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"Concepts of Authority in Conservative Judaism"

by

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Thesis submitted in partial fulfillment
of the requirements for the Degree of
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Ordination

Hebrew Union College-Jewish Institute of Religion

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Referee, Professor Alvin J. Reines

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DEDICATION

I dedicate my thesis to two individuals without whom I could not have prepared this study. They are two people whose strengths and whose caring brought me to this moment.

My most loving and most beloved Toby, my devoted teacher to whom I am deeply indebted, Alvin J. Reines.

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Several people have contributed much both directly and indirectly toward the successful completion of this study. Their help was of greater value and merit than they could possibly know.

My family, my teachers, Rabbi Morris Lieberman and Cantor Joseph Rosenfeld. Elliot Holin, Kenneth Ehrlich, Ronald Shapiro, Robert Sharff, Mordecai Miller, Ben Beliak, Jay Miller, Eric Silver - comrades through strife to glory. Mrs. Betty Finkelstein whose friendship when in need did not falter and whose needed patience helped spur on sometimes sagging spirits. Dr. Herbert C. Zafren, Mr. James I. Neiger, Rabbi Amos Schauss, Mr. Leon Alex, Dr. Israel Lehman and the entire Library staff for their consideration and advice. Mrs. Alvena Stanfield for her patience and precision. The Hebrew Union College-Jewish Institute of Religion.

DIGEST

"Concepts of Authority in Conservative Judaism" is an indepth study of the nature of the contents and authority of Jewish Law in Conservative Judaism and of the nature and function of rabbinic authority in Conservative Judaism. The materials examined were limited to the Jewish Theological Seminary Association annuals; the Proceedings of the Rabbinical Assembly 1927-1970; the first twenty-six volumes of the periodical Conservative Judaism; a unique study of authority in religion by Alvin J. Reines; and some basic volumes on Conservative Judaism and Reconstructionism.

The conclusions drawn in Chapter 6 are based solely on the writings of Conservative rabbis and scholars. The philosophical bas~~s~~ for the thesis was provided by the Reines work. The basic conclusion of this study is that Conservative Judaism does not exist as a religious system. It does exist as a collective noun representing the United Synagogue of America, the Rabbinical Assembly of America and the Jewish Theological Seminary of America. Conservative Judaism by practice and not ideological design does also represent the name many Jews give to their independently fashioned religious identities.

CHAPTER I

LAYING FOUNDATIONS

A great many individuals believe themselves to be Conservative Jews. Whether by so calling themselves they refer to their membership in the institutions of the Conservative Jewish movement or are referring to their belief in the religious system Conservative Judaism is a question often raised by Conservative rabbis and scholars. Great leaders in the history of Conservative Judaism sought to make their religion the outstanding, authentic bridge connecting the Jewish past with its present and future. Some of these men include: Sabato Morais, Issac Leeser, Alexander Kahout, Solomon Schechter, Louis Finkelstein, Mordecai Kaplan, Eugene Kohn, Boaz Cohen, Abraham Joshua Heschel, Jacob Agus and Max J. Routtenberg.

Much of the effort that went into the attempts to create Conservative Judaism was directed toward establishing a workable concept of authority for the Movement. The study and analysis of the quest for that concept is the unifying thesis of this paper. But, a foundation of understanding must be laid before the investigation of authority in Conservative Judaism can continue. These first steps include:

1. defining what is a religious system
2. defining authority, especially as it pertains to a religious system

3. presenting the concept of authority in Mosaic Law. (Devotion and fidelity to the "spirit" of Mosaic Law is pledged in the preamble of the Constitution of the Jewish Theological Seminary Association.¹ It has never been officially invalidated or altered.)

A. Religion and Religious System

Religion is that unique discipline that is created to help one to respond to the clash between infinite striving and finite limitations. The most common and dramatic example of the process centers on death. A human being strives not to die yet being finite death is apparently inevitable. It would seem all religions offer a response that is meant to resolve this clash. The most frequent response taught in the Western World takes the form of a guaranteed afterlife of some sort. A "religious system" might be considered tripartite in design. The system is divisible into an ideology (this could include theology, cosmology, epistemology, etc.); a moral or ethical system derived from the ideology and a ritual system (worship, symbols, life cycle and holiday rites).

This writer's understanding of the terms religion and religious system should be supported by more than a dictionary. Several of the most renowned scholars in the Conservative Jewish and Reform Jewish movements have profoundly influenced the contents of its composition.² However, the man whose writings and teachings were most influential is also the

man who fashioned the only competent in-depth study on the nature of religious authority known to this writer. Consequently, a large part of this chapter summarizes much lengthier investigations of Professor Alvin J. Reines.

B. Authority

Authority is defined in Webster's dictionary as:

the power to command or to act whether
original or delegated

and, by application, as a

person or persons as a body exercising power or
3 command. Professor Reines suggests that authority might be considered to be the power to order one what to believe and do and the power to execute decisions of reward and
4 punishment depending on one's obedience.

1. Bases of Authority

So different are the varied bases of authority that they seem to be mutually exclusive of one another. The Reines study lists three primary bases, including: authority by power, authority by right, and authority by consent.

- a. Authority by power: If the authority of an entity (whether, for example, a person, a group of persons, a political or economic system, a social structure, or a religious institution) is based upon superior strength, so that others are compelled by reason of this strength to obey the entity, even against their will, the authority is termed authority by power. The "superior strength" of authority by power means the ability, ultimately, and if necessary, to bring coercion, either physical or psychological, to bear.
- b. Authority by right: If the authority of an entity is based upon morally justifiable grounds so that

control over others is exercised by reason of these moral grounds alone, the authority is termed authority by right.

- c. Authority by consent: If the authority of an entity is based upon the consent of the one over whom it is exercised, the authority is termed authority by consent. The consent, of course, must be given freely, by a person possessed of competent knowledge and sound psychic facilities.⁵

Two of these bases are then combined to form a fourth basis; authority by power and right.

- d. Authority by power and by right: If the authority of an entity is based both upon superior strength and morally justifiable grounds, so that others are compelled by reason of this strength and morality to obey the entity, even against their will, the authority is termed authority by power and by right.⁶

The importance by carefully listing, defining and remembering these concepts cannot be overstated. The additional concepts that appear in the next four chapters are often derived from and consistently contrasted to and compared with these fundamental concepts of authority.

The Decision Making and Decision Executing Phases

It The three bases offered by Professor Reines aid one to conceptually locate the areas in which authority over one's beliefs and actions may be found. Is authority to be exercised by others over an individual or is the only acceptable source of authority to be found within the individual himself? If the latter is the case then how is it possible to justify claims of authority, the source of which originates from others? Before one can go on to solve the additional questions suggested by the concepts of authority listed above

a further aspect of the picture must be added. These bases of authority, both primary and secondary, involve two phases of a human being's psychic structure. Professor Reines defines them as:

The decision-making phase of a person: This is the part of a human person that originates decisions regarding beliefs and actions which the person recognizes as his own.

The decision-executing phase of a person: This is the part of a human person that receives and realizes the decisions of the decision-making phase. The decision-executing phase thus carries out the decisions made by the decision-making phase.⁷

It is now possible, with the necessary terms and definitions introduced, to undertake an examination of authority in Pentateuchal Judaism. However, a final contrast in terms of authority should be introduced. The terms are FREE and UNFREE. Their relevance to the study of concepts of authority in Conservative Judaism will become evident in the chapters to come:

A person is free when his own decision-making phase alone possesses the authority to issue orders to, and demand the obedience of, his own decision-executing phase.

It is possible, however, for a person's decision-making phase to be superseded by some agent external to himself which then exercises authority over his decision-executing phase in place of his own decision-making phase. This point can be illustrated by employing again the previous example of belief in a concept of God. It is possible for a person to have the authority of his decision-making phase to determine which meaning of the term God he shall accept as true taken from him,

and replaced by a decision-maker other than himself. In ancient and medieval times it was the usual practice for a religious institution, with the political support of the state, to compel a person to believe in some prescribed concept of God regardless of what his own true belief regarding the term God happened to be. In such a case, the authority of the person's own decision-making phase to issue orders to himself regarding what to believe about God was replaced by the authority of church and state, which then dictated its own demands to the person's decision-executing phase. If the person refused to submit to the authority of the church and state, and persisted in obeying the orders of his own decision-making phase, he was tortured or imprisoned until he died of his torment or surrendered to the church-state authority. A person whose decision-making authority over himself has been replaced against his will by another entity may be termed unfree. Thus the definition of a person who is unfree reads as follows:

A person is unfree when the authority of his own decision-making phase to issue orders to and demand obedience of his decision-executing phase has been superseded by the authority of an entity external to himself, which issues orders and demands obedience in its place.

[This discussion does not bear upon the question whether man's internal will is ultimately free or determined, i.e., the question of internal freedom or compulsion. Rather it deals with the freedom of a person to determine his own acts relative to external compulsion.]⁸

The immorality of the assumption that it is justifiable for a person to proclaim that without further justification he has authority by power and right over the decision-executing phase of others shall not be debated here. The unacceptability of such a notion is self-evident. However, Pentateuchal Judaism, the religious system presented in the Torah, or Five Books of Moses, and which is affirmed in the

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Jewish Theological Seminary Association Constitution, does put forth a concept of authority by power and right. That concept can only be justified if the contents of the Pentateuch are accepted as true. According to the Pentateuch, the source of such authority by power and right is not any human person, not even Moses; rather it is the Creator God alone, Yahveh. The source of authority by power and right is not a part of the natural realm.

Before moving further into the analysis of Mosaic Law in the Pentateuch, the concerns which will be applied to that presentation should be listed. In this way the direction of the struggle over the nature of authority in Conservative Judaism can be set. The Conservative rabbis and scholars who author the numerous concepts of authority to be presented seemed to be most concerned with untangling the following:

1. Can the contents of Mosaic Law be altered and belief in its immutability be retained?
2. Is it reasonable to claim that the Pentateuch itself supports change in the revealed law; even through the support of devices of rabbinic interpretation?
3. Is it possible to reconcile how Jewish communities have historically developed their religion with the concepts of change in the Torah?
4. Is authority by power, right and consent a viable principle of belief for anyone claiming to be a "traditional" Jew?

It is important to recall that according to the founders and

perpetuators of the Conservative Jewish Movement, the teaching of Yahveh's will of man through revelation of Torah at Sinai is a treasured, unquestionable doctrine. The importance to Conservative Judaism of "devotion and fidelity" to Mosaic law is underscored in the preamble of the Constitution of the Jewish Theological Seminary Association of 1886.

The purposes of this Association being the preservation in America of the knowledge and practice of historical Judaism, as contained in the Laws of Moses and expounded by the Prophets and Sages of Israel in Biblical and Talmudical writings.¹⁰

C. Mosaic Law in Pentateuchal Judaism

According to the contents of the Five Books of Moses what does fidelity to Mosaic law entail? How is authority presented in these books of Commandments?

First, and most important, the Bible identifies itself as revelation which was miraculously composed in its entirety (every single word) by Yahveh. Thus there is nothing of the human mind in the Bible; it is a divine and perfect work. The prophet to whom the Bible says it was revealed to such other prophets as Abraham and Jacob. Having established itself as divine and perfect knowledge, and consequently, superior to any form of natural knowledge, the Bible continues in this way.

Before the creation of the universe, Yahveh existed alone, (except, perhaps, for a coexistent chaotic stuff). He then decided to bring an ordered work or cosmos into

existence, and he created the universe. As the creator of the entire universe, Yahveh is thus the creator of man.

By the very fact that Yahveh is the universal creator, everything owes its existence to him, and he owns every existing thing. Inasmuch as without Yahveh nothing would exist, his right to absolute ownership of all things is morally justified.

Yahveh's right in all things, consequently, is supreme, -- supremely powerful and supremely moral. This supreme right, of course, includes man, so that Yahveh's right in the human person is superior to the person's own right in himself.

Yahveh, therefore, possesses ultimate authority over man. He has the right to command the person what he must believe and what he must do. In other words, Yahveh possesses the authority necessary to supersede the decision-making phase of a person and command him to act as he, Yahveh, wishes. And if the person refuses, Yahveh has the moral right to impose his authority over him by coercion. Yahveh thus possesses authority by power and right.

Yahveh has chosen to exercise his moral right to absolute authority over man. At the revelation to Moses on Mt. Sinai, Yahveh issued commandments in which he ordered the Jews and mankind to accept certain beliefs and perform certain political, ethical and ritual actions. If the commandments were not obeyed, severe punishment would follow. This revelation is contained primarily in the Pentateuch, and is further clarified in the Talmud.

Inasmuch as Yahveh's authority over mankind is absolute, he can do whatever he wishes. Accordingly, in the revelation to Moses, Yahveh chose to transfer to Moses his right to require the obedience of the Jews to his commandments. At Moses' death this right to authority by power was transferred to Joshua. Through a chain of tradition, this right to authority has subsequently been transferred from generation to generation. The authority inheres in whomever is properly qualified to teach and execute the commandments of the Torah. And until the Mosaic revelation is annulled or suspended by some future revelation or divine action, such as the coming of the Messiah, authority by power and right will continue to remain in the hands of the duly ordained clergy.

Authority by power and right, therefore, can exist, and does, in fact, exist in the present age. It is the possession of the ecclesiastical person or institution that can demonstrate that the universe has been created by a miracle-working God, and that the Creator has transferred to the ecclesiastical entity his divine right to authority by power over mankind. Such an ecclesiastical entity has the right to command a person what to believe and do, as well as the right, if the person refuses, to compel submission by whatever coercive means are deemed necessary, physical or psychological.¹¹

Yahveh bears absolute authority over the Universe and all that it contains by absolute power and absolute right. This position may be justified through the belief that Yahveh created and therefore owns everything because everything owes its existence and the continuation of that existence to Yahveh. Yahveh's authority is concretely represented in the contents of Yahveh's revelation. This supernatural communication of beliefs and ethics and rituals was given directly to Moses. The contents are:

1. unalterable by future generations
2. to be transmitted by Yahveh's viceroys

"These viceroys according to the Bible and Talmud succeed each other like links in a chain. They include: Moses, Aaron, the priests, the biblical prophets, the Pharasaic sages, the Geonim and today's Orthodox rabbinate."¹²

It is important to note that a heretofore uncounted, yet probably fair proportion, of the Conservative Jewish rabbinate considers itself to be the one warranted great assembly of present day viceroys in the traditional chain of Pentateuchal

authority. Within the Pentateuch the first and longest lasting concept of authority was established: authority over Jews by power and right.

Among the Jews, despite the many different religious systems they have developed, no other source of authority by power and right has ever been recognized. [With the exception of Moses Maimonides' Philosophic system.] The authority by power and right granted by the miraculous God is, of course, total. It includes authority over the political and economic spheres as well as over the religious life. Thus Yahveh gives to Moses political and religious authority over the Jews in Egypt. Moses is their political leader and represents them at the Egyptian court. Later, at Mt. Sinai, according to the Pentateuch, Moses transmits to the Israelites political, economic, and religious laws that Yahveh reveals to him. These laws are made obligatory upon the Jews and their descendants, who must obey them or suffer severe penalties, even including death.¹³

D. Theocratic Dictatorship

Striving for the precise use of terms cannot be readily overdone in a study of Conservative Judaism. Many are the claimants among the Conservative Jewish rabbis that their Jewish religious system represents the continuation of 'traditional' Judaism in its purest form. Yet one strains in vain to locate a consensus of opinion among these same men for the meaning of religion, Judaism, traditional Judaism and Conservative Judaism.¹⁴ Once the problems are realized of trying to maintain a belief in the authority of a document that is at once supposed to be immutable and mutable even the understanding of the term Historical Judaism becomes a piece of history itself.¹⁵ Therefore that broad range of attacks leveled against those who question the truth of the belief

that deity wishes Jews to perform unintelligible rites¹⁶ or-
 dained in Torah must not be permitted to prohibit one from
 focusing on just what sort of religious system the biblical
 authors formulated. It is necessary to examine Biblical
 Judaism carefully so that the impending discussion on con-
 cepts of authority in Conservative Judaism shall by contrast
 sparkle with clarity. The student of Conservative Judaism
 must be diligent to remember that preserving the spirit of
Mosaic law is the stated task of that movement.

Biblical Judaism was established as an authoritarian
 religious community professing a supernatural authority over
 b'nai yisrael through Yahveh by power and right. That is,
 Biblical Judaism is a theocratic dictatorship.

Yahveh, through his prophet Moses, rules the com-
 munity absolutely. No individual Jew is free to dis-
 obey Yahveh's commands or disagree with Moses on what
 these commands may be. The Jews must obey or be
 punished. The justification for this theocratic au-
 thoritarianism is to be found in the basic structure
 of pentateuchal religion, which is conceived of as a
covenant between Yahveh and the Jews.

