCAR at the time; Rabbi Felix Levy.

At the Columbus Conference Levy addresses the need of the movement to return to what he calls "Jewish Life." He rails against the notion of being a branch of Judaism

[40] Central Conference of American Rabbis, *Columbus Platform*: [http://ccarnet.org/documentsandpositions/platforms/] In addition, for a complete understanding and analysis of the platform, see Meyer, *Response to Modernity*, chapter 8.

which is so separated from the greater Jewish Community. Levy declares, "I am not asking for uniformity in Judaism but for some kind of unity....What we (the Reform Movement) actually have is a crazy patch quilt, an esthetic and moral nightmare, a religious jumble."[41] Levy goes on to articulate the situation for Reform Judaism in early 20th century America. He notes that the Reform Movement is so removed from mainstream Judaism that it finds itself "more or less high and dry, without having made any deep impression upon the great bulk of Jewry" and not really having made one upon its own constituents.[42] With this situation in mind Levy concludes that the movement needs a "revivification by contact with the masses of Jews and their way of life, divergent though this may be" from the present practices (or lack of) in the movement.[43] Therefore, Levy makes eleven recommendations to the CCAR with the hope to begin this reviving effort.

While all the recommendations are pertinent to the general notion and atmosphere dealing with a code, it is his first recommendation which specifically calls for one. Levy states that he is not sure how the movement can actually "recover the abandoned ground and go back to some form of *halakhic* authority and practice." However, he recommends that "a committee be appointed to follow the work of the Committee on Principles that dealt with theoretic questions (meaning the 1937 platform), and that this committee draw up a code of rules for guidance in practice."[44] Finally, it is important to note that Levy provided a nod to the Classical Reform Rabbis of the Conference as he indicates that such a code may not be final or even obligatory. The code could, however, "be a guide

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[41] Felix A. Levy, *President's Message to the 48th Annual Convention of the CCAR*, CCAR Yearbook (1937): 179.
[42] Ibid., 180.
[43] Ibid., 181.
[44] Ibid., 183.

and thereby approximate to a uniformity of ritual so sadly needed" in the Reform Movement.

With this declaration from Felix Levy, the CCAR charged the Committee on Synagogue and Community with the task of addressing the subject of a code. The following year, at the 1938 Conference in Atlantic City, N.J., the committee presented a number of points in its agenda. Among them is the question regarding the "adoption of a code of Reform Jewish ceremonial observance." The following is the committee's statement:

> *"Thoughtful liberal Jews are becoming increasingly dissatisfied with the colorless and emptiness of much that constitutes Reform Jewish religious life. The feeling is now almost universal that too many warm, colorful helpful ceremonies and disciplines were discarded by the former generations of Reform Jews. A great need is felt to make Jewish religious life rich, warm and strong. Many Rabbis and Congregations have reintroduced and recreated ceremonials. These attempts, however, have been sporadic and the work of a few individuals. The time has come for the responsible leaders in Liberal Judaism to formulate a code of observances and ceremonies and to offer that code authoritatively to liberal Jews. This will not only be helpful to the individual Jews but will introduce a strong not of conviction into Liberal Judaism."*[45]

[45] *Report from the Committee on Synagogue and Community*, 1938 CCAR Conference, Atlantic City, CCAR Yearbook, (1938) 64-65.

Code for Reform Judaism:

Responding to the report from the Committee on Synagogue and Community from the 1938 CCAR convention, Freehof addresses the question of a Code of Reform Jewish ceremonial practices. He does so, in 1941, in a paper entitled, *A Code of Ceremonial and Ritual Practice.* His premise for discussing the notion of a *halakhic* system is that "time and again in America and in Germany laymen and rabbis have voiced their alarm at the chaos created by the different degrees and variety of Reform and have pleaded that measures be taken to bring order and uniformity into Jewish religious life and that furthermore all these changes once systematized should be given legal justification and definite authority." As a member of the Committee on the Code of Practice, perhaps Freehof is allotted the opportunity he is searching to find; the ability to merge the historical with the modern.

Freehof begins his discussion by presenting the history of the method by which the Reform Movement codified its procedures until his time. This is the paradigm of a synod whereby rabbis and laymen work together to develop movement wide practices. Freehof describes those held in Leipzig[46] (1869) and Augsburg[47] (1871) Germany, and raises a couple of important issues based upon the work accomplished at them.

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[46] Leipzig Synod – The stated goal of the Leipzig Synod was to overcome religious disunity (in the reforming movement) and to promote the preservation of Judaism. Most of the delegates were only moderately progressive; in that they did not claim the right to solely act on behalf of their communities. Their authority depended only on the respect the Jewish public would grant it. Therefore, every radical suggestion was defeated or tabled for a committee. But, more conservative matters were passed. For instance, Bible instruction for children should not include historical criticism but Hebrew was still deemed important to the Jewish People because it is the language of Scripture and certain subsequent Jewish Literature. Source: Meyer, Response to Modernity, 188.

[47] Augsburg Synod – The primary purpose of this gathering was to produce tangible results which did not result from Leipzig. However, many of the conservative representatives did not attend. Therefore, an all encompassing Code of Practice was not established. But, a number of important resolutions were made in a couple of areas; for instance: marital law and custom – the double ring ceremony was supported , the status of the *agunah*, and discontinuing the ritual of *chalitzah*; and Shabbat – riding on Shabbat was allowed. Source: Meyer, Response to Modernity, 190.

First, the general notion of both of the synods was to determine what would be permitted by Progressive Judaism and what would not be permitted. Accordingly, it is hard to determine what practices should be omitted from a "full code of Jewish practice." For instance, Freehof states, "Should we say formally that the mixture of meat and milk dishes is no longer to be prohibited" or "that meat need not be slaughtered by a *schochet*?"[48] For him, such decisions could further sever the cohesiveness of the greater Jewish Community. That is to say, he believes Orthodox Jews would find such a notion of "picking and choosing" to be offensive because a portion of the Jewish Community's members would be legalizing the negligence of those who do not find portions of the *halakhah* meaningful. Second, the Reformers of the 19th century sought to be cautious with regard to conferring a Divine, legal status to any observed custom. Their reasoning was that this action would raise a custom beyond its intended purpose of simply practice. In addition, this act could draw criticism from those who may choose different modes to practice other than those which would be prescribed. Not only that, but Freehof believes these Jews (who desired other practices) would regard themselves as being in violation of "Divine Law."

These two issues set the tone for the remainder of Freehof's discussion. He must once again wrestle with the paradigm of tradition which forms the basis of his religious identity and the model he hopes to help create in 20th century America. He believes that it "would be helpful if people could be guided to a knowledge of observances" and a "ceremonial norm which all (Reform Jews) more or less would follow." However, as presented previously, Freehof realizes that melding modern, liberal thought with (historical/traditional) Judaism is a tough endeavor. Therefore, as a *halakhic* scholar in

[48] Solomon B. Freehof, *A Code of Ceremonial And Ritual Practice*, CCAR Yearbook, (1941): 292.

the Reform Movement, he must be resourceful and creative in order to satisfy these concerns. Freehof attempts to find a solution for the movement by considering two options for developing a Reform Code: adopting a code written by an individual or developing a step-by-step process for observances; meaning a fragmented code. Both of these options reflect Freehof's intellectual struggles with historical and modern Judaism.

Freehof's first thought for the development of a code is a substantive theological question. He deals with the question of authorship. He states that it might be difficult for "the Conference as a body" to produce a code. However, it might be possible for an individual member of the CCAR to compile one which could be adopted (however, he is ambiguous as to whether it would be adopted by all or merely by those who choose to do so). He bases this thought on the notion that all of great post-Talmudic codes were developed by individuals such as the *Shulchan Arukh*[49] by Joseph Karo. None of these codes were produced for or promulgated by any organization such as a synod. Therefore, this alternative would be inline with the historical Jewish experience. Essentially, the CCAR would have no jurisdiction over the code. According to Freehof, the decision to omit certain practices is solely based on the judgment of the individual. However, this judgment should include rabbinic literature and "the circumstances of modern life."

[49] *Shulchan Arukh* – Literally "set table." It is a Jewish legal code of *pesakim* (rulings) compiled by the Sephardi rabbi Joseph Caro in the 16th century. It is essentially, the second part of Caro's codificatory approach to Jewish Law. His first part, the *Beit Yosef*, contains a complete discussion of Jewish sources of law and the views of all halakhic authorities as well as normative decisions. However, Caro believed that the essential characteristics of a convient and usable code are clarity and brevity. Therefore, he condensed his rulings into four volumes termed the *Shulchan Arukh*. The volumes are termed the following: *Orakh Hayyim* (laws of prayer and of holidays), *Yoreh Deah* (diverse laws such as *tzedakah*, Torah study, and *kashrut*), *Even Ha'ezer* (laws regarding Jewish marriage and divorce) and *Choshen Mishpat* (Jewish civil law). Caro generally states each law in the style of its source (either Hebrew, Aramaic, or mixture). This technique along with its brevity allowed the document to become the authoritative code of the *halakhic* system. Source: Menachem Elon, Jewish Law History, Sources, Principles, trans. Auerbach and Sykes (Philadelphia: Jewish Publication Society, 1994), 1309-1344.

Therefore, "the customs or laws" which the individual would practice are based "on whatever tradition or argumentation" seems cogent to the individual.[50]

The second of Freehof's options downplays the notion of an actual code. This thought process stems from the fact that he is of the opinion that "if a code is to be offered" by the CCAR, "then it is a law code." Freehof believes that even if the movement and the CCAR do not claim the document to be law, "the fact that it was published as a code of practice for laymen would tend to make them look upon it as a code." Therefore, the second of the previously stated problems by Freehof comes into play; meaning there could be constituents of the Reform Movement who would be offended if they find themselves in violation of what would appear to be a Divine document. In addition, Freehof worries that certain matters which the Conference may not want to consider as law will be viewed in a legal manner. Thus, he proposes that the CCAR take a more relaxed approach. This approach would be a "step by step" process which only deals with the practical elements of Reform Jewish customs. With this type of system the CCAR could "make valid distinctions between various types of Jewish law and if necessary act differently with regard to each type." Freehof lays out his recommendations for the step process with six distinct points.[51]

First he addresses the notion of *kashrut* (dietary laws) in Reform Judaism. Freehof states that the movement should not develop any official practice regarding *kashrut*. His reasoning is that there are still those who observe traditional *kashrut* within the Reform Movement. Therefore, if the Reform Movement develops an actual binding code, it would need to include the traditional practices of these constituents. Not only

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[50] Solomon B. Freehof *A Code of Ceremonial And Ritual Practice*, 293.
[51] Ibid., 294.

that, but Freehof states that all similar (traditional) laws would need to be included in order to be consistent.

Next, Freehof considers ritual ceremonies. These too he feels should not be concretized into set practices. He states that the Joint Commission on Ceremonies of the CCAR is developing new methods of observances. The Reform Movement will not be able to know for many years which of the practices will be retained. Therefore, his recommendation is for the CCAR to continue publishing separate ceremonies for experimental use.

Third, he addresses existing synagogue observances. Essentially, Freehof believes that there is already a "code" so to speak for these. He suggests that this document is the Union Prayerbook (UPB)[52]. Any additions or subtractions to a so-called code of this nature would be handled when a new prayerbook is released by the movement (as done previously). Even though Freehof does not explicitly indicate that the prayerbook ritual is binding, he essentially believes that simply using the UPB regularizes the liturgy of the movement. However there are ceremonies found in the UPB which he does not consider mandatory.[53]

Fourth, he discusses non-synagogue observances such as lighting *Chanukkah* and Shabbat lights, funeral customs, visiting cemeteries, and setting gravestones. These observances will be described by the CCAR in a home prayerbook (some had already

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[52] Union Prayerbook (UPB) – This prayerbook was the staple of the Reform Movement in the Classical Period. It was first compiled for the CCAR and by Rabbi Isaac Moses of Chicago and published in 1892. After undergoing initial changes, the first editions for the High Holy Days and Shabbat were printed in 1894 and 1895 respectively. Revisions of the prayerbook appeared in 1918/1920 and in the 1940s. Source: Meyer, Response to Modernity, 279, 320-321.

[53] Non-binding practices in UPB – Freehof cites examples of practices that were added to the revised version of the UPB being used at the time of his writing. He states that in this revision, there are additions for *Yizkor* for the seventh day of Passover and the *hakafot* for the last day of Sukkot. Accordingly, these ceremonies are not mandatory.
Source: Freehof, *A Code of Ceremonial And Ritual Practice*, 295.

been published in a CCAR publication called *Blessings and Praise* printed in 1923). According to Freehof, this prayerbook will have "explicit notes describing the customs involved." Each note will describe what is observed in traditional Judaism and in doing so be preceded by the words: "It is customary to...." Freehof believes this method will "establish and regularize" many of the existing Reform Jewish customs of his time and even "inform a new generation" of these customs. This work will be similar in nature to the UPB in that the observances are not binding but considered to be normative for the Reform Movement.

Next, Freehof addresses the responsa of the Reform Movement. He sees the use of the responsa as the (and most-likely his) link between tradition and modernity. He believes that these documents can be educational tools for the Reform Movement and essentially constitute the oral "law" for the movement. Although he does not state so explicitly in this context, it is reasonable to assume that his goal is for Reform Jews to make (Jewishly) educated decisions regarding Jewish practice (This message is more concretely articulated in the introduction to *Reform Jewish Practice* as will be shown subsequently) through this responsa. Therefore, Freehof recommends that the movement "make full use of the Committee on Responsa and address more and more questions to them.

Finally, his sixth recommendation is in regards to the laws of marriage in Judaism (which include: marriage, divorce, and conversion). This is the one area of Reform Jewish practice for which Freehof does believe a definitive code should be developed. He states that "the situation with these laws is different than with the dietary laws and liturgical ceremonies." Freehof's argument stems from the fact that the right to marry

individuals in the United States is granted to clergy by each individual state. Accordingly, Reform Rabbis are merely "officers of the state."

He argues that each state "has definite marriage laws and we too must have clear-cut laws which govern us.....we must make a definite code of marriage laws for our own guidance and for the information of our people."[54] There is an irony here. Freehof uses the existence of state law, which binds Reform Rabbis, as "officers of the state," as a rhetorical device to justify the establishment of Reform Jewish law. But if U.S. (or state) marriage laws are sufficient for other Americans then are they not adequate for the Reform Jew as well? Perhaps Freehof believes that Reform Jews are better off with civil laws in this case. However, this concept needs to be reconciled Jewishly within the context of the Conference. It would in fact be easier for the CCAR (not to mention in line with the American legal system) if the state regulates the financial side of marriage, community property, child support, etc. Finally, the law of the state in the U.S. pointedly does not seek to regulate the ritual practices surrounding marriage. This appears to be the area in which Freehof's "code" would operate.

The entire notion of addressing a Reform Code of Practice continues Freehof's struggle with tradition and modernity. He presents two options for a Reform Code, but in fact, two are actually one; and really none at all. His sermons to his congregants some ten years earlier would lead one to believe that he actually wants to see the Reform Movement develop some type of boundary system. After all, as mentioned previously, he does state things such as "religion should be proud that it is not modern" and religion "should maintain the ancient calm and peace of soul." These statements indicate that Judaism, albeit modern Judaism, cannot solely rely on the masses to determine what its

[54] Ibid., 296.

practices are and will be. This is why Freehof proclaims that the leaders of modern Judaism, namely the CCAR (even though he does not explicitly state so), must continue to lay the foundation for the Progressive Judaism of the future. Yet, at a significant juncture in the development of Reform Judaism, when called by his peers to aid in the movement's direction, Freehof cannot bring himself to articulate what drives his personal beliefs; the practice of Judaism. So against his own guidance, he seems to acquiesce to those modern Jews (and rabbis) who he believes will not commit to a more structured notion of Judaism. Perhaps he does so because he realizes that a legal code, in order to work, must be backed by some sort of authority that is accepted by the community. If that authority does not exist, the code will fail to act as a *code*.

There is no better evidence of this type of acquiescence than that of his recommendation regarding *kashrut* or similar laws. Based on Freehof's traditional background, this scenario would not seem to be a problem for him. However, Freehof is a Reform Jew and he is asked to consider a code of practice for Reform Jews. He must legitimately feel that the community which he is addressing is not ready for such an undertaking. This is what he suggests when he states regarding *kashrut* that "we cannot have a complete authoritative code of Jewish practice."[55] Perhaps it is the *zeitgeist* of the time which will still not allow for a code. Even though this concept can be perceived as aiding the evolution of Reform Judaism (a process Freehof certainly want so see), he must believe that this evolution is better served by rejecting this action.

His hesitancy toward a Reform Code is also observed in his suggestions for ceremonies and observances. Even though part of reforming Judaism, in a modern sense, may mean that ceremonies and observances will be updated based on time, place and

[55] Ibid., 294.

custom, Judaism has always provided some manner of guidance for Jews. When customs and practice change, these guidelines are revised. This is the basis for the Mishnah, the Talmud and the subsequent rabbinic literature; and this is the basis for the Judaism Freehof truly finds meaningful. It is conceivable that he does not really believe that there is no longer a need for this type of guidance. Perhaps this departure from traditional thought further represents his intellectual struggle. After all he does not completely abandon his traditional Jewish thoughts. One of his main recommendations to the Conference is that he wants to see the Responsa Committee more utilized. No matter how it is presented, this is still the form of *sh'elah* and *tshuvah* (the traditional Jewish style of question and answer). So, perhaps he does believe that traditional (Jewish) methodology is still powerful. Part of his struggle might suggest that he thinks modernity can remove the "middle-man" from the *halakhic* process. That is to say that if traditional arguments are presented for the masses to consider, Freehof hopes that they can make "*halakhic*" rulings for themselves. This is why he can make the statement that the Responsa constitute our oral law, an equivalent to the Talmud as it developed."[56]

Freehof's final words appear to present a clouded picture of the modern Judaism he really wants to emerge. In the end, he himself probably continues to practice much of the (traditional) Judaism learned in his youth. However, he concedes that the modern Jew will not want to adhere to the notion of such a religion. He states that if the CCAR can "discriminate between the various departments of Jewish law....." it "may achieve some of the ends desired by a code of practice and be free of the danger of ecclesiasticism (meaning: excessive devotion to the practice of *halakhah*)." The fact that Freehof continues to acknowledge the basis of Reform Judaism (as he sees it) as "law"

[56] Ibid., 295.

still indicates his desire to connect to a more traditional path. However, the struggle is still evident as he cannot visualize a Code of Reform practice with a capital "C". But, perhaps, Freehof's struggles reflect those of the Reform Movement of his time. He recognizes the need for "standards" and at the same time he wishes to be "modern" and "liberal." This is a difficult gap to bridge. The nuances and shadings in his discussion of a law code for Reform Judaism are recognitions of how difficult it is to satisfy both these goals.

As a Classical Reform Rabbi, he does not believe that the CCAR possesses the power to impose laws or ordinances upon the lives of Reform Jews; except of course, in the case of Jewish marriage, divorce and conversion. However, perhaps in this case, he knows his audience. That is to say, that the American Reform Jews he is addressing may not be persuaded by arguments from Jewish tradition. But, as American citizens, they would understand that states and communities, even in liberal societies, need laws to govern marriage and personal status.

Unfortunately, the conclusion of his paper at the conference merely sets the stage for a Reform Judaism marked with a very naïve vision. Freehof states, "If we now proceed patiently and carefully we may continue to guide our people toward unity and harmony and yet keep our freedom untrammeled and our liberal principles uncompromised." Perhaps, he believes that most Reform Jews would actually study the volumes of responsa developed by the CCAR and him and live by the notion of "informed choice." It is this hope which under the direction of the Committee[57] on Code

[57] The Committee on the Code of Practice was chaired by Rabbi Israel Bettan. Its other members at the time were Rabbis Solomon Bazell, Samuel Cohon, Jerome Folkman, and Solomon Freehof.

of Practice of the CCAR finally allows Freehof to begin his merger of the traditional and the modern.

Reform Jewish Practice:

One year after Freehof presented his paper regarding a code for Reform Judaism, the Committee on Code of Practice of the CCAR submitted its final recommendations in a report to the Conference. The main portion of the report is as follows:

> *"Your special committee has carefully considered the suggestions of Dr. Freehof and wishes to submit a plan of action, which, while embodying the essential features of Dr. Freehof's proposal, bids fair to meet the demand of many of our members. We take it that those who have been asking for a code of observances and ceremonies are actuated by a sincere desire to obtain authoritative guidance for themselves and for the congregations they serve. Surely, they are not anxious to submit their life's conduct to a fixed and unalterable legal code. What they really want is not a code of laws, but a manual of religious practices, informative rather than coercive in character. In such a manual, the customs and observances to which the liberal synagogue subscribes, together with the conclusions of many pertinent responsa, would find their proper place... To be sure, some theoretical questions will continue to claim our attention. Shall we, for example number some dietary regulations among current religious practices? Shall we deem certain restrictions observed in some quarters on the Sabbath Day as necessary and fit subjects for further exposition and emphasis? But these and*

similar questions can be profitably discussed while the manual is being prepared."[58]

Whether each of their statements represented the entirety of the Reform Movement is not completely clear. Who is to say that there were not those Reform Rabbis who desired "a code of laws?" As presented previously, this is precisely what the President of the CCAR in 1937, Felix Levy, had in mind when he called upon the Conference to, "draw up a code of rules for guidance in practice." It is not clear from Levy's address in 1937 whether this is the sentiment of the entire CCAR. However, what is clear is that the mood of the Conference some five years later is different. Therefore, with a somewhat more Classical Reform approach, the following recommendations are made:

1. We recommend that a Special Committee of the Conference be charged with the task of preparing a Manual of Jewish Religious Practices.

2. We suggest that the next Round Table be devoted to a discussion of some of the theoretical questions involved in the project.

3. As a preliminary step in the proposed undertaking, (Reform) responsa which is dispersed through the Year Books be brought together into one volume and published by the Conference.

The outcome of these recommendations is that Freehof is called upon to combine points one and three. This combination results in his merger of the traditional and modern. It is formulated in his foundational work, *Reform Jewish Practice And Its Rabbinic Background (RJP).*

The first edition of RJP is published in 1944. Freehof states in the introduction to the work that the goal of the book is to "not only give the present Reform practice but

[58] Israel Bettan, *A Report of the Committee on Code of Practice*, CCAR Yearbook, (1942), 124.

also the practices of the past (historical Judaism) with which" the "present observances are connected."[59] While Freehof maintains that the purpose of this book is not to be a modern *Shulchan Arukh*, he cannot escape his intellectual struggle which pulls him toward traditional Jewish practice. In fact, he begins the introduction by paraphrasing the Gemara from the Talmud Bavli, Pesachim 50b[60], "Let a man busy himself with the fulfilling of the commandments even though his heart is not in it for ultimately the hand will teach the heart." To this statement, Freehof comments that "Judaism is convinced that if you begin with the right action, you will arrive at the right beliefs."[61] This is rabbinic rhetoric which apparently Freehof finds very important to Reform Judaism. In fact in the subsequent passage he proclaims, "The foundation of Jewish religious life is Jewish practice upon which are built habits of mind and attitudes to the universe. It is a case of: 'we will do and then we will hear.' First we obey God's commandments and then we learn to understand God's nature. We do not begin with theology, we arrive at theology." Freehof's intent may not be for the Reform Jew to completely follow traditional *halakhic* Judaism, but his intent is that there should be some level of Jewish practice. In this light, he attempts to provide a theological rationale for practice that will also speak to the liberal Jew who no longer accepts the binding authority of the *mitzvot* in the traditional sense. Moreover, the Classical Reform Jew has been told that "practice," especially ritual practice, is basically unimportant to religious fulfillment. Here, Freehof

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[59] Solomon B. Freehof, Reform Jewish Practice and Its Rabbinic Background, (New York: KTAV Publishing, 1976), 14.

