INSPIRED ENGAGEMENT:
RE-IMAGINING THE ROLE OF *HALAKHAH*
IN LIBERAL JUDAISM

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Provide yourself with a rabbi,
acquire for yourself a friend,
and judge every person favorably.
-Mishnah Tractate Avot 1:6

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Chapter 1:

The Decline of Ethnic Judaism and

a Call for Liberal Judaism's Re-Engagement with Halakhah

As a child growing up in the suburbs of Boston, my family frequently traveled to the Catskills--specifically, to Monticello, NY, to visit my grandparents, Sylvia and Gil. My dad was one of three kids, each of whom married a Jew and had kids of their own; the house was always thick with relatives. Due to a dearth of available beds, I slept on the couch in the living room. After being tucked in, I remember hearing the murmuring and the laughter of the adults late into the night.

Upon waking, my grandfather, with a cigarette in his mouth (it was the 70s) would roam around the house for the morning survey, "you want one or two slices of bacon?" This was his job, his contribution to the smorgasbord of lox, pickled herring, and mountains of bagels.

Although I spent dozens of wonderful high holy days in Monticello, I have no memory of going to synagogue, and I learned little about Jewish ritual. I did not understand why we did it, who did it before us, or why it mattered. I guess it was happening all around me--after all, there were candles, *seder* plates, and round *challot* for Rosh Hashanah. But nobody, as far as I can recall, talked about the *why*. I never heard anyone ask:

Why do we do *these* things?

What meaning do they hold?

How am I connected to these traditions and practices rather than others?

As I moved into young adulthood, I tried to make sense of what it meant to be an American Jew. I knew three of my great grandparents on my dad's side; they were certainly Jewish-Americans. They had accents, and spoke a version of English either steeped in Russian cadences or ringing with an East New York, Brooklyn accent. For a time in my twenties, when asked what type of Jew I was (meaning, with which denomination did I identify), I'd respond, "Smoked Fish Judaism." Of course, that did not really mean anything - but it meant everything to me.

Smoked Fish Judaism, what others might call ethnic Judaism, meant great grandma Mary's cinnamon rugelach and grandma Sylvia's poached lake fish with jellied broth, carrots and parsnips. It meant Grandpa Max's accent and the possibility that maybe he really did come over from Russia after the 1905 revolution hidden away in a pickle barrel. The value of this sort of culinary ethnic Judaism was substantial. To me, ethnic Judaism meant culture over religion, people over ritual, fighting for the underdog over accepting injustice, and, most importantly, it meant doing the right thing, even when it was not easy. Liberal Jewish communities are riding the comet's tail of ethnic Judaism in America. Without the certainty that the next generation will absorb Jewishness by marinating in a deeply Jewish, ethnic sauce, we need to figure out what will animate individuals Jewishly and tether them to the Jewish community.

Today, most liberal Jews are more American than they are Jewish. As I have experienced it, a functional definition of liberal Judaism would reference Jews who identify with ethnic and ethical elements of the Jewish tradition but do not feel obligated, or express interest in many cases, to take on the yoke of Jewish observance. What this functional definition misses, or ignores, is the liberal Jew's deep relationship with ritual observance. The first two chapters will spend additional time exploring why there is a dissonance between how much "doing Jewish" liberal Jews do, and how little that is part of their articulated identity. Unfortunately and inaccurately, too often the articulation of ritual absence works as the defining element of liberal practice.

The culinary rope of a "smoked fish" brand of Jewish culture that tethered me to Judaism thinned into a thread in my late teens and twenties. If not for a serendipitous reunion with Judaism in Cochabamba, Bolivia and a subsequent passion for social justice work, I would never have experimented with celebrating Shabbat, in my own way and at my own pace, studying the weekly Torah portion, shifting onto the Jewish calendar, and serving on the board of trustees of B'nai Jeshurun in Manhattan -- I would have remained an ethnic Jew. Instead, Judaism as a way of being became a lens through which to live and explore life, to fundamentally process and understand the experience of life. As Franz Rosenzweig, the early 20th century Jewish German philosopher, wrote, "[Following Jewish law] was a way that led through the entire realm of the knowable, but really through it; a way that was not content to touch upon a few heights which yielded a fine view, but struggled along where former eras had not thought it even worth while to blaze a trail, and yet, would not give him who had traveled its whole

length the right to say that he had now arrived at the goal."[1] Rosenzweig argues that entering into conversation and practice with Jewish law as a liberal, non-Orthodox Jew, helps to make sense of the odds and ends of life – birth, death, suffering, gratitude, awe, joy, transitions, contemplation, rest, friends, family, love, loss, and on. Rosenzweig speaks to the value of exploring Jewish law and practice; that when we do, we gain access to all that has come before us and shape all that is ahead.

During my years of exploration I was introduced to a bevy of meaningful Jewish sacred texts. One text truly spoke to me on the urgency for liberal Judaism to re-define itself in this moment. This text is attributed to the great Jewish thinkers of the 1st century CE, Shammai and Hillel. A person outside the Jewish community says to Shammai, "Teach me the whole law while I stand on one foot!" Shammai dismisses him with contempt but Hillel, known in classical rabbinic literature for his composure, humility and gentleness, said: "My son, what is hateful to you, do not do to your neighbor. This is the text of the law; all the rest is commentary. Now go and study!" (Babylonian Talmud, Shabbat 31a).

Interestingly, although Shammai and Hillel are early 1st century CE figures living in the land of Israel, this famous story is found in a tractate of the Babylonian Talmud, the completion date of which is most likely the 7th, and possibly even the 8th, century CE.[2] Though the story itself may not be historical fact, it is no less important: it shows us the

[1] Rosenzweig, Franz, and Nahum Norbert Glatzer. *On Jewish Learning*. Univ of
[2] Cohen, Shaye. *From the Maccabees to the Mishnah, Third Edition*. 3rd edition. Westminster John Knox Press, 2014.

values of the Babylonian rabbis of a later age, the rabbis whose Talmud has become the fountainhead of subsequent Jewish life and practice. Although the evolution of *halakhah*, Jewish law, will be explored in great detail in chapter three, this is one example of the interplay between time periods, texts, and retroactive authentication.