The term covenant must be carefully understood.
 As employed in this Pentateuch, the term covenant may
 be defined generally in the following way:

A covenant is an agreement between two parties in
 which one party promises to do something of value
 for the second party provided that the second party
 fulfills certain conditions as laid down by the
 first party. Furthermore, the two parties agree
 that should the second party fail to fulfill the
 conditions laid down by the first party, after the
 first party has kept his promise, the second party
 is then properly subject to whatever penalties the
 first party may choose to impose.

The concept of covenant so dominates the pentateuchal
 religious system that the Pentateuch may be regarded as

primarily a record of the covenantal relation between Yahveh and the Jews. Broadly stated, the terms of the covenant are that Yahveh will protect and care for the Jews if, in return, the Jews obey his commands. These commands relate to every aspect of life, economic, political, and social, as well as to religious belief and ritual. Should the Jews, however, disobey or reject Yahveh's commands, he has the right to punish them. The covenant between Yahveh and the Jews, once having been entered into, cannot be nullified by the Jews. They are eternally bound to the covenant, although Yahveh may nullify it if he chooses.¹⁷

The proof of this evaluation of Pentateuchal Judaism is to be found in the text of the Bible itself. Beginning with Abraham the obligations of both parties to the covenant are specifically set forth.¹⁸ With the emergence of Moses the Yahveh-Abrahamitic Covenant receives reaffirmation and expansion. The original and expanded contents of Yahveh's covenant with the Jews given through Moses in a public empirical demonstration of authenticity is accepted by the entire Israelite community.¹⁹

1. Yahveh reaffirms his will to protect the Jews and grant them the nationhood promised to Abraham
2. The Jews must in return be Yahveh's loyal subjects
3. The Jews (or b'nai Yisrael) agree that all of Yahveh's commands shall be binding upon them and all future generations of Jews.
4. The Jews, by agreeing to the covenant surrender to Yahveh absolute authority over themselves.
5. All of Yahveh's laws must be kept, not just ten or those one freely selects
6. To follow the laws of Yahveh brings great rewards to ignore them brings disaster
7. The Pentateuch is immutable

8. The Sinaitic episode sets forth the conditions to be met for change in belief through any subsequent claim of revelation.²⁰

The importance of remembering the above points is rather weighty. It has been their very inescapability that has played havoc within the Conservative rabbinate. It seems appropriate to raise a general contention here that will be carefully documented and explicated in chapters two, three, four and five. This writer believes this contention to be a central factor in the splitting off of Reconstructionist believers from Conservative ranks. The contention is that most concepts of authority within Conservative Judaism arise from mutually contradictory premises:

- I. A. The law of Moses is immutable and must be preserved
- B. The spirit of that law legitimizes change through interpretation

No way has yet been found to fashion ideology in solidarity while maintaining this point. Immutable and mutable do not mix at all, even when using the seemingly disarming term "spirit," as was done in the case of the Jewish Theological Seminary Association preamble (1886). "Spirit" is not disarming; it is confusing. Such a notion either makes legitimate any individual's interpretation of Mosaic law or negates the validity of all human interpretations of Mosaic law.

- II. A. The Rabbinical Assembly represents the present link in God's chain of authority over matters in Jewish law; authority by power and right.
- B. The Rabbinical Assembly's authority is derived by the consent of the members of Conservative Judaism; authority by consent

These premises are fraught with the same difficulty of mutual exclusion. In addition, lack of agreement through lack of belief in any authority by power and right prevents the rabbis from acting to solve critical issues which divide the Assembly.

Wanting the historical fact that Mosaic law has been altered and/or rejected by large segments of Jewish populations over two thousand years to be the will of the Pentateuch will not make it so. To claim it is so and to then seek agreement from many brilliant, knowledgeable minds for that claim is to seek to resolve the irresolvable. Perhaps the following is a cliché; it definitely has contributed to the profusion of disagreement on the subject of authority in the Rabbinical Assembly from its founding to the present day:

One man's paradox is another man's contradiction.

S.P. This writer does not mean to assert that all people who claim to be Jews loyal to Mosaic law accept Professor Reines' conceptualization of Pentateuchal Judaism. Documents abound which simultaneously affirm and deny the Pentateuch's internal conditions for loyalty. As will appear in Chapter II, such writings often reflect a lack of concern with the passages cited by Professor Reines.

E. Traditional or Orthodox Judaism

One further profound statement from the Reines study should be inserted at this point. A definition of traditional

Judaism is offered which does not at once affirm and deny belief in Biblical Judaism's basis in the 'General Pentateuchal Covenant.'

Orthodox Judaism understands itself to be the religion of the Pentateuch. However, it maintains that Yahveh, at Sinai, not only revealed the Pentateuch, i.e., the Written Law (Torah), but the Talmud or Oral Law (Torah) as well. Logically speaking, therefore, Orthodox Judaism is essentially the same kind of authoritarian system we have described, with the additional requirement that talmudic, as well as pentateuchal law must be observed as part of the General Pentateuchal Covenant.²¹

In order to decide whether Conservative Judaism is an extension of Pentateuchal-rabbinic Judaism this latter system must first be defined. It is hoped that this chapter has offered the scouting and understanding of Pentateuchal-rabbinic Judaism necessary to continue with this study. Authority is a subject that concerns the heartbeat of that system. From the inception of the Historical School of Judaism, from which Conservative Judaism emerged, questions on authority continued to occupy a position of central importance.

CHAPTER II

THE BEGINNING

The Historical School of Judaism became absorbed by the new movement called Conservative Judaism. Reference to their relatedness was included in the Constitution of the Jewish Theological Seminary Association.¹ However, the definition of that relationship was excluded and so there is no accurate, reliable statement available on that matter. Two goals sustained the formulation of Conservative Judaism out of the Historical School; namely, UNITY and AUTHORITY.

It was decided from the beginning to unite various groups with different ideas for the future of Judaism in America. The common element which would unite all of them was the idea of a developing historical Judaism. The Historical School in its interpretation of Klal Yisrael identified itself with the total experience and commitment of the Jewish people throughout the ages. As a result, when the Seminary was reorganized in 1902, it was called the "Jewish Theological Seminary of America," not the "American Jewish Theological Seminary."²

No longer should our worship be fashioned after the whims and private tasks of the members of a congregation; how can they be trusted to legislate upon anything connected with Judaism when their ignorance is notorious? The brains which should think out these problems, and recommend solutions for adoption, are the brains of our ministers; it is they whose specialty consists of a study of the progress of the age, it is they alone, who know what does and does not clash with the principles of our religion, it is they alone who can, and who ought to act.³

In order to proceed with a study of the concepts that arise from Conservative rabbis and scholars from the twenties to today a closer examination of that which stood behind

these two goals is required. A bridge is required to enable the student of authority in Conservative Judaism to cross from Mosaic beliefs to an understanding of the modern Conservative Jewish rabbinic mind.

Historical Judaism

The promulgation of the Historical School in America was achieved through the efforts of men such as Sabato Morais, Isaac Leeser, Alexander Kahout and Solomon Schechter. It is not possible to discuss in-depth here everything to which they gave motion and form. Yet it is possible to present motivations, basic principles, the relation between Mosaic-rabbinic Judaism and the Historical School, without massive commentary.

In his work The Emergence of Conservative Judaism⁴ Professor Moshe Davis pieces together the platform of the Historical School. However, this platform was never officially formulated and submitted for an official vote. In addition, no such systematic ideology of any reasonably high philosophic standard defining what the Historical School meant to its own adherents let alone to Conservative Judaism appears in the book. Nor does such an ideology appear in any other source with which this writer is familiar. However, it remains unquestionable that Professor Davis' listing merits close study. Hopefully that procedure in combination with the study of other source material will

yield a somewhat definite concept of authority in Historical Judaism at the moment Conservative Judaism begins to emerge.

What then were the basic and uniting ideas which prompted men of such differing modes of practice to remain together in one school of thought and action? Principles crystallized in spite of the different emphases in different periods of the Historical School and in spite of the fact that its members did not systematically articulate any one theology. These ideas, as they emerge from the historical context, can be formulated as follows:

1. The Emancipation and secular Enlightenment must be accepted as significant positive factors in the Jewish present and future development.
2. The equal status of Jews in democratic societies generally, and in the United States in particular, offers new opportunities for Jews and Judaism.
3. Klal Yisrael is the historic basis for the unity of the people at all times and places.
4. Judaism can be adapted to changing conditions according to biblical and talmudic teachings in the light of the development of the Tradition in all ages.
5. The traditional mitzvot, the precepts, are the basic precondition for the establishment of a Jewish way of life.⁵

The most significant clause in this presentation is not found in the five ideas themselves. At this juncture the clause "in spite of the fact that its members did not systematically articulate any one theology" most concerns this examination. Found within these words is the reason why so many concepts of authority would be offered by the members of the Rabbinical Assembly in decades to come. The unsettled, rambling life of the Committee of Jewish Law and Standards was determined by clauses such as that quoted

above. On one hand the formulators of the Historical School/Conservative Judaism would agree that,

The true want of the age is a recognized religious authority, which shall obviate all fear of head and neck change, we mean not the exaltation of a man, whose will shall be law, no Jewish Pope, far from it--but we ask for a periodical synod of the Jewish clergy, to consider the advance of the times and the change of thought, to decide what customs are obsolete, what innovations are desirable; to speak with a voice which shall ring through the Jewish world, because of the fact of its being the united voices of the renowned ministers of our faith in Europe and in America.⁶

But on the other hand they would choose to ignore what the source of that authority is. What is the nature of the authority of the Bible, Talmud and Shulchan Arukh? Does it apply differently to the rabbi than to the layman? What authority do the rabbis possess and from whence is it derived? What connection can be made between authority in the Mosaic-rabbinic system and the concept and application of authority in a fledgling Conservative Judaism? The great men referred to earlier refrained from answering such central questions fully at the inception of the J.T.S.A. and the R.A. In consequence, the awareness of the essence of the Historical School, as a comprehensive and comprehensible Jewish religious system was made inoperative and lost forever.

Nowhere is the criss-cross vagueness in the relationship of Pentateuchal Judaism with the Historical School more clearly visible than in the area of authority. The developers of this new branch of Judaism took a first

step by trying to supplant the Orthodox and Reform rabbinate as the true, present day viceroys in that chain of authority originating from Sinai. The removal of the C.C.A.R. from the authority picture was semantically simple. Reform could not be considered a part of the chain since Reform questioned the very notion of both Sinaitic revelation and special rabbinic powers. The removal of the Orthodox rabbinate--the very rabbinate from which the R.A. would seek answers to its religious legal dilemmas in its early years--was a much more difficult task. The leaders of the Historical School boldly asserted that they and only they understood the dynamics, the "spirit" of the Jewish past and present. Judaism changes markedly with every generation. Laws can be ignored or altered only in accordance with that Jewish spirit and therefore one is to assume that the Rabbinical Assembly would be the only legitimate authority for preserving, altering, discarding, or ignoring whatever Jewish religious law is in question. This concept of authority by assumption shall appear again. When these same men try to assert that their approach to Jewish law does nothing to disturb belief in the law's divine origin and immutability a problem of gigantic proportions arises. Professor Davis offers Alexander Kahout's argument for the validity of the Historical School's ideology that suggests an answer to the gigantic difficulty. It attempts to forge a link between Pentateuchal Judaism and

the Historical School. It is regarded as a cohesive statement of doctrine and has received much acclaim.

The chain of tradition continued unbroken from Moses through Joshua, the Elders, the Prophets and the Men of the Great Synagogue, down to the latest times. On this tradition rests our faith, which Moses first received from God on Sinai. On this foundation rests Mosaic-rabbinical Judaism to-day; and on this foundation we take our stand. . . .

But you may ask: Shall the fence around the garden, shall reverence be extended around everything that the past hedged in. . . ? "Remember the days of old," said Moses, and have regard to the changes of each generation (Deut. 32:7). The teaching of the ancients we must make our starting-point, but we must not lose sight of what is needed in every generation. . . .

And as these elders did, so can--yes, so must we, the later Epigoni--do in the exigencies of our own day. If the power to make changes was granted to the Elders, is not the power given equally to us? "But they were giants," we are told, "and we, compared with them, are mere pygmies." Perhaps so; let us not forget, however, that a pygmy on a giant's shoulder can see further than the giant himself.

Let us now revert to the question raised at the outset: Is Judaism definitely closed for all time, or is it capable of and in need of continuous development? I answer both Yes and No. I answer Yes, because Religion has been given to man; and as it is the duty of man to grow in perfection as long as he lives, he must modify the forms which yield him religious satisfaction, in accordance with the spirit of the times. I answer No, in so far as it concerns the Word of God, which cannot be imperfect. . . . You Israelite, imperfect as you are, strive to perfect yourself in the image of your perfect God. Hold in honor His unchangeable Law and let it be your earnest task to put new life into the outward form of our religion. . . .

Our religious guide is the Torah, the Law of Moses, interpreted and applied in the light of tradition. But inasmuch as individual opinion cannot be valid for the whole community, it behooves individuals and communities to appoint only recognized authorities as teachers; such men, that is to say, as acknowledge belief in authority, and who, at the same time, with

comprehension and tact, are willing to consider what may be permitted in view of the exigencies of the times, and what may be discarded, without changing the nature and character of the foundations of the faith.⁷

Naturally Rabbi Kahout's translation of Deuteronomy 32:7 draws one's attention and suspicion. The word sh'not means 'years' and in context it is parallel to y'mot 'days.' Rabbi Kahout employs midrashic license to alter the translation to 'changes' or hē'sha'not.⁸ The verse is cited to support the Historical School's contention that change in Jewish law is ordained by Mosaic law itself. This ancient homilistic device should have had great appeal at one time, but not in the present era. To say the least, such an argument offers little support to the Historical School's position given the overwhelming statements to the contrary found explicitly in the Pentateuch itself.⁹ It is one matter to take cognizance of changes in systems of Judaism. It is quite another to insert that which transpired centuries after the compilation of the Pentateuch into the Pentateuch itself. This writer supports the notion that Jews changed the content and structure of Judaism but not with the belief that such change is called for in the Pentateuch:

The multiplicity of forms which authority took in ancient and medieval Jewish history can largely be accounted for by the fact that authority in Jewish life was all-inclusive and was by no means confined to the strictly religious sphere. Every clash of interest in Jewish society was bound to find expression in conflicting views over the question of authority. Thus, all struggles, no matter how secular in nature, involved religious ideologies, for all aspects of life were regulated by religiously sanctioned law.

The problem of authority in these epochs was most crucial when profound historical changes so altered the structure of society that large numbers of Jews challenged the very structure of authority then prevailing. For them, these institutions represented either obstacles in the way of their own needs and interests, or else the incarnation of those forces which were responsible for their own misery and degradation. Only the removal of the existing expressions of authority, and their replacement by other institutions more in keeping with the needs and aspirations of these groups, would satisfy them. They therefore counterposed new concepts of authority to the old.¹⁰

However, a comprehensible ideology for the twentieth century American Jewish community cannot be composed of appeals to inexact, inconclusive ancient semonic devices. As this study unfolds it shall become evident that the correct understanding of Mosaic-Rabbinical Assembly authority has not as yet been found.¹¹ The Rabbinical Assembly will devote much of its energies in debate on the acceptable notions of: religious; Torah; authority and its application. The calls shall be heard in every decade to resolve the clashes and establish an ideology.¹²

In the pre-Rabbinical Assembly era the concept of authority most often encountered is a strange hybrid. It assumes authority by power and right as the only legitimate present day link in the traditional chain of power. It assumes the Jews want men of the Historical School to assert such authority even if the Jews are unaware of that desire. It assumes its understanding of and application of authority is in consonance with Pentateuchal Judaism. This concept of authority may be regrettably said to include: authority

by power and right and consent and assumption. An editorial from the publication "American Hebrew" is quoted by Professor Davis which for the purpose of this study might be seen as alluding to this impossible notion of authority:

The sad lack of harmony which has so long been felt in Jewish matters has done much to retard Judaism. Time was when a Jew from any quarter of the globe felt at home in a Jewish synagogue, but with Minhag America and Minhag Poland and Minhag Reverend This and Minhag Reverend Doctor That, we may call ourselves fortunate if we succeed in becoming familiar with the ritual and the laws prior to their being changed for some other. This is equally true of Europe and of this country, yet we doubt whether American Jews recognize their own importance as a factor in universal Judaism. Not even the most orthodox of our brethren will deny that many beneficial changes can be instituted in the rabbinical rules--provided a tribunal of acknowledged competency and authority be organized to consider and advise these changes. And did we not so sorely lack men of character, ability and disinterested conservatism among our American Rabbanim, the United States would be the place of places to assemble such a convention. New problems can here be worked out on a new field unhampered by ancient interests and the American solution would by force of example soon become world-spread. Much of the Shulchan Aruch has outlived its usefulness and a return to the condition prior thereto is both desirable and practicable. The only obstacle lies in the pulpit. Here is an opportunity for our American ministers to prove themselves worthy of their positions. . . .¹³

A Vision of the Synod

It is indeed tragic that the framers of the Historical School accepted indefinite theology while promulgating belief in a theocratic dictatorship. Their rule seems to suggest that ideology counts little when compared to the importance of a Jew's ritual habits. The contradictory

notions of authority of the Pentateuch and that of the Historical School were either pressed so close in interpretive writings as to make them appear the same or obscured and distanced from each other so as to prevent their consideration. Unity was sought through the performance of those ritual acts deemed most important for visibly identifying oneself as a Jew. The terms mitzvot, Mosaic law, Pentateuch, tradition were used more for purposes of forming good public relations than for establishing a cohesive, understood religious system:

If the members of the Historical School considered the abandonment of the Sabbath, kashrut and Hebrew as treason against Judaism, they considered the Reform innovations in marriage and divorce as catastrophic for the continuity of the Jewish community.¹⁴

Conservative Judaism did not begin with a reasonable and reasoned concept of authority. Its concentration on the protection of a limited number of rituals at the expense of establishing religious ideology, especially in the realm of authority set a dangerous precedent for philosophical inexactitude that would plague the Rabbinical assembly in the decades ahead.