[60] *Pesachim 50b* – Here the Gemara engages in a discourse regarding times when it is customary for one not to work. In specific the argument addresses Shabbat. In a b'raita the rabbis delineate four levels for abstaining from work on Shabbat. This discussion leads to the delineation of mitzvah performance; meaning one can perform a mitzvah because it is a commandment from God or one can perform a mitzvah for one's own personal benefit. It is from this delineation that Rav Yehudah states in the name of Rav that a person should always engage in the study of Torah and perform mitzvot even though it is not for personal benefit. Consequently, learning Torah and performing mitzvot will eventually provide benefit for a person.

[61] Freehof, Reform Jewish Practice, pg. 4.

is offering a Reform rationale for the central importance of ritual practice to the Reform religious experience and discourse.

His subsequent thoughts in the introduction to RJP build upon this notion as he further addresses the concept of Jewish practice within the modern world. Freehof leads the Reform Jew through a well articulated argument attempting to answer the question, "How did Judaism succeed in making the necessary revolutionary readjustments in the crises of the past?" The foundation of this argument is the following metaphor, "When events of Jewish history compelled drastic changes in religious observances, this did not mean merely that just an outer form had been discarded after it had been outworn. It meant that the mansion of the soul had been shaken to its foundation."[62] The mansion needed to be rebuilt several times. Hence, Freehof mentions such things as the Jewish situation at the time of the destruction of the 2nd Temple by the Romans and the movement of the Jews of Palestine into the Diaspora. These cases required major changes to be made to Jewish law (and practice as well) for the Jewish religion to survive. However, as Freehof points out, "it could not have been Jewish law alone.....which has tided Judaism over the catastrophic breaking of old forms of practice in past crises of Jewish religious history. There must have been a creative power which could originate new practices in place of the old."[63] This creative power, according to Freehof, is *minhag*, the custom(s) of the people. With this statement, Freehof makes a major contribution to Reform thinking.

Many standard interpretations of what happened at the time of *churban habayit* hold that it was the Rabbis, through their imaginative and forceful leadership, who

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[62] Ibid.
[63] Ibid., 7.

created a new form of Judaism to replace the Temple, the foundation of the "old" Judaism. The Rabbis themselves never cite "*minhag*" as the foundation of a new Judaism. However, Freehof does. Perhaps, he understands that the old model of top-down leadership (that of Rabban Yochanan ben Zakai) will not work for modern Jews. Freehof already acknowledges that the people will not accept a "code" imposed from above. However, in this paradigm "*minhag*" is the source of creative development in Judaism. This is a bottom-up model similar to the origins of the Reform Movement at its conception in the 18th century.[64] It is the people themselves, rather than a self-appointed committee of rabbis, who are the source of law and authority. Perhaps his reasoning for suggesting this model removes the usual Reform criticisms of authority.

Freehof states that *minhag* "was the raw material which the (Jewish) law took up and shifted, rearranged, justified and embodied as the legal practice." It was not Jewish law itself that changed and created. Rather, according to Freehof, the people created and the Jewish legal system organized these changes. In order to concretize this point, he presents a number of examples from the Talmud whereby Jewish tradition (that is to say *halakhah*) is set according to the *minhag* of the people such as Berachot 45a (regarding two forms of the blessing recited when drinking water), Pesachim 66a (regarding the procedure for sacrificing if the 14th of Nisan falls on Shabbat), Chapter 12 of Yevamot (regarding *chalitzah*), and Bava Metzia chapter 7 (regarding work hours). All of these cases present judgments from the sages which include wording such as, "Go see what the people say," or "It is the custom of the people to...." Not only that but Freehof reminds the Reform Jew that differences in Ashkenazi and Sephardi *minhagim* are noted in the

[64] Solomon B. Freehof, *What is Reform Judaism?* Popular Studies in Judaism No. 27, The Tract Commission, Cincinnati, 1937, 4.

Shulchan Arukh. In fact, he remarks that in section 690[65] (law 17) of the volume entitled *Orakh Hayyim*, Rabbi Moses Isserles[66] states that "no *minhag* should be abolished or mocked at for it was not for nothing that the *minhagim* were established in days gone by." In addition, Freehof notes that Isserles himself "records hundreds of *minhagim* which have no other origin than the practice of the people.....in his numerous notes to the *Shulchan Arukh*."[67] Thus, there are many instances in which Jewish law and practice are indeed guided by the lay people. This is in effect, the answer to Freehof's question. The Jewish people persevered and continued to grow as a community subsequent to the occurrence of such crises as the migration of its people outside their homeland through their own creativity. Hence, Freehof wants to further his dialogue by essentially asking, "What makes the situation different for (Reform) Judaism in 20th century America?"

As described to his congregants some sixteen years earlier, Freehof believes that it is "modernity which broke down the walls of the Jewish community." Therefore, the historical community which creatively developed the *minhagim* found in the breadth of rabbinic literature is left in ruins. Freehof, himself, once again articulates his frustration with this devastation of the Jewish community as he asks a series of questions to the

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[65] *Section 690 Orakh Hayyim* of the *Shulchan Arukh*: This section deals with laws concerning the reading of the Megillah. In particular, law 17 handles the actual procedure for the laying out and winding up of the Megillah as a scroll. In his gloss to this law, Isserles (see note below) lists several customs which are observed by the Ashkenazim during the reading of the Megillah. It is in response to observing these customs that he states that "no custom should be abolished or mocked...."

[66] *Rabbi Moses Isserles* – 16th century Polish Rabbi from Cracow. He is most often known in the Jewish world by the acronym of his name ReMa. He studied at the famous yeshiva of Shalom Shakhna in Lublin, Poland. After his studies, Isserles was appointed Rabbi of Cracow. He wrote books in all areas of Judaic studies including *halakhah*, *aggadah*, *kabbalah*, philosophy, and Biblical commentaries. One of his most noted contributions were the glosses he wrote to Caro's *Shulchan Arukh*. He did this under the name of the *mappah*. This is the Hebrew word for tablecloth; meaning something to cover the "set table" of Caro's *halakhah*. These glosses are the conclusions reached by Isserles in his *halakhic* works *Darkei Moshe* and *Torat Chattat*. The glosses are meant to supplement the law presented in the *Shulchan Arukh* with the conclusions of those authorities Caro did not know of or take into account. In particular, these are the Ashkenzic authorities from France and Germany. In addition, Isserles includes in his glosses Ashkenazic customs from his region. Source: Elon, *Jewish Law History*, 1345-1366.

[67] Freehof, *Reform Jewish Practice*, 9.

Reform Jew (and rabbi), "How many Jews are there in the world who really observe the rabbinic laws of the Jewish Sabbath? What percentage of the Jews of the world actually abide by the dietary laws? How many are still guided by the Jewish laws of marriage and divorce?"[68] His conclusion is that Jewish observance is neglected in 20th century America and "it would embarrass us to know from precise statistical investigation how wide-spread it is, but we know enough to worry and to wonder whether Judaism can possibly emerge from this great cataclysm in Jewish practice as it had successfully emerged in the past."[69] Freehof's struggle returns to him in this context. Once again, he must know whether the past can lead to the future. He wants to know if the Jewish people still maintain their creativity. He concedes that the adjustment to modernity will not merely be found in Jewish law. So, for this answer he must look once again, as his ancestors did, toward the notion of *minhagim*. This is what Freehof does in his writing of RJP. He presents a historical overview of a given situation and then rules on the matter. From this ruling, the congregation or entity asking the question may decide to use this ruling as practice. This paradigm provides the opportunity for the scenario to transpire as Freehof has outlined. That is to say that once a ruling is "accepted", it will form a local *minhag* which may (or has the ability to) become Reform Practice.

Contents and Methodology of RJP:

In volume one of RJP, Freehof addresses several of the areas of Reform practice mentioned in his recommendations to the CCAR (in the code paper). Specifically, the matters he focuses on are: public worship, marriage and divorce, naming of children,

[68] Ibid., 10.
[69] Ibid., 11.

circumcision, burial, and mourning. As mentioned previously, he presents this material in a more-or-less traditional (Jewish) manner. Generally, there is a question (*sh'elah*) which is asked of him for which Freehof responds with an answer (*teshuvah*). The following is an example of his technique.

Torah Reading on Friday

Rabbi Stanley R. Brav submits the following *sh'elah*:

> *At one of the smaller American colleges, because of the heavy student schedule it seems impossible to have services other than on Friday night. The students, therefore, have services at that time and also read the Torah. The local rabbi prohibits the reading of the Torah on Friday night (which is not a traditional Torah-reading time) and declares that reading the Torah at this traditionally unauthorized time would make the Torah unfit for proper use at regular services. Is this judgment of the rabbi justified by the legal tradition?*[70]

Freehof's Response:

Freehof begins his *teshuvah* by citing another similar responsum written by one of the famous rabbis from the Volozhin Yeshiva[71], Naftali Zvi Berlin[72], in the 19th century.

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[70] Freehof, Reform Jewish Practice, 55.

[71] *Volozhin Yeshiva* – The most influential Lithuanian yeshiva founded in 1802 in Volozhin, near Vilna. Its founder was Hayyim of Volozhin; the distinguished pupil of the Gaon of Vilna. The yeshiva only admitted talented students with a good Judaic grounding. Source: Yeshivot, Encyclopedia Judaica, CD Rom edition; version 1.0, Judaica Multimedia, Israel, 1997

[72] *Rabbi Naftali Zvi Berlin* - He was known by the acronym of his name as the "Netziv". Berlin was one of the leading rabbis of his generation, and head of the Volozhin Yeshiva for 40 years. He was born at Mir and already in his early youth was famed as a great Talmudic scholar. In 1831 he married the daughter of Rabbi Isaac ben Hayyim Volozhiner; the son of the founder of theVolozhin Yeshiva. When Rabbi Isaac died in 1851, he was succeeded by his elder son-in-law Eliezer Isaac. When the latter died in 1854, Berlin succeeded him as the head of the Volozhin Yeshiva. Berlin transformed the yeshiva into a spiritual center for the whole of Russian Jewry. In his day, the yeshivah at Volozhin was attended by more than 400 students. Source: Yeshivot, Encyclopedia Judaica, CD Rom edition; version 1.0, Judaica Multimedia, Israel, 1997

Berlin's responsum is written to a Cincinnati, Ohio synagogue. In his description of the responsum, Berlin tells of a synagogue which was celebrating the dedication of a new ark (in which housed its *Sifrei* Torah). The congregation was wanted to mark the celebration with a processional whereby the *Sifrei* Torah could be carried in the synagogue on a Sunday morning. A member of the congregation's leadership not only wanted the *Sifrei* Torah carried, but read as well: even though the dedication was to occur on a non-Torah reading day. The rabbi of the synagogue objected to this act on the basis of the Rabbinic concept termed *bal tosif*; meaning there can be no "unauthorized addition."[73] The addition would be based on the notion that if a Torah is read on a non-Torah reading day (ie: not on Monday, Thursday or Shabbat), then it is an additional reading to those already required by the *halakhah*. This type of addition is considered to be a sin by reason of the concept *bal tosif*. The rabbi's ruling is based on a statement from the *Sefer Hamordekhai*, Tractate Megillah, chapter 1.[74] Here there is objection to reading the Megillah one day later than the authorized date of the 14th of Adar.[75]

Berlin's response to the situation is that this case would not be considered one of *bal tosif*. He bases his conclusion on the understanding of the second day of Yom Tov[76]

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[73] *Bal Tosif* – This is a Rabbinic concept which is based on Deuteronomy 4:2, "You shall not add anything to what I command you or take anything away from it, but keep the commandments of Adonai your God that I enjoin upon you." In addition Rashi comments on this verse as does Rambam in his *Sefer HaMitzvot* (no. 313).

[74] *Sefer Hamordekhai* – Halakhic work written by Mordecai ben Hillel Ha'kohen, a *halakhic* authority in the second half of the 13th century who was an outstanding disciple of Maharam of Rothenburg. The work is a compendium of all types of Talmudic and post-Talmudic *halakhic* literature from every center of Talmudic learning. Source: Elon, Jewish Law History, 1249-1250.

[75] Freehof, Reform Jewish Practice, 55A.

[76] Second day of Yom Tov – The discussion of the second day of Yom Tov is found in the Talmud Bavli, Tractate Beitzah 4b. There the rabbis discuss the situation which caused them to require a second day. There were those who confused the communication between the Jews rendering it difficult to determine when in fact the new moon would occur. By the time of the closing of the Talmud, this situation had been rectified. However, the rabbis' final conclusion is that the diaspora should continue to observe two days of Yom Tov because it is an established *minhag*. If another power were to cause a similar situation to occur by which it could not be determined when Yom Tov occurred, it might be hard to reestablish the *minhag*.

observed in the diaspora (or commonly termed Yom Tov *shaynee*). Berlin notes that according to the Bible, Jewish Festivals are only seven days. However, in diaspora, (traditional) Jewish communities observe eight days. The practice on the beginning and ending days of the festival is to read the Torah publicly. But, Berlin notes that the public reading of Torah is not a Biblical requirement, but a Rabbinical one. Therefore, it would not be considered a sin to have an additional reading of the Torah in any given week. Accordingly, *bal tosif* only applies to Biblical commandments. Yet, even though Berlin reasons the actual reading not to be a sin, he is concerned with reciting the blessings for the public reading. That is to say that if one is not required by *halakhah* to read the Torah, then recitation of the blessing before and the one after the reading is considered a *berachah levatalah* (unnecessary blessing). However, in Berlin's final analysis, he decides that if the lay leader has good halakhic reasoning and precedence for this public reading then perhaps the reading could be allowed. However, if the lay person is not a learned Jew, he would not have this knowledge and the reading would be considered a novelty.[77]

Freehof cites Berlin's responsum because it directly presents the opinion of one of the greatest Lithuanian Talmudic scholars of the 19th century. Freehof notes, that as great a scholar as Berlin was, even he could not be certain that reading Torah on non-Torah reading days is prohibited according to *halakhah*. However, in this case, it is not clear whether the congregation (or in particular the lay leader) wanted to read the Torah on a non-Torah reading day for purposes other than those *l'shem shamayim* (meaning: for holy purposes). If this is the case, then one should not do so simply for a novelty. That is to say, one should not read the Torah merely for celebration.

[77] Freehof, *Reform Jewish Practice*, 55A, 55B.

Using the argument and conclusion from Berlin, Freehof states that the local rabbi from the college town "has no basis for being so sure that the Torah may not be read at any other than the customary times." In addition, he states that the notion that a Sefer Torah would become *pasul* (or unfit for use) after its use on a Friday night is "absurd." Freehof bases his conclusion on section 274[78] of *Yoreh Deah* of the *Shulchan Arukh*. He does so because it is this section of the *Shulchan Arukh* that determines what renders a Sefer Torah pasul; reading is not one these cases. Therefore, Freehof reasons that for a rabbi to state "that reading the Torah at unauthorized times makes it unfit for reading at authorized times is totally unjustified."[79] Not only that, but Freehof issues a request to the ruling rabbi asking "to know the reason for his statement that the Torah can be made unfit by an irregular reading."[80]

Freehof concludes his analysis by stating that "in general one must say with regard to such a dire possibility that in Jewish traditional law the Torah is considered remarkably resistant to being spoiled." He bases this final statement on a passage from Berachot 22a.[81] The conclusion of this passage is that even a person who is unclean can recite words from the Torah. Therefore, how could one (who is not unclean) reading a Torah on Friday night render a Sefer Torah *pasul*.

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[78] *Yoreh Deah section 274* – This section of the *Shulchan Arukh* details the way in which a scribe may write a sefer Torah. In particular, Caro describes the correct methods of writing the scroll so that it is not considered *pasul* or non-kosher. These methods include clear and legible writing, no writing of the vowels (meaning no *n'kudot*), and no delineation of the *pasukim* (verses) of the Torah. Finally, the scribe must essentially state his belief in God and that he is writing a "Holy Torah."

[79] Freehof, *Reform Jewish Practice*, 55C.

[80] Ibid.

[81] *Berachot 22a* – There in a b'raita Rav Yehuda ben Beteira declares that the words of Torah cannot contract *Tumah* (this is the Hebrew word for being unclean). In a subsequent story in the b'raita, a student of Rav Yehuda comes to study with him as a *baal keri* (one who experiences a seminal discharge). Because of his state, the student is stuttering when reciting his words of Torah before Rav Yehuda. To this Rav Yehuda tells his student, "Open your mouth and let your words be illuminated clearly. For the words of Torah cannot contract *Tumah*," as it is written, 'Behold, my words are like fire, declares God,' (Jeremiah 23:29).

As is the case with many of the responsa written in RJP, Freehof "sums up" his argument. Here he states, "While Orthodoxy naturally objects to any new custom, it is far from clear that it is forbidden to read the Torah at other than the regular times (meaning: Monday, Thursday, and Shabbat). As for making the Torah unfit if it is so read, there seems to be no justification at all for such a decision."[82] Freehof does not indicate that it is "official" Reform Jewish practice to read the Torah at non-traditional instances. However, in effect, he provides a ruling in the mode of a *posek* which states that one is not in violation of Jewish law by doing so. This appears to be his methodology throughout RJP.

Defining and Redefining Reform Judaism

Two years after writing the first volume of RJP, Freehof once again addressed the CCAR at the Conference in 1946 regarding the issue of a boundary system in the Reform Movement. This paper is entitled *Reform Judaism and the Halacha*. What is not known is Freehof's motivation for writing this paper. One can only speculate that his struggle between traditional and Reform practice is at the heart. Perhaps Freehof needs the stage to further wrestle with his idealized vision of Reform Judaism. In order to begin to understand this need, a comparison should be made between his notion of Reform Judaism before the code paper and RJP and his concept subsequently.

In 1937, the Tract Commission (appointed jointly by the Union of American Hebrew Congregations, UAHC and the CCAR) released a pamphlet written by Freehof entitled *What is Reform Judaism?* In, this pamphlet, Freehof presents the history of the Reform Movement beginning with the influences of the laity in Germany and continuing

[82] Freehof, *Reform Jewish Practice*, 55C.

with the lay leaders in America. He notes that "the laymen naturally concluded that the Jewish tradition must be modified to fit into a changing world. Thus, it came about that the laymen were the pioneers of the Reform Movement."[83] This being said, Freehof concludes that "had Reform Judaism remained merely a lay movement and the process of change continued to be motivated chiefly by practical or aesthetic considerations, Reform Judaism might easily have become a separate sect broken off by a complete change of observance from the rest of Judaism." Not only that, but he acknowledges that it is the scholarship of the (Reform) Rabbis who "kept Reform Judaism part of a religion always distinguished by learning."[84]

As Freehof sees it, any changes made in the early stages of the movement should be judged by two criteria: 1) Did the change help adjust Jewish life to the needs of modern times, and 2) Is the specific change justified as a development of historic Jewish tradition?[85] Thus, he outlines several changes made in the movement in the areas of practice and doctrine. However, at this time, Freehof does not look to justify the movement. The Reform Movement's justification stems from the fact that this is what had to be done in order for Judaism to survive in the mood of the modernity of the 20th century. In fact, Freehof states that one of the essential principles of Reform Judaism is that "each generation has right to change the outward observances of Judaism whenever change is necessary in order to preserve its inner spirit."[86] Therefore, in the tone of the Classical Reformers, he suggests that it is not the form but the content which should matter the most to the modern Jew. Yet he emphasizes that "the leaders of Reform did

[83] Freehof, *What is Reform Judaism?*, 4.
[84] Ibid., 8.
[85] Ibid., 9.
[86] Ibid., 19.

not merely make changes because such changes were convenient. They struggled to keep to such changes as were justified by history and indeed opposed many radical changes which they could not justify. Thus, Reform Judaism remained part of Jewish life without a break."[87] Freehof has concluded that Reform Judaism is indeed the next stage in the evolution of Judaism. What is there to justify?

As stated, almost ten years later, he revisits this definition. After presenting his opinion to the masses of the CCAR and compiling, writing, and presenting Reform Jewish Practice, Freehof is not sure whether his earlier definition will hold. Certainly in his ideal rabbinic understanding of (Reform) Judaism this is the case. This means that the masses will attend worship services and the rabbis will teach (about historical Judaism) and model to them some semblance of a "Jewish" life not to be forgotten. But, perhaps, Freehof now struggles with what the rabbis of the movement will do or practice (or not do) not to mention their constituents. He now feels as though he must justify Reform Judaism. So Freehof says to his colleagues at the 1946 Conference, "Reform Judaism may well ask, is our practice justified by the God-given Jewish law; is our practice legal?"[88] Freehof already knows the answer to this question. So, the real question is, why is he asking it at this juncture in time and in front the CCAR. After all it is Freehof who, as shown previously, explained the issue of giving Divine credence to any form of a code or other practices in the Reform Movement.

Not only does Freehof look to further justify Reform Judaism in his message, but he asks his colleagues to look at Orthodox Judaism and "see whether in its doctrines there may not be some strength that can be borrowed." He believes that Orthodoxy is no

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[87] Ibid., 24.
[88] Solomon B. Freehof, *Reform Judaism and the Halacha*, CCAR Yearbook, (1946), 278.

longer dangerous to the Reform Movement because the principles of Reform Judaism are accepted and "the authority of Orthodoxy....has faded."[89] Freehof definitely shows a need to re-connect with his traditional roots while defining Reform Judaism; something never hinted at in his paper ten years prior. There he is confident that Reform Judaism of 20th century America is the "new" and evolved Judaism. The content of the religion is solid and alive. But this concept fades and Freehof begins to worry about the path of Reform Judaism. This is evident because he did not respond with such a methodology when Felix Levy emphasized the problem of a "religious jumble" which was occurring in the fabric of the Reform Movement. Yet now after leading the movement to the theory of "informed choice[90]," he now proclaims to the CCAR, "There is a growing interest amongst us for greater uniformity in practice and observance in our Reform movement. How long shall each congregation or each rabbi determine what shall be Reform practice with regard to marriage or burial or ritual observance? Must we not revive the concept of *Mitzvah*, of Torah, and thus attain orderliness and consistency and authority in our Reform Jewish life?"[91]

Not once in his presentation on a code does Freehof mention the word *mitzvah*. That is to say that the Reform Jew of the early 20th century is not bound to the notion of *mitzvot* or Divine commandments. As discussed earlier, the acceptance of a boundary system of this magnitude would probably be offensive to those who may choose to practice different customs. But Freehof's intellectual struggle continues as he asks his

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[89] Ibid.
[90] Informed Choice – this is the notion that the Reform Jew bases Jewish practice on study and knowledge. The hope is that through studying historical Judaism and considering the abundance of Jewish literature (even those of modernity) a Jew can determine a methodology to practice his/her religion. Perhaps, Freehof is the first to publicly articulate this concept even though he does not call it by this phrase.
[91] Freehof, *Reform Judaism and the Halacha*, 279.

colleagues to consider, "How then lacking the claim of Divine authority can we presume to develop ceremonies and practices which in Jewish thought constitute actual Torah?"[92] His answer is that which he wrote two years prior in RJP; the *minhag* (see the previous section).

Even though he had written this methodology in what could be considered his guide to Jewish practice, Freehof feels the need to publicly state this concept. He now firmly justifies his notion of Reform Jewish practice and states, "this essentially Jewish procedure is the only practical one for us (as Reform Jews) and that indeed is what we actually follow."[93] From where does this notion really arise? It comes from historical, traditional, or as Freehof admits – from Orthodoxy. Therefore, Freehof has come full circle from his childhood and the roots of the Alter Rebbe to his belief in modern Judaism. For him there is no escape. He believes that Reform Jews "are the only ones who can create new *minhagim*."[94] Yet, there must be some notion of self-restraint. If there is no "boundary" then the masses of modern Jews will simply do whatever they believe is appropriate regardless of the Judaism of the past. Perhaps at some point many will even stop coming to synagogue. Therefore, Freehof admits that such things as prayer, public and private "must be rebuilt into an intensely felt *mitzvah*." Not only that but "the duty to study Jewish law and literature must certainly be rebuilt into a mitzvah.....We must analyze the concept of Torah. We must estimate the true mood of our people, and we must ask ourselves, judging by our own conscience which must remain the ultimate test for free men, what types of commandments (*mitzvot*) can justly

[92] Ibid., 287.
[93] Ibid., 288.
[94] Ibid., 289.

be regulated by religion. These shall constitute Torah for us."[95] Thus, for Freehof, creativity and knowledge still lie within the body of *halakhic* literature. Even though he himself does not use the phrase, this is the notion of "informed choice." This is Freehof's definition and concept of the evolution of Judaism in the modern world of 20th century America.