Maybe liberal American Jews like me were raised in *beit* Hillel, the house of Hillel. The essential teaching of "what is hateful to you, do not do to your neighbor" seems to sum up the very essence of what my being Jewish is about. What I never received explicitly was, "now go and study!" My Judaism lacked that charge. Today Jews have "arrived," or rather, have almost fully assimilated into white mainstream culture.[3] Whereas once liberal Jews were reared in deeply Jewish communities embedded within the greater American landscape, today the immersive Jewish ethnic experience is often wan, like a cup of flavorless, tepid English Breakfast tea. That is fine for those who prefer a bland brew, but, perhaps, greatly disappointing for those seeking more robust flavor, more definition, more Jewishness. Is the future already ordained or is there an opportunity to re-imagine liberal Judaism?

Herein lies the danger and opportunity for liberal Judaism in this moment; there is no compelling and widely shared set of principles that define liberal Judaism today. The good news is that this vacuum allows for a new framework to be created and infused into the liberal Jewish and greater American ethos. Certainly there is no dearth of

[3] Brodkin, Karen. *How Jews Became White Folks and What That Says About Race in America*. New Brunswick, N.J: Rutgers University Press, 1998.

sources from which to draw – Jewish culture, music, history, humor, sacred texts, poetry, liturgy, dynamic personalities and leaders, food, and on. And no doubt, all of these elements are embedded into our very fiber as American Jews today. But I'd argue that one foundational piece of Jewish tradition and identity—our *halakhic* literature and culture—holds the greatest collection of our Jewish DNA from which we can rebuild and re-imagine what a rich practice of Judaism can look like in a liberal context.

The capacity for that renewal and regeneration is our greatest asset and is embedded into our *halakhic* tradition. Today, *halakhah*--the historical framework for Jewish observance (Jewish law) -- is the foundation for much of what we understand as Jewish practice. As defined by Rabbi Louis Jacobs:

> The word "*halakhah*" (from the root *halakh*, "to go"), the legal side of Judaism (as distinct from *aggadah*, the name given to the nonlegal material, particularly of the rabbinic literature), embraces personal, social, national, and international relationships, and all the other practices and observances of Judaism. In the Bible the good life is frequently spoken of as a way in which men are "to go," e.g., "and make known to them the way they are to go and the practices they are to follow" (Ex. 18:20). Originally the term *halakhah* (pl. *halakhot*) had the meaning of the particular law or decision in a given instance, as in the frequent expression "this is a law given to Moses on Sinai" (*Halakhah le-Moshe mi-Sinai*). This usage persisted, but side by side with it there developed the use of *halakhah* as a generic term for the whole legal system of Judaism, embracing all the detailed laws and observances.[4]

[4] Jacobs, Louis, *Halakhah* Encyclopedia Judaica 22 Volume Set. 2 edition. Detroit: Macmillan Reference USA, 2006.

In this thesis, *halakhah* will be used for the "whole legal system of Judaism" as Jacobs defines above. But calling it the "whole legal system of Judaism" does not mean that it is frozen and impervious to change. Critically, as will be outlined in chapter 3, *halakhah* is *not* one thing that is fixed. Rather, *halakhah* evolves, and continues to evolve, and, as such, we have the opportunity to shape *halakhah* and be shaped by it.

Over the last 200 years liberal Jewish communities have been wrestling with *halakhah*, exploring *halakhah*'s relationship to what it means to be both Jewish and modern. From the outset, practitioners of liberal Judaism in Germany did not seek to move away from tradition; rather, they sought to balance both modernity and their Jewish heritage.[5] Today, the liberal Jewish community in the United States sits in dynamic tension between its commitment to Jewish traditions and a culture of individualism paired with a "do-it-yourself" conception of spirituality. Roughly two hundred years ago Jews began the process of bravely fumbling forward, exploring what it meant be Jewish and enter into modernity. Earlier, the problem was how to take an unquestioned Jewish identity and make it "modern." Now, the problem is how to take an unquestioned modern identity and make it "Jewish."

Short of the *moshiach* (messiah) coming and the resurrection of my grandparents' generation with Max, Mary, Gil and Sylvia, I think we can no longer rely on the ethnic

[5] Ellenson, David. *Jewish Meaning in a World of Choice: Studies in Tradition and Modernity*. U of Nebraska Press, 2014.

strength of our American Jewish experience to maintain our Jewish identity. We need a new strategy rooted in our old strategy, *halakhah*. Historically, *halakhah* in its practice, interpretation, and codification has been on a continuous, if uneven, path of evolution. Few liberal Jews understand this history. The majority of lay liberal Jews see *halakhah* as something that is fixed, distant, antiquated and removed from their lives, or even as an alienating force from the Jewish traditions they know and love. The root of this distance may stem from a distaste for religious obligation combined with an alienation from tradition steeped in insecurity - a feeling of being "less than" fully Jewish as defined by a *halakhic* standard. There is no definitive study (yet) on this paradox, but interviews in chapter four provide further insight into this sentiment. An alternative approach to engaging *halakhah* in a liberal Jewish context comes from the late Israeli scholar/rabbi Moshe Zemer. Zemer writes about the urgency for *halakhah's* evolution and the responsibility of the interpreter/translator in that creative process. The *posek*, the Jewish legal decision-maker, "is empowered by the *halakic* process itself to employ compassion, creativity, and logic, as well as his own moral institutions, to circumstances unknown to previous generations and require contemporary *poskim* in every generation to exercise flexibility and compassion in rendering *halakic* decisions as the criteria for a 'sane *halakhah*."[6] But few liberal Jews know this history and fewer feel qualified to be one of this generation's *poskim*. In reality, liberal Jews who celebrate Passover, go to shul now and then, light candles on Shabbat, or give *tzedakah* (among other Jewish activities), are in fact doing/acting/walking/living *halakhah* in spirit, if not in precise conformity with the authoritative texts of the classical *halakhah.*

[6] Ellenson, David and Michael White. "Moshe Zemer's *Halakhah Shefuyah*: An Israeli Vision of Reform Halakhah." *CCAR Journal* (Spring/Summer 1996).

For the most part, when we do Jewish stuff it is because it is what we have learned mimetically from our parents and it is meaningful to us. Obligation—the sense of commandedness that underlies the classical halakhah—holds little weight in our choices.[7]

Halakhah is not the messiah for liberal Judaism. Most certainly, proposing that liberal Jews take on all the *mitzvot* in a manner reminiscent of Orthodox Jewish practice is utterly unattractive and positively preposterous. Such a proposal simply will not work. Instead, what I propose to explore and articulate is a simpler and more responsive-to-the-moment strategy and framework. In short, how do we make Judaism relevant and able to demonstrate its capacity to make meaning of our complex lives? The concluding chapter will provide a glimpse of a new model of *halakhic* engagement for liberal Jews, a way in which *halakhah* can inform a framework for how to be Jewish.