The Synod

It is possible to believe that the founders of Conservative Judaism had hopes that events in the future would straighten out the following notions to which they had succumbed:

1. a. Rabbis possess God given authority
b. Rabbis possess authority only by consent
2. a. The Torah is divinely revealed and immutable law and that is truth
b. The Torah is mutable, understood and alterable by the Rabbinic Assembly
3. a. The Torah is immutable
b. Jewish communities in the past changed; therefore change or mutability must be attributed to the contents of the Torah itself.

There can be little doubt that the desire to form an authoritative body of scholars and rabbis for the purpose of altering Jewish law as much as required and as little as possible was a major concern of the Historical School as it began to assume the name Conservative Judaism:

The ideological statement which outlined the future Conservative Movement was published in 1879, the year the American Hebrew appeared. The statement called for recognition that much of the Shulhan Arukh had outlived its usefulness as the decisive code of Judaism, and for a return to the condition of halakhic interpretation which had prevailed in Jewish life during the period of the Talmud. To achieve this, the members of the Historical School advocated the establishment of a modern rabbinical authority through the organization of a synod. Until such a new authority could be realized, the program of the Historical School called for a fresh attempt to reconstitute traditional authority under its own leadership. The School hoped to accomplish this program by institutionalizing traditional Sabbath observance in the synagogue, strengthening kashrut in the home and, in general, invigorating Jewish life by emphasizing the mitzvot.¹⁵

The Historical School bequeathed the Rabbinical Assembly an undefined middle area that cared neither for the actions and principles of Reform (principles that would with

one exception come to be their own by the 1970s) nor the static stand of Orthodoxy.¹⁶ The Historical School bequeathed a beginning of problems and great challenges. But the task of creating that synod would assume a concern of the highest priority especially during the 1920s. Often the inherited ideological vagueness and contradictions would stymie the Rabbinical Assembly's progress. Yet the Law Committee, the realization of the Synod proposal, would not be denied.

CHAPTER III

THE BATTLE LINES ARE DRAWN

The 1927 Convention of the Rabbinical Assembly resolved to create the synod of authority that the Historical School so highly valued:

RESOLVED that a committee of ten be appointed representing the various tendencies in the Rabbinical Assembly to act in an advisory capacity to the members of the Assembly in matters of religious and legal procedure. The committee shall have the power to receive questions from the Rabbis, to discuss the same with them and with one another. Where a decision is unanimous, it shall be issued as the authoritative opinion of the Rabbinical Assembly; otherwise the committee shall forward the majority as well as the dissenting opinions to the inquirer.¹

True to its word this resolution led to the formation of the Committee on the Interpretation of Jewish Law which would be composed of men of varied opinions.² Though two years would pass before the issuance of the Committee's first report, threats against the life of that embryonic synod became politely embattled in R.A. convention halls. The attackers, curiously enough, were those very men who would serve on and control the law committee then and in years to come: Max Drob; Louis Finklestein; Julius Greenstone; M. M. Kaplan; Eugene Kohn and Max Kadushin.

Unity was the cry of the 1927 gathering of Conservative Rabbis. Rabbi Max Drob made the theme of his Presidential Message an appeal for unity. In it he charges his

colleagues to "utilize every ounce of strength for making traditional Judaism prevail."³ Four similarities with traditional Judaism are put forth as targets for standardization within every Conservative Jewish household. The keeping of the traditional Sabbath, keeping kosher, increased use of Hebrew and support for the establishment in Palestine of a people whose existence is based on Mosaic law.⁴ What he does not ask or answer is:

1. What should be done with the rest of the corpus of traditional Judaism?
2. What makes his program traditional Jewish?
3. By what method and by what authority shall his conception of a Jewishly sanctified home be established and for whom shall this be done?
4. Where, if the Torah is the basis of this Jewish life, does Mahveh enter into this "traditional" Jewish life?

By offering a response to the last question first it might be possible to understand why the seemingly significant spaces in Rabbi Drob's presentation are present. In order to allay disagreement and obtain unity he asks the Assembly not to take matters of theology too seriously. Were one concerned with the preservation of Marxism such advice would surely seem harmless. But he is asking a group to assume the obligation of teaching and making mandatory the observance of parts of a supposedly revealed religious system. And yet he argues against defining the essential nature of that same system. How could a 20th century American Jew live as an authentic traditional Jew, accept all the words

of the Torah while making ideology and theology a tangential concern? Yet Rabbi Drob insists:

Let us have our theological and philosophical discussions. Let us have our differences in these theoretical matters. Let these differences however, not stand in the way of maintaining the uniformity of observance which has characterized the Jewish people throughout the ages. Let this be our slogan: "The secret things belong unto the Lord, our God, but those things which are revealed belong to us and to our children forever, that we may do all the words of this, our Torah."⁵

The "binding character of the Torah's Ceremonial Law" is binding because at Sinai ~~Yahveh~~ by power and right made it so. What makes such law binding ~~without~~ this basic traditional Jewish belief? Rabbi Drob does not say. An acceptance of the authority of an entity based on contradictory premises is to have no concept of authority at all. Simply using the word "authority" or "binding" will not suffice. One might term such a concept Authority Without Authority. As the plea for unity among the members of the Rabbinical Assembly continued to be heard the merit of the resolutions to create a law committee seemed more questionable, and more pronounced became the need for the ideology Conservative Judaism had yet to acquire.

Opposition

It is much to his credit that Louis Finkelstein sought to ignore Rabbi Drob's advice. In an attempt to pinpoint Conservative Judaism's ideology he wrote an essay entitled, "The Things That Unite Us" which he delivered at

the "unity" Conference of 1927.⁶ He suggests that all members of the Rabbinical Assembly believe in the Ultimate Good who revealed the proper religion to the Jewish people in the Torah and through the prophets.⁷ When Dr. Finkelstein begins to elaborate on the connection between the Ultimate Good and Torah and law those already familiar dilemmas appear once more. They appear, however, in what might be considered a description of attributes. This writer does not comprehend that joy. In three paragraphs the divine direct revelation of the Torah is upheld and rejected. The authority of that Torah by power and right on all Jews for all time is upheld and ridiculed and altered. It is even displaced by the introduction of two additional concepts of authority foreign to Pentateuchal Judaism. The first concept might be called Authority by Intuitive Love. This is followed by the concepts of authority of the Torah over Jews by intuitive sentiment:

Because on the one hand we regard the laws of the Torah as prophetically inspired, and because on the other we regard the legalism of the rabbis as the finest and highest expression of human ethics, we accept both the written and oral Law as binding and authoritative on ourselves and on our children after us. The Torah is for us the way of life, and Rabbinism merely the fruit into which the blossoms of prophecy ripened.

But, and here our modern outlook asserts itself, we do not regard the observance of either the written or oral Torah as an alternative to eternal perdition. The punishments with which our fathers threatened us for deviating from the ways of the Torah, seem to us too naive

and unsophisticated. The conception of God that lies at their basis is too immature for us and for our children. We are rather prepared to accept the dictum of the rabbis that "the punishment for a transgression is the transgression itself." If by salvation is meant spiritual peace, the satisfaction of living a worthy and good life, certainly salvation can be attained only through the observance of the commandments. But we are entirely unwilling to cajole or intimidate our following or our children into being loyal to the Torah through threats and the fear of punishment.

We are drawn to the Torah with the bonds of love for it and for its norms. We love its ceremonies, its commandments, its rules, and its spirit. We delight in its study, and find in it comfort and consolation, discipline and guidance. And it is this response to it that we want to hand down to our children. We owe our affection for it to our ancestors who have guarded it through 2000 years of suffering, and we feel that it would be a betrayal of them to yield in our adhesion to it now when we have at last attained freedom and emancipation.

These were doubtless the forces that kept our ancestors loyal to the Torah. Their fear of punishment was merely a rationalization of what was essentially emotional. We are conscious of the real urge that animates us and we are unwilling to deceive ourselves as to its essential quality. We certainly dare not, even for the sake of the Torah, establish its observance on the basis of what has come to us a false rationale.

Our love for the Torah is only in part rationalistic; in the main, we need not be ashamed to confess it, it is emotional, intuitive and mystic. We find much in the Torah of which the validity can be established by science and logic. But we do not base our observance of it on mere intellectualism. We can give no mathematical reason for the joy which the Sabbath brings us. If our neighbor does not feel it he lacks the Neshamah Yeterah which he can better obtain by living our life than by listening to our arguments. Doubtless had we been born Hottentots, we could not have discovered the Torah of our own will and accord. But we are not Hottentots, and have behind us our Jewish individual and racial memories. It is these memories that are part and parcel of us and that bind us to the Torah with ties which we have no desire to sever.⁸

Apparently this writer is not alone in questioning the value and relevance of Dr. Finkelstein's assumption of the nature of the authority of the Torah over Jews. Eugene Kohn who was greatly impressed by Dr. Kaplan's writings and a man who would one day be elected President of the Rabbinical Assembly responded to Dr. Finkelstein in the following manner:

Nor can I agree with Dr. Finkelstein in holding that we are united in our conception of Torah. Dr. Finkelstein seems to assume that we all concur in the doctrine that the Torah derives its authority for us from the fact that "the prophets and lawgivers of Israel were men who, more clearly than any others, felt the presence of God and came more directly in contact with His spiritual being. . . . They felt constantly in their daily lives the presence of God that we sense only in moments of ecstasy and under particularly favorable conditions. They knew what was right by intuition. . . . Their works are therefore inspired in the sense in which no other literature, no matter how great or how beautiful, is inspired."

Now all this seems to me and, doubtless, to many others of the Rabbinical Assembly, as entirely irrelevant to the question of the Torah's authority. The fact that a human being perceived his glimpse of spiritual truth in a state of ecstasy or by what Dr. Finkelstein is pleased to call "intuition" is no stronger validation of the truth of that vision than if it had come to him through a painful and tedious process of ratiocination. There were prophets, too, of whom the Bible speaks and, equally with the true prophets, they were given to ecstasy and pronounced their oracles with the absolute conviction that they were speaking the word of God. There always seems to me to be a peculiar inversion in the sort of logic which accepts the truth of the Bible because it is inspired, for to me it is the truth of a doctrine that marks it as inspired, not its inspiration, that marks it as true. "The signet of the Holy One, blessed be He, is Truth." Since even Dr. Finkelstein admits the human authorship of the Biblical books, and since the intuitive method by which their authors arrived at their conclusions is no guarantee of the correctness of these conclusions, does

it not follow that the doctrine of the revelation of the Torah as Dr. Finkelstein and doubtless many others of our Assembly conceive it is irrelevant to its authority? And yet, on the strength of this doctrine, some of our rabbis profess to believe what I and many others cannot believe, that, for example, the law enjoining the destruction of all who practiced witchcraft had not merely a certain justification on grounds of social expediency but was a direct oracle of God, or that, when Samuel ordered the extermination of the Amalekites, he was not yielding to a nationalistic spirit of vengeance, such as Dr. Finkelstein would deplore and condemn if it manifested itself similarly in modern life, but was obeying a divine voice which it would have been rebellion and sin to have disregarded. If such are the corollaries of Dr. Finkelstein's theory of revelation, and they seem to me to be such, it certainly cannot be accepted by the more modernistically inclined of our rabbis.⁹

Taking hard looks at ideological positions especially when dealing with concepts of authority is not an uncommon exercise of the R.A. The grand merit of such action would seem all the greater were the members of that body able to fashion an ideology to support their ritual similarities.

Rabbi Kohn's response to Dr. Finkelstein continues by rather clearly and boldly defining a concept of authority in Conservative Judaism that is the one most often appealed to albeit in a variety of shades. This writer calls it

Authority by Assumption:

I can understand the hesitancy of many of my colleagues to accept certain innovations that may seem to me proper and necessary for fear that these may endanger the continuity of Jewish tradition, but I cannot understand an attitude which urges us to wait and see whether an experiment succeed or not when the very waiting must of necessity contribute to its failure to succeed. For, obviously, the restoration of authority cannot be effected by a refusal to assert authority. Relatively to the ignorant masses, whose religious observance or non-observance is not based on an enlightened understanding of Judaism, we are the "scholars and leaders." At all events, they look

to us for leadership and, if we fail them, we destroy the last hope of ever restoring any form of authority in Jewish life whatsoever. Since we all concede that change is necessary, is it not the duty of the Rabbinical Assembly, precisely because it is an assembly of rabbis, to seek to discriminate rationally, on the basis of knowledge and experience, between innovation and innovation, rather than to evade the issue by leaving it to chance? At any rate, it seems to me that, so far from representing an attitude toward change in Jewish law that is equally satisfactory to those of us, on the one hand, who see a grave danger to Jewish tradition in the intransigency of Orthodoxy to changing conditions and new ideas, and to those of us on the other hand, who equally see danger in the tendency of Conservatism to abandon time-honored practices, Dr. Finkelstein's attitude of evasion must be offensive to both.¹⁰

The concept of authority by assumption might be defined as:

1. The assumption by the Rabbinical Assembly that members of the United Synagogue synagogues believe that the Rabbinical Assembly should have the power and right to tell this membership what is valid and invalid, true and false in their religion which they call Judaism or Conservative Judaism.
2. The assumption that for any religious system to be considered Jewish and to have a chance to survive its leaders must accept a concept of authority that asserts control over the "ignorant masses."
3. The assumption that members of the Rabbinical Assembly are the only Conservative Jews whose knowledge of Jewish tradition and of modern society is sufficient to preserve what should be preserved and change what should be changed.

To be sure, this concept was not voted upon by the members of every congregation. To be sure, the individual members of congregations often disregard the authority of the rabbis, according to testimony of Conservative rabbis themselves.

To be sure, the curriculum of the Jewish Theological Seminary, were that to be considered a reasonable criteria, does

prepare students for a certain proficiency in classical rabbinic textual use but does not concentrate on studies that would necessarily yield one any other particular expertise. The source of this claimed expertise in modernity is never located. In addition, Rabbi Kohn's disavowal of belief in the Torah as Yahveh's revelation to Moses of Sinai and consequent denial of its authority by power and right leaves him with the requirement of justifying the need for preserving older Pentateuchal-rabbinic Judaism. That justification is not immediately forthcoming just as justification for establishing an authority-centered American Judaism is not offered.¹¹ Rabbi Kohn is not describing means of preserving the truth of the Torah as believed in by traditional Judaism. He is describing a completely different approach to biblical and rabbinic materials that is contradictory and incompatible with Pentateuchal-rabbinic Judaism. Keeping fully or partially kosher when one rejects the belief that Yahveh ordered the Jews at Sinai to keep kosher bears no essential relationship to traditional Judaism's religious system.

Another Year . . . The Confusion Lingers

Before adding two further concepts of authority which appear in Dr. Finkelstein's 1929 address, a passage will be quoted that explosively declares the meaninglessness of the undefined, general use of the term Traditional Judaism.