Responsa Literature Post RJP

Freehof continues his development of Reform Responsa after writing his first and second volumes of RJP. As stated previously, beginning in 1955 and ending in 1980, he and the CCAR Responsa Committee publish eight volumes of Reform Responsa. These volumes are unique in two ways. First, in many cases the Responsa Committee handles difficult Jewish questions of the time. Secondly, Freehof himself uses the introductions for each of the volumes to further clarify his thought processes and methodologies. The former will not be dealt with in this chapter. However, the latter is examined as there are several pertinent issues that Freehof wants to develop over this forty-five year period.

For Whom Are Reform Responsa Written?

Beginning with *The Responsa Literature* in 1955, Freehof outlines the target audience for the committee's work. He discusses the fact that Rabbinic literature is develops along three main lines. These are commentaries on the Talmud, Codes, and responsa. Freehof also notes that responsa are generally answers to practical questions which are asked of a given rabbinic authority. What is important to realize based on his discussion is that the responsa literature covers a large range of time periods and places in

[95] Ibid., 290.

the Jewish world. An individual responsum is usually directed toward a specific situation which occurs in a particular place. Some of these issues include such things as dietary regulations regarding foods or business disputes between Jewish merchants. This type of legal documentation can, like the Talmud and Codes, aid the future generations in Jewish practice. Therefore, Freehof reminds the reader of Reform Responsa that the literature carries with it a certain social and historical importance in this regard.

Regarding the question for whom the responsa are actually written, Freehof states that they are for two specific entities; scholars and the general reader. The scholars he suggests can find materials which will aid them in special studies. However, it is the reader for whom this type of material is actually written. First, the material is developed in such a way that even this "general reader" can follow the logical argumentation. The scholar of such material, Freehof claims, does not require such things as the definition of specific terms, literatures characterized, or historical backgrounds. All of these details are presented in the responsa for this general reader. While Freehof does not state so explicitly, perhaps this general reader is the Reform Rabbi, who, he hopes can better guide his/her congregation with a better informed base of contemporary Jewish issues. In the end of the introduction to *The Responsa Literature*, he concludes by stating that "The book has been written in the hope that its readers will gain some understanding of the creative part which Jewish Law has played in Jewish life, and that younger scholars may, perhaps, be moved to devote their energies to pioneer in this unplowed field."[96]

[96] Solomon B. Freehof, *The Responsa Literature*, (Philadelphia: Jewish Publication Society, 1955), 18.

To What Extent Does Rabbinic Literature Have Authority?

Another issue that Freehof addresses over the course of writing these responsa is that of authority. He deals with it in a number of ways. However, his primary concern is to level the playing field so that the Reform Jew can understand how to approach the issue for him/herself. Freehof does so by debunking the aura surrounding Orthodox Judaism. He begins by reminding the Reform Jew that, in Orthodox Judaism, there is no such thing as developing a new legal ruling. "Whatever the latest scholar educes from a comparison of texts and opinions is really not his own but was already said at Mount Sinai." Freehof explains that this concept holds as long as the Jewish legal system continues to expand. When this is the case, there are an abundance of legal materials written, via Rabbinic literature, that while developed by humans can still be considered Divine. However, a problem occurs when this paradigm breaks down and Orthodoxy begins to shrink. One must note that there are "great areas in Jewish law that have fallen away....Confronted with these vanished areas of a presumed God-given law, Orthodoxy is compelled to explain how it all happened."[97] In a number of the introductions Freehof cites several specific cases for which Orthodoxy should be prepared to provide this explanation. Two illustrations seem to appear more frequently: practice of Jewish civil law and Jewish law with regards to *nidah* or feminine hygiene (one example Freehof argues is that many Orthodox women do not use a *mikveh* regularly). However, for this analysis, the case regarding civil law will suffice to make his point.

Freehof explains that "the Jewish legal system was for centuries complete and self contained with regard to business laws." Rabbinic literature considers it a sin for a Jew to file suit against his neighbor in a gentile court. Freehof states that "there is clear

[97] Solomon B. Freehof, *Reform Responsa*, (Cincinnati: HUC Press, 1960), 5.

evidence of this in the vast number of responsa dealing with such matters as the competence of judges, partnerships, debts, contracts, and inheritances." All civil law regarding these issues is found in the volume of the *Shulchan Arukh* called *Choshen Mishpat*. In addition, Freehof notes that civil law issues were the majority of classical responsa collections. However, these types of responsa have diminished over time in the Orthodox communities. In fact, Freehof states that "book after book is now published without a single question asked in this vast field of law." The reason is because the "Orthodox have simply ceased to resort to rabbinical courts (at least in America) in business matters." No pious Jew considers himself a sinner if he sues his neighbor for a breach of contract in a secular court. Therefore, according to Freehof, "the greater part of Jewish law has virtually ceased to exist in Orthodox life."[98] Thus, Freehof's point is that the Orthodox claim to give Divine authority to the corpus of Rabbinic literature. Yet, if this is true, how can an Orthodox Jew not abide by all rulings. A God-given oral law would require absolute obedience. Therefore, the Orthodox themselves have essentially developed a doctrine of partial practice. Many Reform Jews live by the same paradigm.

Reform Preserved Judaism:

In several places in these introductions, Freehof goes to great lengths to show that "Reform" saved Judaism. His reasoning is that at a time when "multitudes were abandoning their faith," Reform Judaism saved them by providing and acceptable path for these Jews to proclaim as Jewish.[99] At a time when material wealth becomes more important to not only American society but Jews as well, Reform Judaism provides a

[98] Ibid., 8.
[99] Freehof, *Reform Responsa*, 3.

sense of righteousness. To this end, the movement even helps establish many charitable organizations and aids many social justice initiatives. Most importantly, the movement considers these Jews as Jewish without demanding religious observance.

As Freehof states, Jews in the past (ie: pre-American Reform) who abandon ceremonial laws are not considered religious Jews. This is because "most of the non-observant Jews in those days judged their own religious status by the old standard of Orthodoxy: Since they did not observe, they no longer considered themselves religious."[100] This situation caused non-observing Jews to enter Jewish secular movements. They consider themselves Jews but they are not identified as part of a Jewish religion. However, as Freehof indicates, what is unique about "Reform" is "that people who neglected many of the observances still insisted that they were religious Jews." This is a very important point. From this basis, these Jews were able to start the process of modernizing Judaism. All of the movements in Judaism benefit from this outcome. This conclusion is not unrelated to the previous section. Once modernization occurs and Jews begin to see themselves inside American society, there is no need for rabbis to even handle aspects of civil law.

Reform Judaism bases its practices on Rabbinic Judaism:

Another fundamental issue Freehof raises is also linked with the last two sections. There are many Reform Jews (and rabbis) who may want to devalue Rabbinic literature. Per the previous discussion, it is possible to conclude that it is not authoritative. After all, even the Orthodox Jews do not completely adhere to all of the Rabbinic restrictions. Yet, Freehof states that the Reform Movement has never been able to rid itself of all Rabbinic

[100] Solomon B. Freehof, *Modern Reform Responsa*, (Cincinnati: HUC Press, 1971), 7.

obligations.[101] This is true since all religious observances are rabbinical in source: reciting the Shema, the order of the prayer service, when to recite kaddish, etc. In addition, the various questions that from time to time need to be answered all involve the *halakhic* literature. If questions are asked regarding "calling women up to the torah, or whether a funeral may be conducted at night, these problems, being rabbinical in source, could not be properly answered without thorough use of Talmud, responsa, and codes."[102]

[101] Freehof, Reform Responsa, 18.
[102] Ibid.

Chapter 2

Rabbi Jakob Petuchowski

Rabbi Jakob Petuchowski was a traditionalist within the Reform Movement. He was born in Berlin and spent his formative years until the age of fourteen in an Orthodox community. He left Germany and studied in both Scotland and England. In the late 1940s, he immigrated to the Unites States where he received both his rabbinical ordination and PhD from Hebrew Union College – Jewish Institute of Religion. Shortly after this period he joined the faculty of the institution.

Petuchowski wrote about one hundred scholarly articles and over five hundred other pieces. Today, students at the Hebrew Union College – Jewish Institute of Religion and those who know of him not only associate his name with liturgy but theology as well. For at least fifteen years beginning in 1955, Petuchowski wrote on the subjects of theology and *halakhah* in the Reform Movement of the United States.

As a traditional practicing Jew, he struggled with the notion of complete autonomy within the Reform Movement of America. His writing indicates this struggle beginning with the problems of developing a Reform *Halakhah* to the presentation of a modern Jewish halakhic system. The subsequent chapter presents an investigation and analysis of his thought processes from his definition of the problems surrounding a Reform *Halakhah* to his proposal of a modern halakhic paradigm.

In 1955, Petuchowski begins his process by addressing the question - can Reform Judaism take seriously the concepts of mitzvah and *Halakhah*? He does so by addressing the "Problems of Reform Halakhah." He begins this discussion by stating there are many

fallacies within the Reform Movement. The biggest of these, according to Petuchowski, is the Fallacy of Primitivism (which he also discussed later in his book *Ever Since Sinai*[1]). This is the notion that "a person is so obsessed with beginnings that he supposes the first stage of the development of any process to reveal what the process really is."[2]

Petuchowski believed that the American Reformers used this concept to defend any disregard for traditional Jewish law. An example of this rationale is the following. A certain member of a Reform congregation may disregard the dietary laws of *kashrut*. The member does so by stating that the laws of *kashrut* are a Levitical concept which were enacted by the priestly class. Since Reform Judaism is a prophetic religion, these rules do not apply. Furthermore the use of *Wissenschaft des Judentums* (the modern scientific critical study of Judaism) may indicate that these laws can be traced to an origin of "totem and taboo."[3] This would be the most primitive form of the practice. Presumably, this congregational member would subscribe to the notion that Reform Judaism is linked to historical evolution. In this viewpoint, evolution means "progress away from the primitive and toward the ideal."[4] Therefore, the member would feel justified in disregarding the practice which he has assigned to "primitive" origins.

At this point, modern scientific critical study might ask the question, "What is wrong with abandoning a ritual practice if you determine that its origins and original meanings are no longer valid? Petuchowski argues that what is wrong with this train of thought is that rituals such as the dietary laws or Shabbat observance contain a certain social and religious meaning. Through adherence and practice of these types of rituals

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[1] Jakob J. Petuchowski, Ever Since Sinai, (New York: Scribe Publications Inc, 1961), 75.
[2] Jakob J. Petuchowski, *Problems of Reform Halakhah*, Judaism: (Fall 1955): 339.
[3] Ibid., 339.
[4] Ibid., 340.

one is compelled to exercise self-discipline in life by thinking in a more elevated (or divine) manner of holiness. That is to say that these types of practices are not merely a part of Divine Law "because they are Jewish inventions, but because they are made to serve a purpose within the Torah's own frame of reference."[5] As Petuchowski sees it, these practices change the mundane into the holy. In sum, the practice of ritual of this sort creates a religion; which is called Judaism.

It is precisely for this reason that Petuchowski believes that Reform Jews (modern Jews) should not be so quick to rid themselves of any and all *halakhic* practices. When the Reform Jew travels this path, he must endure a slippery slope between practicing a religion and merely living a secular life. Therefore, his task is to lead the Reform Jew through a process by which one can find a religious method of adherence to the practice of Judaism. The process will result in a progressive *halakhah.*

Petuchowski believes the only way the Reform Movement can have a progressive *halakhah* is through the acceptance and understanding of "Revelation." This is because he reasons that "Every piece of (Jewish) legislation, every item of ethical teaching and of historical information is traced back to this source." Therefore, whether the Reform Jew of the 20th century was physically standing at Sinai (if this event actually occurred as documented in the Torah) or not, the development of legislation and ethical teaching are the product of a revelation. According to Petuchowski, this acceptance is the "Divine Revelation."[6]

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[5] Petuchowski, *Ever Since Sinai*, 76.
[6] Ibid., 67.

Therefore, as a theologian he begins to think through the process which would enable the movement to propel itself toward this belief. His process begins first with the modern Jew developing an understanding of the Bible and divine authorship.

Understanding Bible and Divine Authorship

Bible:

Petuchowski believed that the first step to understanding Revelation was to comprehend how the modern Jew understands the Bible. To grasp this concept, the theologian/scholar must understand that the modern Jew "has a choice not of one but of three different books."[7] This concept does not indicate the literal choice of three books but rather the notion that there are three different ways for one to interpret the text. These are: 1) the Bible of modern scholarship, 2) the Bible of individual piety and edification, and 3) the Bible of the Synagogue. According to Petuchowski, the sum of all three is what comprises the Bible. No one form is complete without the other two. The subsequent section explains these three interpretations.

First, the Bible of modern scholarship considers the notion of a revelation at Sinai a pious fraud or myth. "What was once read as the Law of Moses turns out to be a mosaic of various codes and narrative traditions having their provenance in many different times and places in Israel's history."[8] Petuchowski gives credence to this approach and does state that if one is truly a logical thinker and believes in modern science (meaning *Wissenschaft des Judentums*), it is not possible to ignore the modern critical reconstruction of Biblical History.

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[7] Jakob J. Petuchowski, *The Bible of the Synagogue / The Continuing Revelation*, Commentary, February 1959, 142.
[8] Ibid.

Second, the Bible of individual piety and edification is the form in which one reads the text when "looking for spiritual strength and comfort."[9] To illustrate this concept, Petuchowski explains that "when for example a Jew feels inclined to recite the 23rd Psalm either to express his gratitude for bounties received or at a funeral ceremony, he does not stop to consider whether King David was really its author."[10]

Finally, the third way to read the text is what Petuchowski describes as the Bible of the Synagogue. He compares this concept with that of the Catholic Church. Accordingly, a Catholic theologian reasons that "without the Church, we would not today be in possession of the Bible."[11] One must trust the Church to transmit the Bible to the people and to interpret it correctly. If there is no Catholic Church, there would be not Bible for the Christians.

In a similar fashion, Petuchowski understands the transmission of Judaism (and Torah) by the "Rabbis" to the modern world. According to Petuchowski, Rabbinic Judaism "maintained and was based upon the doctrine of an authoritative exposition of the *Written Word.*"[12] This exposition was distinctly revealed by God to Moses along with the Written Law itself. Therefore, this technique of reading the text is not fully complete without the four methods of expounding the text - *PaRDeS – Peshat* (literal meaning), *Remez* (allegorical meaning), *D'rash* (derivation of the implicit meaning), and *Sod* (hidden meaning - mystical). This is the breadth of Judaic knowledge and

[9] Ibid.
[10] Ibid.
[11] Ibid., 143.
[12] Ibid.

Petuchowski believed that no single book contains it. Therefore, the Bible of the Synagogue is "the totality of Rabbinic literature."[13]

Ultimately what Petuchowski suggests is not that there are three separate Bibles (or texts) for the modern Jew to read, but rather three components to the one text. A Jew may come to (or address) the text differently at different times or occasions in life. "Clearly then, the man who goes to his Bible for spiritual meaning need not be preoccupied with problems of authorship, dating, and textual reconstruction....The Bible read for inspiration and edification, and the Bible read as a source book for the history of ancient Israel, can both be enjoyed and appreciated by one and the same person – though not necessarily at the same time."[14]

The modern Jew must then have a complete understanding of the Bible. One cannot simply say that he (or she) only needs to see the text through one lens. According to Petuchowski, all three lenses are of equal value. This is because as a modern Jew one cannot be satisfied with merely one interpretation of the Bible. The modern Jew must be able to study the Bible according to modern scholarship. This is so that he does not feel as though he has been lead to view the text in ways which are contrary to his modern logical thought. And yet, the modern Jew should also be able to read the text for "the purposes of inspiration and edification." However, in order for the modern Jew to link the mundane to the holy and draw out the most important ethical teachings of the religion of Judaism, one must rediscover the Bible of the Synagogue. According to Petuchowski it "is the foundation of Judaism." It is the "repository of progressive revelation."[15]

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[13] Ibid., 148.
[14] Ibid., 143.
[15] Ibid., 150.

Divine Authorship:

In Petuchowski's opinion, once the modern Jew understands the Bible should be considered as "three which are one", a logical questions follows: Does the authority of the Bible (Torah or Law) rest upon the assumption of Mosaic authorship? To attempt to answer this question, Petuchowski asks a more basic question: "Did early post-biblical Judaism really have any dogmatic notions about Mosaic authorship?"[16] That is, if the Rabbinic tradition, which accepted the Bible as authoritative, does not insist upon a dogma of Mosaic authorship, then such a dogma is not necessary as a basis for Biblical authority. He attempts to answer this question by drawing upon relevant sources in Talmudic literature.[17]

According to Petuchowski, in the time of the Mishnah and Gemara, "the Mosaic authorship of the Chumash (the five books of the Torah) was generally assumed."[18] Therefore, in Bava Batra 14B, Petuchowski notes the discussion the rabbis have regarding the authorship of various books of the canon. The question is asked in the Gemara, "Who wrote the Scriptures? Moses wrote his book, the passage dealing with Balaam, and the Book of Job. Joshua wrote his book and the last eight verses of Deuteronomy. Samuel wrote his book, the Book of Judges, and the Book of Ruth. David wrote the Book of Psalms, etc."

For Petuchowski, this passage comes to teach that the Rabbis acknowledge the notion that humans did in fact write down (or record) the Jewish Scriptures (albeit the traditional factions would also include the notion that this occurred while God dictated).

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[16] Jakob J. Petuchowski, *The Supposed Dogma of the Mosaic Authorship of the Pentateuch*, The Hibbert Journal, (July 1959), 357.
[17] Ibid.
[18] Ibid.

However, for him this passage indicates that what was involved was "a certain notion of history." "The outstanding representative of each epoch was made responsible for the literary production of his age."[19] So, for instance as Petuchowski states, Samuel's life spanned the latter period of the Judges and the early period of the Kings. So, he becomes (according to the Rabbis) the historian of the period of the Judges. Since the story of Ruth is said to occur "in the days when the Judges ruled"[20], Samuel is also the one who recorded the Book of Ruth. Therefore, Petuchowski draws a distinction between dogma (the Jewish belief system) and human recorder.

In another attempt to disprove a dogma of Mosaic authorship, Petuchowski cites a mishnah from tractate Sanhedrin (10:1) - "All Israelites have a share in the world to come....(except) the one who says the resurrection of the dead is a teaching which cannot be derived from the Torah; the one who says the Torah does not come from Heaven; and the Epicurean (heretic)." This text indicates there were in fact those in post-biblical Judaism, as indicated previously, who believed that the Torah was written by humans. According to Petuchowski, the fact that the mishnah states one could believe that "Torah does not come from Heaven" indicates that a Mosaic authorship is not considered dogmatic. This is based on the fact that "Mosaic authorship is not mentioned in this context."[21]

Petuchowsk's last attempt to challenge the dogma of Mosaic authorship, he cites a *b'raita* from the Talmud Bavli Sanhedrin 99A - "Even if one were to say: 'The whole

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[19] Ibid.
[20] *Ruth 1:1*
[21] Petuchowski, *The Supposed Dogma*, 358.

Torah is from Heaven[22] except this one particular verse which God did not speak but which Moses spoke himself,' he would be the one referred to in the verse – 'because he despised he word of Adonai'".[23] From this illustration, Petuchowski indicates that a person could have complete faith in the Mosaic authorship of the Torah yet may find himself excluded from salvation according to the Rabbis. The conclusion drawn from his analysis is that "Divine" authorship supersedes (*ie:* is a different thing altogether from) Mosaic authorship.[24] Therefore, "the theological problem of Revelation, and the literary problem of the evolution and the transmission of the text, are, and must remain as, quite separate."[25]

Petuchowski's point is an important one even though it is not presented this way in Rabbinic Literature. Once the dogmatic aspect of a revealed text is separated from the aspect of literary history, "it follows that a belief in Divine Revelation need not impose any limitations" on critical biblical scholarship.[26] This means that in theory it does not matter when the biblical text is dated. In addition, the procedure for the dating of the text "leaves the basic theological issues completely unaffected." Therefore, it does not matter whether Moses wrote the Torah or whether it is, as Wellhausen believed, the combination

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[22] From Heaven – In Rabbinic Literature, the notion that something is from Heaven, *min ha'shamayim*, indicates that it descends from God. Thus, when the Torah is said to be *min ha'shamayim*, it is believed to come from God.

[23] *Numbers 15:31*

[24] Conclusion regarding Divine Authorship superseding Mosaic Authorship: It is important to note that Petuchowski's argument is not a strong one. Petuchowski's point is logical. However, the sources he cites do not suppose that the Torah was written (that is set down in writing) by anyone other than Moses. That being said, the important point is that the Torah is "Divine" by virtue of God's authorship of it. Moses does not write things down *mi pi atzmo* (Sanhedrin 99A). He takes dictation from God. But the sources all presume that it is he, Moses who does the physical "writing". They do not make the distinction that Petuchowski makes between belief in the Torah's Divinity and the belief that Moses wrote the Chumash (the Five Books of the Torah).

[25] Petuchowski, *The Supposed Dogma*, 359.

[26] Ibid.

of the authors J, E, P and D. Using this line of thinking, Petuchowski accepts the words of Franz Rosenzweig:

> "We do not know who it was (that wrote the Torah); that it was Moses we cannot believe. Among ourselves we call him by the sign which the Higher Criticism uses to designate the final redactor assumed by it, 'R'. But we resolve this sign not into *Redactor*, but into *Rabbeinu*. For whoever he was, and whatever sources he might have utilized, he is our *Teacher*, and his theology is our *Teaching*."[27]

To answer the question: Does the authority of the Bible (Torah or Law) rest upon the assumption of Mosaic Authorship? According to Petuchowski, the answer is no. In essence, Petuchowski teaches that the Jew of the past lived by the words of Torah not because of Mosaic Authorship, "but because God had made known His will in its pages." The notion that the Biblical Text was not written by Moses, but rather (as critical scholars conclude) by another author or authors only indicates that "the Jew in the past was not too familiar with the literary history of his own people." Therefore, Petuchowski believes that the findings of *Wissenschaft des Judentums* does not conclude God did not make use of such authors as J, E, P and D "in the same way in which, at one time, it was thought He had made use of Moses."[28]

A Revelation Argument

After presenting the case that the modern Jew should rediscover the Bible of the Synagogue in order to recapture the holy, ethical teachings of the Torah and arguing the

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[27] Jakob J. Petuchowski, *Not by Bread Alone*, Judaism, Summer 1958, 234. – Petuchowski cites words whicht Rosenzweig wrote to Jakob Rosenheim from the following source: Rosenzweig, Franz *Briefe*, Berlin, Schocken, 1935, 581.
[28] Jakob J. Petuchowski, *Problems of Reform Halakhah*, Judaism, Fall 1955, 341.

notion that the Divine Authority of the Torah does not rest upon Mosaic Authorship, Petuchowski focuses his thoughts on Revelation. So, at this point, it is worthwhile to pause and consider why Petuchowski chooses this specific sequence to arrive at his version of a modern *halakhah*. What is it about rediscovering the Bible of the Synagogue and needing to prove that the Divine Authority does not rest on Mosaic Authorship per se that leads him to a discussion which involves Revelation?

When one wants to ground oneself in Judaism, he/she needs to understand the role the Bible (of the Synagogue) plays in Jewish life. After all it is the Bible which historically provides the framework for creating a (Jewish) religion and a people. This is the reason for encouraging the modern Jew to rediscover it. But, how much influence the Bible has in one's life determines the mode of Judaism a Jew will practice. Part of determining the level of this influence is how a Jew understands the way the Bible was given to the Jewish people. Petuchowski divides this concept into two pieces the 'How' and the 'When'.