My personal shift in perspective and practice, from that of a deeply ethnic Jew to one who is proudly ethnic *and* sees myself on a path of doing Jewish that is rooted and animated by the *halakhic* tradition, may be more broadly instructive. The reflections of engaged liberal Jews in chapter four also buttress claims for articulation of what is, in many cases, both a liberal and *halakhically*-motivated active Jewish practice. In this thesis, I will be exploring the premise that if liberal Jews are a) introduced to the *halakhic* and historical underpinnings of a widespread and well known Jewish practice,

[7] Cover, Robert M., Martha Minow, Michael Ryan, and Austin Sarat. *Narrative, Violence, and the Law: The Essays of Robert Cover*. "Obligation: A Jewish Jurisprudence of the Social Order." University of Michigan Press, 1992.

b) feel more connected to the textual tradition informing that practice and gain a greater sense of ownership of the practice's evolution, and c) connect to the spiritual intention behind this and other Jewish practices, they will be inspired to explore and experiment with Jewish practice, ritual, and community. The outcome this thesis is seeking to achieve is:

1. Create a pro-active and animating definition of living an engaged liberal Jewish life;
2. Trace the evolution of the *halakhah* to demonstrate how liberal Jews are one organic extension of *halakhic* evolution;
3. Identify and elevate existing snapshots of deeply Jewish and in some cases liberal *halakhic* practice; and
4. Explore a framework and strategies for the placing *halakhic* engagement and study of the Bible, Mishnah, Talmud, Codes and other responsa at the center of liberal Jewish life and engaging "the pressing and often novel issues of the present age."[8]

What is the plan?

Not infrequently, upon hearing about my studies in rabbinical school, someone will say, "ugh, I'm such a bad Jew." It is as if being in the presence of a rabbi-in-training makes people feel guilty enough to confess their most secret trespasses. I was recently in San Diego talking with some friends of my parents. Without being prompted, each person

[8] Ellenson, David. "Jewish Legal Interpretation: Literary, Scriptural, Social, and Ethical Perspectives." *Semeia* 34 (p. 94)

cornered me and shared a tidbit about their relationship with Judaism: A local Hadassah book group, the synagogue they don't go to, what their parents taught them about growing up Jewish in Europe, and their politics on Israel, and what they hoped mine would be. There was an undercurrent of defensiveness; they were telling me why they're not bad Jews. After sharing, they would look at me expectantly over a silent, pregnant pause. I wasn't quite sure what they wanted me to say. Should I reassure them that being a quote unquote "good" Jew is just too much for anyone to actually take on? Or maybe I should put on my most disappointed face and say, "you are the worst Jew I ever met!"

The default framework of liberal Judaism has historically been to reject *kabalat ol malchut shamayim*, the "acceptance of the yoke of the kingdom of heaven," aka the commandments, and to emphasize the ethical elements of our tradition.[9] This may be an oversimplification, but I believe that many liberal Jews (ironically) evaluate their Jewishness against a *halakhic* framework to which they do not ascribe. We deflate our sense of Jewishness by aligning our identity with a set of *halakhic* criteria that we do not regard as compelling or relevant. We embark on a series of endless questioning: If we are not that, then what are we? So what is a liberal Jew? How do we define ourselves? What do we demand of engaged Jews? Moreover, this crisis in liberal Jewish identity surrounding *halakhah* raises the question of why I am choosing *halakhah* as the place to make the stand in the first place. Why ground a framework for 21st century liberal Judaism in a legal framework in which liberal Jews don't locate themselves?

[9] Meyer, Michael A. *Response to Modernity*. Wayne State University Press, 1995.

What will the book or article written in fifty or sixty years about liberal Judaism say about our response to this moment? What is absent from this moment is a clarion call, a call to rally liberal Jews around something that animates them and for which it is worth fighting. We need to hear more about what we *are*, and less about what we are not. We need a celebration of some of Judaism's counter-cultural messages:[10]

Judaism's counter-cultural values	**Jewish ritual expressing these values**
Cease doing - take a break, reflect and be	*Shabbat*/blessings, counting the *Omer*, the month of *Elul*
Go deeper - it is not all about you, there is something bigger happening beyond our understanding	God/blessings/prayer/reflection
Caring for the other- live generously for others	*tzedakah*/tithing
Change the world - call to serve the poor, to create a just world	*tikkun olam*, no stumbling blocks before the blind, do not withhold pay from a worker over night, care for the orphan and widow
Compassion- forgive yourself and others	*Elul*, Rosh Hoshannah, Yom Kippur, Evening *sh'ma*
Community	*chavrutah*/prayer/Shabbat/arts
Intellectual spiritualism	Torah study/*chavrutah*/sermons

The main purpose of this thesis is to craft the initial elements of a new framework for what liberal Judaism's message can be, what it means to be and do Jewish, and how this new path is related to, yet distinct from, the old liberal and "pre-liberal" Jewish path. The latter goal requires more investigation than this thesis can provide. Specifically, the starting point would most logically be a thorough exploration at modernity's impact on Judaism as we know it today and the relationship between the classical ***halakhah*** and

[10] For a valuable but biting critique of Reform Judaism's lack of engagement with the Talmud, see the introduction of Jacob Neusner's *Invitation to the Talmud: A Teaching Book*. Wipf and Stock Publishers, 2003. (p. xxi)

liberal Judaism in the 21st century. Fortunately, there has already been some excellent scholarship regarding modernity's impact on Judaism, such as Leora Batnitzky's *How Judaism Became a Religion: An Introduction to Modern Jewish Thought*.[11]

Regrettably, with the exception of Rabbi Dr. Eugene Borowitz's excellent 2002 survey article,[12] there has not been a significant exploration mapping the impact of *halakhic* influences on American Reform Judaism over the last 50 years. There have, however, been some extraordinary writing and work done by the last three chairs of the Central Conference of American Rabbis ("CCAR") Responsa Committee, Rabbis Solomon Freehof, Walter Jacobs, and the current chair Mark Washofsky, to push *halakhic* discourse and wisdom into everyday Reform life. Yet, to date, no one has investigated how widely the Responsa Committee is read, the breadth and depth of its influence, or the outcomes of their *teshuvot*/responses to questions posed by Reform leaders.