Rabbis Finkelstein and Kohn have indicated two very different notions of tradition and Jewish authority. Rabbi Max Drob, also has a conception of tradition and Jewish authority which vastly differs from Finkelstein and Kohn. And these three views issued by highly respected members of their rabbinic organization, do not represent all the concepts to be offered in this study. It seems proper then for one to legitimately question the propriety of using the words Conservative Judaism to depict any particular religious system. (Rabbi Kaplan and others are yet to be presented!) How thoroughly clear the following quotation makes that point. The title of Rabbi Drob's address is "A Reaffirmation of Traditional Judaism:

This Judaism that I received from my parents and teachers I call Traditional Judaism. It was not a Judaism of their own making, for they did not formulate it. It was a Judaism, so they told me, which they had received from their parents and teachers who in turn had received it in direct line from "Moses, Joshua, the Elders, the Prophets, the Men of the Great Synagogue, the Rabbis and the Scholars" of every generation. This Judaism they received, and this Judaism they taught me.

I have never had the inclination to while away my time in idle speculation as to what kind of a Judaism I would have liked to receive. To do so would have been as idle as to speculate on what kind of a mother or a father I would have liked to have. If I had been consulted, I might have chosen a mother as beautiful as Venus or a father as rich as Croesus.

Fortunately, or unfortunately, I was not consulted in the matter. It was God's will that I should be born in a certain place to certain parents. Likewise, the Judaism I profess is not of my making or of my choosing. Had I been brought up without any religion, I really do not know if I would have chosen Judaism. In fact, I feel reasonably certain that had I been born of Christian

parents, I would have remained a Christian and might now have been addressing a Christian assembly on Fundamentalism. If I am a Jew, it is therefore because of no mental processes or philosophic researches, but simply because God willed it that I should be born of Jewish parents. Nor can I say that I have ever consciously chosen Judaism since Judaism never granted anyone the right to say whether he desired to remain a Jew or not. It is one of Judaism's cardinal doctrines that a Jew who breaks any of its laws is a sinner, and he who leaves the faith is a traitor. Judaism is therefore not only my birthright, but also my responsibility which I cannot shirk or repudiate.¹²

Rabbi Drob accepts the concept of authority of the Pentateuchal-rabbinic system. He reaffirms authority by power and right as a viable concept for conservative Judaism.

In 1929, Dr. Finkelstein again addressed the Rabbinical Assembly on the nature of Jewish law in Conservative Judaism. In the course of the address he creates two additional concepts of authority in Conservative Judaism. These concepts seem to be of secondary importance, as if meant to hold in check all those men who would disagree with his primary concept. This writer has not been able to reasonably comprehend exactly what that primary concept is, so it cannot appear here. The other concepts might be called:

1. Authority by Wisdom and Consent which incorporates in it a denial of individual freedom to be one's own religious authority and still be Conservative Jewish. Yet the power to prevent the person from exercising individual freedom is neither suggested nor referred to.

In order to be able to deal effectively with established custom, even when it is contrary to law, a Court must have become accepted as authoritative. It can win

authority by wise decisions in specifically rabbinic matters that are from time to time referred to it.

No more important problem presents itself to the Jews of America in their religious life than the establishment of an authoritative tribunal for the interpretation of our law, such as will be recognized by all who observe the law. Difficult questions continually arise demanding solution, questions which our ancestors never were called upon to meet. The very freedom which we enjoy involves new modes of religious adjustment. Yet we cannot permit individual rabbis to go behind the accepted codes and customs in interpreting the law. The anarchy that is growing up because of the daring of some rabbis, who arrogate to themselves the authority to introduce unheard-of precedents is one of the greatest dangers to the future of our religion. Such delicate and responsible matters as the nullification of marriage, for example, belong properly not to individual rabbis, but to widely recognized tribunals representing whole groups of rabbis. We deny to our own individual members the authority to deal with these questions, and we deny it also to individual members of any other group.¹³

2. Authority by Age. The authority of an entity over a person's decision-making and or decision-executing plan(s) because the entity is old. Dr. Finkelstein writes succinctly

Whatever may be said in criticism of our organically developed systems of law, they have this great advantage, they are old and therefore authoritative.¹⁴

The belief that members of the Rabbinical Assembly seem to share is that a central authority is required to decide matters of Jewish ritual observance. That belief, so pronounced in the 1920s, does not dissipate. When some members of the Assembly come to find themselves in absolute opposition to the Committee on Jewish Law and Standards (as that original law committee would come to be known) they disassociate themselves from the R.A. and form the

Reconstructionist Movement of Judaism. That movement's concern with ideology and support of individual freedom very much alligns it with Reform Judaism.¹⁵ The reason why the rabbis of Conservative Judaism's institutions require a central authority varies widely in their writings. How much of their congregants' daily lives this authority could hope to affect is not a high figure. How much of past Jewish systems they are actually preserving, for whom by whom is also not terribly obvious. What underlying factors compel these great men to support their notions for a central religious authority this writer is not trained or qualified to surmise. It does seem fair to suggest that to this point the religious system Conservative Judaism continues to lack existence as a knowable religious system. The outlook for the 30s and onward is much the same.

CHAPTER 4

A MULTIPLICITY OF BELIEFS

Between 1930 and 1950 the debate over ideology raged on. The central point of contention concerned finding an acceptable concept of authority for Conservative Judaism. Many positions emerged, some haphazard and others carefully formulated. During this same period the Law Committee underwent radical organizational change, even a name change. Though it tried to formulate principles for itself the Committee was stripped of nearly all real authority. It was left nursing the notion that a unanimous decision was binding only upon the Committee membership itself and even that meager power withered. In the 60s and 70s the consent of the Rabbinical Assembly would be required to give strength to Law Committee major decisions. (Perhaps someday authority by consent shall become applicable to the ~~Leity~~ as well.)

The fight for a cogent justification for the establishment of a central authority in Conservative Judaism continued. Various factions engaged in conflict over the immutability and mutability of the Torah and the Talmud; over the concept of Torah M'Sinai and other views of revelation or the lack of it; over the rabbi's role and the congregant's behavior. All factions made authority a major if

not the major issue. From this ideological entanglement emerged numerous secondary concepts of authority as well as reaffirmations of those already presented. The concepts appearing in this chapter represent a carefully selected sampling of the concepts that seemed well received and that were comprehensible. Every effort was made to make a good selection. It is vital to keep in mind that two main areas of authority are being approached by the rabbis and scholars of Conservative Judaism's institutions:

1. The authority of the contents of biblical and rabbinic texts over rabbis and laity.
2. The authority of the rabbi and the authority of the layman.

This writer discovered six significant secondary concepts of authority in Conservative Judaism in addition to those primary concepts discussed in chapters two and three. They will be listed and commented upon in the first half of this chapter. Numerous appearances and applications of the primary concepts of authority in Conservative Judaism: by power and right, by assumption and by consent will then be presented. It usually is the case that the secondary concepts are used by many writers to assist the influence of the primary ones toward justifying the need for a strong central authority in Conservative Judaism.

A. Authority by a Single Pentateuchal Verse and
by Assumption

This view contends that the Rabbinical Assembly has authority to interpret and regulate Jewish Law for Conservative Jewery according to Deuteronomy 17:11. This is supposed to represent Yahveh's will and the will of earlier generations of Jews. Dr. Louis Ginzberg considers this passage to be the rabbi's Magna Charta.¹

According to the word of the law which they shall teach thee, and according to the judgment which they shall teach thee thou shalt do: thou shalt not depart from the word which they shall teach thee, to the right nor to the left. [Deut. 17:11]

Of course one must assume this passage authorizes change in the Pentateuchal system. One must assume that the men of the Rabbinical Assembly are the present day viceroys of the Pentateuchal system. One must therefore assume that the Rabbinical Assembly's judgments are made by divine power and right. And one must assume the Conservative Jewish leity are not competent, as Dr. Ginzberg asserts, to make decisions concerning authority:

What constitutes Jewish Law is the interpretation and application of the words of the Torah by an authoritative body. . . . Not till very recent times did the last mark of organized authority disappear from among the Jews. The havoc caused by this disappearance of organized authority was nowhere as ruinous as in our country. It is seen here in the appalling religious anarchy of the Jews where "Every man does, that which is right"--and sometimes even that which is not right--"in his own eyes," as well as in the intellectual aenemia prevailing there. This is not said in the

spirit of querulous fault-finding but rather in that of a sympathetic physician who often gives his diagnosis with a heart full of pity and sorrow.²

B. Authority Through Interpretation

From time to time some members of the R.A. insist that interpreting the law does not alter the law. Exactly what the limits and methods of interpretation should be are not stated. Exactly what is law and why something is a law is not settled. But they assert that their interpretation of "Jewish law" yields authority. They hold that any "Jewish law" that has become a source of irritation if interpreted wisely will somehow:

1. remain essentially the same
2. be accepted as binding by the Jewish masses
3. create authority for the interpreters

This position is suggested in the following excerpt from an article written by Rabbi David Aronson.

"It is my deepest conviction," Dr. Cohen states, "that the traditional Jewish law as codified in the Shulhan Aruk can best be brought into harmony with contemporary conditions by interpretation and not by violation or abrogation." I heartily agree with him. Such a method gives authority to Jewish life and offers it the dignity, spirituality and inspiration of historic continuity.³

C. Authority by Consent and Need and Age

This view affirms that authority over Jews must be given by the Jews themselves. Second, the author of this

concept suggests that the Pentateuch and Mosaic chain of authority are not divinely revealed. Third, to be Jewish one needs to accept as binding the laws in the Torah and the Talmud. To accept this concept one must first agree that all authentic Jews intuitively believe this concept to be true. The author concludes with the assumption that this approach to authority in Judaism does not differ from Judaism as it has always really been.

We must, therefore, cease emphasizing and glorifying our differences as though there were some special merit in such diversity. We are only mistakenly applying to the field of Law the democratic principle of diversity of opinion and freedom of expression. There must be authority and discipline even in a democracy, when it comes to Law. The Law cannot permit any man the right to choose which laws he shall obey and which he shall disobey. The right to entertain either a majority or a minority point of view may be defensible in the realm of thought and belief, but society cannot long exist where freedom of choice of conformance or nonconformance is extended to Law. Our first step, then, is to discover our points of agreement, and to go on from there to a clearly defined philosophy.

What are our points of agreement? For one thing, most Conservative Rabbis do not hold to the belief that the Bible is literally the word of God. Rather are the Holy Scriptures conceived either as "the word of God in the sense that it reflects the human striving after wisdom and goodness," or as "a record of the moral and religious evolution of the Jews." This unequivocally implies that the Halakhah, which is based upon the Bible, is shorn of its supernatural origin. What, then, is Halakhah? Can we do without it? If not, wherein does its authority lie?

It seems to me that the Halakhah is the peculiar and unique method which the Jewish people has devised throughout its history for its religious discipline. The Halakhah was the tool by which life in its personal and human relationships was elevated and ennobled, was

rendered sensitive to the divine, and responded to it. The Halakhah had authority in the past because it was sanctioned as the people's way of life, and it will still have validity if it is sanctioned by present Jewry.

This brings us to the second consideration upon which we Conservative Rabbis seem agreed. Virtually all of us envisage Judaism as a way of life based on Halakhah. Without Halakhah, Judaism cannot function: indeed, without religious authority and discipline Judaism is no longer Judaism. Hence, even though we may not subscribe to the view that God dictated the Torah to Moses, word by word and letter by letter, together with the interpretations and elaborations of the Oral Law, we still are agreed that the Law possesses prime significance for us. We cannot build our Judaism on a solid foundation, if we do not see clearly the validity and vital essence of Jewish law. To deny this is to fall into the error of Reform while trying to escape the cul-de-sac of Orthodoxy.

Our third point of agreement flows from the second: that the Halakhah is indispensable because it affords a link, perhaps the strongest link, with the past. There must be a continuity between Jewish life of today and yesterday. Without this continuity, there would be no more resemblance of the Judaism of the present to that of the past than the civilization of the modern Greek or Italian resembles that of classical Greece or Rome. Ties to our people in the dimension of time are as necessary as those in the dimension of space. Folly, indeed, it would be if we were to discard as irrelevant today the Halakhah which embraces the best spiritual efforts of our people for several thousands of years!

I believe that the fourth point of agreement among us is that the Halakhah is evolutionary in character. Change has always been characteristic of Jewish law. The Halakhah was ever sensitive to changed conditions in life, whether social, economic, moral, or spiritual. The Halakhah was life, and the Jews were never left for long floundering in a vacuum where there was no law to provide for new exigencies and new challenges.

However, the mere desire for change will not solve our problem of revitalizing Jewish life in America. What change is healthy, and what change is dangerous? I believe that we Conservative Rabbis are agreed that we do not want to start a new religion. We do not want

the Halakhah changed merely to suit our convenience. We do not want a Halakhah whose purpose is only to justify or legitimize of the manner of observance or lack of observance in our congregations. We do not want a Halakhah that does not foster Jewish religious consciousness, that is not in the spirit of our highest ethical and social values. Our task, vis-a-vis the Halakhah, is to strike the proper balance between continuity with the past and the urgencies of the present. This is a never-ending task, for as an instrument of the life of the spirit, the Halakhah must be adjusted to the changing needs of every age.⁴

D. Authority by Assumption and Minimal Use

In 1942, Dr. Robert Gordis wrote an essay on "Authority in Jewish Law." He seems to indicate that the members of the R.A. should assume that the Conservative Jewish leity has authorized their rabbis to make laws for all Conservative Jews. The truth of that position has never been substantiated. He then suggests that as long as any segment of the Jews he would include under the heading Catholic Israel (members of Conservative Congregations or other Jews who seek to maintain unspecified parts of the total ritual life of previous generations of Jews) practices a particular ritual then that particular ritual remains binding on all real Jews. When Catholic Israel totally ceases to practice that ritual then it is no longer binding and may never be revived. As in so many of the concepts of authority in Conservative Judaism one is led to believe that religion is almost exclusively concerned with ritual.

The final authority, however, rests with the Jewish people, though the formal retention, reinterpretation or surrender of Jewish observances should come from accredited rabbinical leadership. So long as some heart-beat of vitality may be detected in a custom, its value should be discussed with an eye to its resuscitation. But death is an unanswerable argument--if it has died utterly and completely, Catholic Israel has spoken and there is no returning.⁵

E. Authority by Appeal to the Invalid

Leaders of Conservative Judaism's institutions consistently attacked the Orthodox rabbinate's belief in the authority of the Shulchan Arukh.⁶ The binding authority of the Shulchan Arukh was held to be invalid as a matter of principle. When the Law Committee is attacked, as frequently occurs, in more than one instance the Committee responds by denying it has authority to legislate and then supports the authority of codes like the Shulehan Arukh to sustain whatever ruling it was that initially brought about the criticism.

I would also remind our impatient colleagues that the Assembly has never granted nor has the Committee ever assumed legislative power in matters on Jewish law. We are, therefore, bound to a very large extent by the word of codes and by the opinion of living teachers of the Law. The best that the Committee can do under these circumstances is to develop and formulate attitudes to some of these legal problems arising from modern conditions; to seek, as far as possible, support for these attitudes from authoritative legal sources, to keep on pressing for recognition of those attitudes in the life of the people to whom Jewish law is binding, and thus, to give representation to our point of view in the future development of Jewish life.⁷

F. Authority by Assumption of Power
and Right and Need

The following passage contends that a pious Jew believes, as true and good, the need to accept an authoritative religious law and to accept the authority of the rabbis in each generation to make new laws or retain old ones. This approach to Jewish law and rabbinical authority is not only needed by all pious Jews but it is revealed truth. Where it is revealed and in what manner and how one can extract this concept from the Pentateuch is not adequately explained. However, the concept is put forth as Yahveh's will.

Does the recognition of the Divine origin of the principle of law imply necessarily the acceptance of all the minutiae of Jewish law, as they are recorded in the Shulchan Aruch?--This question must be answered thru a double analysis, from the historical and the psychological points of view. First, then, we must make it clear from the objective viewpoint that the revealed character of Jewish legislation refers to the general subconscious spiritual drive which underlies the whole body of Halachah, not to the details of the Law. The ritual fluid of the Torah-tree derives from the numinous soil of the Divine, but the actual contours of the branches and the leaves are the product of a variety of climatic and accidental causes. It is of the very essence of the reasoning process to recognize that the particular is accidental and contingent. Thus, Maimonides, in his disquisition on the reasons for the "mitzvoh," declares that the details of the Law are not amenable to any rational justification. In honesty and consistency, Maimonides' principle should be pursued to its uttermost conclusion in the distinction between objective and subjective phases of revelation. All that we can and do affirm is the Divine character of the principle of Halachah. From the viewpoint of history, we know that the Shulchan

Aruch did not spring fullblown from the mind of Moses. It is the product of gradual evolution, in which diverse social and economic factors were conjoined with those of a purely religious character. The history of every institution in Judaism should be carefully studied, so as to uncover the spiritual factors, which gave rise to it. When this task of historical research is completed, it will be possible to assay the various phases of Jewish law with greater exactness.