The 'How' Petuchowski answers by essentially asking questions such as, "Did it come as a complete package rolled in the form of a scroll, was it dictated by God, or was it written down by a human(s) at different times; namely Moses or J, E, P, or D?" Petuchowski answers these questions by stating that modern scientific understanding considers either of these choices acceptable. It is only important that the modern Jew should consider the Bible in a divine manner. Thus, Petuchowski provides the argument that Divine Authority does not rest on Mosaic Authorship. However, the second part of the concept is to state that historically there was an occurrence at which time this text was

delivered to the Jewish people. This occurrence is the 'When' and it is termed Revelation.

Revelation of Traditional Judaism:

Revelation in the traditional Jewish understanding refers to the text found in the Book of Exodus chapters 19 and 20. This is the point in time where it is said that the one God of the Israelites "reveals" to the people the actual Torah; hence "Revelation". In the text of the Torah the narrative tells that God asks Moses to say to the people, "Now, if you will obey me faithfully and keep my covenant, you shall be my treasured possession among all the peoples."[29] The Israelites agree and the text states that God will not allow the people to ascend the mountain to receive this covenant. The Torah then tells that Moses ascends Mount Sinai in proxy of the people and receives the words of their God. Thus, in this context, Revelation is described as the occurrence at which time the teachings of God or the Torah was given to the people of Israel; later to be termed the Jewish People. In the traditional understanding of Judaism, these teachings or Torah are considered to be the covenant (or laws) that Jews adhere to based on their ancestors' agreement with their God.

The Modern Jew's Issues with Revelation:

The modern Jew of post-enlightenment using logic and reason struggles with two issues with respect to the occurrence of Revelation: 1) Where did it take place, and 2) When did it take place. If the text states that covenant (Torah) was given at Mount Sinai, then the modern Jew wants to know, "Where is this mountain? Yet, "the Torah does not

[29] *Exodus 19:5*

say....and no other evidence is available" to determine this location.[30] As previously stated, the giving of the Jewish Bible is the framework for creating a religion and a people. Logic and reason would suggest that the location of an event as significant as this one would be well documented; perhaps even by other cultures. However, none exists. In addition, the timing of this event is also an unknown. Therefore, if there is no documented proof of the location of (a) Revelation or the time of its occurrence, the modern Jew wrestles with accepting Revelation as divine.

These are the questions Petuchowski struggles to answer with regard to the concept of Revelation. He realizes that merely accepting the notion of (a) Revelation for the modern Jew is impossible without addressing them. As a modern Jew and a Reform Rabbi, he himself has a deep commitment to the scientific, critical study of the text. It is this respect for and belief in *Wissenschaft des Judentums* that causes him to enter into the dialectic of reason and Revelation; meaning, Petuchowski knows there is a problem which must be resolved for the modern Jew and he attempts to enter into "a method of argument or exposition that systematically weighs contradictory facts or ideas with a view to the resolution of their real or apparent contradictions".[31]

Petuchowski's task is to provide an alternative understanding of Revelation for the modern Jew. This understanding means that the modern Jew must view Revelation as a divine occurrence rather than merely as a metaphor. To accomplish this task Petuchowski proposes that the modern Jew revisit the concept of the "divine-human encounter".[32] He suggests that by examining the perspectives of the rabbis, the medieval

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[30] W. Gunther Plaut, The Torah, A Modern Commentary, (New York: URJ Press, 2005), 468.
[31] *American Heritage Dictionary*
[32] Jakob J. Petuchowski, *The Concept of Revelation in Reform Judaism*, CCAR Yearbook, (1959): 217.

thinkers, and modern thinkers (part of *Wissenschaft des Judentums*) the modern Jew can achieve this goal.

Rabbinic Revelation:

According to Petuchowski, when the rabbis considered Revelation, they did so using either one of two phrases: *torah min ha'shamayim* (sometimes termed *matan Torah*) or *gelui shechinah*.

Torah min ha'shamayim is the notion that law or Torah emanates from God. However, when the modern Jew utilizes the techniques of higher criticism, it is concluded that Moses could not have written the five books traditionally attributed to him. This leads to Petuchowski's conclusion, as presented previously, that because Moses did not write the Torah does not mean that the Torah cannot be considered a divine "Revelation". "For conceivably, God could have mad use of J, E, P, D, and all the rest in very much the same way in which it was traditionally believed that He made use of Moses alone."[33] The modern Jew should consider this concept in the dialectic.

For the rabbis, Torah (*min ha'shamayim*) is the basic datum no matter who actually documented it or when. As such, reason only functions in an auxiliary capacity.[34] This notion leads the rabbis to the concept of *Gelui shechinah*; which is the manifestation or revealing of the Divine Presence. Petuchowski believes this notion is best understood via the Talmudic phrase, *Lo ba'shamayim he* as found in Bava Metzia

[33] Petuchowski, *The Concept of Revelation*, 218.
[34] Jakob J. Petuchowski, *The Dialectics of Reason and Revelation*, in Arnold J. Wolf (ed.), Rediscovering Judaism, (Spring 1965): 38.

59B[35]. This passage comes to teach that the Torah is not meant for heaven but rather for humans, who will use its teachings on earth. Therefore, there is a certain amount of logical human interpretation which must be afforded to the Torah according to the rabbis. This revealing of the Divine Presence (or Revelation) occurs through a process termed hermeneutics; which is the science of interpreting the Bible. However, even in this logical methodology, reason operates "within the framework of a revealed religion" for the rabbis.[36] Therefore, the notion of reason for the rabbis only allows the modern Jew to "explicate the contents of the written document of Revelation or arrive at conclusions already found in the text."[37]

Through these two considerations, the modern Jew is able to acknowledge that the teachings from the Torah itself are meant for humans to draw upon. This means that even though the text may have been written over a period of time and by several authors and subjected to human interpretation, it is reasonable to conclude that it can still be afforded the status of "Divine". However, left to consider is how the modern Jew conceives of the actual event; Revelation.

Revelation of Medieval Jewish Philosophy:

Many generations of Jews have governed their lives by the Divine document defined by the rabbis. If the Jew of the past conceived of the text in a divine manner, there "must have been a profound religious experience" which was shared by the people

[35] *Bava Metzia 59B* – The sages are in disagreement as to whether a certain oven is capable of contracting ritual impurity or not. Rabbi Eliezer declares the oven kosher, but other sages rule against him. A b'raita is presented in which Rabbi Eliezer claims all the halakhah accords with his rulings. His statements are rebuked by Rabbi Yehoshua who believes there are other opinions. At the end of this discussion, a *heavenly voice* states that halakhah should accord with Rabbi Eliezer. Rabbi Yehoshua responds by quoting the verse from Deuteronomy (30:12), "Lo ba'shamayim he", it is not in the heavens.
[36] Petuchowski, *The Dialectics of Reason*,. 37.
[37] Ibid., 36.

at some point in history. This occurrence was so profound it resulted in a governing legal system.[38] However, with higher criticism at the center of the modern Jew's beliefs, proof of this primary occurrence is needed. In other words, Petuchowski argues that there must have been some "event" of Revelation (or profound religious experience). This is the only way one can explain the fact that the Torah was accepted as Divine by so many Jews for so many centuries. However, he concedes that the modern Jew does not find this reasoning particularly convincing. Therefore, Petuchowski must push the modern Jew toward the conclusions of the more rational medieval Jewish thinkers.

Petuchowski states that the medieval Jewish thinkers agree on logical four points with respect to Revelation. First, Revelation (at Sinai) is accepted as the datum for which to begin Jewish philosophizing. Second is the notion that the Revelation experience had content; meaning something was revealed to the people. Third, accepting the notion that the Revelation experience had content did not bind the medieval Jewish thinkers to a literal meaning of the biblical account found in the Book of Exodus. Finally, all of these thinkers accepted the notion that there could be no real conflict between Reason and Revelation.[39]

It is important for the modern Jew to understand that Petuchowski does not believe that these thinkers are merely taking a "leap of faith"[40] when presenting these points. The modern Jew should realize these arguments are understood through reason.

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[38] Petuchowski, *The Concept of Revelation*, 220.
[39] Petuchowski, *The Dialectics of Reason*, 42 and 43.
[40] Leap of Faith – A leap of faith, in its most commonly used meaning, is the act of believing in something without, or in spite of, available empirical evidence. It is most commonly associated with a religious belief system. The phrase is commonly attributed to Soren Kierkegaard (19th century Danish philosopher and theologian) who tried to determine what legitimized the transition from a set of ostensibly empirical claims to another set that belonged to an entirely different category. He based his analysis on the scenario of the ditch discussed by G.E. Lessing. Lessing stated that there are some points in life there is an "ugly, broad ditch which I cannot get across, however often and however earnestly I have tried to make the leap." Source: Gardiner, Patrick *Kierkegaard*, Oxford University Press, New York, 1988.

So for instance, Petuchowski states that one can understand this logic through the lens of either Judah Halevi or Maimonides (**Rabbi Moshe ben Maimon**).[41] The former maintained that experience trumps theory, and Revelation is experience.[42] Ergo, one must accept this experience as fundamental. In addition, Halevi believed that Revelation is the highest form of knowledge because it represents Divine speech. The latter maintained there was an occurrence (Revelation) at which the people were not equipped to understand that which was revealed. Maimonides bases this assumption on the passage from Makkot 24A.[43] The passage indicates that the people of Israel heard the first two commandments via Divine Speech while the rest were mediated by Moses. Maimonides believed that these two principles the people were able to discern for themselves.[44]

Petuchowski realizes that simply providing biblical proof by the use of the Exodus narrative is not compelling enough to the modern Jew. He understands that in the dialectic some other form of proof of the Revelation experience is needed. Petuchowski believes that if he can further utilize the logic of the medieval thinkers and show that the written and oral traditions of Judaism are acceptable as reliable reports[45], then the notion

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[41] Petuchowski, *The Dialectics of Reason*,41.

[42] Judah Halevi, *Kuzari: The Book of Proof and Argument - Abridged edition with introduction and commentary by Isaak Heinemann*, (Oxford: East and West, 1947), 31. Here the Kuzari King responds to a Christian's summary of his belief system. The Kuzari states that reason tells him that this system (Christianity) does not make sense. Essentially his point is that Christianity might be a good theory but logic tells him that experience trumps theory. He states, "It is only when both appearance and experience are palpable that they grip the whole heart."

[43] *Makkot 24A* – There the rabbis teach that Moses provided the teachings to the people Torah; "Moses charges us with Torah," (Deut 33:4). However, the rabbis state that he only charged the people with six hundred and eleven of the mitzvot. The first two were revealed by Divine Speech (God) indicating there must have been a divine occurrence.

[44] Moses Maimonides, *The Guide for the Perplexed*, trans. Shlomo Pines (Chicago: The University of Chicago Press, 1963), 364.

[45] Hans Lewy, Alexander Altman, and Isaak Heinemann, *Three Jewish Philosophers*. (New York: A Temple Book, 1969), 37. There the authors outline the Medieval Jewish Philosopher Saadia Gaon's notion of the four roots of knowledge: 1) sense perception, 2) reason/understanding, 3) logical inference, and 4)

of (a) Revelation could be acknowledged as fact. He attempts this connection via the Book of Nechemiah.

In chapters eight through ten, Ezra reads from the scroll of God (*Sefer Ha'elohim*). After which, the people celebrate the Festival of Sukkot and decide they too, like their ancestors, should follow the teachings of God (*Torat Ha'elohim*).[46] The passage concludes with the people proclaiming, *v'h'emadnu aleinu mitzvot*, "We lay upon ourselves mitzvot," (Nech 10:33). In Petuchowski's view, this passage comes to teach that "Revelation" can be regarded as the experience which forged the guiding principles for the Jewish people. Therefore, this event could be that moment in history in which the Jews constituted themselves as a people. It follows, that this moment need not be the Exodus 19 narrative, which many construe as a tale of miracles. It can be a more prosaic moment like that of Ezra and Nechemiah's assembly.

The narrative from the Book of Nechemiah corroborates the thoughts of the medieval philosophers who all agreed that there was indeed some type of significant religious experience which occurred in the history of the Jewish people. Petuchowski believes this type of historical verification will appeal to the modern Jew because it is within the realm of logic and reason. From the Nechemiah passage, one knows of "no thunder or lightening. There are no mountains trembling and no earth shaking. There is just an assembly of Jewish ancestors proclaiming, "We lay upon ourselves mitzvot." According to Petuchowski, "they did so in response to a soul stirring religious

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reliable reports/tradition. This is the concept which Petuchowski applies to his line of reasoning to provide proof of a Revelation experience.

[46] *Nechemiah 10:29-30*

experience."[47] Using this type of logic, Petuchowski wants to urge the modern Jew to move from doubt to reasoned conviction regarding "Revelation".

The preceding illustrations are examples which express the point Petuchowski wants the modern Jew to comprehend: that the medieval Jewish thinkers believe that Reason and Revelation are not in conflict with each other. His point is that the modern Jew tends to judge reason against Revelation. Reason is seen as superior to Revelation. But, for the medieval Jewish thinkers who were wholly rational, both Reason and Revelation are equal. Therefore, logic should lead the modern Jew to realize that some type of occurrence must have taken place regardless of how the Torah was propagated to the people afterwards. Reason suggests to the modern Jew that the experience of Revelation is just that; an experience. Maimonides teaches that the (modern) Jew can look at the words of Torah and believe that they are not actually communicated by God. However, Petuchowski argues that one should realize through reason that they have Divine authority because they are our attempt to understand the Divine encounter.

Revelation of Modern Thinkers:

In Petuchowski's opinion, the modern Jew will not find it good enough to simply state, as the rabbis explained, that the Divine teaching is *Lo ba'shamayim he*. This does not explicitly describe how the text was given (or revealed) only that it should be used by the modern Jew. Petuchowski also realizes that the modern Jew cannot fully accept the logic the medieval Jewish thinkers use to rationalize the concept of "an" experience. This leads him to push further for more verification in the dialectic for the modern Jew.

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[47] Petuchowski, *The Concept of Revelation*, 220 & Petuchowski, Ever Since Sinai, 81.

He attempts to find more evidence for (a) Revelation through the beliefs of the modern thinkers such as Martin Buber and Franz Rosenzweig.

Buber deems all statements regarding the Divine as those which are created by the human psyche. He does not believe in a Revelation where God handed down finished statements (ie: Torah) to the Jewish people. However, as Petuchowski points out[48], Buber does believe something is revealed. It is "a spiritual fire....which is human in its meaning and form." According to Buber, this spirituality is "human conception and human speech", but it is stimulated by the Divine (God).[49] Here Petuchowski attempts to show the modern Jew that even if reason leads one to a more humanistic (Jewish) perspective, some type of (a) Revelation is still rationalized.

To strengthen his argument further for the belief in Revelation, Petuchowski looks to the philosophy of Franz Rosenzweig. To open this portion of the dialectic he begins with the quote, "the Bible is more than the word of God: it is the word of God *and* man; a record of both revelation and response."[50] He does so because Rosenzweig believed that one of the things missing from modern Jewish philosophy was the understanding of the conjunction *and*. This relates to the modern Jew with respect to partnerships such as: God *and* humanity, humanity *and* God, God *and* nature, nature *and* God.[51] Perhaps this is best explained by Rosenzweig when he states, "I do not think the boundary between the divine and the human is that between the whole and the parts, but that between something whose origin we recognize with a recognition which can be expressed, communicated, and formulated, and something else whose origin we also recognize just

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[48] Petuchowski, *The Dialectics of Reason*, 48.
[49] Martin Buber, Eclipse of God, (New York: Harper & Brothers, 1952), 173.
[50] Abraham J. Heschel, God in Search of Man, (New York: Farrar, Straus and Giroux, 1955).
[51] Rüdiger Lux , concept from essay on Franz Rosenzweig
[http://www.jewishvirtuallibrary.org/jsource/biography/Rosenzweig.html]

as clearly, but with a recognition which cannot be expressed and communicated."[52] In this statement, Rosenzweig essentially attempts to explain the meaning of (a) Revelation.

Rosenzweig reasons that Revelation is a partnership. It is not a one-way street and "is certainly not" a "law-giving" experience.[53] Petuchowski understands that Rosenzweig wants to bifurcate the experience from commandment(s). He indicates so as he presents Rosenzweig's actual definition of Revelation[54]. It "is only this: Revelation. The primary content of revelation is revelation itself." Revelation concludes when the text states, "He came down"[55]. Once, the text states, "He spoke" and "I am"[56], interpretation occurs. Yet Rosenzweig asks regarding the Divine occurrence, "where does this interpretation stop being legitimate?"[57] By asking this question he echoes the words of his contemporary Buber, implying that it is man who, while building the partnership, creates the notion of legislation.

Petuchowski acknowledges that modern thinkers such as Buber and Rosenzweig are making a distinction between the experience and the content of the Revelation. This distinction is what scholars term the human response. The modern Jew wants to examine this response. If the human response ultimately leads to *Halakhah* and observance, what is the authoritative nature of this practice? If God did not directly tell the modern Jew what to observe, why would the modern Jew be obligated to do these things? In other words the modern Jew might ask, "If God did not tell me *not* to mix milk and meat, does this have an obligation for me?" At this stage, Petuchowski has separated the experience

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[52] Nahum N. Glatzer, *Franz Rosenzweig: His Life and Thought*, (Philadelphia, JPS, 1953), 246.
[53] Franz Rosenzweig, *On Jewish Learning*, ed. Nahum N. Glatzer, (New York: Schocken Books, 1955), 118.
[54] Petuchowski, *The Dialectics of Reason*, 48.
[55] *Exodus 19:20.*
[56] *Exodus 20:1-2*
[57] Rosenzweig, *On Jewish Learning*, 118.

from the content. He has completed the dialectic between reason and Revelation and provided an alternative understanding of Revelation for the modern Jew. The subsequent section presents his thoughts based upon this struggle.

Positions of Reason and Revelation at End of Dialectic:

By the conclusion of the dialectic Petuchowski believes reason has a two-fold purpose. First, "it furnishes us with the data in which faith might apprehend the mighty acts of God." Second, it "is the indispensable yardstick to be used in interpreting Revelation."[58] With these statements he validates the fact that the modern Jew will always search for logical answers to explain the relationship between him/herself and the Divine. This search, as Petuchowski states, means that reason can (or will) lead to interpretation; which "is man's response to Revelation".

Petuchowski's conviction to hold fast to the principles of *Wissenschaft des Judentums* leads him to accept the modern Jew's rational interpretations of a Divine occurrence. Yet, his psyche fights this rational push (as Buber would insist) because he fully believes in the notion of not only "a" Revelation but "the" Revelation. These sentiments are apparent in his thoughts as he states, "How impotent are all theories limiting God's ability to communicate with man when seen in the light of one moment of true prayer. How clumsy the attempt to fit Jewish history into a rational pattern, when there is no escape from the fact of the covenant which was made with him that stands here with us this day before the Lord our God and also with him that is not here with us this day."[59] Perhaps this is the "spiritual fire" to which Buber alluded. For Petuchowski,

[58] Petuchowski, *The Dialectics of Reason*, 50.
[59] Ibid.

reason seems awfully puny when it tries to comprehend the powerful experience which for him almost certainly took place. However, either through reason or faith, he has presented the case for the modern Jew to consider "the" or "an" experience as Revelation.

Linking Experience to *Halakhah*

Having led the modern Jew toward a belief in a Divine document and a Divine occurrence, Petuchowski turns his thoughts toward the content. For Petuchowski, the experience must in some way lead to practice. Traditional Judaism historically makes this connection through *mitzvot* and *halakah*. However, if the modern Jew remotely accepts the thoughts of modern thinkers such as Buber, then the notion of Divine authority is called into question. If the content of Revelation is a human creation, then what is the binding authority on the modern Jew? For traditional Judaism, the authority is God because there is no separation between Revelation and the *halakhah*. At the time of "the" experience, God revealed "the" Law. Yet, Petuchowski shows the modern Jew it is possible to separate the experience from the content. This is of course raises the question, "How can *halakhah* be theologically significant if it is not the word of God?" As a Reform Rabbi, Petuchowski believes there is link from experience to content. His task is now to find it.

Listening for the Commandment:

Petuchowski is profoundly influenced by the philosophy of Franz Rosenzweig. Perhaps no greater illustration of this impact is the state of mind the modern Jew should possess when searching for the content of Revelation. When upon this journey,

Rosenzweig states that one should think, "Here is the I; the individual, human I. Still totally receptive, still only opened, still empty without content, without essence, pure readiness, pure obedience, all ear." This is the "invitation to listen, the call by the proper name and the seal of the divine speaking mouth."[60] Petuchowski echoes this belief as the basis for finding the content of the Divine experience. He states, "The modern Jew must regain the frame of mind in which he is able to experience the 'commandment' addressed to him (or her)". Further, he suggests that "it is a frame of mind which the Rabbis of old attempted to create, when they insisted that the Revelation at Sinai must be as topical to the Jew as if it had happened to him 'today'."[61] Therefore, even though the modern Jew may not arrive through the same pathway as the rabbis to the content of the Divine teachings, he/she should be conscientious to all the signs which lead to it.

Petuchowski believes that modern Jew has two options for which to find this pathway toward the content of Revelation. The first is for the modern Jew to voluntarily "take a leap of faith"[62]. With this option, the modern Jew could find "complete spiritual fulfillment in the traditional modes of Jewish living." According to Petuchowski, this process would take place without one being labeled "Orthodox". This means that the modern Jew would follow the mitzvot as understood through rabbinic literature and the codes. For this option to work, the modern Jew would regard this type of practice as a personal solution and need to refrain "from taking a censorious attitude towards those who are unwilling to take the identical step."[63]

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[60] Franz Rosenzweig, *The Star of Redemption*, trans. Barbara E. Galli, (Madison: The University of Wisconsin Press, 2005), 190.
[61] Petuchowski, *Ever Since Sinai*, 110.
[62] See earlier footnote for explanation
[63] Petuchowski, *Ever Since Sinai*, 108.

According to Petuchowski, the second option toward the pathway to content cannot have "hard-and-fast" rules. However, he states that "one of the pre-requisites is undoubtedly the willingness and the readiness to shape one's whole life according to the pattern which God gives us to see." While this pattern might be different for every modern Jew, Petuchowski maintains that it should include "the accumulated heritage of the Jewish past."[64] Therefore, in this paradigm, the modern Jew will use all that historical Judaism has to offer in order to enlighten the pathway. Petuchowski believes that this model would include three aspects: self-discipline, Jewish study, and experimentation.

While Petuchowski does not explicitly state in this formulation that the modern Jew needs to regain a sense of self control, his illustration of the first aspect indicates this sentiment. Perhaps, he believes that the modern Jew living in America has integrated so well into a secular society that a (Jewish) religious sense of self control is lacking; meaning the modern Jew seems to practice Judaism in very liberal manner[65]. Therefore, Petuchowski states that the modern Jew should, on occasion, cultivate "the habit of saying no" to him/herself. If one nurtures this mindset, according to Petuchowski, it will promote a lifestyle which would provide "self-discipline on a more permanent basis."[66]

To illustrate this concept of self-discipline, Petuchowski states the following. A person "might hit upon the idea of abstaining from certain kinds of meat, such as beef or lamb." Now, if this person happened to be a modern Jew and "moderately informed", he/she "would find such a system of self-discipline ready-made....in the pages of the Torah." The meat, from which the modern Jew would abstain, therefore, would not be

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[64] Ibid., 110.
[65] Jakob J. Petuchowski, *The Limits of Liberal Judaism*, Judaism, (Spring 1965).
[66] Petuchowski, *Ever Since Sinai*, 110.

beef or lamb, but rather pork. This system is of course *kashrut*, which Petuchowski states could be adopted either wholly or partially. He also suggests that "in addition to cultivating self-discipline" for his/her "own spiritual welfare," the modern Jew would at the same time strengthen the connection to the historical Jewish past and tradition of Torah.[67] This frame of mind of self-discipline and connection to historical Judaism leads Petuchowski to the second aspect of searching on the pathway, Jewish study.