Rabbi Dr. Rachel Adler is an equally influential scholar exploring Reform engagement with *halakhah* as well its intersection with feminist theory. Adler writes, "The goal of liberal *halakhah* is to repair inadequacies of classical *halakhah* exposed by modernity while leaving the system basically intact."[13] Critically, Adler seeks to create a new framework for *halakhic* practice because, "[a] praxis is a holistic embodiment in action at

[11] Batnitzky, Leora. *How Judaism Became a Religion: An Introduction to Modern Jewish Thought*. Princeton, N.J.: Princeton University Press, 2013.
[12] Borowitz, Eugene B. *Studies in the Meaning of Judaism*. ""Halakhah" in Reform Usage: Historic Background and Current Discourse" Philadelphia: The Jewish Publication Society, 2002.
[13] Adler, Rachel *Engendering Judaism: An Inclusive Theology and Ethics*. 1st edition. Boston: Beacon Press, 1999. (p. 34)

a particular time of the values and commitments inherent to a particular story," and having a clear practice would "reduce our sense of fragmentation."[14] This goal of modernizing *halakhah* is a powerful aspiration, and Dr. Adler's book, *Engendering Judaism*, has had a profound influence on Jewish thinkers and leaders. Still, her ideas have has not succeeded in catalyzing a much needed new liberal Jewish praxis or framework regarding *halakhah*. As Adler suggests, there is more work to be done to create a new framework for customs and practices that speak to this moment.

Acknowledging the critical foundational work of thinkers like Batnitsky, and rabbi/scholars such as Freehof, Jacobs, Washofsky and Adler, this thesis will include a concrete example of the interplay between classical *halakhic* text and practice and contemporary liberal Jews through examining select moments in the textual evolution of the Shabbat candle lighting practice. My frank conversations with a diverse group of lay leaders, in chapter four, will explore their relationship to *halakhah* and their liberal Jewish identity. Finally, this thesis will conclude with initial elements of a new framework for rethinking *halakhah* within liberal Judaism. The thesis will point the way toward a refreshed and reinvigorated liberal Judaism for the next generation of American liberal Jews.

[14] Id., p. 26.

Chapter 2:

The Urgency of Now,

Why a New Framework for Liberal Judaism

אם אין אני לי, מי לי? וכשאני לעצמי, מה אני? ואם לא עכשיו, אימתי?

If I am not for myself, who is for me?

And if I'm only for myself, what am 'I'?

And if not now, when?

-Hillel (Pirke Avot 1:14 – 1st century CE)[15]

For liberal Jews, Hillel's axiom should resonate with the force of a penetrating shofar blast or, for those who don't make it to services during the Days of Awe, a 4th of July firecracker at close range. "If I am not for myself, who is for me?"

As we will explore a little further on in this thesis, demographic trends show a pronounced hemorrhaging of the liberal Jewish community in America. There is no one better suited or more highly motivated to address this crisis and transform and strengthen liberal Jews and Judaism than liberal Jews themselves. The Center for the Jewish Future at Yeshiva University, the heart of "centrist" Orthodoxy, and other

[15] Again, we have to keep in mind the interplay between academic *talmudic* scholarship and constructive theology. Hillel is a man of the 1st century CE, while Avot most likely dates from around 250 CE. It's possible Hillel never actually uttered this but it doesn't matter—it reflects the values of the later *tannaim* and their sense of what the iconic sage Hillel could and would have said.

organizations like it, will not revive liberal Judaism—they are not liberal Jews. The energy to seek change must come from within.

Rabbinical and cantorial students in the liberal seminaries, Jewish clergy in the field, congregants across the country, foundations and Jewish federations, are deeply worried about the future of liberal Judaism. Existence for existence's sake is not unimportant—in fact, survival is a core human instinct—but many Jews outside of Orthodoxy cannot and will most likely not be inspired to turn their lives around for Judaism for the sake of "Jewish survival." The core of the question about the future of liberal Judaism, then, is not only *why* exist, but also *how* should Judaism, and we as liberal Jews, exist? I believe the "why" in this case is the essential driving force for "how" we exist. A compelling "why" with a lackluster "how" will not succeed, and vice versa. As a leading American Jewish sociologist shared recently, "Sure there is a desire for more spirituality and community, I'll give you that, but it is not like sex and food."[16] While the objective is not so bold as to move liberal Judaism up to the same level of necessity as sex and food, it is necessary at least to make Judaism more central to the core of every liberal Jew's identity purpose for being. Finally, there is a spiritual dimension embedded within the question. If I (a liberal Jew) do not care for my own well-being and that of my liberal Jewish community, who will?

I commonly find that when I speak with synagogue leaders in New York they communicate how overextended everyone is in their family. From the break of dawn

[16] Dr. Steven M. Cohen, personal communication, October 2015

until dinner their lives and their kids' schedules are packed. They thirst for a moment to stop, to just be, to have time with family away from their screens. They struggle to make it to services on Friday night but regularly report feeling grateful when they arrive; the service is a break from the relentless pace of the workweek, an invitation to slow down. I find myself wondering: what if they explored other elements of Shabbat? A Saturday afternoon *shluf* (nap), a leisurely lunch with good friends, time to study text or read a book they have been unable to finish? What if they "schedule" unprogrammed time, a "space in time," to use Rabbi Abraham Joshua Heschel's language? "The meaning of the Sabbath is to celebrate time rather than space. Six days a week we live under the tyranny of things of space; on the Sabbath we try to become attuned to holiness in time. It is a day on which we are called upon to share in what is eternal in time, to turn from the results of creation to the mystery of creation, from the world of creation to the creation of the world."[17] This language calls on us to *be*, both for ourselves and for the world.

The second verse, "And if I'm only for myself, what am 'I'?" calls on us to act counter to the culture of self that has blasted out of control in American society over the last 30-40 years.[18] Today, in a society so deeply enamored with individual choice, autonomy, and reluctance to join institutions, the idea of "community," in many cases, has been

[17] Heschel, Abraham Joshua, and Susannah Heschel. *The Sabbath*. New York, NY: Farrar Straus Giroux, 2005.
[18] See, e.g., Lasch, Christopher. *The Culture of Narcissism: American Life in an Age of Diminishing Expectations*. Revised edition. New York: W. W. Norton & Company, 1991.

reduced to a series of taps on a screen. We have a society "rich" in monologues but utterly "impoverished" in true dialogue.[19]

For a long time, liberal Judaism thrived on its call to live Judaism ethically, conflating the call to engage in Jewish life with a call to making the world more just. Social action *is* a core strength of liberal Judaism that can be deepened and amplified. There has been a blossoming of Jewish social justice organizations and initiatives over the last 20 years that have served to motivate a segment of the liberal Jewish population to involve itself more deeply in Judaism. And yet, as evidenced by the numbers, the virtues of ethical action, of doing *tikkun olam*, are not enough to keep Jews tethered to doing Jewish.