In the meantime, we must not overlook the subjective character of piety. Since the pattern of Jewish piety consists in the awareness of the ubiquitous majesty of Divine Law, it is necessary to beware of the kind of changes that destroy the spell of the Law and bear the obvious stamp of artificiality. The rabbis of every age have the power to make new laws, especially when gathered in a "Great Assembly." But, the new must be so delicately grafted upon the old that the health of the tree as a whole will not be affected. New legislation must not ever be a confession of weakness and it must derive from the same springs of holiness. Laws come and laws go, but the validity of the law as such must be reaffirmed thru the process of change itself.⁸

The vast majority of the concepts of authority espoused by members of the Rabbinical Assembly are:

1. Authority of the Law by divine power and right
2. Authority of the Rabbinical Assembly's interpretation of Jewish Law by assumption of:
 - a. the rabbis' authority to interpret law for himself and his congregants
 - b. the will of God and past Jewish communities to have Jewish Law altered by rabbinic interpretation
3. Authority of the individual to decide what is or is not religiously Jewishly binding on oneself, and that the rabbi's authority can only be justified through the consent of the congregant.

The following passages supply but a portion of the evidence found by this writer to support the above assertions.

G. Authority by Divine Power and Right

1. 1935 Max Arzt

To demote the mizwot to their primitive status of folkways, is to destroy their main sanction and purpose as forms of group expression dedicated to God and uniting Israel with its God. I am really sorry for the man who lays tefillin or observes Kashruth or goes to the synagogue or makes Kiddush just for group survival or even in order to abide by the folkways of his people. I would rather prefer to observe these acts because they are the sancta whereby I, as a member of the Jewish people can consecrate my life to God.⁹

2. 1940 Robert Gordis

But, it will be argued, Rabbinic Judaism regards every enactment of the ritual as well as of the ethical code as literally Divine, and violations of either are believed to entail Divine punishment. But for us today, Revelation rooted in the Divine as is all life, is a never-ending human process, with institutions and ordinances created by men in whom the Divine spirit works. Can we believe that the ritual code is enforceable with penalties? I submit that in terms of our modern outlook, it remains true for us today that the violation of Jewish ritual law is attended by Divine sanctions, --and that no other attitude is possible. If we declare that the observance of the Sabbath brings deep and abiding rewards to the Jew, that it re-creates his spirit as it regenerates his physical and nervous system, that it brings him into communion with God, links him with the profoundest aspirations of Israel, and draws him into the orbit of Torah, then it follows inescapably that the failure to observe the Sabbath brings its punishment in the impoverishment of the spirit, the denudation of Jewish values and the alienation from the Jewish community, literally v'nic'rah'tah ha-nefesh hah-he m'ah'meh'hah, "that soul is cut off from its kinsmen."¹⁰

3. 1949 Boaz Cohen

As I understand it, Conservative Judaism is dedicated to the proposition that Jewish Law as embodied in the

sacred Scriptures, interpreted in the Talmud, and elaborated in the subsequent halakic writings is binding upon every Jew. However, for valuable intimations for a philosophy of Law, we must lean most heavily upon the Talmud, for it is in that great repository of Jewish learning, that the Biblical Law received its classic exposition.

The view that the Mosaic Law is immutable is one of our basic beliefs and constitutes one of the chief factors for the survival of the Biblical-Talmudic Law throughout several millenia of tragic Jewish history. This doctrine imbued the Jew with the feeling of the eternal value of his faith and practices. A liberal interpretation of his doctrine by the rabbis of the Talmud rendered the law viable and pliable without impairing in any way the spirit and purpose of the ancient Law. Viewed historically, it means that the religious and moral truths, the ethical principles, and the poetry and the symbolism of the ritual will endure throughout the generations of men. Practically speaking, this doctrine signifies that Biblical law is not subject to abrogation, but can only be amended through the traditional method of interpretation.¹¹

H. Authority by Assumption

1. 1939 Boaz Cohen

To solve the problem that besets us we require a creative interpretation of the law, in opposition to the mere mechanical process of applying the law. Creative interpretation can only issue from studying the methods applied by earlier generations combined with experience and knowledge gained by continuous and open minded observation of life united with circumspection to exercise proper judicial discretion. The chief obstacles to such an interpretation would be the failure to comprehend the force and operation of the law, a bleak worship of its letter, an exclusive reverence for precedent, and cold logical rationalization, for logic merely helps us to comply with the technicalities of the law, whereas a certain elasticity is required if we mean to attain the ends for which the law exists.¹²

2. 1946 Boaz Cohen

It goes without saying that only profound students of Jewish law who are familiar with the actualities of present day Jewish religious life are qualified to pass judgment upon the necessary adjustments in practice that may be sanctioned.¹³

3. 1948 Theodore Friedman

There are two choices open before us. One is to permit a creeping paralysis to spread thru Jewish Law and thus completely deaden in our people the sense of discipline so indispensable to Jewish religious life. Or we can proceed to make for the growth of the law in the temper of some of the Rabbis of the Talmudic and post-Talmudic age by moving and acting in the spirit of the law when we cannot follow the letter. Whatever standards are adopted will be a contribution towards order. How is this to be done? I propose an enlarged Committee on Jewish Law, composed of men representing the right and the left. Let the Committee be charged with the task of drawing up a guide for observance and practice.¹⁴

4. 1956 Arthur Neulander

We shall therefore, try to organize ourselves on a geographic basis and even ask the regional branches of the Rabbinical Assembly to undertake to help us. We should like to have members of the Assembly volunteer to join such regional groups for the purpose of making themselves thoroughly acquainted with a particular field in Jewish law and help the National Committee. In order to succeed our men will have to devote themselves to study. If they can make themselves expert in the law it will be possible for them to combine their knowledge of Jewish law with the modern point of view which we claim to possess and bring about a development and growth of the הלכה which we cannot hope for either from our Orthodox brethren or the Reformists.¹⁵

5. 1947 Boaz Cohen

Secondly, at the risk of fatiguing you, I shall dwell again somewhat upon a pet idea of mine, which I trust you will not construe as an idee fixe, namely, the necessity for the development of a Philosophy of Jewish Law for all Jews who subscribe to the historical interpretation of Judaism. Without such a Philosophy we shall continue to flounder from blunder to blunder as helplessly as a ship without a rudder is tossed about upon the uncharted and stormy seas. Where may we seek for such a Philosophy of Jewish Law? I trust you will not listen with disdainful smile if I avow to you my confident and deep-seated belief that a Philosophy of Jewish Law entirely adequate to our present day needs lies submerged in the vast depths of the Talmudic Ocean. If I may be permitted to quote from a poem I was compelled to commit to memory in my teen age.

"Full many a gem of purest ray serene / The dark unfathomed caves of ocean bear."

I cannot think of a more worthy endeavor for the creative spirits in this Assembly than the embarkation upon such a joint enterprise.¹⁶

I. Authority of the Individual

The assertion that it is true and good for every Jew who does not accept the authority of Jewish Law by divine power and right to decide what the contents of his Judaism shall be is condemned by many members of the Rabbinical Assembly. They consider such an approach to be the surest way to make Judaism extinct. But, too, many members are most aware of the impropriety of assuming that authority of the rabbi in the past is the same or similar to the authority of the rabbi in the present.

When the Law Committee attempted to decide questions of Jewish Law that were to apply to the entire Rabbinical Assembly they were rebuffed. When they then tried to assert authority over their own committee's membership they were again rebuffed. In many instances, when rabbis try to persuade congregants to abide by rules of Shabbat and kashrut they are rebuffed. And according to Conservative Jewish institutional principles the rabbi is supposed to be the supreme authority within his congregation.¹⁷ The striving to make individual freedom a part of Conservative ideology is attempted in the following passages on Authority by Consent.

1. 1943 Mordchai M. Kaplan

Only after having achieved the outlines of a philosophy that indicates what it is that renders life worthwhile--and therefore godlike--are we ready to revitalize Jewish religion. Revitalizing Jewish religion means reinterpreting the Jewish tradition in the light of that philosophy. It means creating a literature and art in which that modern philosophy is given sanction and depth by the abiding values in Jewish teaching. It means, above all, extending the scope of Jewish worship and prayer to include the ever-widening range of human needs.

But the crucial question is: what renders life worthwhile? The ancients looked to their traditions for the answer. They took for granted that their traditions had come from God--the source of life's worthwhileness--and they asked no further questions. The changes, however, that have taken place in human life have rendered whole populations dissatisfied with the answers given by their traditions. They want to arrive at the answer for themselves. And so we have different philosophies of life at war with

one another, each claiming to be divine, or absolute, or capable of rendering life worthwhile. To choose from among them one which we can believe in with all our hearts, and at the same time find congenial to our status as Jews, is the second stage in the reflective process in which we must engage.¹⁸

2. 1950 Morris Adler

The fear that wide differences of opinion in our midst may come to the surface should neither deter nor frighten us. These differences do exist and they are not done away with by our failure to recognize them. The threat to the integrity of our movement is lesser when we bring our divergences into the open arena of free discussion and analysis than when we permit them to remain hidden as suppressed explosive possibilities within us. More significant however is our faith in the validity of the democratic insight that diversity can flourish without a disruption of unity. We cannot in self-respect as an organized and self-conscious branch of Judaism continue on the premise that simply disavowing Orthodoxy or opposing Reform is a sufficient philosophy. Besides the historic scene has shifted in our day and the important area of our functioning is no longer our struggle with an inflexible Orthodoxy on the one extreme, or an unanchored Reform on the other. Our rejection of both Orthodoxy and Reform is heavily seeded with numerous positive implications. Nor have we adequately utilized the positive-historical method of study of the Jewish past in which we were trained at the Seminary, for the organization of our view of and approach to Judaism.

We cannot continue to draw our greatest strength from our negations. The time has come for the careful articulation of our affirmations. Our attention should now be centered upon the need for a rationale of Jewish living for the large numbers within our synagogues who, though affiliated, are not influenced and enriched by Jewish experience, and for the even larger numbers outside of our synagogues who have never had presented to them a challenging and persuasive philosophy of Judaism. Our movement needs a rationale not primarily to distinguish us from the other movements within American Jewry, but to illumine for ourselves and our people our Jewish purposes and to deepen our religious experience. To quote Dr. Kaplan again "To secure his wholehearted

devotion Judaism must be so presented to the Jew as to make him fall in love with life, with the world, with mankind."¹⁹

3. 1957 Arthur Neulander

Sometimes I wonder why the Assembly needs a Committee on Law and Standards, why we require a large committee to spend its time and energy studying problems, come to conclusions, correspond with the members, publicize its decisions, and then have any one of the men do as he pleases. I wonder whether the error in the printing of our program, the Committee on Jewish Law and Standards was omitted from among the committees of the Assembly, is not indicative of the attitude of our men to the whole question of Jewish law. Is there to be no discipline in our ranks whatsoever? How can the movement develop unless it has a focal point around which to rally? I am greatly perturbed by the action of some of our men in Philadelphia, on the west coast, and in Chicago who do not utilize the machinery of our Assembly in solving the problems they have at hand. Wherein will they advance the Conservative movement if they do not cooperate with the authorities that they themselves have brought into being?

I can understand deviations and differences in matters that concern an individual way of life, one's personal observance of customs and ceremonies, but in matters that affect klal Yisrael how can one in good conscience ignore and not reckon with the Jewish world? As a matter of fact, even in matters of personal practice, I think we are doing many things which are wrong. Some things which the Committee on Jewish Law has permitted under certain restricted circumstances have been interpreted by some of our men as a blanket license. For instance, I have in mind such a matter as riding on shabbat. If you look in the record, I think the proceedings of 1950, you will find the very restricted manner in which the Committee on Jewish Law and Standards gave the approval for riding on shabbat. That has been taken in many places, because of the example set for them by the rabbis, as a blanket permission to ride on the shabbat. Such unrestricted permission was not intended by the Committee.

There must be some standard of evaluation, besides giving relief to an individual, which must be taken

into account. Certainly the tradition of our ties with the past cannot be ignored. Our actions and decisions must be calculated to maintain Judaism, the Judaism of the future as well as the welfare of a particular person. Our men I believe would do well to bethink themselves when they make decisions which veer from the majority opinion of the Committee on Law and Standards. Every decision and action of theirs should maintain the continuity of Judaism and be calculated to promote the survival of Jewry.²⁰

4. 1972 Max Routtenberg

I must confess now that I am persuaded it is hardly possible to impose that kind of discipline any more upon the Rabbinical Assembly. We have become such a diverse group, freedom-loving and individualistic, that if we were to adopt a particular proposal we would in effect be imposing a gezeirah that rov hatzibur could not abide by. We would be encouraging a kind of double-standard which I think would be disgraceful. I think I'd prefer this free society in which most of the people in the Rabbinical Assembly have a decent respect for Jewish tradition and Jewish law. We may be in a post-halakhah period, but in our private lives most of us do have a decent regard for halakhah. As rabbanim we ought to be trusted not to treat the tradition and halakhah cavalierly, though there will be those who do whether you have a Law Committee or not.²¹

The mixture of diverse and mutually exclusive concepts of authority in Conservative Judaism persists unabated. The fullest expression of the internal conflicts which whirl around and through the central dilemma over finding a concept of authority in Conservative Judaism is not as yet fully portrayed. A further chapter of reference is needed to enable this writer to suggest reasonable conclusions to the study.

CHAPTER 5

HISTORY OF TROUBLES

It is not uncommon for members of the Rabbinical Assembly out of sheer frustration or the spirit of sincere belief in the truthfulness of their remarks to contend that principles of ideology exist which all or almost all of the members of the Rabbinical Assembly consider true and good. Sometimes these individuals render their beliefs in clear, magnificent prose. But always the claim of unified support is dashed by the grinding disagreements voiced by others just as sincerely convinced of some radically different view. This chapter is a resource section covering two contentions that emerged following this writer's study of works by Conservative rabbis and scholars:

- A. No formally accepted ideology of Conservative Judaism exists.
- B. The battle surrounding the status, recognition and alteration of Jewish Law was never resolved

A. No Formally Accepted Ideology of Conservative Judaism Exists

1. Committee on President's Message 1932

We stress the great importance of continuing the task of formulating our point of view of Judaism. We recommend that the members of the Rabbinical Assembly

be urged to commit to writing their point of view and that it be distributed for purposes of elucidation and thus create a basis for further study, discussion and criticism.¹

2. Law Committee Report 1933

The members of the Committee are not as yet fully agreed as to whether this Committee should function merely as an interpretative body or whether it should also assume legislative prerogatives. In other words, we are not quite decided as to whether we have to wait until questions of law in a specific manner are presented to us and then to pass upon them in the light of Jewish tradition and of modern requirements, or whether we may initiate questions of larger import and pass judgment upon them. When the various essays on the point of view of the Rabbinical Assembly are collected and published perhaps a clarification of this matter will also come about.²

3. Law Committee Report 1939

It may not be out of place now, after ten-twelve years of operation of the Committee, to find an occasion at some future Convention to review the structure of the Committee. We have gone through many developments in our movement, changes of personnel and tendencies; we have seen the Committee at work, with its failures and successes. It is time that we ask ourselves the question: Is this what we want, or do we want something else? Do we not now want to formulate principles of interpretation of Jewish law by which the Committee shall be guided? Do we not want to alter, or at least to clarify, the mandate which the Committee holds from the Rabbinical Assembly? Are the rules of procedure, which the Committee announced ten years ago, adequate? Do we want the responsibility for interpretation of law to be divided between the Committee and the Seminary faculty, and can a basis of cooperation between these two bodies be formulated? All these questions should be discussed by the Convention itself at a time and in a manner it may see fit.³

4. Law Committee Report 1940

At the outset I wish to make it clear what is the threefold task of the Committee. (1) To render opinions on any legal or ritual question submitted to it, based not merely upon the literal interpretation of the law but in consonance with changed conditions and present day sentiment of law-respecting Jews. (2) To promote an interest in, and a study of, Jewish practical law among members of the Rabbinical Assembly. Accordingly, the Committee welcomes suggestions and invites criticisms by the alumni on any opinion or decision rendered by the Committee. (3) To work out in the course of time a philosophy of Jewish law for our age to guide us in the solution of our problems. This is a huge order I realize, but it can best be accomplished by those who are grappling with the practical legal problems. Under the auspices of the Law Committee, several papers have been presented at past sessions of Rabbinical Assembly conventions, which have contributed to the elucidation of some phases of our attitude toward Jewish Law and I trust that at future conventions it will be possible to present other important aspects of Jewish practical law.⁴

5. Law Committee Report 1942

It is my firm conviction, as I have stated on other occasions, that it is imperative for us to begin to formulate for ourselves a philosophy of Jewish law preliminary to undertaking the solution of the larger problems of Jewish practical law precipitated by the American scene. Having received a basic training in science, philosophy, and religion, and living in a reflective and rationalistic society, we are all animated by a desire to see how the details fit in the pattern as a whole, and curious to put together, so to speak, the pieces of the jig-saw puzzle, in order to discover what the picture looks like.⁵

6. Robert Gordis 1946

In the opening issue of our quarterly, Conservative Judaism, I called attention to the three basic problems confronting us: First, the need to develop an adequate

philosophy and literature for our movement; second, the weakness of our organizational structure, and third, our comparative failure in the fundamental area of Jewish education. It would be presumptuous to claim that we have overcome these weaknesses within the past two years. Yet I believe that in each of these directions we have made significant progress.⁶

7. A Review by Eugene Kohn of the Book
Conservative Judaism written by
 Robert Gordis in 1946

This book is an effort to give a philosophical rationale to a movement that has, with a fair degree of consistency, always avoided a formulation of its ideological position except in negative terms, in relation to Orthodoxy and Reform. Dr. Gordis is a skillful apologist, but not skillful enough to give to Conservative Judaism a rationale capable of being translated into a program of action. The defects of his little book are the defects of Conservatism itself. But these defects are cleverly concealed by the use of very general terms, the significance of which, for Jewish life, depends entirely on the interpretation we put on them. The effect of this device is to suggest a wide consensus among Conservative Jews on important issues, on which, in reality, Conservative Judaism has never committed itself, and about which Conservative Jews are far from being in agreement.