Petuchowski believes that the modern Jew should, as a baseline, "engage in intensive Jewish study" in order to arrive at a certain mindset such as self-discipline. In fact, he suggests that the modern Jew should set aside "a daily period" to do such study. Accordingly, by doing so, the modern Jew will already be hearing a personal commandment. His thoughts are based on the rabbinic tradition which states that "of all the things one can do which yield enjoyment both in this world and in the next, the study of Torah ranks as the greatest."[68] In addition, Petuchowski stands firmly by the notion that Judaism is a religion of "deed" and not creed. Since this is the case he believes in the rabbinic notion that "study leads to action."[69] Therefore, the final aspect along the pathway leading to the content of Revelation is experimentation.

Petuchowski thinks the modern Jew "will want to try out those practices and observances which might contain" Divine stature. He believes that if Judaism is a religion of deed, then practical application is the only way one can find meaning. In addition, through this informed application, the modern Jew creates for him/herself the ability to wrestle with the notion of (a) commandment. This process will lead the modern Jew to either hear the act as a Divine one or not. Petuchowski indicates that this process

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[67] Ibid.
[68] Ibid., 111 and *Mishnah Peah 1:1.*
[69] *Talmud Bavli Kiddushin 39B and 40B.*

will be "marked with subjectivity." He states that "one individual's observance of Shabbat is unlikely to be identical with that of another individual." It is this paradigm which lays the foundation of a personal boundary system and propels Petuchowski toward his ultimate goal, establishing a halakhic system for the modern Jew.

Plural Model for *Halakhah*

After leading the modern Jew through a dialectic regarding Revelation and presenting a methodology by which to find the content of the Divine occurrence, Petuchowski turns his attention toward developing a boundary system for modern Judaism. He determines that the development of a modern *halakhah* should be based on three areas: 1) understanding the historic *halakhah*, 2) re-establishing the *halakhah*, and 3) reality of application.

Understanding the Historic Halakhah:

Petuchowski states that the modern Jew should note that the *halakhah* of the 20th century is "more stringent and uncompromising" than that which existed in the days of the Mishnah and Gemara.[70] He states that there are many examples[71] in rabbinic literature which prove the *halakhah* was not monolithic. A closer look at these

[70] Jakob J. Petuchowski, *Plural Models within the Halakhah*, Judaism, (Winter 1970): 78.
[71] Ibid., 78. Halakhic Stringency: Petuchowski states in this paper that in modern times Halakhah has become more stringent. To illustrate this concept he cites two examples. The first is that of the levirate marriage discourse in Mishnah Yevamot 1:4. Beit Hillel and Beit Shammai argue over the personal status of those women whose husbands have passed away. Despite the fact that the two schools do not agree on any of the status issues in the Mishnah, they allow their students to "inter-marry" between schools. The second is a b'raita from Shabbat 130A which deals with kashrut. The b'raita begins with the notion that in the place of Rabbi Yosse, they would eat fowl and milk together. It concludes with an argument supporting the custom of Rabbi Yosse. The stam Gemara concludes: since the prohibition states that one does not cook a calf in its mother's milk and fowl do not lactate, then eating fowl and milk together is not prohibited. According to modern halakhah mixing fowl and dairy is prohibited. Both of these examples comes to show that the halakhah in Mishnaic and Talmudic times was more flexible that that of the 20th century.

illustrations can afford the modern Jew certain flexibility which is not thought to be apparent when discussing a community boundary system. But in order to have the benefit of this flexibility, Petuchowski believes the modern Jew must become conscious of the differences which set apart the past from the present; meaning the historical Jew from the modern non-Orthodox Jew.

The first difference to bear in mind is the how the historical Jew comprehends the revealed nature of *halakhah*. As stated previously, the historical (traditional) Jew believes that at the time of Revelation, God gave the law (the Torah) at Mt. Sinai and at same time gave the Oral teachings (Torah). The text is considered divine and not even Prophets are afforded the ability to make innovations of this law.[72] Therefore, according to Petuchowski, the rabbis were not allowed to make innovations either. According to the historical Jew "some of the laws revealed to Moses were forgotten, only to be discovered by later generations. Thus, Petuchowshi states that *chiddushim* (innovations) are considered by the historical Jew as a matter of re-discovery[73] not creations.

The second difference to consider is what Petuchowski terms the "human factor."[74] This is the notion that certain situations in the historical Jewish community allowed for and needed human interpretation. In other words, the rabbinic authorities of the historical communities "had the right to enact *takkanot* (positive ordinances) and *gezerot* (restrictive ordinances)" for the welfare of the community. This power also extended to those times in Jewish history when Jewish communities were under foreign

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[72] Ibid., 79. Petuchowski cites: *Sifra*, *Bechuqotai* 13:7, ed. Weiss, pg. 115d.
[73] Rediscovery of *Chiddushin* – Petuchowski bases this concept on the Talmud Bavli, Terumah 16A. There the rabbis teach that 1,700 kal va'chomer, gezerah shavah, and dikdukay sofrim arguments which were forgotten during the period of mourning for Moses. These rabbinic interpretations are considered by the historical Jew to be re-discovered rather than "just" developed by the rabbis.
[74] Petuchowski, *Plural Models*, 79.

control. Another illustration of this difference is the implementation of *minhagim* (local customs). This illustration comes to teach that if the people live by certain practices (ritual or life practice) which are not defined by the Torah or the Talmud but add to Jewish life, they become *halakhah* so to speak.

The last difference between the historical Jew and the modern non-Orthodox Jew which Petuchowski believes should be noted is "post-Enlightenment."[75] He states that "the nineteenth century spelled the end of both the divine authority and of the human enforcing agency." In this post-Enlightenment period, the autonomy of the rabbis is given away for Emancipation. Therefore, even the historical Jew is exposed on some level to *Wissenschaft des Judentums*. "The concept of a once-and-for-all-times Revelation of the law yielded to the notion of a gradual religious evolution." Until this point, Judaism does not endure the notion that the *halakhah* responds to changing environmental factors. In other words, since Jews are now living under the purview of a secular government, *halakhic* law becomes secondary. The Jewish People now serve "as an active agent in determining the nature of Judaism." Petuchowski states that at this point the modern Jew as well as the historical Jew is no longer the "mere recipient of divine imperatives."[76]

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[75] Enlightenment: Petuchowski himself does not specifically use this term in his paper. However, this is what he means. Generally, the Age of Enlightenment is said to end around the beginning of the 19th century. The Enlightenment is the movement which brought classical liberalism, democracy, and capitalistic thinking to the western world. These concepts become the backdrop for American Judaism as well. The liberal society of this period begins to integrate the Jew. However, this integration means that rabbinical (Jewish Legal) autonomy is essentially terminated. No longer is the Jew required to adhere strictly to the laws of the Jewish Community but rather to the laws of the land in which the Jew resided; meaning Emanicpation. For further understanding of this concept see Mendes-Flohr, *The Jew in the Modern World* or Ben-Sasson, *A History of the Jewish People*.

[76] Petuchowski, *Plural Models*, 80.

Re-establishing the Halakhah:

Petuchowski believes that once the modern Jew considers how the historical Jew viewed the *halakhah*, he/she may begin to think about the re-establishment of a boundary system. The modern Jew now has the understanding that the *halakhah* was never monolithic. Therefore, it is recognized that a return to some form of this boundary system need not be viewed in a myopic context in just the same way as the modern Jew's search for a personal boundary system is not.

In Petuchowski's view, a re-established *halakhah* will need to be very different from the way the *halakhah* was understood in historical Judaism. This will be the case because the modern Jew is at least "two or three generations removed from the *halakhic* way of life." The modern world dictates a set of criteria for practicing religion which is not only foreign to the historical Jew but would be considered "heretical" in the pre-Enlightened Jewish world.[77]

Petuchowski states that one of these criteria which affects the modern Jew is a "hierarchy of values." The modern Jew needs to "make a distinction between what is more important and what is less important." Petuchowski argues that this is not a foreign notion to the traditional *halakhah* (although the distinctions which the modern Jew would make are not the same distinctions made by the traditional *halakhah*). This is the concept: *mitzvat aseh dochah mitzvat lo ta'aseh* (a positive commandment overrides a negative commandment).[78] It will need to be applied in a modern sense according to

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[77] Ibid., 82.

[78] Ibid., 82. *Mitzvah aseh dochah mitzvah lo ta'aseh*: There are many places in rabbinic literature which illustrate this concept. For his illustration, Petuchowski cites the discourse from the Talmud Bavli, Beitzah 8B. There the rabbis discuss whether it is prohibited to slaughter a bearded deer or antelope on a festival. In addition if the animal is slaughtered, there is doubt as to whether or not it falls into the category of cattle. If it does, the blood of cattle which spews onto the earth does not need to be covered with soil. However, if this animal falls into the category of "game", its blood does need to be covered with soil. This is true even

Petuchowski. In other words, acts that the tradition does not define as *mitzvot aseh* (such as attending synagogue on Shabbat) will be so defined by the modern Jew.

An example of this concept is the notion of 'Riding on Shabbat'. The Orthodox Jew can see no scriptural commandment obligating a Jew to attend public service on Shabbat which could outweigh the strict commandment not to ride. Therefore, if it is not feasible for the Orthodox Jew to attend a *minyan* to pray, he will pray at home rather than transgress. However, the non-orthodox (modern) Jew will argue that in modern times attendance at public worship has achieved a level of importance for Jewish identity and Jewish survival. This Jew considers this situation comparable to that which the ancient rabbis would recognize as a positive commandment. Therefore, the prohibition that one should not ride on Shabbat yields to the positive commandment that one should pray together as a community. If one needs to ride on Shabbat to fulfill this commandment, this is permitted.[79]

As presented earlier, this type of process according to Petuchowski is a "selective" one. It allows for the flexibility found in the original *halakhic* practice of the rabbis. However, Petuchowski reiterates that this type of boundary system will need "to be internalized and accepted voluntarily." It will need to be dependent on the individual's knowledge of Judaism (traditional) as well as the adaptation of one's future learning. Petuchowshi believes that this concept is not (and should not be) foreign to the modern Jew because it was acknowledged by the rabbis. This is the concept of *kol echad*

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if this means digging a hole to get soil on a festival. If there is no doubt that the animal is considered game then the positive commandment to cover the blood overrides the negative commandment not to do work on a festival.

[79] Ibid.

lephi kocho (every Israelite understood according to his own capacity).[80] While Petuchowski knows that this is the only way the modern Jew will accept a boundary system, he states that this type of practice leads to a "religious anarchy"; meaning there can be no clear edge (of the system). Therefore, he believes that a modern *halakhic* system of this nature needs to be divided into three spheres: 1) *bein adam l'makom*, 2) *bein yisrael l'makom*, and 3) *bein yehudit l'yehudit*.[81] The modern Jew has the opportunity to practice Judaism within each sphere separately. Yet, when they are connected together, all three spheres delineate the boundary system for the individual.

Petuchowski suggests that the first sphere, *bein adam l'makom*, would be connected to the traditional category of commandments between man and God. This piece of the halakhic system forms the boundary system for the private domain of the individual. According to Petuchowski, this is where the most flexibility lays. For instance, home observances such as Shabbat, personal prayer, festival observance, and *kashrut* would belong to this realm. These are all matters which link the individual directly to God without affecting other people or the Jewish community. Therefore, more room can be afforded for individual discretion.

The second sphere according to Petuchowski, would be concerned with the modern Jew living in the community; hence, *bein yisrael l'makom*. The boundaries

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[80] *Exodus Rabbah (§5.9)*: The midrash cites Deuteronomy 5:23, "When you heard *the voice* out of darkness while the mountain was ablaze with fire...." Then the midrash teaches that *the voice* came to each individual with a force that was "proportional to each individual's strength"; meaning to the old according to their strength, to the men and women according to their strength and to the children according to their strength. According to the midrash, this is why it states in Exodus 19:19, "Moses spoke and God answered him in a voice"; meaning "a" voice which he (Moses) could endure. Similarly, it states in Psalms 29:4, "The voice of Adonai is with power"; meaning that God's voice has the power to come to each person individually. Therefore, Petuchowski can state that a modern boundary system can be flexible because each individual modern Jew will have his/her own understanding of the system.

[81] Petuchowski, *Plural Models*, 83-84.

associated with the community will be found in such places as the synagogue. These might include which prayerbook to use in services or what foods will be provided in a communal setting. Even though the individual might observe differently in the private domain, he/she will agree to the communal *halakhah* as according to the *kahal* (congregation). That is, a community, in order to exist, must be able to set boundaries and establish definitions that individual members, were they acting entirely on their own, might not agree to follow.

The last sphere which Petuchowski defines is that of *bein yehudit l'yehudit*. Petuchowski states that in spite of the individual and congregational differences, we all must recognize that all Jews are part of a "solitary" holy community. Therefore, there will be boundaries which must exist across congregational borders. Petuchowski's examples of this type of boundary are those regarding personal status such as Jewish Marriage and conversion. At this level of the *halakhah*, the modern Jew attempts to build bridges across the entire Jewish community.

Chapter 3

Rabbi W. Gunther Plaut

Wolf Gunther Plaut was born in Munster, Germany in 1912. He attended the University of Berlin where he earned a PhD in jurisprudence (a law degree) in 1934. Yet, due to the Nazi racial laws, he was not allowed the opportunity to practice law in Germany. In 1935 Plaut was afforded the opportunity to study at Hebrew Union College in Cincinnati where, as a refugee scholar of Germany, he was awarded a scholarship. He was ordained by HUC in 1939.

Plaut served as a congregational rabbi and scholar for thirty-seven years for three congregations. His first pulpit, the Washington Boulevard Temple in Chicago, Illinois, he served until 1948. Mt. Zion Hebrew Temple in St. Paul, Minnesota was his second pulpit where he served until 1961. Finally, Plaut completed his career at Holy Blossom Temple in Toronto, Canada where he retired in 1977.

In addition to his rabbinical service for the Reform Movement of America, Plaut also served his country. To accomplish this goal his congregation granted him a three year leave. So in 1943, a day after he was granted American citizenship, he enlisted in the U.S. Army as a chaplain. Plaut was one of the first Allied soldiers to enter a liberated concentration camp and he conducted the first post-war Jewish religious service in Germany at the devastated Cologne Synagogue. In addition, he brought the first Torah back to Germany after the war.

Plaut was a prolific writer. He wrote numerous books, publications and articles in the areas of theology, philosophy and history. Some of his most notable works include:

The Book of Proverbs/A Commentary (1961), Judaism and the Scientific Spirit (1962), The Rise of Reform Judaism (1963), The Growth of Reform Judaism (1965), The Case for the Chosen People (1965), A Shabbat Manual (1972), The Torah: A Modern Commentary (1981), The Rabbi's Manual (with David Polish, 1988), Teshuvot of the Nineties (with Mark Washofsky, 1997), and The Reform Jewish Reader (with Michael Meyer, 2001). In addition, he was a constant feature in the Canadian Newspapers during the 1970s, 1980s, 1990s, and the first few years of the 21st century.

After his retirement from Holy Blossom Temple in 1977, he remained as the congregation's first senior scholar; a position in which he remains until today. He has served several organizations since his retirement including: President of the Central Conference of American Rabbis (CCAR) from 1983 to 1985, Vice-President of the Governing board of the World Union for Progressive Judaism, and the Vice-Chairman of the Ontario Human Rights Commission.[1]

Plaut has dedicated his life to the education of the Reform Movement. His undying passion is to provide a concrete basis for which the Reform Jew can live Jewishly. It is his motivation at each and every stop in his career. Plaut believes that the Reform Movement strayed from the original intent of those who established the movement. He maintains that the original intent was not to develop a new Judaism, but rather to reform Jewish *Halakhah* to be usable in a modern society. However, this goal never achieved and the result of what is left to the movement by the middle of the 20th century is a Judaism void of belief in God and practice. To this end, it is his goal to help

[1] An Inventory to the W. Gunther Plaut papers, 1934-1994, Manuscript Collection no. 743, American Jewish Archives, Cincinnati, OH.

the movement find its way toward a rejuvenated path. This path includes developing a boundary system for the Reform Movement.

Basis of a Reform Belief

Plaut along with Freehof is invited to take part in the Commentary symposium (see page 8 of Freehof chapter). Remember, the magazine asks each thinker five questions its editors believe to be pertinent to the subject. Just as is the case with Freehof, there is much to glean from Plaut's answer to the following question:

> *In what sense do you believe the Torah to be divine revelation?* Are all 613 commandments equally binding on the believing Jew? If not, how is he to decide which to observe? What status would you accord to ritual commandments lacking in ethical or doctrinal content (e.g. the prohibition against clothing made of linen and wool)?[2]

When answering this question, Plaut describes his view of revelation. He states that "Divine revelation is a self-disclosure of God. It requires God as well as man to give it reality, for all revelation is a form of communication." With this statement, Plaut discloses the foundation of his Jewish beliefs. As will be shown subsequently, he understands Divine revelation as a multi-directional process. For him this means that God gives something to humans (wisdom through Torah), but humans must also have a willingness to accept this gift. For Plaut the concept of revelation "need not imply speaking and hearing" but "it always means the communication of selfness and essence."

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[2] *The Condition of Jewish Belief*, (Northvale: Jason Aronson Inc., 1989), 7.

That is to say that Divine revelation is God's ability to be found by man and man's ability to know or find God.[3]

The concept of knowing is paramount to Plaut's theology. The reason is because when one attempts to or finds the ability to "know" (in this case God), he/she creates a certain reality. There is personal ownership in this exercise. In Plaut's words, "When we know a person or a thing or a situation in this sense, we commit not our skill but ourselves to this knowledge." This commitment to knowing leads to the belief in God. If "I know that my Redeemer liveth," then I express a certainty in the belief of God. For Plaut, when this situation occurs, "God has revealed Himself."[4]

As stated, Plaut does not conclude that "speaking and hearing" absolutely occurred at the time of revelation. To state that God absolutely speaks and the people hear is a literal reading of the text. For Plaut, God speaking is merely a figure of speech which describes what God wants of humans. "It is the consequence of revelation, not the revelation itself." Revelation appears to be a Divine transference of knowledge. No one person could definitely state what this transference of knowledge is (or was). When humans attempt to define this Divine knowledge (meaning either by speech or writing), according to Plaut, "it becomes interpretation." Therefore, the "Torah and Prophets are records of Israel's interpretation of divine encounters;"[5] albeit that this particular set of records are said to be recorded by those who claimed to be "in the know" first. This theory, however, allows for a more modern, liberal interpretation of the text.

Plaut's approach then implies that if one generation can commit itself to knowing God, then subsequent ones can do so as well. If this is the case, then Plaut believes that

[3] Ibid., 165.
[4] Ibid., 166.
[5] Ibid.

"revelation is not a single act but a process, a succession of events culminating in the supreme experience of knowing, which in turn, in the very attempt to prolong the experience and to interpret it, yields to elation and agony, certainty and doubt."[6] What this means is that over time many generations will attempt to explain the Divine knowledge which was transferred at revelation. These generations do so because they either cannot understand what the records left to them mean or believe that the preceding generations did not adequately explain supposedly occurred. Therefore, as Plaut explains, "revelation is, by its nature, neither confined to one time, nor to one man nor.....to one people." This of course means that when considering the relationship of God and Israel, revelation cannot possibly be merely limited to that of Sinai. In this way, Sinai represents "not one single place, but a series of events" which make up the whole of revelation.[7]

Plaut's belief in the concept of revelation over time firmly makes him a Reform Jew. This is the contribution that the early Reformers made to Judaism. Rabbis such as Samuel Holdheim and Abraham Geiger articulate such notions. They deem revelation to be progressive.[8] This conclusion, as indicated, means the Reform Jew uses all of the previous generations' analyses to inform his/her own Divine knowledge. This is why Plaut states that "the Torah can in no sense be called divine revelation.....It is record and failure to record, *mitzvah* understood and misunderstood, God known and God forgotten."[9]

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[6] Ibid.
[7] Ibid.
[8] For Holdheim's and Geiger's beliefs on revelation see: Meyer, Response to Modernity, chapter 2. Ideological Ferment / also see: Freehof, Modern Reform Responsa, Introduction. Here Freehof presents Geiger's evolutionary belief of Judaism.
[9] *The Condition of Jewish Belief*, 167.

When revelation is viewed through this lens, "it implies the need for human judgment.....with its potential and its limitations. It carries the burden of choice. It speaks of freedom which must forever guard against the temptation of convenience." Plaut's reason for making this statement is his basic argument, as will be shown, for "Reform" guidance for the movement's constituents. What he is suggesting is similar to a concept alluded to by Freehof earlier in the 20th century; which is "informed choice." That is to say that the Reform Jew should use all of the previous generations' analyses to build his/her own beliefs regarding Jewish practice. However, this freedom to develop one's own knowing of God does not mean that one arrives at the belief in nothing. The Reform Jew's understanding of revelation may change over time but that is all part of the evolutionary process. Plaut even states how he views the process for himself. "The 613 commandments are my starting point; I observe what I, listening for the voice, can hear as being addressed to me. What I hear today is not always what I heard yesterday, and tomorrow may demand new *mitzvot*, for I may be capable of new insights, a wider reach."[10] It is this process that allows Gunther Plaut the ability to lead several congregations on a pathway of progressive Reform Judaism.

What is Reform Judaism?

As presented previously, Plaut serves two other congregations before serving Holy Blossom Temple in Toronto. Both of them are considered Classical Reform congregations. Plaut himself is raised in a more traditional (Jewish) home in Germany. By his own definition he would be considered Conservative by the Reform Jewish

[10] Ibid.

standards of the mid 20th century.[11] In fact his first encounter with Reform Judaism in America occurs on his first Shabbat at HUC. He and other German refugees, scholars, who are brought to HUC (saved from the Nazi situation in Germany), are taken to Shabbat morning services at Rockdale Temple in Cincinnati. After services, he and several of the new students go to wish the head rabbi, Dr. David Philipson, a "Good Shabbes." However, instead of welcoming the new students to Cincinnati and wishing them well with their studies, Philipson proceeds to speak down to Plaut and is colleagues in a lecturing tone. The experience must have been imprinted in Plaut's memory for life as he recalls the situation in autobiography almost some fifty years later: "So you are the new arrivals from Germany.....The first thing you have to learn is manners. In our temple we have long given up the wearing of hats. If you ever appear here again with those things on your heads, I will have you physically removed."[12]

It appears that Plaut did his best to serve the pulpits of the Classical Reform, however, he never truly feels at home in this setting as a Jew or as a rabbi. Perhaps this is because he could not bring those from that segment of Reform Judaism closer to what he defines the movement to be. In volume two of his autobiography he states, "In the early years of my active career in the pulpit, I served Classical Reform congregations; only when I came to Canada did the ambience change significantly. In Chicago, I had little chance to enlarge the minuscule ritual of my congregation; in St. Paul, Minnesota, I was successful to some degree, but I knew there was a limit that could not be breached only at the danger of internecine warfare. Now that I look back on that period of my ministry I realize that I shifted my attention wittingly or unwittingly from ritual matters to tackling

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[11] W. Gunther Plaut, *More Unfinished Business*, (Toronto: Univ. of Toronto Press, 1997), 108.
[12] W. Gunther Plaut, *Unfinished Business*, (Toronto: Lester & Orpen Dennys Publishers, 1981), 55.

Reform's neglect of Jewish knowledge."[13] While at Mt. Zion Hebrew Temple, his is able to reinstitute daily prayer.[14] But, this progress does not even begin approach the goals Plaut has set for himself as a rabbi in the Reform Movement. Therefore, his change to a Canadian Reform congregation marks the end of his struggles with Reform practice in the United States. However, the environment, which forms the practices that cause these struggles, appears to be the foundation of the practice found even at Holy Blossom. It is this environment and lack of Jewish knowledge which Plaut intends to address during his tenure as the senior rabbi of Holy Blossom Temple.

In September of 1961, shortly after he begins his tenure at Holy Blossom, Plaut begins to evaluate what happened to Judaic knowledge in the Reform Movement. He does so through a series of three sermons entitled *The Hard Way of Reform Judaism*. In the first of these sermons, Plaut describes his understanding of the basic tenets of Reform Judaism.