Will liberal Judaism survive in America, and what can be done to save it? And as Hillel concludes, "If not now, when?" This last question should be the defining one for every liberal Jewish leader in America. Recent demographic trends cast doubt on whether liberal Judaism in America will still be around in, say, eighty or ninety years.[20] To be sure, whatever form Judaism takes, it will be dramatically different than it appears today, as liberal Judaism has manifested quite differently today than it did in 1925. What we are doing today, much of it excellent, much of it not, will not get us to the Promised Land.

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[19] Putnam, Robert. *Bowling Alone: The Collapse and Revival of American Community*. 1st edition. New York: Touchstone Books by Simon & Schuster, 2001.
[20] "A Portrait of Jewish America," The Pew Research Center, October 2013 http://www.pewforum.org/2013/10/01/jewish-american-beliefs-attitudes-culture-survey/

In facing another unimaginable struggle that was deemed insurmountable in 1967, the effort to end the Vietnam War, Rev. Martin Luther King talked about the "fierce urgency of now." King said, "We are now faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. In this unfolding conundrum of life and history there is such a thing as being too late. Procrastination is still the thief of time."[21] If not now, when? We cannot allow the statistics portending liberal Judaism's demise to smother our creativity in re-imagining a new present.

Defining liberal Judaism and *halakhah*

Liberal Judaism, like any other subset of Judaism, has been defined in myriad ways. It is thick with history; defining its origins and developments could take up a book by itself. This is not that book. For the heuristic purpose of this thesis, liberal Judaism is meant to capture all Jews who identify as Jewish but do not feel obligated by Jewish law, either in faith or action. For these Jews, *halakhah* is at best one among a number of elements that make up Judaism; certainly not the only or most important one, and certainly not one that obligates them. To ignore *halakhah* is to impoverish ourselves as we interact with the tradition. For some liberal Jews, the language of ethical or cultural Judaism might work better. For others it might be how they do or do not connect with

[21] Rev. Martin Luther King, 1967, anti-war speech. "We are now faced with the fact that tomorrow is today. We are confronted with the fierce urgency of now. In this unfolding conundrum of life and history there is such a thing as being too late. Procrastination is still the thief of time. Life often leaves us standing bare, naked and dejected with a lost opportunity. The "tide in the affairs of men" does not remain at the flood; it ebbs. We may cry out desperately for time to pause in her passage, but time is deaf to every plea and rushes on. Over the bleached bones and jumbled residue of numerous civilizations are written the pathetic words: 'Too late.' There is an invisible book of life that faithfully records our vigilance or our neglect. 'The moving finger writes, and having writ moves on…'"

God. I contend that liberal Judaism's tent is large enough for everyone. For the sake of this thesis I'm casting a wide net, including all Jews who do not see themselves as affiliated or aligned, literally or spiritually, with the Orthodox or Conservative movements.

In many ways, choice is at the heart of how liberal Jews identify with Judaism at present. Orthodox Jews make one choice, "Am I Orthodox?" When the answer is yes, then what follows is the assumed taking on of all the *mitzvot* that can be practiced in this day and age. A caricature of the Orthodox community might paint it as monolithic and as lacking in choice and individual initiative. But just as there is a dynamic continuum of practice, ethnic identity and belief in God in the liberal Jewish world, there is also a diversity of practice and belief in the Orthodox community.[22] Of course, their critique of liberal Judaism might be that without the belief in the divine source of all these commandments, without that epistemological certainty, non-observance is inevitable. Conservative Judaism seeks a complicated middle ground: respect for the authority of *halakhah* combined with a belief that *halakhah* can and must change in response to modern issues like pluralism, feminism and technology. Unlike both of these groups, liberal Jews see choice as paramount: the choice to do Jewish, to believe in God, or even whether or not to pass the tradition onto their children.

[22] See, e.g., Lefkowitz, Jay P. The Rise of Social Orthodoxy: A Personal Account An unorthodox pathway to traditional observance. Commentary Magazine, April 1, 2014

What is *halakhah*?

Sometimes it feels like describing *halakhah* is a little bit like describing air. It is hard to grasp both because of its enormity and overwhelming specificity. On a practical level, *halakhah* might be described as the set of laws that govern Jewish behavior and observance of the commandments. Rabbi David Ellenson quotes Orthodox Rabbi Eliezer Berkovits as follows, "*Halakhah* is the bridge over which Torah enters reality... *Halakhah* is the technique of Torah-application to a concrete contemporary situation. While the Torah is eternal, the concrete historical situation is ever-changing. *Halakhah*, therefore, as the application of Torah in a given situation, will forever uncover new levels of Torah depth and Torah-meaning."[23] Berkovits' definition for *halakhah* is validating for liberal Jews as it characterizes *halakhah* as how we bring Torah into the world - that it is ever evolving in ongoing conversation with the moment and the human-ness of the interpreter. Ellenson uses Berkovits to highlight Orthodoxy's tension between viewing *halakhah* (in its iterative nature) as objectively divine and holy and yet also as subjectively animated by human limitations. For liberal Jews who don't have a horse in the divinity race, there is great value in the affirmation of *halakhah*'s evolving nature and the imprint of culture, politics and human consciousness on *halakhah's* formation.

[23] Eliezer Berkovits, "The Role of Halakha: Authentic Judaism and Halakhah," Judaism 19, no 1 (1970): 2, cited by Rabbi David Ellenson in *Jewish Meaning in a World of Choice: Studies in Tradition and Modernity*. U of Nebraska Press, 2014.

In the language of engineering, *halakhah* might be compared to an architectural blueprint that defines and directs the construction of human behavior in Jewish life. Of course blueprints are adjusted once the building starts, costs are incurred, weather conditions impact schedules, owner preferences change, and contractors disappear. And, as we know, today's architects look back at their predecessors' designs and constructions in order to learn from and create new plans responsive to this moment. When we look at the Pantheon in Rome we are awed by its beauty, simplicity, solemnity, and longevity. The Pantheon started as a Roman Temple and became a Roman Catholic Church. As we will be explore in chapter three, over hundreds of years the laws of the Bible were among the sources for the laws of the Babylonian Talmud and which themselves ramified greatly and were interpreted variously in the subsequent commentaries, codes, and other literary works that continue to respond to and advance *halakhic* evolution and keep Jews tethered to the Jewish tradition.