It is significant that, for his basic definition of Judaism as Conservative Jews conceive it, he goes to the platform of a movement, which he himself describes as, "in effect a 'left wing' of Conservatism," namely the Reconstructionist movement. He defines Judaism, in the very terms used in the Reconstructionist Platform, as "the evolving religious civilization of the Jewish people."

Now it is certainly strange for Conservative Judaism to accept as its basic principle the conception that its own left wing uses to account for the need of initiating a separate movement not identical with Conservative Judaism. If the idea of Judaism as the "evolving religious civilization of the Jewish people" is the basic tenet of Conservative Judaism, Reconstructionism ought to be central to it rather than its "left wing."

The truth, of course, is that neither the Rabbinical Assembly, nor the United Synagogue, nor the Jewish Theological Seminary has ever committed itself to the proposition that "Judaism is an evolving religious civilization" and not merely a religion. Much less have they attempted to develop the implications of that doctrine in terms of a specific platform as Reconstructionism has done. In fact, the Reconstructionist movement arose precisely because of the obstructions raised whenever an attempt was made to commit the Conservative movement to what Dr. Gordis now maintains is its central doctrine.

Dr. Gordis would perhaps explain this anomaly by ascribing these obstructions to the general reluctance to admit that "Conservative Judaism constituted a new alignment in Judaism." He acknowledges that Conservative Judaism's accredited leaders frequently made a virtue of necessity and refused to set forth a systematic program." In fact he sees a virtue in that reluctance. "Actually, in its pragmatic approach," he says, "it (Conservative Judaism) is characteristically American." This evaluation of the pragmatic as opposed to the doctrinaire approach to the problem of Judaism does not prevent him from affirming, almost in the same breath, that "today the need is greater than ever before to set forth the philosophy of Conservative Judaism in accordance with the growing consensus among scholars, rabbis and laity."

If then, Dr. Gordis feels that the current need is for a definite formulation of the conception of Judaism held by the Conservative movement, and if he is further convinced that the consensus among Conservative Jewish scholars, rabbis and laity favors the basic doctrine of Reconstructionism, why does not Dr. Gordis state that what the Conservative movement needs is Reconstructionism?⁷

8. Jacob Agus 1947

It is a sad reflection on our organization that this matter of law is handled in so slipshod a fashion. It is the most important aspect of our movement, as rabbis. And I don't believe that a Committee of Jewish Law can handle this issue mechanically by appointing a man to do certain research work. I think the matter of Jewish law is related to the philosophy of the movement and it is about time that there come a certain correspondence

between the principles that we subscribe to and the law that we practice and favor.

It is therefore necessary that the entire Committee of Jewish Law, from my point of view, be reorganized, and I suggest, as a substitute motion, since that is what parliamentarians do, that a commission be appointed for the purpose of studying the revision of the Committee on Jewish Law, so as to bring in recommendations for its reorganization into an institute that will be a living authority for Conservative Judaism.⁸

9. Symposium on Philosophy of Conservative
Judaism 1948

Rabbi Eisenstein

The questions for the philosophy of Conservative Judaism remind me of the very first Rabbinical Assembly convention I attended in June, 1931. It was in Long Branch, New Jersey. Some of you may still remember that convention. I was very young and very impressionable and that convention remained in my mind very vividly.

I recall at that time there was a very heated discussion on the question "Towards a Philosophy for Conservative Judaism." It was a mere seventeen years ago in the short span of my experience, and the Rabbinical Assembly still seems to be a group of rabbis in search of a philosophy. While we have practices, some of which adhere to a pattern and some of which do not, we have never seemed to be able to establish an overall viewpoint on the basis of which we could predict ahead of time what we were going to do instead of recording what we have to do or what we have already done.

What we have done, in a haphazard way, what we have done on the basis of our own initiative and sometimes out of necessity, we have never been able to clearly understand to what extent we should adjust ourselves to the environment. The environment is a very seductive concept. When you adjust yourselves to it, you are likely to fall to its level. Now certainly we don't want to be out of this world and we don't want to be, on the other hand, merely a reflection of our environment.

We want somehow to combine realities with goals. We want to combine the situation with standards and with criteria. And sometimes we have to fight the environment and sometimes we have to yield it; and the question is: where do you draw the line? How do you decide?

When we talk of Conservative Judaism as being a point of view, which attempts to combine both tradition and change, we are left unguided as to where tradition must end and where change begins. We are all, theoretically, committed to this dual program of conserving and also of creating but we haven't, except through some undependable intuition, discovered the criteria or the standards that we should apply to ourselves. This has been going on for a long time, and I think if I judge the temper of our group correctly, that the time has finally come when some action is going to be demanded.

Rabbi Greenfeld

I come now to what I believe is the crux of the entire situation. The vast majority of the members of the Rabbinical Assembly do not believe in supernatural revelation and yet when it comes to the question of changing law or of legislating, they begin to act as though they do. A schizophrenic dichotomy of thinking is set up where in one moment one sees the evil and recognizes the need for correction and where in the second moment one changes personality, "nothing can be done about it." If our law is supernaturally divine, we have no right to remove ourselves one inch from the strictly Orthodox position. Orthodoxy may not be sound, but it is consistent. If on the other hand, we do not believe that our law is immutable except for chumrot, it is time that we became consistent and sound in our thinking. Antinomianism is the product of the impossible law meeting with the fearful mind. Unless we wish to join our Christian friends and, to a lesser degree, our friends of Reform Judaism in creating the sort of life which recognizes no law and which, because of that, sets up imponderables of conduct, we must seek ways and means of bringing about a respect for the law.⁹

10. Rabbi Aaron H. Blumenthal 1955

Furthermore, there are some congregations, affiliated with the United Synagogue and participating in fund-raising campaigns for the Conservative movement, who see no incongruity in having their pulpits occupied by rabbis whose personal identification is with the Orthodox or the Reform rabbinate. Then again, there are some 75 members of the RA serving in congregations which ostensibly are Conservative, but which are not affiliated with the United Synagogue. The same thing is true of sisterhoods, men's clubs, young people's leagues, and youth groups. Where is the movement in the face of such organizational disorder?

To some the confusion is compounded because, after all these years, there has not emerged an acceptable formulation of the Conservative point of view in Judaism. Our rabbis and laymen still ask, "What is Conservative Judaism?" and the answers which they give and receive are not accepted even within the limited circle of listeners to the spoken word. Where is the movement in such vagueness of ideology?¹⁰

11. Albert Gordon's Study of Jews in Suburbia 1960

I call your attention ~~to~~ a study made by Jewish students and about Jewish students at Harvard University. This study, published in the Harvard Crimson in September 1959 tells us a good deal about the thinking of our American Jewish youth. Among the statements are the following:

1. "I regard active connection with a synagogue as essential to my religious life."
One hundred and sixty-three students disagreed.
Only forty-eight of the students agreed.
2. "I believe that God is benevolent and feels toward man much as a loving father to his children."
Fifty-three percent or one hundred and four of the students who replied disagreed with this statement.
3. "I believe that correct ethical principles are grounded on religious faith and that a genuine knowledge of man's moral obligations necessarily

involves a belief in God."

One hundred and forty-four out of two hundred and one, or seventy-two percent of the students who replied, disagreed with this statement. Only thirty-five percent of the Jewish students who replied preferred Judaism as a religion, agreeing wholly or substantially with its beliefs or traditions.

Challenging as this image of the Good Jew must be to each of us there is still more to reveal and as a consequence over which to ponder. It has been noted with great pride that the Conservative movement has grown exceedingly in the suburban communities since 1946. We like to believe that this is because men and women have thought out a philosophy for themselves and that this philosophy is "Conservative" in nature. My investigations throughout the country have lead me to believe that this is nothing more than a myth. I have discovered that the growth of the Conservative movement is due to the fact that the vast majority of people in the suburban community who have anything to do with organizing the first synagogue in the community turned to the Conservative movement as a compromise movement "to satisfy everyone." Now of course there is nothing wrong with compromise but we must understand that the people with whom we must work in our respective congregations and communities, in the main suburban congregations, have no positive philosophy nor are they convinced that Conservatism is anything more than a compromise. The fact is that today we can hardly distinguish, from point of view of practice, the differences between those persons who call themselves Reform, Conservative, or Orthodox. Certainly this is true not only in the matter of observance of the dietary laws, which continues to decrease as time goes on, but also from point of view of observance of the Sabbath as a Day of Rest or attendance at Synagogue Services.

As I went from one community to another around the country in my study of "Jews in Suburbia" I discovered that lay leadership within our synagogues, generally speaking, has little understanding or appreciation of what we speak of as a particular point of view of Conservatism. Neither our leaders nor the Boale Batim have acquired a definite conviction or commitment. The attitude of the Reverend Albert Fay Hill, pastor of the two hundred and ninety-five year old First Presbyterian Church in Elizabeth, New Jersey, who was speaking about the Church and its people certainly describes the Jewish

position as well. Reverend Hill said "People have gotten to the point where they need know little, believe little and do little to join the Church." Because of the high rate of mobility of our Jewish brethren from one community to another it seems to me that it is going to take an exceedingly long time before we shall be able to develop a point of view, a philosophy, whether we call it Conservative or not. . . . But first it seems to me that we rabbis must agree among ourselves in greater numbers on what it is that we really want to teach our people, what it is we believe that is important about Judaism, what it is that constitutes for us the spiritual quality that seems presently to be lacking, and what portions of our ritual observance and ceremony can be re-introduced into the life of our people with dignity.¹¹

12. Max J. Routtenberg 1960

The position of the Leftists, both within and outside the Reconstructionist movement, has been given careful and precise formulation. The position of the Rightists has found expression in the writings and teachings of its leading representatives. But the numerically large Centrist group, constituting the majority of the Assembly, has not organized itself in a manner which would call forth "a clear and comprehensive statement of its own guiding principles of belief and action." Until such time, and it hardly appears to be imminent, the Rabbinical Assembly will continue to live in a state of tension created by its right and left wings, without a formulation of the basic attitudes of the center group which is most representative of the Rabbinical Assembly as a whole.¹²

These statements represent formidable answers to those who claim from time to time that ideological unity exists in Conservative Judaism. Since 1960, the ideological quest received less attention in published works. The reduction of emphasis must not be misconstrued as an indication of harmony. Contradictory positions abound. For example, an issue of great importance concerns the

relationship of the rabbi and congregant to the formation of one's religious identity. There are Conservative Rabbis who believe that to be authentically Jewish one must have a familiarity with Biblical and rabbinic texts. There are those who hold that such prerequisites are suicidal and meaningless in today's environment.

Before moving to a brief glimpse of mutually exclusive statements on Jewish Law in Conservative Judaism, this writer would like to insert one of the most profound quotations encountered in the course of this study. The following statement and its implications regarding the need to form a new Jewish religious system in America locates a central flow in Conservative Judaism's ideological and institutional perspectives.

Mordecai M. Kaplan 1940

The truth of the matter is that we have been derelict in the task of justly appraising the extent to which the modern world differs from the pre-modern. Most of us have acted on the assumption that the difference is superficial and calls for only very slight readjustments. We thought that if we rendered the synagogue services decorous, preached in the vernacular, and established religious schools and adult study groups, all would be well with Israel. The fact that we have found it necessary to center this entire Convention on the problem of the American rabbi in the modern world indicates that we have begun to realize that we have been wrong in underestimating the wide gap that divides the modern from the pre-modern world, and that the Coue method of dealing with the problems arising from the existence of such a gap has not worked. Judaism has undoubtedly been considerably weakened by the failure on the part of Jewish spiritual leaders

hitherto to concentrate on the problem which we are taking up today. More than one generation of our people has been lost to us on that account. But so long as there is life there is hope. Even now it is not too late to dedicate ourselves mentally and spiritually to the frank, objective and thorough-going consideration of what we Jews must reckon with, if we want to survive as a people in the modern world.

The impact of modernism upon Jewish life is tantamount to that of a violent earthquake upon a house which has been solidly built and seems to be capable of withstanding the worst storms and tornadoes. The landlord of such a house, wishing to keep his tenants from moving out, may be all too willing to repair the broken stairs, the shattered ceilings and the ruined plumbing. But before long he discovers that such repairs are mere patchwork which cannot render the house habitable. The reason is that the supporting girders are cracked, the foundation has become shaky, and the drain and supply pipes have burst. What the house needs in order to become habitable is nothing less than reconstruction.¹³

B. The Battle Surrounding the Status, Recognition,
and Alteration of Jewish Law
Was Never Resolved

1. Louis Epstein 1930

The law of God is perfect. At least the divine given law has always maintained a higher level of perfection than we did in our conduct, and likewise it was nobler and more just than the legislations of human courts. Much of this sentiment is justifiable as long as we fix our attention upon Jewish law through its formative and freely developing period. It turns into vain and untrue boastfulness when we look at the later, the stagnant, unproductive period of our halakah. A developing Jewish law is ahead of its times, a stagnant Jewish law is behind its times.¹⁴

2. Boaz Cohen 1939

To solve the problem that besets us we require a creative interpretation of the law, in opposition to the mere mechanical process of applying the law. Creative interpretation can only issue from studying the methods applied by earlier generations combined with experience and knowledge gained by continuous and open minded observation of life united with circumspection to exercise proper judicial discretion. The chief obstacles to such an interpretation would be the failure to comprehend the force and operation of the law, a bleak worship of its letter, an exclusive reverence for precedent, and cold logical ratiocination, for logic merely helps us to comply with the technicalities of the law, whereas a certain elasticity is required if we mean to attain the ends for which the law exists.¹⁵

3. Herbert Parzen 1947

Dr. Sabato Morais, through whose initiative and energy the Seminary came into being, as President of the Advisory Board of Ministers, was the spiritual and intellectual guide of the institution. Therefore pertinent excerpts from his official addresses are authoritative testimony: (These quotations are taken from the official proceedings of the Conventions of the Jewish Theological Seminary Association, held every two years throughout its history--1888-1902) . . . "the belief that Moses was in all truth inspired by the living God to promulgate laws for the government of a people sanctified to an imprescriptible mission; that the same laws embodied in the Pentateuch have unavoidably a local and general application. These comprised in the first category lose their force outside of Palestine; the others are obligatory elsewhere. But both, the former and the latter, being of necessity broadly formulated, needed in all ages and oral interpretation. The traditions of the fathers are therefore coeval with the written statutes of the Five Holy Books."¹⁶

4. Boaz Cohen 1949

The Law is the product of divine inspiration. Moses, our greatest lawgiver, as well as the prophets who succeeded him received divine revelations embodying great religious and moral truths. This belief, which was always a cardinal tenet of our faith, is indispensable for a truly spiritual appreciation and interpretation of the cosmos and a profound veneration for the religious and ethical injunctions and admonitions of Scripture.¹⁷

5. Arnold Lasker 1951

Many of our men have tried to sidestep the issue by saying that we must observe the traditional system of law because it is hallowed by age or because it is the way of the Jewish people from antiquity. But, so far as I am aware, there is no system of law that provides its own justification or that has a autonomous authority. Legal authority arises out of the authority of the source of the law--whether that source be human or divine--or out of the adequacy with which it meets the needs of the social order within which it functions.