The first sermon is entitled *It Is Easier To Be Orthodox*. Here, Plaut outlines three specific reasons why he thinks that practicing Judaism in the mode of Orthodoxy is easier than practicing the methodology of Reform. The first of these reasons deals with the concept of remaining open minded. Plaut states that concept of practicing Orthodoxy comes from the Greek; meaning "to be right", "to be correct", or "to be in possession of the truth." The Reform Jew "is not only critical, he/she is self critical.....far from having all the answers, he/she must learn to live with partial answers."[15] What Plaut describes is the reality of a movement trying to reconcile its traditions within the modern world. The

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[13] Plaut, <u>*More Unfinished Business*</u>, 109.
[14] Plaut documents this progress in a 1959 paper from the CCAR yearbook titled *Daily Services in the Reform Synagogue*.
[15] W. Gunther Plaut, *The Hard Way of Reform Judaism, Three Sermons*, The Holy Blossom Pulpit, Toronto, Ontario, (1961), 4.

modern world has presented new tools (*Wissenschaft des Judentums*; the modern scientific critical study of Judaism) by which to analyze the foundational theology of Judaism. By this analysis, the Reform Jew, as a modern thinker, will not find succinct answers to his/her theological questions. In fact, there may be several answers to questions such as "When was the Torah revealed?" Therefore, Plaut states that "the person who says that mine is the right way is not a Reform Jew.....but he/she who says, 'This is the way, which after much struggle and much thought and much learning, I have come to see as my way, a way which is always open to further critique,' this is the person who "has absorbed the first principle of being a Reform Jew."[16] The Orthodox Jew could never allow this type of dialectic to occur in his/her thoughts because before the analysis takes place he/she is already "in possession of the truth." Thus, there is no intellectual struggle.

Plaut's second reason that practicing Orthodoxy is easier deals with the idea of change. A person who is Orthodox accepts *status quo* while one who is Reform insists on change as part of the natural process of living. This concept is paramount to the belief in Progressive Judaism. As such, Reform Judaism is built on the notion of evolution; meaning that changes in Judaism must and have occurred in the religion. Plaut states that once "we have stopped changing, we have stopped growing." He believes that "there are values in our tradition, but just because they are tradition, does not mean they have value." His reasoning is that "the person who lives only by the patters of yesterday may feel secure, easy, and even happy, but he/she has not tasted the essence of life."[17] These

[16] Ibid.
[17] Ibid., 5.

are very significant statements because, as stated previously, many of Plaut's peers perceive him as an Orthodox Jew within the confines of the Reform Movement.

Plaut does provide what appears to be a very liberal framework for his idea of Reform Judaism to his congregants. Every one who considers themselves Reform Jews, no matter whether traditional leaning or classical in nature would agree with the notion of being open minded and acceptable to change. However, he beautifully sets up this paradigm so that he can subsequently in his sermon call attention to all those "Reform" Jews who might not be as liberal in thought or practice as they believe themselves to be. He remarks that there are those who think that "this is the way we have always done it; this is the way our music has been, this is the way we have sat and spoken and thought, this is the way we have practiced." According to Plaut, this "is not a real Reform Jew." This person "is a brand of an Orthodox Jew." In Plaut's time, there appears to be "many Orthodox Jews of this type within the Reform Movement." These Reform Jews "insist that the Union Prayer Book (UPB) must remain the way it is; they insist that the service must remain the way it is; they insist that yesterday's Reform ways are Reform ways for all time."[18] Here Plaut proves to his constituents that this mode of thinking is also a form of being closed minded and far from progressive thought; Orthodox.

Plaut's last reason that practicing Orthodoxy is easier confronts the issue of authority. He states that the Orthodox Jew "depends on the authority of tradition." This means that this Jew relies solely on his/her rabbi and the rabbi's ability to interpret the legal binding of the Talmud and *Shulchan Arukh* (see page 27 of Freehof chapter) or in other words the *halakhah*. There really is no decision making process for the Orthodox Jew. He/she either follows the decision of the rabbi or not. Whereas, the Reform Jew's

[18] Ibid.

final authority lies "in his/her own conscience."[19] According to Plaut, this is the "most difficult aspect of Reform Judaism" because this aspect requires one to develop a "critical self-decision." The key to Plaut's statement is "critical"; meaning that the Reform Jew does not have "a license to do nothing." He tells his congregants that "it is true that many of our own people believe that Reform (Judaism) is convenience. But they are far from being genuine Reform Jews." Therefore, in Plaut's model of Reform Judaism there are limits. The Reform Jew "who says, 'Reform Judaism allows everything,' does not understand the first thing about Reform Judaism." In Plaut's definition, Reform Judaism has its guides, *mitzvot*, and its own demands.[20]

Plaut explains what these demands are. He states that Reform Judaism requires of its constituents that they attempt "to live life in the sight of God, make prayer a regular habit, and seek the fellowship of brethren in common worship." In addition, Reform Judaism also "demands that the teachings of religion become part of every-day life" in order to guide one "to higher standards of behavior."[21] Therefore, in Plaut's model, Reform Jews must actively involve themselves in theology, spirituality and community building. Simply stated the Reform Jew cannot choose to practice nothing and believe that he/she is in fact a Reform Jew. With these thoughts in mind, Plaut states at the conclusion of his sermon that he is looking "for men and women who want to learn, not to lean; who will do something rather than do nothing; who would earnestly seek God rather than leave Him alone; who know that Reform is not always conventional or convenient, but often unconventional and inconvenient; who give first place not to precedent but to precept and principle; and those who are willing to learn first the weekly

[19] Ibid.
[20] Ibid., 6.
[21] Ibid.

and daily discipline of prayer."[22] His implication from this sermon is that it must be easier for a Jew to be Orthodox because then there would be no choice involved in making these types of decisions. The Orthodox only knows practice he/she does not have the ability in the context of this brand of Judaism to "know nothing."

After describing to his congregants what he understands Reform Judaism to be, Plaut spends the next seven years at Holy Blossom observing Reform Jewish practice. Then, on Kol Nidre in the fall of 1968, he decides to evaluate that practice with his congregants. He wants to discuss what the movement has accomplished and what it has failed to achieve. He does so in a sermon entitled *The Sins of Reform*. As a seasoned homilist, he dedicates the first part of the sermon to the positive aspects of the Reform Movement. He states that the Reform Movement is "a movement to be reckoned with." This is true because of its large numbers of the time; numbering over one million in world Jewry. Plaut provides praise because the movement is well organized and its constituents "occupy many positions of communal leadership." In addition, the education in the movement is reasonably successful as there are "well trained rabbis" and "fairly good schools." Finally, Plaut applauds Reform Judaism in North America because of its "one signal contribution"; its lead in the area of social action. He states that synagogues, lay leaders, and rabbis have infused the movement with "a new spirit of social responsibility." It is a movement which is "alive, vital, socially concerned and thoroughly intelligent."[23] This first part of his sermon is well designed to solicit a warm and proud feeling from his congregants. However, Plaut then turns to his main point; the sins of the Reform Movement.

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[22] Ibid., 7.

[23] W. Gunther Plaut, *The Sins of Reform*, <u>*One Voice, The Selected Sermons of W. Gunther Plaut*</u>, (Toronto: Dundurn Press, 2007), 237.

"We suffer from a number of corroding inner weaknesses which do not always become apparent when we look at our institutional success," he says. "There are a number of sins to which we appear addicted, and they all appear to me to be traceable to one chief characteristic.....most of you are really quite godless." By this statement Plaut does not mean that the majority of his congregants do not believe in God. This belief he does not question. What he means is that many do not believe that God commands the Reform Jew to do anything. He states, "You (congregants) no longer believe that God is the one who commands a *mitzvah*." For Plaut this is an important distinction because the moment the Reform Jew removes the "commanding and demanding God" from his/her life "*mitzvah* becomes merely a good deed, something pleasant." This is a problem for Plaut in that the notion of *mitzvah* viewed in this light "ceases to be an *ought*"; something the Reform Jew must do. This distinction is important because in the historical Jewish belief system a *mitzvah* is not simply a good deed but rather what a Jew is commanded to perform for his/her God. Therefore, Plaut's conclusion is that if the Reform Jew is free to "eliminate the concept of obligatory *mitzvah*" from his/her life, then "*mitzvah* as an ought" is gone. The result - the Reform Jew does not have to practice anything with respect to Judaism.[24] This of course raises a very important issue regarding the practice of Reform Judaism: that of autonomy versus authority.

Plaut turns to one primary example to illustrate his point. This is the case of prayer. He tells his congregants that at one time the Reform Movement "deluded" itself into thinking that "people would flock to services" if the prayers were translated from Hebrew to English. This experiment was developed so that everyone could understand them (the prayers). In addition, there are those who thought that if "splendid music" was

[24] Ibid., 238.

introduced into the service, this also would attract the masses. Not only that, but if "sermons were highly attractive," this too would pack the synagogues. Yet, Plaut deduces that "we have done all these things, but people do not flock to services any more than they pray at home."[25] Then he turns to those who have sinned (after all he is speaking on Kol Nidre). He asks his congregants forthrightly, "When do you pray? When you feel like it? Rarely! When do you come (to synagogue)? You come when you must. You come for a bar mitzvah; you come for a wedding; you come for a funeral; you come when your child opens the Ark or when your grandchild is being named. Young people come in order to fulfill their commitment for confirmation or bar mitzvah; the great majority of you come only when you feel you should come."[26]

While Plaut's statement is presented rather bluntly, he essentially asks his congregants why they belong to a synagogue. The implication is that a Reform Jew would belong to a synagogue because he/she feels some type of obligation to do so. However, as Plaut states, he believes that there is no "ought" on the part of his congregants at this time. If fact, he believes that his constituents have relegated Reform Judaism to an extra-curricular activity as he asserts, "You have removed religion from your register of musts and have put it into the category of extras, you treat it like all your other extras and make it subservient to your convenience." Accordingly, Reform Judaism is "religion made easy."

Plaut's point that Reform Judaism is religion made easy is based on the notion that Reform Jews have no sense of obligation to a higher power; God. This is the previously stated struggle between autonomy and authority. Plaut concedes to his

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[25] Ibid., 239.
[26] Ibid.

congregants that they are not Orthodox Jews. Reform doctrine does not accept the notion that one performs *mitzvot* because it is written in the Torah and/or Talmud. However, he does make the point that "Reform Jews too must maintain the concept of *mitzvah*." To Plaut, Reform Jews can believe in the scientific study of the Bible and even maintain that the Torah could be written by humans (albeit Divinely inspired). But, the Reform Jew cannot abolish the belief in a higher entity. Thus, the concept of *mitzvot* must remain part of the practice of Judaism. That is to say that the Reform Jew must say to him/herself that "there are things in this life which are demanded of me." However, Plaut does make the statement that Reform Jews "see the nature of *mitzvot* differently." The difference is that the Reform Jew is not required to accept *mitzvot* as being spoken at Sinai (although he/she might). As presented previously, the Reform Jew finds *mitzvot* through the search for God a higher entity than him/herself. This is accomplished by acknowledging that "there is a set of *mitzvot* which I recognize as part of my life in accordance with the traditions and needs of my people, of my family and of myself." Plaut tells his congregants that one "must learn to say, this is a *mitzvah* for it relates me to God and the purposes of my life on earth."[27] When the Reform Jew accepts *mitzvot* in this mode, he/she has accepted the Divine transference of knowledge as discussed earlier.

After articulating to his congregants the importance of remaining connected to *mitzvot*, Plaut describes what two aspects have replaced this concept in their lives. First, he states that "with the removal of the yoke of *mitzvah* our motivations have become assimilated to our environment. We have become accustomed to ask of everything in life, what will it get me? Now we ask it of religion also."[28] For instance, if one cannot

[27] Ibid., 240.
[28] Ibid.

prove to the Reform Jew that he/she can find some amount of sustenance in a specific Jewish ritual, there would be no reason for this Jew to perform it. To illustrate this concept, Plaut discusses the notion of fasting on Yom Kippur. Plaut states that he receives all sorts of questions regarding this issue, "What good is for? If it has no functional validity, why do it? Is it relaxing; is it good for the digestion?" In the end, he does not have "the" answer. However, he says "that a person who fasts will on this day feel him/herself one with Jewish history and with Jewish people everywhere in the world." By fasting, a Reform Jews stands "in the context of *mitzvah* and that self-discipline is a moral attribute." Yet he essentially concedes that the average questioning Reform Jew does not find solace in this answer because the "sin of the removal of the yoke has led (him/her).....to false motivations and these make one disoriented as well as non-practicing."[29]

The issue of questioning as a modern Jew living in the 20th century and the notion of non-practice leads to Plaut's second point. He states that abandoning the concept of *mitzvah* allows one to set his/her "own personal standards for piety." It should be noted that this concept really aligns itself with the notion that the modern Reform Jew believes he/she does not need to answer to a higher power as Plaut has discussed. However, he builds another argument at this point in his sermon. He states that "the ignorant cannot be pious." That is to say that if one does not attempt to practice and learn Judaism via *mitzvot* and through study, then this (Reform) Jew considers him/herself above religion. Plaut substantiates this statement by indicating that the Talmud teaches that one "who does not attempt to use his/her God-given intellect and apply it to morality, and at least in part to Jewish learning , falls short of the high purposes for which he has been created

[29] Ibid., 241.

and which tradition would demand of him."[30] Therefore, by definition, this person is considered self-righteous or sanctimonious.

From this statement, Plaut once again chides his congregants as he says that "our Reform synagogues are full of ignorant Jews." Once again he provides an illustration to prove his point. He states that he visits many (Reform) Jewish homes in Toronto and other cities. He always observes that the center of these homes revolves around dens with television sets and recreation rooms with bars. However, the only books he notices "are conversation pieces, expensive art books prominently displayed because of their flashy appearance and ostentatiously high price." To Plaut this is an abomination. He recalls that Jews have historically been dubbed the *Am HaSefer*, the people of the book. Yet he no longer finds books at the center of the Jewish home. Plaut believes it is truly a *mitzvah* to study and it would be impossible to do so without Jewish texts. Therefore, he calls for his congregants to once again make books, Jewish and secular, "the real status symbols" of their homes.[31]

It is not the norm for a great homilist to deliver a sermon in which an enormous problem is presented without a solution. He does provide guidance for those who he deems are "ignorant." For his congregants who cannot or have not accepted the concept of *mitzvot* or lack the ability to find a belief in a higher entity (the sins of Reform Judaism), his solution is forthright. He states, "No rabbi can help you, no cantor can sing this trouble away, no educational director with all his/her special staff can reverse this trend, only you and no one else can do it."[32] Lest, in the end, his congregants think that he does not actually include himself in breadth of the sin, he states, "of this we stand

[30] Ibid.
[31] Ibid., 242.
[32] Ibid., 243.

accused, and for its consequences we 'ought' to make atonement today." So Plaut writes his own confessional; *Al Chet* (for the sin of):[33]

> Al Chet: for erasing mitzvah from our lives and putting convenience in its stead, for failing to give leadership where we could give leadership.
> Al Chet: for the sin of perverting our motivations, for making the synagogue a commodity and religion subservient to functional values.
> Al Chet: for the sin of ignorance, for putting things before ideas; for putting entertainment before intellect; for falling short of the potentiation of the People of the Book.
>
> For all these, O Lord, we ask Thy forgiveness. Help us to recognize our shortcomings, help us to remedy them even to a small degree in this coming year, so that we may be better Jews and better Reform Jews; so that the marvels of the past and present will be revealed to us, so that our children will honor what we honor. We know, O God, that confession is not yet atonement; that atonement will come only in the deed, on in the doing.

***Halakhah* for the Reform Movement**

Methodology for the Boundary System:

After presenting his thoughts to his congregants in Toronto regarding practice in the Reform Movement, Plaut wants to broaden his listening base. In 1968, he publishes an article in a CCAR volume containing a collection of essays titled *Contemporary*

[33] Ibid.

Reform Jewish Thought.[34] His article entitled *The Halacha*[35] *of Reform* begins by outlining the history of the Reform Movement. It describes how "Reform Judaism began as a movement to reform *halakhah*." However, after the development of the first platform of the movement, the Pittsburgh Platform[36], in 1885, the goals of the reformers "shifted away from a reform of *halakhah*" to a focus "on other aspects of ancestral faith." That is to say, the movement shifted its foundational beliefs to that of prophetic Judaism. This shift marks the foothold of the belief system of the European Samuel Holdheim[37] brought to America via his disciple David Einhorn[38]. This belief system according to Plaut brought about "the demise of halakhah." Not only that but "in the long run his non-*halakhic* Judaism had little viability as Judaism."[39] What Plaut means by this statement is that the Holdheim's system develops into an ethical culture in America; meaning there is no such thing as the "religion" of Judaism. Rather, what exists is merely a community of like-minded people who live in a similar manner eating the same foods, etc.

Continuing the historical development of the movement, Plaut notes that other Reform Rabbis have also observed the phenomenon in the movement in both Europe and America. Thus, "there have been many expressions by leaders of Reform favoring the

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[34] Bernard Martin, ed. *Contemporary Reform Jewish Thought*, (Chicago: Quadrangle Books, 1968).
[35] Plaut himself always spells this word as *halacha*. However, for the sake of consistency in this work, it will be spelled *halakhah* unless denoted in specific article titles.
[36] Pittsburgh Platform [http://ccarnet.org/documentsandpositions/platforms/] In addition, for a complete understanding and analysis of the platform, see Meyer, *Response to Modernity*, chapter 7.
[37] Samuel Holdheim – His position was that scripture represented only the human reflection of divine illumination. Therefore, modern Jewry (or more precisely its religious leadership) became the final authority; the judge of tradition. He believed in granting total autonomy to the Reform Jew. Authority lay not in rabbinic texts at all, but in the reason and conscience of the Jew him/herself. Source: Meyer, *Response to Modernity*, 81.
[38] David Einhorn – Adopted the notion of a pre-biblical, primordial monotheism that was the common possession of all humans. He stated that Judaism in its essence is older than the Israelites; as pure humanity, as the emanation of the inborn divine spirit, it is as old as the human race. In addition, he believed that the Judaism was not a religion but rather a religious people which was newly created at Sinai. Source: Meyer, *Response to Modernity*, 246.
[39] W. Gunther Plaut, *The Halacha of Reform*:*Contemporary Reform Jewish Thought*, CCAR, (1968), 89.

creation of a code or guide which would remedy the breach which the movement has suffered." Among those are such rabbis a Leopold Stein[40] of Germany, Solomon Freehof (see chapter on Freehof), and the combination of Frederic Doppelt and David Polish.[41]

Plaut names Freehof as the Reform Movement's most significant searcher (even though he does not state so, he probably means in America) of *halakhic* foundations. However, he notes that even Freehof "with all his references to, and insistence on, the importance of Jewish tradition" merely calls it (Jewish tradition) advisory. According to Plaut, this is not acceptable because "it gives even the most careful student a shaky foundation for decision and ultimately leaves it to the individual Reform Jew to do that which is right in his/her own eyes."

Doppelt and Polish, according to Plaut, pushed the notion of a Reform Jewish boundary system the furthest. They "attempt to create a systematic basis for Reform *Halakhah* in 1957. The name of their guide is *A Guide for Reform Jews*. Plaut notes that their system is based on restructuring Reform Jewish practice into three levels: *mitzvot*, *halakhot*, and *minhagim*. *Mitzvot* are the ethical demands of God and "are to be obeyed, not because they are divine fiats, but because something happened between God and Israel. This something "continues to happen in every age and every land." *Halakhot* are "the extension of *mitzvot* into concrete life situations." Finally, *minhagim* are folk customs which flow around the *mitzvot*. They emerge from different communities of

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[40] Leopold Stein – Created his own guide for Reform Judaism titled *Torah Hayim* (The Torah of Life). The guide is a thirty-six point set of ordinances developed for the "Israelite." It begins with the notion that Judaism is the religion of law, and every Israelite is obligated to sanctify and order his/her life in accordance with divine ordinance. Stein explains the meaning of the Torah, God and the Talmud for the Reform Jew throughout the remainder of the guide. He gives special attention to such things as Shabbat and festival observance and to *kashrut* (dietary laws). Source: W. Gunther Plaut, *The Rise of Reform Judaism*, (New York: World Union for Progressive Judaism, 1963), 260-265.

[41] A. Doppelt and D. Polish, *A Guide for Reform Jews*, (New York: Bloch Publishing, 1957).

Jews at different times and they attach themselves to *mitzvot* and *halakhot*.[42] Plaut concludes that this system allows the Reform Jew to "set up norms for the present day life while at the same time maintains a meaningful link with the past."

After acknowledging that there have been efforts in the past to create Reform Jewish boundary systems, Plaut turns his attention to why they do not take hold. He does so in an effort to determine how the movement can proceed toward a boundary system. In a similar underlying tone to his sermons at Holy Blossom, Plaut states that the traditional trilogy of God, Israel and Torah are no longer viable in the Liberal thought process of the Reform Movement. Regarding Torah, he states that it "is reduced to a symbolic accoutrement of the service and little else." This occurs in Reform Judaism because the early reformers discounted the Talmud and the latter day reformers developed free interpretations of its contents through biblical criticism. As stated previously, God does not exist for many Reform Jews. In addition, most "deny God any compelling force when it comes to moral or practical commandments."[43] Not only that, but Plaut believes (with no substantiated statistics) that "more than fifty percent of all Reform Jews may be classified as deists, if not outright agnostics or atheists."[44] Plaut's conclusion is that to further develop a boundary system for the Reform Movement neither the notion of God or Torah may be utilized. Thus, "the only effective operative element" to construct a *halakhic* system is one piece of the trilogy; Israel.

Plaut states that this is essentially what Mordecai Kaplan suggested when he said that "Judaism could only persist in the modern world if it stressed the survival values of

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[42] Plaut, *The Halacha of Reform*, 95.
[43] Ibid., 96.
[44] Ibid., 97.

the Jewish people."[45] In fact Plaut believes that a large portion of the Jews inside and outside of the Reform Movement are actually philosophically Reconstructionist Jews. What Plaut means by this statement is that these Jews believe that what makes them Jewish is the fact that they are born Jewish and live in a Jewish community. That is to say, that their status as a Jew has nothing to do with religion per se. Therefore, Plaut states that "the trilogy must be supplanted by a spectrum that ranges from Israel to man to self." This is a spectrum "in which the light of God may or may not be perceived by the individual, but where all who count themselves as part of this fellowship (of Judaism) agree, that through Israel, individual as well as human uniqueness is validated in a special way and that whatever Judaism has to say must speak to and of and through this uniqueness."[46] Since this is a very difficult endeavor, Plaut knows that the development of this type of boundary system will not be easy to develop and "it will not be law in the old (traditional Jewish) sense." In the last part of the paper, he begins to layout his methodology for achieving this belief system.

Plaut observes that one of the main problems with the concept of a Reform *Halakha* in general is the use of the word '*halakhah*' itself. First, many Reform Jews do not really understand what this word actually means. The reason for this non-understanding is that by definition (in the Classical Reform Jewish sense) Reform Judaism is non-*halakhic*. Thus, this is the view which many of the rabbis of the CCAR maintain themselves. Therefore, in Plaut's opinion, most Reform Rabbis will choose never to use this term due to its irrelevance in their own congregations. As such, Plaut believes that perhaps another term which is more inviting and could be viewed as more

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[45] Mordecai M. Kaplan, *Judaism as a Civilization, Toward a Reconstruction of American-Jewish Life*, (New York: Schocken Books, 1972), 8.
[46] Plaut, *The Halacha of Reform*, 97.

applicable should be used. However, he does state that this choice of words should be stronger than of a *minhag*. His suggestion is *halikhah*. He chooses this word, first and foremost, because it has Biblical[47] meaning. Generally it is defined as a going or way. Plaut states that it "speaks of the compelling nature of common practice made operative by personal consent."[48] Its shell is that of a flexible boundary. That is to say that *halakhah* as a belief system does not allow for departure, whereas *halikhah* provides the ability for one to deviate (meaning find another way to practice) from the system so to speak. In the end *halakhah* is effective with or without a Jew's personal commitment. But, *halikhah* is not. From this perspective, the Reform Jew's personal practice in effect becomes his/her boundary system.