Almost all of what we know as Judaism today—how we practice and "do Jewish" from lighting Shabbat candles to building a *sukkah*, from how we treat the stranger to how we operationalize broad statements like "remember" and "protect" the Sabbath,[24] are considered in *halakhah*. Liberal Jews are "*halakhic*" in that almost all the Jewish doing we do is informed in some way by *halakhah*. Rabbi Dr. Mark Washofsky, current chair of the CCAR Reform Responsa Committee and HUC-JIR faculty member (Cincinnati) has written extensively about the centrality of *halakhah* in Reform Jewish practice, although less about its absence from liberal Jewish consciousness. Washofsky

[24] Exodus 20:8 & 31:13-17

compellingly lays out the case for why Reform Judaism is inextricably bound up with and an extension of *halakah*. The following quotation is a long but an important articulation of the depth and breadth of Reform Judaism's (and, more broadly, liberal Judaism's) construction on the basis of *halakhah's* blueprint. Washofsky writes:

> The fact is that, despite all claims to the contrary, Reform Judaism is very much a "*halachic*" movement. Indeed, *halakhah* is central to any adequate description of Reform Jewish life. Were we to remove *halakhah* from Reform Judaism, we would be unable to render anything approaching an adequate account of our actual religion practice.
>
> When we Reform Jews gather for worship, we recite a liturgy and perform synagogue rituals that, even allowing for all the changes we have introduced into them, follow structures set down in the traditional *halachic* literature: the Talmud and the legal codes. Our Shabbat and Festival observances-the lighting of the candles, Kiddush, the festive meal, the reading of the Torah, the ceremony of *Havdalah*, the Passover *seder* and the foods associated with the holiday, the sounding of the shofar, fasting on Yom Kippur, the building of and the *sukkah*, the waving of the *etrog* and the *lulav*, the lighting of the Chanukah menorah, the recitation of the *Hallel*, and so many others – are all *halachic* institutions, defined in the Rabbinic *halachic* sources and given shape by the discourse of Jewish law. Our life-cycle ceremonies – the rituals with which we mark birth, the stages of life, marriage, and death – are set forth, constructed, characterized, and developed in the Talmud and subsequent Jewish legal writing.
>
> The same is true when we turn our gaze outward, beyond the walls of the synagogue and the confines of our ritual observance. Our Jewish conversation on issues of personal morality and social justice, in which we attempt to apply Jewish values or construct our responses to the challenges we encounter in the marketplace, in medicine, in politics, and in world affairs, is based upon a discourse that is anchored in the Rabbinic literature and is suffused with reference

> to *halachic* texts. *Halachah*, it turns out, is all around us in Reform Judaism, giving structure, meaning, and context to our community's ritual practice and our religious life.[25]

Washofsky eloquently honors *halakhah* and Reform Judaism's proximity and distance from the tradition. Most critically, he notes the central role of *halakhah* as the founding source for much of what we know as Reform Judaism and liberal Judaism today. From my unscientific survey of Jewish congregants across six synagogues in the Northeast and Southern California (chapter four) I have yet to find one who would say, "*Halachah*, it turns out, is all around us in Liberal Judaism." I often wonder what Washofsky would say about a conversation I had with Conservative and Orthodox friends in 2015 as part of an elite Jewish pluralistic fellowship, in which Reform Judaism's acceptance of Jewish identity through patrilineal descent was viewed as a move toward Christianity and away from Judaism. I'm not naïve about the fact that this opinion exists in response to Reform's accelerated evolution compared to that of Orthodoxy. Rather, what does surprise and disappoint me is their dismissal of a whole range of "*halakhic*" Reform practices on account of one they view as lying beyond the pale. It is hard not to a) feel a little hurt, b) be annoyed at the rigidity and judgment, and c) feel alienated from "*halakhah*" as some sort of more righteous and true path.

Liberal Jews by the Numbers

To be a liberal Jew is to be first and foremost an American. We are for the most part a privileged community, with wealth, political might, and cultural influence well beyond

[25] Washofsky, Mark, ed. *Reform Responsa for the Twenty-First Century Volume 1*. New York, N.Y.: CCAR Press, 2010. (p. XVII-XVIII)

our numbers. A recent study by the Public Religion Research Institute on Jewish values[26] shows that for Jews in general (not just liberal Jews), 8-in-10 say the experiences of the Holocaust (87%) and opportunities for economic success in America (85%), are "somewhat or very important for informing their political beliefs and activity." Furthermore, 66% of Jews say that being a religious minority in America has a somewhat or very important influence on their political beliefs and activity, while 70% point to the significance of the Jewish immigrant experience. This study also explores how American Jews identify themselves. When queried about which qualities are most important to their Jewish identity, nearly half (46%) of American Jews cite a commitment to social equality, twice as many as cite support for Israel (20%) or religious observance (17%). Fewer than 1-in-10 respondents say that a sense of cultural heritage and tradition (6%) or a general set of values (3%) are most important to their Jewish identity.

Were survey numbers everything, one might interpret these data to mean that all liberal Jewish organizations, from synagogues, to JCCs, to federations large and small, should double down on *tikkun olam*. Indeed, if the American Jewish community directed its vast financial resources to ending childhood hunger in America that would seemingly inspire Jewish engagement among many Jews who at present question the purpose of Judaism. But this would not be enough to build and sustain a vibrant liberal Judaism. A generation or two ago, doing justice or fighting for civil rights was enough. It was

[26] Robert P. Jones and Daniel Cox. "Survey | Chosen for What? Jewish Values in 2012." *Public Religion Research Institute.* http://publicreligion.org/research/2012/04/jewish-values-in-2012/.

enough because liberal Jews were, for the most part, unquestionably ethnically Jewish. That generation retained the taste of chopped liver on their tongues, grandparents with two sets of plates in their cabinets, and saw signs over water fountains that said “White” and “Colored.” The anti-Semitism they faced was not at the same volume or level of violence as the racism facing Blacks, but they were keenly aware of careers, country clubs, and neighborhoods that barred Jews. During the massive cultural upheavals of the 1960s and 1970s the focus on social justice and living Jewish values on the street and in the political realm was a prophetic and successful way to make meaning of Jewish tradition in a modern context. This is not meant to imply that social justice was merely a Jewish survival strategy concocted by some Jewish leaders—far from it. The deep engagement in social justice was drawn from a profound Jewish experience of otherness as immigrants, as refugees and survivors, as a thriving minority, and of a deep rootedness in Jewish historical and textual tradition, including *halakhah*.