Now, for us to say that we believe in "revelation," but in a sense different from the Orthodox, does not solve our problem, because it is only in the sense that the Orthodox interpret the word "revelation" that the halakhah is the direct command of God. We agree that religious ceremonial leads us toward God, that the Sabbath is a means we have to come to know God better, that the achievement of halakhah by the Jews was the result of our religious aspiration, and that if it were not for our God-seeking propensities we would have no religious ritual (all of which can be evidence of non-Orthodox "revelation"). Nevertheless, many of us certainly do not believe that God has directly commanded us to put on tefilin, nor is our refraining from eating of meat of the hog due to a belief that God has directly forbidden them.

We must acknowledge (to use the criteria I set up above) that whereas for the Orthodox the law's authority resides in its divine origin, for us it lies in the "adequacy with which it meets the needs of the social order within which it functions."¹⁸

6. Max J. Routtenberg 1960

The problem of Jewish law and its applicability to life remains the "grand obsession" of the Rabbinical Assembly. Its members, without exception, believe that the law can be adjusted. They differ as to whether it should be done by interpretation or legislation, by enactment or abrogation. They differ also temperamentally in their emotional attitudes to the traditional law. There are some who can give intellectual assent to fundamental changes in the law but are unable to give it their emotional assent. I believe that Dr. Finkelstein expressed it very well many years ago in "The Things That Unite Us" (1927) when he said:

We are drawn to the Torah with bonds of love for it and for its norms. We love its ceremonies, its commandments, its rules and its spirit. We delight in its study, and find in it comfort and consolation, discipline and guidance . . . Our love for the Torah is only in part rationalistic; in the main, we need not be ashamed to confess it, it is emotional, intuitive and mystic. . . .

On the other hand, there are those who, while drawn to the Torah by deep emotional bonds, nevertheless feel the force of their own intellectual convictions as a dominating influence, and the pressure of an ongoing life which is making its own amendments to the law while they are waiting in the wings, to be stirring them to action. I think that Morris Adler, who was the first chairman of the reorganized Law Committee, expressed the attitude of this group when, in 1948, speaking at a United Synagogue Convention, he said:

We must face the truth that we have been halting between fear and danger; fear of the Orthodox and danger of Reform. We have set our watches by their timepieces. The time has come for our emergence from the valley of indecision. We must move forward to a stage in which Conservative Judaism revolves about an axis of positive and unambiguous affirmations. This will require a measure of boldness and vision on our part which, as a movement, I am sorry to say, we have not thus far manifested.

I suppose this unresolved tension in the Rabbinical Assembly awaits the day when there will emerge the kind of leadership that combines great scholarship with a

profound understanding of the times, fortified with the courage that is able to say: at lah'ah'sot Lahdonoi.¹⁹

7. Seymour Siegel 1972

I want to say that I'm one of the few people in this room, I think, whose mind has changed because of the discussion.

My preoccupation in the last few years has been the relationship between Halakhah and Aggadah. Before we can make any intelligent decisions about Halakhah committees, we have to make some intelligent decisions about Aggadah, namely, what is our view of Jewish law, what is the authority of Jewish law, and who is capable of interpreting it?

Basically, we have three principles: that Halakhah is important, that unity should be maintained, and that freedom is an indispensable element of this organization. Gordis' Proposal stresses the first and overlooks the other two. The current Law Committee stresses the second, and is weak on the first and third.

I have been a member of that committee for some time, and I have found its weakness to be based on two things. First, it's a committee. I once thought that a committee would be better than individuals, because committees tend to rule out the self-interests that persons have. But when you have a large number of people deciding matters that are extremely important, you always get bogged down in procedure and waste most of your time instead of directing your attention to substantive matter. Secondly, I think this notion of majority-minority opinions makes law very questionable. A law, by its very nature, is saying either yea or nay. The whole idea that minority and majority opinions have the same status means that you have no opinion at all, since you can follow either.

There should be a Blue Ribbon Commission appointed by the Rabbinical Assembly, almost immediately, to hone out a platform of our opinion on Jewish law. Let that take a year or two. Until that is done, the best thing is to have no Law Committee, certainly not to have any sanctions, and to adopt the Neusner Proposal.²⁰

8. Mordecai M. Kaplan 1958

The static approach to Judaism assumes the existence, at some time in the past, of a stage in Jewish religion which should serve as normative and permanently binding, and as setting the standard for all time. According to both Orthodox and Conservative thinking, that is the case with Rabbinic Judaism as set forth in the tradition which has come down from the Tannaim and Amoraim. In a recently published book by Aron Barth of Israel, entitled The Modern Jew Faces Eternal Problems, he speaks of traditional Judaism, which derives from the Written and Oral Law, as "the Judaism." He then goes on to say: "This definition is not given arbitrarily, but is justified by two self-sufficient reasons. Firstly, we are convinced that our Law is God-given and that men are thus not at liberty to alter it. Secondly, like any other culture, Judaism is not immune from foreign influences. The Jews, who for two thousand years have lived among strange peoples, are more subject to the dangers of assimilation than any other people. That is why the more we have recourse to the more recent sources, the less can we feel certain that we are receiving the real view of Judaism rather than a view based on an admixture of cultures."

Without attempting to point out the unwarranted assumption and the contradictory senses in which Judaism is described in the foregoing statement, there is enough in this traditional view of Judaism to make us aware of the unbridgeable gulf that divides it from the view of those who do not subscribe to the supernatural origin of the Torah, and yet are as vitally concerned with the survival of Judaism as are those who do.²¹

When the initial groping and coping which is forced upon the interested student of Conservative Judaism is finished, it then seems possible to begin to draw initial conclusions. It is time now to pause and reflect a bit on the contents of this study of which a small portion is referred to in the preceding pages.

CHAPTER 6

REFLECTIONS AND IMPLICATIONS

A religion is composed of ideology, ethical system and ritual system all interconnected and interdependent which enables a person to approach and hopefully attain a state of salvation, worldly or otherworldly; that is, a religious system with which a person resolves the clashes between finite limitations and infinite strivings. Conservative Judaism is not defineable. Conservative Jews maintain many different religious systems, and the contents of one Conservative Jew's religion may be contradicted in essence and substance by the contents of another Conservative Jew's religion. Further, because no concept of individual freedom, or autarchy, has been officially accepted by any of the three major institutions that consider themselves the main parts of Conservative Judaism, it does not seem unreasonable to conclude that Conservative Judaism as a religion or specific, identifiable, knowable religious system does not exist.

Yes, many Conservative rabbis believe halacha is important. But their statements make it impossible to know:

1. What makes a thing halacha?
2. Who makes a thing halacha?
3. For whom is a thing to be halacha?
4. Why is something no longer halacha?
5. What has all of this to do or not to do with
 - a. Yahveh?
 - b. Revelation?
 - c. Pentateuchal-Rabbinic Judaism?
 - d. ethics?
 - e. What principles are true and good for all Conservative Jews?

And yes, many Conservative rabbis believe halacha is not central to today's Jewry and should not be. But among these rabbis it is not possible to know.

1. What unifying belief is central?
2. Do they extend to all Jews the prerogatives they extend to themselves?
3. What is the merit of their Judaism?
4. What do they consider to be Conservative Judaism?
5. What one principle is true and good to all Conservative Jews?

And if it is the case today as Rabbi Alter Landesman held in 1936, "Our people rest content with whatever knowledge their rabbi possesses,"¹ how much religious striving can actually be taking place by Conservative Jews in Conservative Judaism's institutions?

The existence of the Committee on Jewish Law and Standards is threatened. The Committee has never been given nor has it developed a philosophy of authority of Jewish Law. Its members seem to share a belief in the need for such a committee. The authority of the committee varies greatly from decade to decade, and its sphere of influence in the lives of the Conservative Jewish leity is minimal and usually easily ignored.

Conservative leaders have seemed to think the deepest, disturbing religious probing is for the rabbis to do. It is not a congregant oriented movement but a rabbinic--rabbinic seminary movement. Things are for the congregants--rules on slices of a life that once was but no longer can be in America. And so Conservative Judaism is individual people and individual things all using the name Conservative Judaism as a name only, and often assuming to be a religion. The opposing forces in the Rabbinical Assembly are led by very brilliant, sincere and charismatic men. A solution to their dilemmas does not seem probable without the adoption of the principle that each Jew is free to develop one's own Judaism. Reconstructionism split apart from Conservative Judaism because of the latter's ideological lacks. Reconstructionism then created an ideology and now attacks Conservative Judaism for its refusal and inability to do the same. From its

inception Conservative Judaism concentrated on ritual to the exclusion of the other aspects of religion. Therefore, never was ideology permitted to be voted upon which might jeopardize the stress on those few rituals which as it turns out may well be ignored by the majority of the Conservative Jewish leity. And if the revised Constitution of the Rabbinical Assembly is an indication of what is to be, then this peculiar movement shall maintain its imbalance:

Article II--Object

The object of this organization shall be to promote Conservative Judaism: to cooperate with the Jewish Theological Seminary of America and with the United Synagogue of America; to advance the cause of Jewish learning; to promote the welfare of the members; and to foster the spirit of fellowship and cooperation among the rabbis and other Jewish scholars.

Article VII--Standing Committees

Section 2. Committee on Jewish Law and Standards

The Committee on Jewish Law and Standards shall consist of twenty-five duly appointed members, the terms of five of them to expire each year. The chairman shall be appointed annually by the President. No one president may appoint more than twelve members to the Law Committee during his tenure of office.²

The writers of the revised Constitution chose to bypass rather than express solutions to the unresolved questions of ideology and concepts of authority.

What is the concept of authority in Conservative Judaism? There is none. Then, on the basis of what belief

can their multi-conceptual reality be justified and understood. This writer does not know. The religious system Conservative Judaism does not exist now, nor has it ever existed.

Footnotes

Chapter 1 Laying Foundations

1. Jewish Theological Seminary Association Proceedings (New York: 1888), p. 9.
2. See Proceedings of the Rabbinical Assembly of America (New York: 1940), V. 7, pp. 143, 192.
3. The Century Dictionary, 1914.
4. Alvin J. Reines, "Introduction to a Philosophy of Reform Judaism: Reform Judaism as a Polydoxy," (Three parts unpublished; Cincinnati: Hebrew Union College-Jewish Institute of Religion, 1970), Part II, p. 33.
5. Ibid., pp. 33-34.
6. Ibid., pp. 35-36.
7. Ibid., p. 35.
8. Ibid., pp. 36-37.
9. See Note 1.
10. Ibid.
11. Reines, pp. 48-50.
12. Ibid., p. 53.
13. Ibid., pp. 63-64.
14. See Chapter Five.
15. Ira Eisenstein, "Conservative Judaism," Conservative Judaism, III (November, 1946), p. 21.
16. PRA, 1935, p. 183; Conservative Judaism, IV (May, 1948), p. 30.
17. Reines, Part III, pp. 82-83.
18. Ibid., pp. 83-85.
19. Ibid., pp. 74-75.
20. Ibid., pp. 86-120.
21. Ibid., p. 113.

FootnotesChapter 2 The Beginning

1. See Chapter One.
2. Moshe Davis, The Emergence of Conservative Judaism (Philadelphia: Jewish Publication Society of America, 1965), p. 17.
3. Ibid., p. 222.
4. See Note 2.
5. Ibid., p. 18.
6. Ibid., p. 202.
7. Ibid., pp. 222-223.
8. Pentateuch, translated into English and annotated by M. Rosenbaum and A. M. Silbermann (New York: Hebrew Publishing Co.).
9. Reines, Part III.
10. Ellis Rivkin, "Some Historical Aspects of Authority in Judaism," Vol. LXI of the Central Conference of American Rabbis Yearbook (Philadelphia, 1951), p. 367.
11. Davis, p. 223.
12. See Chapter Five, Part I.
13. Davis, p. 202.
14. Ibid., p. 222.
15. Ibid., pp. 200-201.
16. For example - PRA, 1939, p. 151.

Footnotes

Chapter 3 The Battle Lines Are Drawn

1. Rabbinical Assembly of America, Proceedings of the Rabbinical Assembly of America (New York: 1927), p. 11.
2. Julius H. Greenstone, "Report of the Committee On The Interpretation of Jewish Law," PRA, 1929, p. 57. The proof of the varied views of many of these men is offered in Chapters 3, 4, and 5.
3. Max Drob, "President's Message," PRA, 1927, p. 22.
4. Ibid., pp. 22-24.
5. Ibid., p. 24.
6. Louis Finkelstein, "The Things That Unite Us," PRA, 1927, pp. 42-53.
7. Ibid., pp. 43-44.
8. Ibid., pp. 45-46.
9. Eugene Kohn, "Discussion-'The Things That Unite Us,'" PRA, 1927, pp. 56-57.
10. Ibid., pp. 58-59.
11. Please see through page 66 of the 1927 Proceedings for further amplification of these points.
12. Max Drob, "A Reaffirmation of Traditional Judaism," PRA, 1929, p. 43.
13. Louis Finkelstein, "Traditional Law and Modern Life," PRA, 1929, pp. 28-29.
14. Ibid., p. 27.
15. Mordecai M. Kaplan, Judaism Without Supernaturalism (New York: The Reconstructionist Press, 1958), pp. 9, 13, 210-211.
- 16.

Footnotes

Chapter 4 A Multiplicity of Beliefs

1. Herbert Parzen, "The History of Conservative Judaism, Part IV," Conservative Judaism VII (January, 1951), pp. 41-43.
2. Ibid., p. 42
3. David Aronson, PRA, 1939, p. 151.
4. Max L. Forman, "Distinctive Emphases In Conservative Judaism vis-a-vis the Halacha," C. J. IX (December, 1952), pp. 34-37.
5. Robert Gordis, "Authority In Jewish Law," PRA, 1942, p. 89.
6. Davis, pp. 201-202. Negative reaction to the binding authority of the Shulchan Arukh is in evidence in dozens of articles published in C. J. and PRA.
7. Louis Epstein, "Report of Committee on Jewish Law," PRA, 1939 p. 156.
8. Jacob B. Agus, "Torah M'Sinai - A Conservative View," C.J., III, (February, 1947), pp. 38-39.
9. Max Arzt, "Dr. Kaplan's Philosophy of Judaism," PRA, 1935, p. 212.
10. Robert Gordis, "Authority in Jewish Law," PRA, 1941, p. 77.
11. Boaz Cohen, "Towards A Philosophy of Jewish Law," CJ, VI (October, 1949), pp. 3,20-21.
12. Boaz Cohen, "The Shulhan Arukh As A Guide For Religious Practice Today," PRA, 1939, p. 124.
13. Boaz Cohen, Law Committee Report, PRA, 1946, p. 41.
14. Theodore Friedman, "Towards A Philosophy of Conservative Judaism," PRA, 1948, p. 119.
15. Arthur Neulander, Law Committee Report, PRA, 1956, p. 31.
16. Boaz Cohen, Law Committee Report, PRA, 1947, p. 56.
17. "Standards For Synagogue Practice," CJ, X (Summer, 1956), p.23.
18. Mordecai M. Kaplan, "How Man Comes To Know God," PRA, 1943, pp. 270-271.

19. Morris Adler, Law Committee Report, PRA, 1950, pp. 109-110.
20. Arthur Neulander, Law Committee Report, PRA, 1957, pp. 27-28.
21. Max Routtenberg, "Beineinu" A Journal published for members of the Rabbinical Assembly, III (January, 1973).

Footnotes

Chapter 5 History of Troubles

1. Committee on President's Message, PRA, 1932, p. 252.
2. Law Committee Report, PRA, 1933, p. 31.
3. Law Committee Report, PRA, 1939, pp. 159-160.
4. Law Committee Report, PRA, 1940, p. 28.
5. Law Committee Report, PRA, 1942, pp. 137-138.
6. Robert Gordis, "New Vistas For Conservative Judaism," PRA, 1946, p. 60.
7. Eugene Kohn, "A Review of Conservative Judaism," CJ, II (June, 1946), pp. 10-11.
8. Jacob Agus, Discussion, Committee on Jewish Law, PRA, 1947, p. 66.
9. Ira Eisenstein, William Greenfield, "Towards A Philosophy of Conservative Judaism," PRA, 1948, pp. 110-111, 126-127.
10. Aaron H. Blumenthal, "The Status of the Rabbinical Assembly In The Conservative Movement," PRA, 1955, p. 128.
11. Albert Gordon, "The Problems and Promises of Suburban Life," PRA, 1960, pp. 52-55.
12. Max J. Routtenberg, "The Rabbinical Assembly of America, An Evaluation," PRA, 1960, p. 203.
13. Mordecai M. Kaplan, "The Place of the Rabbi In American Jewish Life," PRA, 1940, pp. 254-255.
14. Louis Epstein, "A Solution To The Agunah Problem," PRA, 1930, p. 83.
15. Boaz Cohen, PRA, 1939, p. 124.
16. Herbert Parzen, "The Early Development of Conservative Judaism," CJ, III (July, 1947), pp. 12-13.
17. Boaz Cohen, CJ, VI (October, 1949), pp. 18-19.
18. Arnold Lasker, "An Approach to Jewish Law In Conservative Judaism," CJ, VII (June, 1951), p. 3.