Plaut believes that when this boundary system is applied, "it will become apparent that the sense of *mitzvah* is still strongly alive." However, he states that this concept of demanding may not be theologically based. His proposal calls for Reform Jews to do something to remain Jews. This paradigm creates a situation whereby all Reform Jews "have an obligation (at least) to Israel as a historic continuum" and to the practice of Judaism, the religion of Israel, which has "and continues to have a purpose in this world."[49] Whether or not *mitzvot* are demanded by God (or Torah) really makes no difference at this level. *Mitzvot* such as Jewish education, *tzedakah*, circumcision, and social justice are practiced because these are in fact "the ways" of the people of Israel. They are what the people of Israel "ought" to practice. The only question left to answer

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[47] *Halikhah* – In Proverbs 31:27 the word is used to mean activities or affairs (as in business affairs); In Habakkuk 3:6 the word is used to mean ways (as in God's eternal ways); and Francis Brown, S. Driver, C. Briggs, Hebrew and English Lexicon, (Peabody: Hendrickson Publishers, 1996), 237 defines it as going(s) or way(s).
[48] Plaut, The Halacha of Reform, 98.
[49] Ibid., 99.

is how to actually determine the way(s) to practice these *mitzvot*. To answer this question, Plaut suggests returning to the paradigm of the *minhag*.

"It is what the Reform Jews actually do that must be the starting point for a practical program of re-establishing a sense of Reform *Halakhah*," states Plaut. *Minhag* will be a very compelling force in this system. It essentially elevates a normative practice (which is probably already considered a *mitzvah* in many cases) to a level of commitment on the part of the Reform Jew. If *mitzvah* is considered the theoretical then *minhag* is the practical. Plaut's message to the average Reform Jew is that "not only are you doing this, you ought in fact to be doing it."[50] However, what is most important to realize is that this is a liberal, fluid boundary system. Therefore, each individual "will approach this body of *mitzvot* and *minhagim* in the spirit of freedom and choice." Thus, a guide for them "and the development of *halakhot* therefore becomes an opportunity rather than a code. It becomes *halikhah*; "truly a way, a going, and thereby habituation and obligation."[51]

Plaut realizes that the development of an entire *halakhic* system of this manner will be a rather large undertaking. One complete guide for the Reform Movement would take an enormous amount of time for the rabbis of the CCAR. Therefore, he advocates developing this guide in pieces. He suggests that the movement begin with the *mitzvah* which has "elicited enormous interest"; Shabbat. In addition, many congregations engage in the *mitzvah* of Torah study. Therefore, a guide or commentary for doing so should be developed. However, it is the development of the Shabbat guide which formulates the basis of the *halakhic* system for which Plaut searches.

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[50] Ibid.
[51] Ibid., 100.

Tadrich L'Shabbat – A Shabbat Manual:

In 1972, the Sabbath Committee of CCAR, of which Plaut chaired, released its first guide; *A Shabbat Manual, Tadrich L'Shabbat*. With Plaut's guidance, the committee brings to fruition Plaut's vision. This vision is articulated in the introduction to the guide when the committee presents its purpose for its development. They state, that "Shabbat has....been lost" to a large number of Reform Jews. It is "a loss which is both tragic and unnecessary." The manual is a tool for the CCAR to help these Jews "recover Shabbat observance as an enhancement of Jewish life."[52] To this end, the conference realizes that its constituents live in a post-emancipated, liberal society (See Freehof Chapter beginning on page 12). From this society's basic doctrines, God is not always considered first in the life of the Reform Jew (this of course is what Plaut describes in his sermons as previously presented). Therefore, the Sabbath Committee concludes that "by precept and example, rabbis may speak of Shabbat and urge their congregants to love, remember, and observe it." But, "it is the Jewish individual and the Jewish Family who will be the builders of Shabbat, and thereby the builders of a rejuvenated Jewish edifice."[53] With this statement, the CCAR officially endorses the notion that Shabbat in the Reform Movement has eroded to the stage that its constituents do not either know or understand how to observe Shabbat. Whichever the case, there is a need to "rejuvenate" Reform practice.

The committee (like Plaut) acknowledges that this rejuvenation will have to occur via the free-will or choice by the Reform Jews themselves. The committee adopts similar wording to that which Plaut had articulated some five years earlier to his own

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[52] W. Gunther Plaut, *A Shabbat Manual, Tadrich L'Shabbat*, (New York: KTAV Publishing, 1972), 1.
[53] Ibid., 4.

congregants. Belief of Shabbat is important, "we must do it because this is how we want to live, and because we know that this is how we ought to live." This notion of "ought" is similar to the theory developed by Plaut and is discussed further later in this section.

The committee states that "earlier generations understood *mitzvah* in a literal sense, as though a particular observance were willed....by God Himself." However, this is not the case for the modern Reform Jew. For the Reform Jew, "*mitzvah* means that God offers an opportunity to introduce an 'ought' into our existence." What is interesting about this language is that the Sabbath Committee (and the CCAR) chooses to say that *mitzvot* are granted by God. Plaut himself would no doubt prefer to use this language himself. However, as previously presented, he does not hold to this language because he has determined that many Reform Jews will find it more inviting to believe in the traditions of Israel of the trilogy rather than God. Yet, in this case the CCAR provides the wording "God offers."

The committee does address the question why? They anticipate the question every Reform Jew who does not believe in the first two pieces of the trilogy (God and Torah) will have. They believe that the Reform Jew should want to accept this opportunity even though it is not easy and demands self-discipline. The reason is because "the reward of doing a *mitzvah* is to be able to do further *mitzvot*."[54] This is very traditional Jewish rhetoric. It is one that Plaut himself certainly endorses. However, in this case, the CCAR itself chooses to support this language. That is to say that if one believes that practicing *mitzvot* (even though the meaning of this word is couched slightly differently here) carries the obligation of "ought," then the CCAR is endorsing a change from the paradigm of Classical Reform. The "ought" may not be divinely required, but

[54] Ibid.

that is really the implication. The fact that the CCAR prints this manual with these comments in the opening introduction gives credence to some amount of majority opinion that Shabbat (perhaps other *mitzvot* as well) should indeed be observed.

Purpose:

The committee also presents the purposes of Shabbat Observance. They state that "Shabbat should be directed toward the fulfillment of five major purposes."[55] These are: awareness of the world, commitment to freedom, identity with the Jewish people, enhancement of the person, and dedication to peace. Each of these is explained to the Reform Jew in a succinct manner.

First, to consider awareness of the world allows one "a singular opportunity to reflect upon the marvel of the universe which God has created, to rejoice in the glory and beauty of creation, and to consider our part in God's continuing process of creation."[56] Again, what is interesting about this concept is that is that the committee chooses to acknowledge God's part in the life of the Reform Jew. It is a further statement that even though there are many Reform Jews who may not completely hold to the belief of God's intervention in the world (ie: creation), the movement as a whole chooses to do so.

Next, the committee believes that a Reform Jew should have a commitment to freedom. They state that "God is acknowledged not only as a creator and source of life but also as a presence in human history, especially in the history of the Jewish people." The purpose of this commitment is so that the committee can acknowledge such situations as the historical exodus from Egypt written of in the Torah. In fact they note

[55] Ibid., 5.
[56] Ibid.

that Kiddush speaks of this notion. The Reform Jew must remember that just as "God delivered us from slavery so must we strive to help all those who suffer from every form of bondage and degradation in the world."[57] The point is that the Jew has not always been free. On the contrary, there have been many occasions when the Jew has lived subservient to the surrounding culture. Therefore, the Reform Jew should not take for granted the ability to have freedom in America. In addition, the Reform Jew should also fight for those same freedoms for others.

Third, the Reform Jew should have an identity with the entirety of the Jewish people. The committee believes that Reform Jews "have a weekly opportunity to remember God's covenant with Israel and to reaffirm the identity with and loyalty to the house of Israel." They cite the verse from Exodus (31:17). Shabbat is "a sign between Me and the children of Israel forever." What is interesting is that the citation of the verse is not listed. This is because the committee uses this concept regarding Shabbat as a call to the Reform Jews who may solely believe in the last part of the trilogy; Israel. The committee states that the observance of Shabbat "summons us to a renewal of our responsibility to promote the welfare and dignity of the Jewish people. It calls upon each Jew to help further the high and noble purposes of the community and to use the precious hours of the Shabbat to deepen the unique historic fellowship of the Jewish people."[58] These constituents may not find it important to observe Shabbat because of a tribute to or a demand from God. Yet, if told that one can make the Jewish and non-Jewish communities stronger through Shabbat observance, then perhaps the "ought" speaks louder.

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[57] Ibid.
[58] Ibid.

Fourth, the committee lists the enhancement of the person as a viable reason for observing Shabbat. They state that "the Shabbat tradition provides three modes for the enhancement of personal life: *Kedushah*, *Menuchah*, and *Oneg*." These are explained as follows.

Kedushah or holiness "requires that Shabbat be singled out as different from the weekdays. It must be distinguished from the other days of the week so that those who observe it will become transformed by its holiness. One ought, therefore, to do certain things which contribute to an awareness of this day's special nature, and to abstain from doing others which lessen our awareness."[59] The first part of this explanation is meant to debunk Einhorn's doctrine (adopted by many Classical Reform congregations) which stated that "Sabbath rest was merely symbolic and flexible to a point."[60] This statement essentially means that Sunday, being another "regular" weekday, is not appropriate for the observance of Shabbat. The latter portion of the statement in fact calls for the Reform Jew consciously develop a plan in order to create holiness or distinct differences between Shabbat and the rest of the week. This part of observance is discussed further in subsequent section.

Menuchah or rest should be considered more than mere "relaxation and abstention from work. It is a condition of the soul, a physical and spiritual release from weekday pressures. If the week is characterized by competition, rush, and turmoil, their absence will contribute to serenity." The committee believes that this type of rest coincides with what tradition (or traditional Judaism) believes is the type of rest which will occur in "the

[59] Ibid., 6.
[60] Meyer, *Response to Modernity*, 245.

days of the Messiah."[61] This explanation is really a sales pitch. It is presented to inform Reform Jews that they should sever themselves once during the week from their everyday practices. If they do so, they may find a wonderful reward. This reward is absolute relaxation which is not afforded to each and everyday when American society demands so much of the individual. Not only that, but if the Reform Jew attempts to pursue this type of rest and relaxation, it may be possible to find a product which is so powerful that even traditional Jews await its coming.

Finally, *Oneg* or joy is presented as a mode of Shabbat. However, it is not simply "fun and pleasure." "It is the kind of joy that enhances our personal lives and leaves us truly enriched for the week ahead."[62] Essentially one should rejoice when afforded the opportunity to take "free" time for one's self. It is the chance for the Reform Jew to do for him/herself and for others what could never be accomplished during the other days of the week. This statement too is meant to coax the Reform Jew. If one believes that there is in fact a utopia associated with the joy of Shabbat observance, then this person is more apt to search for it.

The last purpose the committee presents as a reason to observe Shabbat is the dedication of peace. They state that "Shabbat embodies our yearning for peace." It "attunes us to the value of peace and teaches it centrality in the Jew's hope for the world today and for the future." As such, "Shabbat can become a foundation of human reconciliation."[63] This concept is provided as a final call to those whose main belief in Reform Judaism is based on universalism and community. If nothing else, the Reform Jew should realize that Shabbat is an opportunity to pray for healing in the world.

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[61] Plaut, *A Shabbat Manual*, 6.
[62] Ibid.
[63] Ibid.

Guidelines to Shabbat Mitzvot:

The committee also provides guidelines for *mitzvot*. These guidelines are established by answering two questions: 1) What is a *Mitzvah*? – and 2) How much Ought I observe? The answer to both questions is built upon the theory presented by Plaut in his 1968 paper, *The Halacha of Reform*. However, it is somewhat more straightforward. When defining a *mitzvah*, the committee states that it "is what a Jew ought to do in response to his/her God and to the tradition of his/her people."[64] When acknowledging God and Israel, the committee accommodates both those Reform Jews who consider *mitzvot* humankind's interaction with a divine presence and those who believe that the Reform Jew only needs to follow the traditions of the Jewish community. What is interesting is that Plaut himself never believed that the majority of Reform Jews would engage in the practice of *mitzvot* based on the former. However, since the committee adopts the language of "ought," they qualify the level of commitment. They state that the Reform Jew ought to observe Shabbat *Mitzvot* by way of "a personal commitment rather than from unquestioning obedience to a set of commandments which past tradition thought to be the direct will of God." By advocating for one to make a personal choice, the Reform Jew "willingly and purposefully" is able to "strengthen his/her bonds with the God of Israel and with God's people." Here again, the point is that if one has a personal investment in Jewish practice, then the hope is that this person will find a higher meaning in life. This can happen whether or not the person doubts the belief in God. However, by performing these *mitzvot* as a member of the community, one may be able to overcome this doubt.

[64] Ibid., 7.

After presenting a laid back approach to Shabbat observance, the committee begins to make more declarative statements. While maintaining that the Shabbat *Mitzvot* found in the manual are options and opportunities, it is suggested that the Reform Jew, "make a permanent decision to apply the principles of the catalogue of *mitzvot*" to one's life. Not only that but "it is important to remember that Shabbat and its opportunities last for twenty-four hours, from sunset to sunset."[65] What is not clear from these statements is whether the Reform Jew can observe a Shabbat Mitzvah if he/she does not perform it for the full twenty-four hour period. However, what is apparent is that Shabbat is considered more than simply Friday Night. This concept is clarified when the committee answers the second question, "How much ought I observe?" To this question, the committee states, "To make Shabbat meaningful, observe as much as you can. Begin from where you are now, with what you presently do or do not do."[66] This statement leads the Reform Jew to believe that if he/she is not able to observe a Shabbat Mitzvah for the entire period of Shabbat, it is better to do something rather than nothing. From this level of observance, the committee believes that one may progress to a more significant observance. That is to say, that performing one mitzvah may lead the Reform Jew to practicing more during Shabbat.

[65] Ibid.
[66] Ibid.

Catalogue of Shabbat Opportunities:

After presenting the guidelines from practicing Shabbat *Mitzvot*, the Sabbath Committee presents a list of Shabbat opportunities (or *mitzvot*). The opportunities are organized in a traditional (Jewish) manner. There are two sets. The first set provided is under the heading of "What to do" or *Mitzvot Aseh*. This is the traditional category of *mitzvot* usually understood as "Thou Shall". There are five of these opportunities listed for *Erev Shabbat* (Friday Night) and three listed for Shabbat. Each is stated in the form of "It is a *mitzvah* to...." Some of these opportunities include - It is a mitzvah to: light Shabbat candles with an appropriate blessing; recite or chant the *Motzi* (blessing over the bread) before, and the *Birkat Hamazon* after, the meal; and join the congregation in worship. The second set provided is listed under the heading of "What Not to Do" or *Mitzvot Lo Ta'aseh*. This is the traditional category of *mitzvot* stated as "Thou Shall Not." There are six of these opportunities listed. Each of one begins with the wording "It is a *mitzvah* not to...." So for instance, It is a *mitzvah* not to: engage in gainful work on Shabbat; perform housework on Shabbat; and participate in a social event during Shabbat worship hours.

In every case, the committee provides a brief explanation for the opportunity. In addition to the explanations provided, the manual also provides the specific prayers and songs need for all opportunities which are performed in the home. For instance, the prayer for lighting the Shabbat candles on Friday Night is presented, the blessing over the bread, and the *Birchat Hamazon*. Finally, the committee includes several readings concerning Shabbat at the end of the manual. These are designed to help further explain the observance of Shabbat through several different lenses. As previously stated, the

hope is that with a detailed guide of practice the Reform Jew will begin to rejuvenate his/her desire to observe Shabbat in a progressive Jewish setting.

Beyond *Tadrich L'Shabbat*

In the year following the release of *Tadrich L'Shabbat*, Plaut reflects on the Sabbath's Committee's work in the CCAR Journal. He is very praiseworthy of what the committee accomplished in releasing this guide. Plaut states that the project is a success due to the fact that four weeks after publication, the first printed amount of 5,000 copies sold immediately. He believes Reform Jews rushed to purchase these manuals because for so long the movement was not able (or did not choose) to articulate to its constituents, "This is what we do." Not only that but he states that it has been even more difficult to say to Reform Jews, "This is what we ought to do."[67] This is an "opportunity for more Jews to celebrate some aspects of Shabbat than ever before." Reform Jews "want to know the 'how' and the *Tadrich* provides it."[68] However, as joyous as Plaut seems to be in his writing of the article, he is not completely satisfied.

Plaut acknowledges that printing this guide is merely the first step in the process of rejuvenation of Shabbat in the Reform Movement. He says "that the *Tadrich* is only in part a 'how-to' manual, a compendium of prayer, songs, readings, questions and answers." However, the main and most important part of the rejuvenation process is found in the notion of commitment. That is to say the Reform Jew still needs to make a commitment to the concept of *mitzvah*.[69] This kind of commitment will indeed take work

[67] W. Gunther Plaut, *Observance and Commitment, The How and Why of the Tadrich L'Shabbat*, CCAR Journal, (Autumn 1973): 39.
[68] Ibid., 40.
[69] Ibid., 41.

and Plaut realizes this is the case. As such he gives credit to one of his colleagues, Henry E. Kagan, who provides the framework for this level of commitment for the Reform Jew. Plaut states that Kagan believed Reform Jews would have to think along unfamiliar lines to accomplish this goal. This means that merely "education of the mind" will not meet this need. In order to completely rejuvenate the movement, Reform Jews will need to completely have a change in lifestyle, conviction, and habit. Kagan believes that these "changes could come about only in peer groups and rarely through mere intellectual influence or even the personal example of the rabbi."[70]

With Plaut's first goal attained (that of the *Tadrich*), he turns his attention toward the future. *Tadrich L'Shabbat* itself reinitiated the process of the Reform Movement addressing the concept of *mitzvah*. However, Plaut believes that the movement will need to challenge its constituents to further analyze the concept of *mitzvah*. If the process of developing and using *Tadrich L'Shabbat* leads the Reform Jew to a level of practice, then one should begin to ask him/herself who stands behind the *mitzvah*. This is the next step. Plaut begins to address this issue in his 1968 paper on Reform *Halakhah*. However, the concept is never formally addressed by the CCAR. Plaut openly admits in this subsequent article to the *Tadrich* that the committee consciously made "a point of omitting the word *Halakhah* (from *Tadrich L'Shabbat*) in order not to enter into controversy over both term and concept in the context of Reform Judaism."[71] The controversy is of course regarding the *metzaveh*; meaning the entity that stands behind the *mitzvah*. Plaut believes that future guides could include more opportunities for the Reform Jew to consider. He presents four of them and states that such choices may

[70] Ibid., 48.
[71] Ibid., 41.

contain the following: 1) *Metzaveh* is God whom we meet in an existential sense in the act of doing the *mitzvah*, 2) *Mitzvah* arises out of the Sinaitic Covenant which is the source of commandment, 3) *Metzaveh* is the Jewish people past and present who make demands on the individual, and 4) *Metzaveh* is Jewish tradition in the sense that its great and pervasive values proven over thousands of years of the Jewish people's existence must not be lightly disregarded.

Plaut hopes that this search will occur in future guides. These guides are the continuation of building the Reform boundary system discussed in his paper, *The Halacha of Reform*. He states that "we shall now turn to the next stage....to the creation of a *Tadrich L'Yom Tov*, which would include the High Holy Days as well as *Shalosh Regalim*....and volume three....a *Tadrich Limey Chol*, a compendium for daily living." Plaut contends that when this series is completed by the CCAR and combined into one book, the Reform Movement "will have begun the way back" toward the practice of Judaism. The left side of the Reform Movement (meaning the Classical Reform thinkers) should not be so concerned about fixed beliefs. Plaut maintains that even with a printed guide(s), the movement "will still have the freedom to make decisions and to correct what it thinks needs correction." This process of developing a boundary system is much more fluid than "becoming chained to a dreaded code, which will encase the movement into a new Reform-Orthodoxy."[72] This process will aid the Reform Jew in living a Jewish life.

Plaut's vision is in fact implemented. In 1979, the CCAR released its next guide titled *Shaarei Mitzvah, Gates of Mitzvah, A Guide to the Jewish Lifecycle*. Within this volume the movement does indeed address the question of the *metzaveh*. In fact, each of

[72] Ibid., 44.

the four recommendations Plaut presented are developed in separate essays by different rabbis. Not only that but additional opportunities for *mitzvot* are presented as well such as: *tzedakah*, Jewish views on marriage – *kiddushin*, and *kashrut* (dietary mitzvot). The third volume Plaut suggest is released in 1983. It is titled *Shaarei Moed, Gates of the Seasons, A Guide to the Jewish Year*. This volume contains the mitzvot regarding the Days of Awe (*Yamim Nora'im*), the Pilgrimage Festivals (*Shalosh Regalim*), Chanukkah and Purim, and other various special days such as the New Month (*Rosh Chodesh*) and Israeli Independence Day (*Yom Ha'atzma'ut*). While all three volumes have never been printed as a whole, each has continued to be reprinted by the CCAR. Perhaps Plaut's vision will be complete when all three volumes are merged as one and the movement regards the book as "its" guide for practice.

Chapter 4

Synthesis of Thinkers

Merging the historical past of Judaism with modernity is a very difficult task. It is one that the Reform Movement has dealt with for a number of generations. From the beginning of the 20th century until its end, there is a big swing in the pendulum not only in the area of ritual observance, but in the area of *halakhah* as well. The transition from Classical Reform Judaism to Neo-Reform[1] is not merely the mood of the times or *zeitgeist*, but the vision of a number of rabbis from the movement. Three of these thinkers are monumental in pouring the foundation and laying the bricks for a move toward more defined Jewish practices in the Reform Movement. These are Rabbis Solomon B. Freehof, W. Gunther Plaut and Jakob J. Petuchowski. Their individual struggles and methodologies set the stage for the rejuvenation of the Reform Movement in the 20th century. Perhaps, it is a transition which is not yet complete. But it is one which has witnessed many Reform Jews return to the notions of Jewish Education and Jewish Practice. This study has documented the foundational efforts of these thinkers to establish guidelines, boundaries, and practices for the Reform Jew.

Petuchowski and Plaut believe that without the concept of God, ritual practice in Reform Judaism does not make much sense. In addition, for these two thinkers, the belief in God has a one to one relationship with any understanding of a Reform

[1] Neo-Reform – I first heard this term used was in my class on Reform Judaism at HUC-JIR taught by Dr. Michael Meyer. However, he does not specifically use the term in his book *Response to Modernity*. The term can be applied to Reform Judaism after the "Classical" period. It implies a "new" or recent approach to Reform Judaism. Many of the practices which constitute this new approach are considered traditional in nature in the eyes of Classical Reform Jews. For instance, one might consider the wearing of a kippah (especially if worn all the time), tallit or keeping kosher as Neo-Reform practices. In certain contexts it is used as a pejorative term to classify those in the Reform Movement who practice Judaism with a traditional flavor.

Halakhah. For Petuchowski, wrestling with a God concept is paramount for the development, understanding, and belief in (a) Revelation. For Plaut, God is part of the essential trilogy by which all Jews "ought" to live. Yet, the outlines of these paradigms do not hold for Freehof. He is a product of the Classical Reform era. He does find the belief in God important. However, Freehof is working on a slower pragmatic platform. The Classical Reformers acknowledge that all Reform Jews should believe in God. But, this notion only holds as long as no one really wants to discuss the matter. Therefore, Freehof's methodology steers clear from the actual God discussion with regard to *halakhah*. He focuses on religious practice. What he is able to suggest to the Reform Jews of his time is that there has always been *halakhah* in Jewish thinking. He presumes that the Reform Jew does want to live an authentically Jewish life. This process may not require the discussion of or belief in God, but it does require that one's religious life be comprised of at least some practices (a concept Plaut later adopts in a slightly different manner). This leads Freehof to consider a code of practice for the movement in the mid 20th century.