The eighth and final principle of the 1885 Pittsburgh Platform, the defining document of American Reform Jewish life for over fifty years, is a commitment to creating a more just world: “In full accordance with the spirit of the Mosaic legislation, which strives to regulate the relations between rich and poor, we deem it our duty to participate in the great task of modern times, to solve, on the basis of justice and righteousness, the problems presented by the contrasts and evils of the present organization of society.”[27]

[27] 1885 Pittsburgh Platform. https://ccarnet.org/rabbis-speak/platforms/declaration-principles/

As the earlier Public Religion Research Institute report[28] captures, living and fighting for social justice is still a powerful operating framework for what it means to do and be Jewish today for many liberal Jews. In an informal conversation with a prominent Jewish leader affiliated with the Reform movement,[29] he argued that the birth of the nonprofit industrial complex in the 1970s absorbed many of the most talented, dynamic and inspired Jews, who left shuls and Shabbat behind to create their own cathedrals in the halls of social justice and social action organizations across America.

The decline of ethnic Judaism, the challenge to liberal Judaism

But this is no longer the 1960's and 1970's. We are in a new era, in which young liberal Jews are not tethered to historic ethnic filaments. While social justice remains a central element of what being a liberal Jew means, it is not enough. In this moment, "doing Jewish" is a less obvious path for how to live a full, rich, life of meaning and purpose. Now, many Jews in their 20s and 30s, the so-called "nones"[30] who self-define as "spiritual but not religious," have turned away from Jewish practices and embraced meditation, yoga, and SoulCycle as their touch points of meaning, rootedness, and community. These people have regular practices designed for mindfulness or spiritual striving, they make commitments, and they have not at all stopped searching for meaning in their lives. But the problem is that too few have experienced how Judaism

[28] Robert P. Jones and Daniel Cox. "Survey | Chosen for What? Jewish Values in 2012." *Public Religion Research Institute*. http://publicreligion.org/research/2012/04/jewish-values-in-2012/.
[29] Drawn from an informal conversation with a prominent Jewish leader affiliated with the Reform movement in Fall 2012 as part of a research initiative for the Nathan Cummings Foundation.
[30] Pew Research Center Religion & Public Life , "A Portrait of Jewish Americans." *Pew Research Center's Religion & Public Life Project*. October, 10, 2013

and Jewish practice can infuse their lives with gratitude, reflection, replenishment, and community.

Reflecting on the 2014 Pew report, two of the preeminent scholars of the American Jewish community, Steven Cohen and Jack Wertheimer, wrote, "Among those findings: as many as 2,100,000 Americans of some Jewish parentage—overwhelmingly, the offspring of intermarried parents—do not identify themselves as Jews. Our analysis of Pew and other national and local surveys also shows that intermarried families are considerably less likely to join synagogues, contribute to Jewish charities, identify strongly with Israel, observe Jewish religious rituals, or befriend other Jews. Exceptions aside, the large majority of intermarried families are loosely, ambivalently, or not at all connected to Jewish life...When children of intermarriage do choose a spouse, reports Pew, 83% follow their parents' model and marry non-Jews. To project even farther into the future, a mere 8 percent of grandchildren of the intermarried are likely to marry Jews."[31] You do not have to be a mathematician or a social scientist to interpret this data; in any case, the goal is less to figure out how all this came about and much more tied to what we should do about it. What will catalyze intermarried Jewish families to choose a Jewish path? What does Judaism stand for that would make them seek to stand with Judaism?

[31] Jack Werthheimer and Steven M. Cohen. "The Pew Survey Reanalyzed: More Bad News, but a Glimmer of Hope." http://mosaicmagazine.com/essay/2014/11/the-pew-survey-reanalyzed/.

At present, there is little pressure on American Jews to assimilate into American culture. We are the product of, embedded in, and makers of American culture. Marrying outside the Jewish tradition is, at present, rarely about seeking to leave the tradition. It is about falling in love with a person, not out of favor with Judaism. As Shaul Magid notes, most young liberal Jews have a diminished Jewish identity; they are not choosing love over their Jewishness, they are just choosing love. If that love happens to be Jewish, that works fine for them as well.[32]

A transition in liberal Jewish identity and meaning

In *American Post-Judaism*[33] Shaul Magid embarks on the ambitious endeavor of looking under the skin of Judaism in America and the American Jewish community. Magid artfully provides an optimistic diagnosis. One might argue that never before has a diasporic Jewish community flourished or had the variety of Jewish expressions that we see in America today. Magid posits that we are in a moment of transition that calls for a radical shift in our very conception of Jewish identity and that we must openly and honestly acknowledge that we see our Jewish identity as subservient to our American identity. Magid argues, "When the ethnic bond is broken or dissolves into a multi-ethnic/multi-racial mix, the age-old strategies Jews deployed to meet the challenges of survival of both Jewishness and Judaism become largely inoperative, since those

[32] Magid, Shaul. *American Post-Judaism: Identity and Renewal in a Postethnic Society*. Revised Edition edition. Bloomington: Indiana University Press, 2013.
[33] Ibid

strategies assume an "ethnic" root of Jewish identity as its foundation."[34] How did we arrive here?

The early and mid-20th century Jewish rush to assimilate captured in Philip Roth's *Portnoy's Complaint* is now almost complete. Membership at fancy country clubs, "white shoe" law firms, and exclusive neighborhoods are open to Jews. By the late 1990s, books like Karen Brodkin's *How Jews Became White Folks and What that Says about Race in America*,[35] were favorably reviewed and widely accepted as reflective of a sociological and economic truth: Jews in America have arrived. Of course, there is a double-consciousness at play. We have "made it," and yet we are still vulnerable. We are successful, yet we still know that we were once strangers in a strange land. The Hasidic teacher Simcha Bunim of Peshischa shares an aphorism that is still applicable today despite our very different context. As taught to me by Rabbi Toba Spitzer, "it was said of Reb Simcha Bunem that he carried two slips of paper, one in each pocket. On one he wrote: *Bishvili nivra ha-olam*—'for my sake the world was created.' On the other he wrote: *V'anokhi afar v'efer*"—'I am but dust and ashes.' He would take out each slip of paper as necessary, as a reminder to himself." Today, the slips of paper articulating how many liberal Jews feel about being Jewish would be, "I'm a Jew through and through," and "I'm the worst Jew ever." For many there is a deep sense of Jewishness, but also an inner tremor, caused by the unforgiving whip of *halakhic*

[34] Id (p.1)
[35] Brodkin, Karen. *How Jews Became White Folks and What That Says About Race in America*. New Brunswick, N.J: Rutgers University Press, 1998.