19. Max J. Routtenberg, PRA, 1960, pp. 214-215.
20. Seymour Siegel, "The Committee on Jewish Law and Standards,"
"Beineinu" III (January, 1973), p. 50.
21. Mordecai M. Kaplan, Judaism Without Supernaturalism (New York:
1958), pp. 13-14.

FootnotesChapter 6 Reflections and Implication

1. Alter Handesman, "The Adolescent, Some of His Interests and Conflicts," PRA, 1936, p. 308.
2. "The Revised Constitution of the Rabbinical Assembly," PRA, 1962, pp. 246, 249.

Sources Consulted

- Part I - Proceedings of the Rabbinical Assembly of America, Vols. 1-17; 19-27; 29-34. Distributed by the Rabbinical Assembly of America, 3080 Broadway, New York, New York. The following seventy-four references include only those items that were most important to this study. Not listed but of great importance are every "Law Committee Report" and section of Resolutions found in each volume.
- Adler, Cyrus, "The Seminary Training of the Rabbi and After," pp.25-31, 1927.
- Agus, Jacob B., "The Philosophic Meaning of The Sabbath and Kashrut," pp. 37-69, 1967.
- Arzt, Max, Dr. Kaplan's Philosophy of Judaism, pp. 195-219, 1935.
- Birnbaum, Benjamin H., "A Valuation of the Conservative Movement," pp. 161-164, 1939.
- Blumenthal, Aaron H., "An Aleyah For Women," pp. 168-181, 1955.
- _____, "The Status of the Rabbinical Assembly in the Conservative Movement," pp. 126-140, 1955.
- Bokser, Ben Zion, "The Future of the American Jewish Community," pp. 195-228, 1948.
- Burnstein, Alexander J., "The Abiding Value of the Resurrection Belief," pp. 132-150, 1929.
- Cohen, Boaz, "Canons of Interpretation of Jewish Law," pp. 170-188, 1935.
- _____, "The Shulhan Arukh As A Guide For Religious Practice Today," pp. 115-153, 1939.
- "Conservative Ideology" (A symposium), pp. 163-191, 1956.
- "Conservative Judaism - Its Program and Progress" (A symposium), pp. 315-370, 1947.
- Discussion on Dr. Finkelstein's Paper on "The Future of Our Movement," pp. 176-192, 1944.
- Drob, Max, "A Reaffirmation of Traditional Judaism," pp. 43-53, 1929.
- _____, "President's Message, pp. 19-24, 1927.
- _____, "President's Message," pp. 17-24, 1928.
- Education Symposiums, pp. 288-330, 1936.

- Eisenstein, Ira, The Centrality of the Synagogue, pp. 225-237, 1943.
- Esptein, Louis, "A Solution To The Agunah Problem," pp. 83-90, 1930.
- _____, "Adjustment of the Jewish Marriage Laws to Present-Day Conditions," pp. 227-235, 1935.
- _____, "Marriage Annulment in Jewish Law," pp. 71-83, 1928
- Finkelstein, Louis, "Can Maimonides Still Guide Us?" pp. 84-102, 1928.
- _____, "The Present and Future of Traditional Judaism In America," pp. 9-19, 1930.
- _____, "Traditional Law and Modern Life," pp. 18-42, 1929.
- _____, Kadushin, Max, Kohn, Eugene, "The Things That Unite Us," pp. 42-65, 1927.
- Fisher, Henry, Klein, Isaac, "The Problem of Chalitzah Today," pp. 146-155, 1951.
- Friedman, Theodore, "Presidential Message," pp. 155-181, 1963.
- Goldstein, Israel, "The Rabbinical Assembly - An Appraisal," pp. 32-41, 1927.
- Goodblatt, Morris S., Synagogue Ritual Survey, pp. 105-109, 1948.
- Gordis, Robert, "Authority In Jewish Law," pp. 64-94, 1942.
- _____, The Rabbinical Assembly and Conservative Judaism: Retrospect and Prospect, pp. 84-100, 1966.
- _____, "Toward A Creative Jewish Community In America," pp. 292-355, 1949.
- Gordon, Albert I., "The Problems and Promises of Suburban Life," pp. 49-55, 1960.
- Greenberg, Simon, "Educational Content In Terms of Contemporary Needs," pp. 182-190, 1943.
- _____, "President's Message," pp. 422-431, 1938.
- _____, "President's Message," pp. 20-36, 1939.
- _____, "Some Guiding Principles For A Conservative Approach To Judaism," pp. 69-124, 1957.
- _____, "The Role of the Rabbinical Assembly," pp. 141-167, 1955.
- Himmelfarb, Milton, "The Intellectual and the Rabbi," pp. 118-145, 1963.

"Jewish Unity In America," (A symposium), pp. 119-186, 1952.

Kaplan, Mordecai M., "Comments," pp. 95-97, 1942.

_____, "How Man Comes To Know God," pp. 256-271, 1943.

_____, "Judaism As A Civilization," pp. 115-134,

_____, "1933 President's Address," pp. 177-202, 1939.

_____, "Religion and the Crisis in Moral and Intellectual Leadership," pp. 164-178, 1951.

_____, "The Place of Dogmas in Judaism," pp. 280-312, 1932.

_____, "The Place of the Rabbi in American Jewish Life," pp. 253-300, 1940.

Karp, Abraham J., "The American Jewish Community: Union Now Or Ever?" pp. 45-67, 1961.

Kedat Moshe Ve Yisroel, (A symposium), pp. 120-145, 1951.

Klein, Issac, "The Case of Civil Marriage According To Jewish Law," pp. 474-486, 1938.

Kohn, Eugene, "Prayer and The Modern Jew," pp. 179-191, 1953.

_____, "Ritual of the Synagogue and the Modern Jew," pp. 148-166, 1931.

_____, "The Objective of Jewish Education In America," pp. 13-29, 1933.

Kohn, Jacob, "Spiritual Elements in Judaism," pp. 75-104, 1929.

Kreitman, Benjamin, "First Ten Years of the Committee on Law and Standards," pp. 68-80, 1958.

Landesman, Alter F., "Economic Crisis and the Spiritual Life of the American Jew," pp. 189-203, 1931.

_____, "Synagogue Attendance," pp. 41-52, 1928.

Lang, Leo S., "President's Message," pp. 4-19, 1941.

_____, "President's Message," pp. 56-63, 1942.

Levy, Abraham, "The Status of the Synagogue In Jewish Life," pp. 28-32, 1928.

"Opinions Rendered by the Committee on Jewish Law," pp. 151-165, 1929.

"Practical Problems of the Rabbinate (A symposium), pp. 143-215, 1949.

"Report on Committee of Jewish Law and Standards" (A symposium),
pp. 106-188, 1950.

"Revitalization of the Sabbath" (A symposium), pp. 106-119, 1951.

"Rabbinical Assembly Faces The Seventies" (A symposium), pp. 86-139, 1970.

Rosenberg, Stuart E., "The Jew in the Non-Jewish World," pp. 70-83, 1967.

Routtenberg, Max, J., "The American Rabbi In Transition," pp. 1-12, 1966.

_____, "The President's Message," pp. 18-26, 1965.

_____, "The Rabbinical Assembly of America - An
Evaluation," pp. 190-222, 1960.

"Shulchan Arukh After 400 Years: A Conservative Approach" (A
Symposium), pp. 36-71, 1968.

"The Rabbi and His Congregation" (A symposium), pp. 143-211, 1940.

"The Status of Our Movement" (A symposium), pp. 60-74, 1929.

"Theoretical Evaluation of Jewish Law" (A symposium), pp. 81-117, 1958.

"Towards a Philosophy of Conservative Judaism" (A symposium),
pp. 110-192, 1948.

Part II "Conservative Judaism" Articles. Conservative Judaism, a
journal, Vols. 1-26, published by the Rabbinical Assembly
of America. The following sixty-four references include
only those items that were most important to this study.

Agus, Jacob B., "God and the Catastrophe," pp. 13-21, XVIII:4.

_____, "Laws As Standards" VI:4.

_____, "Obsolescence in Jewish Ritual Law," pp. 9-19, VII:4.

A _____, "On Reconciling Reason and Faith," pp. 38-39, VII:2.

_____, "The Status of American Israel," pp. 1-14, II:2.

_____, "Torah M'Sinai - A Conservative View," pp. 23-42, III:2.

_____, "Torah M'Sinai," Part II, pp. 5-11, IV:2.

- _____, "Tradition and Change," pp. 46-54, XIII:2.
- "American Jews, Whither Bound?" (A symposium), pp. 1-31, V:1,2.
- Aronson, David, "Faith and Halakhah," pp. 34-48, XXI:1.
- Arzt, Max, "Conservative Judaism As A Unifying Force," pp. 10-20, V:4.
- Bokser, Ben Zion, "The Election of Israel," pp. 17-25, III:4.
- Cohen, Boaz, "The Function of the Law Committee," pp. 1-5, III:3.
- _____, "Towards A Philosophy of Jewish Law," pp. 1-31, VI:1.
- Cohen, Jack J., "The End of Halakhah?" Pp. 9-15, VIII:2.
- Committee on Jewish Law and Standards, "Statement on Birth Control," pp. 32-35, XV:4.
- Committee on Jewish Law, "Travel On the Sabbath," p. 50, XIV:3.
- Dresner, Samuel A., "The Rabbi, Halakhah and the Rabbinical Assembly," pp. 1-19, XVI:1.
- Feldman, David E., "Woman's Role and Jewish Law," pp. 29-39, XXVI:4.
- Forman, Max L., "Distinctive Emphases In Conservative Judaism vis-a-vis the Halakha," pp. 34-42.
- Friedman, Maurice, "Abraham Joshua Heschel: Toward A Philosophy of Judaism," pp. 1-10, X:2.
- "Further Thoughts On The Law Committee," (An open forum), pp. 60-84, XXVI:2.
- Goodnick, Benjamin, "Preparation For Divorce Or Preparation For Marriage," pp. 18-20, XIII:3.
- Gordis, Robert, "The Role of the Rabbi Today," pp. 14-22, III:2.
- _____, "The Tasks Before Us," pp. 1-8, V.I No. 1.
- _____, "Toward A Modern View of Jewish Tradition," pp. 1-12, XXI:1.
- Greenberg, Ephraim, "The Rabbinate - A Restless Body of Men," pp. 17-28, XIV:2.
- Greenstone, Julius H., "The Election of Israel," pp. 27-32, I:2.
- Higger, Michael, "Authority To Interpret Jewish Law," pp. 20-22, V:4.
- _____, "Criteria for Interpreting Jewish Law," pp. 5-9, III:9.

- _____, "The Agunah Problem Again," pp. 28-29, VII:1.
- _____, "Toward A Solution of the Agunah Problem," pp. 6-15, VII:3.
- Israel, Richard J., "The New Morality and The Rabbis," pp. 62-70, XXIV:1.
- Kadushin, Max, "On the Meaning of Shekinah," pp. 9-14, I:1.
- Kaplan, Mordecai M., "If Theology Were To Be Our Metier," pp. 20-25, XI:2.
- _____, "The Rabbinical Assembly At The Crossroads," pp. 1-7, II:3.
- Karp, Abraham J., "Toward A Theology For Conservative Judaism," pp. 14-21, X:4.
- Kashrut -(Four articles), pp. 1-38, XII:1.
- Katz, Jacob, "Is the Reestablishment of the Sanhedrin a Solution?" pp. 13-20, XII:4.
- Kohn, Eugene, "Review of Conservative Judaism," pp. 10-14, II:4.
- Kreitman, Benjamin Z., "Toward A Creative Halachah," pp. 34-41, XXII:1.
- Lasker, Arnold A., "An Approach To Jewish Law In Conservative Judaism," pp. 1-8, VII:4.
- Lebendiger, Israel, "The Need For Belief In Immortality," pp. 35-42, XV:1.
- Mandelbaum, Bernard, "Conservative Judaism: A Direction," pp. 36-46, XIV:1.
- Mixed Pews, (The entire issue is devoted to this subject) XI:1.
- "Moral Implications of the Rabbinate" (A symposium), pp. 39-76, XVII:3-4.
- Neusner, Jacob, "Conservative Judaism In A Divided Community," pp. 1-19, XX:4.
- Parzen, Herbert, "The Early Development of Conservative Judaism," pp. 1-17, III:4.
- _____, "The History of Conservative Judaism," Part II, pp. 11-23, IV:2.
- _____, "The History of Conservative Judaism," Part II (continued) and Part II, pp. 28-39, IV:3.
- _____, "A History of Conservative Judaism," Part IV, pp. 12-17, IV:4.

_____, "The History of Conservative Judaism," Part IV,
pp. 32-46, V:1.2.

_____, "The History of Conservative Judaism," Part IV,
(continued) pp. 40-48, VII:2.

Prinz, Joachim, "Creative Catastrophe," pp. 23-28, XII:2.

Ribner, Herbert, "Waning Traditionalism Among American Jews,"
pp. 22-33, IX:1.

Rubenstein, Richard L., "The Intellectual and Contemporary Jewish
Life," pp. 40-46, XIV:3.

Shobet, David M., "Post-Mortem Examination For Medical Purposes In
Jewish Law," pp. 15-27, IV:3.

Siegel, Seymour, "Ethics and the Halakhah," pp. 33-40, XXV:1.

Silverman, David Wolf, "Religion As Adventure," pp. 65-73, XX:2.

Singer, Shlomo, "The Plight of Jewish Unity," pp. 30-39, XVIII:2.

"United Synagogue of America Standards For Synagogue Practice,"
pp. 22-25, X:4.

"Unity and Diversity In the Conservative Movement," pp. 1-11, IV:1.

Weine, Max, "A Modern Approach To The Shabbat," pp. 72-77, XXIII:2.

"Who Is A Jew," (A symposium), pp. 21-35, XXIV:4.

Part III Additional Sources Consulted

"Beineinu," III:1 New York: 1973, III:1.

Davis, Moshe. The Emergence of Conservative Judaism. Philadelphia:
J.P.S., 1965.

Feldman, David M. Birth Control In Jewish Law. New York: NYU Press,
1968.

Freehof, Solomon B. Current Reform Responsa. Cincinnati: H.U.C.
Press, 1969.

_____. Recent Reform Responsa. Cincinnati: H.U.C.
Press, 1963.

_____. Reform Jewish Practice. New York: U.A.H.C., 1963.

Ganzfried, Solomon, Goldin, Hyman. (eds.) Code of Jewish Law.
New York: Hebrew Publishing Company, 1961.

Gordis, Robert. Conservative Judaism, An American Philosophy.
New York: Behrman House, 1945.

_____, Waxman, Ruth. (eds.) Faith and Reason - Essays In
Judaism. New York: Ktav, 1973.

Heschel, Abraham Joshua. Man Is Not Alone. Philadelphia: J.P.S.,
1951.

_____. The Insecurity of Freedom. Philadelphia:
J.P.S., 1966.

Kaplan, Mordecai M. Judaism As A Modern Religious Civilization.
New York: The Reconstructionist Press, 1962.

_____. Judaism Without Supernaturalism. New York:
The Reconstructionist Press, 1958.

Reines, Alvin J. "Reform Judaism As A Polydoxy Parts I, II, III."
Unpublished. Cincinnati: Hebrew Union College, 1970, 1971
1973.

Rivkin, Ellis. "Modern Trends in Judaism." H.U.C. reprint from
Modern Trends in World Religions (1959).

_____. "Some Historical Aspects of Authority in Judaism."
C.C.A.R. Yearbook LXI. Philadelphia: 1951.

Rosner, Fred, M.D. Modern Medicine and Jewish Law. New York:
Yeshiva University Press, 1972.

Schechter, Solomon. Aspects of Rabbinic Theology. New York:
Schocken, 1961.

Sklare, Marshall. Conservative Judaism. New York: Schocken Books,
1955.

The Jewish Seminary Association and the Jewish Theological Seminary
of America. Register. New York: 1888-1925.

Zeitlin, Joseph, Ph.D. Disciples of the Wise. New York: Columbia
University, 1945.