Regarding the development of a Reform *Halakhah* - both Freehof and Plaut think that there is no reason to have a code per se. They agree that the Reform Movement needs boundaries. Yet, these boundaries should come in the form of guidelines and recommendations for which to practice. For Petuchowski, this paradigm is problematic. He sees this system as empty. He believes that there is nothing within the movement which demands the "ought" for which Plaut speaks of in his approach. Petuchowski maintains that the revival of Judaism in the Reform Movement will come as Reform Jews are able to develop a belief in Revelation. The Reform Jew must be "listening for the

commandment." If the Reform Jew is open to finding a relationship with a higher entity, then this will lead him/her on a path toward Revelation. This pathway can be found either by "taking a leap of faith" or through the accumulated heritage of the Jewish past (meaning: self-discipline, Jewish study, and experimentation). This process of discovering (a) Revelation through study and experimentation ultimately leads Petuchowski to think the movement needs to have an "actual" *halakhah* rather than mere guidelines. However, the Reform Jew of the latter portion of the 20th century is not yet ready or willing to accept this notion. Perhaps this is why Petuchowski appears to have drifted away from the movement in his later years.[2]

While there may be those who would proclaim that Reform is a non-*halakhic* movement, this is not completely true. If non-*halakhic* means that Reform Jews do not follow the entirety of Rabbinic literature, then yes the statement may well be accurate. But, the Orthodox Movement (in America and perhaps other countries too) would need to declare the same of its practices as well. Freehof reminds his readers that the Orthodox Movement(s) do not follow the entirety of Rabbinic Law either. His point is well taken as he indicates that Orthodoxy in America disregards the *Shulchan Arukh* when it comes to U.S. Civil Law (and other legalities as well). This is particularly true in the case of business disputes which involve two or more Jews. By Rabbinic Law all disputes should

[2] Petuchowski's drift from Reform Movement – In the mid 1970's there appears to be a dispute between Petuchowski and the CCAR regarding the payment of his dues. However, after studying many of the documents concerning this issue, I believe that his problem was not really with the dues structure of the Conference. His problem lies in the reality that the movement had not created a set *halakhic* boundary system by this time. In a letter dated September 23, 1975, Petuchowski articulates his position toward the CCAR. He no longer believes that he has a lot in common with many of these Reform Rabbis (many of whom he taught). He says, "I have more in common with Seymor Siegel (theologian and teacher in the Conservative Movement) than with Alvin Reines (HUC-JIR teacher of polydoxy; the individual has complete autonomy within religion) and more in common with the Lubavitcher Rebbe than with Sherwin Wine (Reform Rabbi who began the Humanistic Movement), and more in common with the Orthodox British Chief Rabbi than with Michael LeBurkien (Rabbi Emeritus of a Classical Reform Congregation in Houston, TX)." He ultimately resigns his membership and distances himself from the CCAR. Source: American Jewish Archives – MSS 653, box 1, folder 13.

be decided in Jewish courts. However, Freehof points out that this is not necessarily the case in his time. Thus, Orthodoxy chooses to shrink Rabbinic Law; a concept the builders of Reform know all too well. The fact that Reform Jews attempt to reconcile historical Judaism within the modern world in different ways is a matter of perspective. The most extreme sects of Orthodoxy are still living a reformed Judaism. Hence, modernity and liberalism appear to engage all sects of Judaism.

Freehof begins the "formal" process of creating Reform *Halakhic* literature. That is to say that he is acting on behalf of the official body of Rabbis who transmit Reform practices to the masses; the CCAR. His book *Reform Jewish Practice* along with the development and publishing of Reform Responsa for the CCAR establishes a *halakhic* foundation for the movement. Plaut continues this formal process as he continues to develop guidelines via his vision of the guide (or "Gates") series. This too is a formal statement on the part of the CCAR. Taking these guides into account, along with the responsa literature, essentially creates Reform *Halakhic* literature. The material is developed in spite of the fact that the movement believes in free choice. Even today, many Reform Jews either do not understand this progression or choose to ignore what the process represents. The fact remains is that, in the middle of the 20th century, rabbis and laypersons, in the Reform Movement, seek out instruction from Jewish tradition. This process cannot be ignored. Freehof himself cannot explain this phenomenon. Perhaps it is a response to the *zeitgeist* of the time. Whatever the reason, his call for more questions to the Responsa Committee of the CCAR comes to fruition. Therefore, he reminds Reform Jews that this process is Rabbinic Judaism. Since the destruction of the Temple, this has been the protocol for the Jewish community. Instead of denying the process, the

movement must acknowledge that its literature is *halakhic* and, simultaneously, Reform. To say that the Reform Movement left Rabbinic Judaism is actually a false statement. As Freehof argues, it never left any more than, its brother sect, Orthodoxy left when ignoring the civil laws of *Choshen Mishpat* in America. In addition, Freehof also makes another argument as to why Reform is *halakhic*; namely that Reform ritual practice (what Reform Jews actually do as presented in *Reform Jewish Practice*) is drawn from and rooted in the *halakhic* tradition. One cannot imagine any sort of Jewish religious life, including the Reform version, in the absence of the *halakhah*.

There is no disagreement among the three thinkers that some form or institution of guidelines (meaning a boundary system) should exist. However, their visions for arriving at this goal do indeed differ. For Freehof and Plaut these guidelines can be implemented through the concept of *minhag*. That is to say that the Talmudic notion of "go and see what the people are doing" should be applied. There already are standards of practice that serve informally as "boundaries." Freehof and Plaut argue that they are not calling for something new, merely that the movement should acknowledge the fact of these boundaries and build upon this fact. Petuchowski acknowledges this concept existed in historical Judaism and did play a major role in the development of Rabbinic Judaism. However, he prefers to take a different approach to this idea. He believes that the Reform Jew should analyze his/her value system in life and then derive a hierarchy of these values. Then he/she should apply (in a modern sense) the concept: *mitzvat aseh dochah mitzvat lo ta'aseh* (a positive commandment overrides a negative commandment). Therefore, many of the practices performed by Reform Jews, such as riding on Shabbat to attend services, can be explained according to *halakhah*.

Freehof's approach is to allow what the movement already has developed to grow. For instance, ritual guidelines are in fact already established. They are found in the pages of the UPB, and existing CCAR documents. They are also derived from *minhagim* such as when the *posek* declares that "such-and-such is the *minhag*." If a community accepts this declaration as accurate, it too becomes an example of "judicial notice" and can be referenced in future writing. Everything else can progress through the development of the responsa literature. Through this tool, Reform Jews will inform their rabbis of their desired *minhagim*. A logical discourse regarding these desired practices can be presented in a traditional Jewish method. This process will provide Reform Jews with an "informed choice." This paradigm is actually the bottom up model which formed the movement. While he does not state so explicitly, this is essentially the development of *sifrut ha'minhagim*, those works that recount and discuss the practices of Jewish communities but do not take on the systematic form of "codes."

While Freehof's methodology does create a viable paradigm, it is not enough for Plaut and Petuchowski. They want to take it to the next level, a place which Freehof is not prepared to go. Even though Freehof is raised in a traditional home with "Jewish" practices, as a Reform Rabbi, he makes the transition to Classical Reform Judaism. Freehof wants to show the Reform Jew that the movement is actually practicing Judaism. There may be some adjustments which need to be made based on the initial Pittsburgh Platform (1885). However, these types of adjustments have always been made in the course of Rabbinic Judaism. Therefore, his message to the movement is that it can develop its guidelines one Mosaic tile at a time to achieve the end goal.

Plaut wants to go about a sense of creating Jewish obligation in a systematic way. He too believes that Reform Jews should practice a version of Rabbinic Judaism, but he wants to present guidance from the top down. Plaut believes that Rabbinic Judaism never relied on the people to develop the "actual" guidance. Presenting wording such as "It is a *mitzvah* to...." is what the rabbi, speaking from authoritative tradition does. When a Reform Jew uses this word, it clearly has a sense of "ought." Once again, like Freehof's model, Reform Jews begin with what exists. They not only have practices and standards, but they believe in an "ought," a *mitzvah*. The Reform Rabbi should encourage this usage. This is not merely because those in the movement are already performing them (ie: through *minhagim*), but because some teaching authority states that Jews "ought" to do so.

What authority is this? It is Rabbinical Judaism and a Divine thought process. The problem with this methodology, as Plaut indicates in his sermons, is two-fold; non-observance and non-belief in a higher entity (namely God). Non-observance is not what the original Reformers had in mind when they envisioned an evolution of Judaism in the modern era. He concludes that "Freehof's analysis is in fact an admission that the ship of Jewish destinies, steered by Holdheim and his disciples, has run aground."[3] Therefore, Plaut (and Petuchowski too for that matter) believes that the only way to repair the problem is to stand up and fix it. His fix, as stated, is not to wait on Reform Practice to simply evolve. Rather, it is to present a plan based on Rabbinic Judaism which does not solely rely on the belief in God because he believes the rabbinical trilogy of God, Torah, and Israel has been severed. Therefore, the Reform Jew observes Shabbat because this is what he/she "ought" to do. The Reform Jew may think that he/she ought to do so

[3] Plaut, W. Gunther *The Halacha of Reform*, Contemporary Reform Jewish Thought, CCAR, 1968, pg. 93

because a Divine essence demands it or he/she may choose to do so because this is what the Jewish People do. No matter the case, it provides a more defined plan than that of Freehof.

Petuchowski approaches the matter much more conservatively. Presenting standards may be a step in the right direction, but the notion of "ought" is just not enough for him. Yes, this methodology provides guidelines for Reform Jews, but who is to say that Reform Jews will feel this sense of "ought." Therefore, Petuchowski feels the need to take this concept even further and present an actual boundary, a *halakhah*. His methodology includes a three tiered approach to a *halakhic* boundary system. This system allows for the Reform Jew to develop personal practices in the home while at the same time providing the ability to remain a part of a system in the Jewish community. The individual does have the ability to control personal practice, but in the public sphere there may be practices which he/she must observe because this serves the greater needs of the community. However, like Freehof, he sees this paradigm as an extension of historical Judaism. He believes that pieces of his proposed system are already in place. He concludes his proposal for a Reform *Halakhah* with the following:

> Whether we like it or not, plural models within the *Halakhah* are a fact today, even as, in a somewhat different sense, they have always been a fact in the past. We are not arguing for diversity in Jewish observance. All we have tried to do was outline some kind of conceptual framework by means of which we can bring to light the underlying unity in that diversity.[4]

For Petuchowski, the fix is more than simply a set of guidelines. These guidelines should be binding on the Reform Jew. He/she "ought" to adhere to them because, in theory,

[4] Petuchowski, Jakob J. *Plural Models within the Halakhah*, Judaism: Winter 1970, pg. 88

he/she should never have stopped following and performing these practices. Therefore, they need to be restated in a more modern *halakhic* approach termed a plural *halakhah*. Certainly for the Reform Movement of Petuchowi's time, this paradigm is not viable. In fact, his method is never formally accepted by the CCAR or the movement.

This notion of acceptance is different for Freehof and Plaut. When presenting his paper which considers a code, Freehof acts on behalf of the Reform Movement. He also does so, in part, because he is chair of a commission for the CCAR. Certainly, he does not consciously mean to assume a level of authority over his colleagues or the Reform Movement. However, in an indirect way he does achieve this status. His authority is derived from his responsa. In fact it is more of a universal Reform Authority. It is built on the notion that Reform Judaism never really renounced the Rabbinic authority passed down via historical Judaism; his belief – we continue from where we are. But Plaut believes that we are in a crisis.[5] In his time, Classical Reform is seen as a problem and it needs to be fixed. It is ritually empty and Jewishly thin. Perhaps Plaut does not need justification, but he too is an elected chair of a CCAR committee. It is also this committee which authorizes him to develop a methodology for rejuvenating the movement's practices. He and his committee are not telling the Reform Jew what he/she has to do, but rather what he/she "ought" to do. This is as far as the rabbinic body of the

[5] Crisis in the Reform Movement – Plaut was not alone in this belief. In 1972, a sociological study was published by the CCAR entitled, "Rabbi and Synagogue in Reform Judaism." The study was a three year effort by the CCAR to reflect on itself, the Union of American Hebrew Congregations (UAHC), and HUC-JIR. The Conference appointed Dr. Theodore Lenn (hence sometimes the study is termed the Lenn Document) to perform an assessment of the rabbi, congregation, and training institution for the Reform Rabbi. The need for this evaluation burgeoned out of the Reform Movement's place in American Jewish History and the atmosphere surrounding the Rabbi's ability (or in some cases inability) to adequately serve the synagogue. The point is never completely made that there was in fact a "crisis" in the Reform Movement at that time. However, a number of the statistics suggested this to be the situation. What is noteworthy is that Lenn stated in his conclusions that "Rabbis who see extreme crisis, seek to veer away from tradition and move more toward humanism." Source: Manuscript Collection Nos. 34 and 103, American Jewish Archives, Cincinnati, OH.

CCAR or the Reform Movement will proceed at this particular point in time. While this level of commitment is not enough for the traditional leaning scholar and theologian Petuchowski, perhaps he is somewhat satisfied. He like Freehof and Plaut prefers that Reform Jews practice something as opposed to nothing. In this way, these Jews are at a minimum, *baderekh*; meaning "on the way to maximum Jewish observance."[6]

It is important to consider the notion of sanction. By the time Plaut and his committee write *Tadrich L'Shabbat*, the Reform Movement (at least on the outside) takes a stand regarding Jewish practice. It concludes that one cannot be a Jew (not even a liberal one) without some notion of observance. This observance comes in some form of an "ought." It is developed because the movement is searching for a Reform methodology which is grounded in the tenets of Judaism. All of these rabbis believe that the movement must discover what this means. The conclusion appears to be that the mainstream Reform Movement has actually never actually rid itself of Jewish practice. Even the original Pittsburgh Platform (1885) did not envision the movement ending in communal religious anarchy. The *Tanakh* teaches what happens when the Jewish people walk this path - *ish ha'yasher b'einav ya'aseh* [7], every one does what is right in its own eyes. In Jewish tradition this is considered a low point.

These thinkers are telling Reform Jews that, "You don't want to live this way." They conclude that the movement must find a legitimately "Reform" way to express the need for authoritative standards of religious practice. They reach this conclusion because the theologians in the movement have cut the ground out from underneath it constituents. Therefore, they see it as their job to piece the religion back together and to rejuvenate it.

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[6] Petuchowski, Jakob J. *Plural Models within the Halakhah*, pg. 87

[7] This trope occurs twice in the Book of Judges regarding the state of living of the Jewish people - Judges 17:6 and 21:25.

When Reform Theology gets enamored with reason, it becomes engrossed in its own way of thinking. This thought process does not allow for such things as describing why one should build a sukkah a certain way, or should pray daily, etc. This is what these Reform thinkers set out to accomplish. The guides they produce lay the foundation for the movement to achieve this goal. The culminations of their efforts lead to the new Pittsburgh Platform for the Reform Movement in 1999. The CCAR now uses such wording as:

> We are committed to the ongoing study of the whole array of *mitzvot* and to the fulfillment of those that address us as individuals and as a community. Some of these *mitzvot*, sacred obligations, have long been observed by Reform Jews; others, both ancient and modern, demand renewed attention as the result of the unique context of our own times.[8]

For the first time in its history, the Reform Movement has a platform which encourages people to engage in Jewish observance. With the visions of Freehof and Plaut in mind, the Conference neither forces nor requires this observance. But, through the usage of such wording as "demand renewed attention," it firmly establishes the notion that this is what Reform Jews "ought" to do. Perhaps even Petuchowski would be satisfied with this wording as it holds to the concept that Reform Jews are *baderekh*.

[8] 1999 Pittsburgh Platform - http://ccarnet.org/documentsandpositions/platforms/

Chapter 5

Reflections on Reform *Halakhah*

It is over ten years since I began my journey as an engineer toward becoming a rabbi. It started while studying for my first masters degree at Hillel at Colorado State University in Fort Collins, CO. It continued in Israel when my wife attended the education program at HUC-JIR and for the first time I studied Talmud-Torah at the Liberal Beit Yeshivah housed on the campus of HUC-JIR in Jerusalem. As a Reform Jew I spent time studying Jewish text, prayer, and Jewish history. I realized at that time that I did not feel comfortable with my knowledge or practice as liberal Jew. I was learning things that I had never known as young person growing up in the Reform Movement. It was refreshing. I began to understand what it meant to pray and to wholly emerge myself in the celebration of Shabbat and the festivals. I learned about Midrash Rabbah and Avot D'rabbi Natan for the first time. I also realized that if I was learning this material and connecting to these Jewish observances for the first time, there must be others from the Reform Movement doing the same.

The Reform Movement as I now know is built upon the principle of "informed choice." The operative word is "informed." This belief system is based on the fact that a Jew can decide or select for him/herself a meaningful path of Judaism to follow in the modern world. However, its design is based on the fact that the Jew understands from what he/she is choosing. That is to say that to really be "informed," means, in theory, a Jew should have a working knowledge of historical Judaism. This includes the corpus of Rabbinic literature. Therefore, one should have studied or be studying the Torah,

Mishnah, Midrash, Talmud, and Post-*Halakhic* literatures. Then, and only then is a Jew truly "informed." When a Jew has this level of working knowledge, then he/she is able to begin the merger of the traditions and practices of the past with modernity. This is what it means to be a Reform (or Reforming) Jew. However, the problem arises when this very important step is removed; meaning that without the knowledge, one attempts to choose a meaningful path. This is essentially what has occurred in the five plus generations since the conception of Reform Judaism here in America.

The movement failed to "Jewishly" educate its constituents. As the Rabbis teach us, it is study which leads to practice and observance. The majority of Reform Jews, here in America, believe that they can "choose" to observe how ever they wish. In many cases this choice includes very little Jewish observance other than High Holy Day services and occasional attendance at a Shabbat service. In my opinion, it is this lack of knowledge which leads to the crisis which Petuchowski and Plaut attempt to fix. It leads to the very important question of personal autonomy versus authority or the question of a Reform *Halakhah*. The original Reformers of Judaism intended to reform Jewish *Halakhah*. Their plan was to modify Jewish practice and allow Judaism to evolve within this known paradigm. This is how the process has always worked in Rabbinic Judaism. It was never their plan for the (Reform) Jew to discard the majority of Jewish practice. Yet, as I grew up in the southern portion of the U.S., the paradigm I heard regarding Judaism is the following:

> If you practice a little Judaism, then you are Reform(ed),
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> If you practice some more Judaism, then you are Conservative, and
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> If you really know what you are doing, then you are Orthodox.

I grew up thinking in the back of my mind that I really did not know what I was doing. I did not have foundational Jewish knowledge or a sense of ought. So, I adopted the negative thought processes which most Reform Jewish youth use to characterize their Judaism. I don't pray every day; that is what Orthodox Jews do. I don't keep kosher; that is what Orthodox Jews do. I don't pray with tefillin; that is what Orthodox Jews do. I now know that the problem we sustained in the movement is that we tipped the scale so far to the side of personal autonomy that most Reform Jews had no notion of authority. Freehof leads the movement to believe that over time Reform Jews would guide themselves toward Reform practices. But as history has shown his plan was a naïve one.

Indeed as Freehof maintains, our practices have always been rooted in *halakhic* tradition. Yet, most mainstream Reform Jews I have encountered in my lifetime do not know what these traditions are. I also believe, like Petuchowski, that most are not apt to feel any obligation to follow these traditions even if they did know. This is why Plaut believed that the movement needed to re-instill a sense of "ought" in its constituents. Plaut tells a story of an interaction with a congregant. He says to this congregant that he has not seen him in a while at synagogue. To this the congregant responds, "Yes, I ought to be in synagogue." The question is, "Why was he not?" I believe that many congregants feel this way. Some call this "Jewish guilt." It is usually viewed in a negative light. But, I prefer to think of this feeling as a sense of obligation to Jewish practice. So, in a way I think it is good to feel some sense of guilt because it is this tug on our souls that reminds us that we cannot just do anything we want to do as Jews. In my mind, there is no such thing as complete personal autonomy in Judaism. If a (Reform) Jew does not feel some sense of obligation to a higher authority, then he/she is

not practicing Judaism. Whether Reform Jews want to admit it or not, there is a limit to liberal Judaism. Of course the question is what is this limit?

This question caused me to reflect on my own Judaism before entering HUC-JIR. In doing so, I realized how far we Reform Jews had tipped the scale toward autonomy. This reflection caused me to analyze my Jewish practices and ask one particular question, "Why do we as Reform Jews not observe *Halakhah*?" After all, in my mind, Jewish *Halakhah* is meant to describe how to live a Jewish life. Did we as Reform Jews not need to know how to live a Jewish life? When, I considered my own life, I discovered that I observed at least some level of Jewish practice. However, it was not to the level of an Orthodox or Conservative Jew. What I realized is that I needed to have more of a sense of obligation toward Judaism and Jewish practice. Not only that but I also felt the need to bring this sense of obligation to our movement. Hence, I began the process of asking *halakhic* questions when I entered rabbinical school.

I have spent the last five years believing that the Classical Reformers let us down. I thought they chose to make (or not to make) decisions for our movement which resulted, as Plaut said, in "ignorant Jews." To an extent I still believe this is true. Ask the average Reform Jew where the Shema comes from. He/she probably cannot tell you that it is from the Torah; the Book of Deuteronomy; verse 6:4. But perhaps I was too quick to judge. As I have said in the thesis, merging historical (traditional) Judaism with the modern world is a very tough task. After writing this thesis, I now understand this more than ever. As Freehof indicates, even the Orthodox Jews do not observe the full extent of Jewish *Halakhah*. In order live a Jewish life in the modern world, some of the traditional Jewish belief system had to change. The backlash from the beginning of this

transition was bound to be significant. However, had the original Reformers not laid the foundation for these changes, no movement of Judaism could really have existed in 20th century America. Does anyone even know of a Jewish court which handles civil matters in the U.S.? However, as I have stated, this does not mean that Reform Jews should have the ability to "practice" Judaism which involves no notion of Jewish ritual or belief in God. This is what the greatest thinkers of the 20th century Reform Movement conclude as well; hence the need for some type of boundary system and a sense of "ought."

I still believe that we do need some type of formal boundary system in Reform Judaism. For a number of years I have called for a Reform *Halakhah*. But, upon completion of this thesis, I think to an extent we already have one. It is not completely formalized as Petuchowski would have preferred, but it exists. The "Gates" series lays the foundation for this system just as Plaut envisioned. By formally suggesting to Reform Jews that they should conduct their lives through the practice of *mitzvot*, the movement has established this boundary system. Perhaps if the CCAR centralized these guides into one document along with Dr. Mark Washofsky's book *Jewish Living: A Guide to Contemporary Reform Practice* the movement would have a *Sefer Ha'minhag* of its own.

What still remains, and to an extent the problem which Freehof never solved, is education. Once again, how can a Reform Jew live by the mantra of "informed choice" if he/she is not informed. *Tadrich L'Shabbat* was published in 1972. Yet, I never saw a copy of this book until I attended a course on Reform Judaism at HUC-JIR with Dr. Michael Meyer. Teaching this material along with Torah and Rabbinic literature to Reform Jews is imperative. Not only that but they must be taught how this material is

relevant to their lives. It is the job of the Reform Rabbis and Educators to deliver this information to the movement. It is the job of Reform Rabbis to instill a sense of "ought" in the people.

When we raise the issue of authority in Reform Judaism, we, the rabbis, are trained as facilitators as opposed to prophets. We guide a movement whereby the system says, "Who gives you the right to tell the people what to do." When a rabbi leaves HUC-JIR, he/she really has no authority over his/her congregants. This may be true, but as a rabbi, he/she needs to be able to take a stance just as Plaut did. We leave HUC-JIR thinking that we need to make Jews more learned and more observant one step at a time (perhaps one *mitzvah* at a time). Plaut's first guide discusses the notion of going slow, but it states that you need to observe something. It recommends certain observances. It is a *mitzvah* to light candles, to recite Kiddush, etc. We are Reform Jews. We are adapting Rabbinic Judaism for the modern world. The sense of "ought" is still what outlines our practices and as such we are still required to live by *mitzvot*.

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