(in)authenticity. And, for many, there is a communal sense of vulnerability despite our success.

Is there hope for a survival/revival of liberal Judaism?

Some posit as a theoretical matter that "accelerating change" and transformation, both technological and cultural, happen at a faster rate now than ever.[36] Within the liberal Jewish community this may be represented by the spike in the category of "spiritual but non-religious" (not unique to Jews), those who do not identify with a religion but self-define through other spiritual practices (meditation/yoga), those who have married "out" or have been turned off to Judaism due to the divisive nature of the conversation around the state of Israel.[37] This confluence of forces, including the declining strength of ethnic Judaism, creates a climacteric for the American liberal Jewish community and compels us to ask not *if* we will survive, but *why* survive? If all we want is for Judaism to survive we can rest assured that Orthodoxy has this covered. But if we ascribe a unique and compelling value to the purpose of liberal Judaism then we should be concerned. After all, the same studies that show the hemorrhaging of identified liberal Jews, also track the demographic growth of the Orthodox Jewish community in America.[38]

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[36] Kurzweil, Ray. *The Age of Spiritual Machines: When Computers Exceed Human Intelligence*. New York: Penguin Books, 2000.
[37] Beinart, Peter. "The Failure of the American Jewish Establishment." *The New York Review of Books*, June 10, 2010.
[38] "A Portrait of American Orthodox Jews." *Pew Research Center's Religion & Public Life Project*. August 26, 2015

If our goal is not simply survival, then we are called to answer the question, "What does liberal Judaism stand for, and what does it have to say to this generation?" This thesis attempts to initiate an exploration into what defines liberal Judaism, and particularly the role of *halakhah* in shaping liberal Judaism as currently, how liberal Jews relate to *halakhah* today, and what role *halakhah* could play in securing the future of liberal Judaism. Is there a framework, format, or function for *halakhah* to elevate and strengthen liberal Judaism in this moment, and if so, what would it look like? Is it time for liberal Judaism to re-imagine its relationship to *halakhah*?

Our tradition celebrates both continuity and disrupting the status quo. A *midrash* teaches that when Abraham was a youth, while tending his father's idol workshop he grew troubled by the many customers who attributed divine powers to the clay statues emerging from the kiln each day. Abraham's radical monotheistic beliefs led him to smash the idols in the shop, demonstrating their impotence.[39] Then Abraham took even bolder action. Affirming his belief in one God, he shared this radical new idea with his family, friends and neighbors. And in doing so, Jewish tradition teaches that Abraham changed the course of human history.

Crisis as Opportunity for Action

As Rahm Emanuel famously said after the 2008 collapse of the economy, "You never want a serious crisis to go to waste. And what I mean by that is an opportunity to do

[39] Midrash Bereishit Rabbah 38:13

things that you think you could not do before."[40] Could liberal Judaism re-imagine its relationship with *halakhah*, re-imagine its counter-cultural call to be and do Jewish, and still be liberal? As recently as the 1950s, Orthodoxy was declared an endangered species while today, with its numbers surging, it is the belle of the denominational ball.

Lawrence Grossman's "American Orthodoxy in the 1950s, The Lean Years,"[41] outlines the forces of assimilation, the rise of the Conservative movement, and the loss of new "traditional" immigrants coming into the US to replenish those who assimilated out. Grossman notes that between 1946 and 1957, 60% of all the students accepted into the heart of the Conservative movement's rabbinical program, at the Jewish Theological Seminary, were drawn from Orthodox backgrounds, with 30% coming directly from Yeshiva University alone. In regard to *halakhic* innovation, Grossman writes that, "Even the first substantial *halakhic* innovation officially adopted by the Conservative movement, the dispensation to drive to the synagogue on the Shabbat, made little practical difference, since many congregants of Orthodox synagogues were driving to Sabbath services without permission."[42] Then came a shift.

As Orthodox Judaism was rejuvenated in the late 1950s and 1960s[43] there was a greater emphasis on stricter observance of *halakhah* than in Conservative communities. There

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[40] Rahm Emanuel*: You Never Want a Serious Crisis to Go to Waste*. https://www.youtube.com/watch?v=1yeA_kHHLow.
[41] Medoff, Rafael. *Rav Chesed: The Life and Times of Rabbi Haskel Lookstein*. Jersey City, NJ: Ktav Pub Inc, 2008.
[42] *Id* (p. 266)
[43] Eleff, Zev, "Viva Yeshiva!" The Tale of the Mighty Mites and the College Bowl. American Jewish History, Vol. 96, No. 4 (December 2010), pp. 287-305

was investment in day schools and in professionalizing the rabbinate led by Rabbi Dr. Samuel Belkin at Yeshiva University.[44] There was also the towering presence and influence of Rabbi Joseph Soloveitchik and his many students. Soloveitchik provided the philosophical underpinning for a revival of Orthodoxy, and his many ordinees brought his way of Orthodoxy out all over the US. In the lives of Belkin and Soloveitchik we see models of leadership, not at all perfect, but certainly successful, in resuscitating and inspiring a new framework of Jewish living and building institutions to advance that vision.

Simon Rawidowicz, the mid-20th century Jewish historian and philosopher famously came up with the term, "the ever dying people."[45] He wrote, "The world makes many images of Israel, but Israel makes only one image of itself: that of a being constantly on the verge of ceasing to be, of disappearing."[46] We seem to celebrate our impending demise, possibly to the detriment of creating an animating response. As Mark Twain is quoted as saying, "The reports of my death have been greatly exaggerated." Similarly, those forecasting the death of liberal Judaism are missing its vibrancy, even if that vibrancy is more palpable in some synagogues, JCCs, startups, and communities than others. As recently as 2008 a Jumpstart report found "…more than 300 (start-up)

[44] Geller, Victor B. *Orthodoxy Awakens: The Belkin Era and Yeshiva University*. Jerusalem; New York: Urim Publications, 2003.
[45] Rawidowicz, Simon, and Benjamin C. I. Ravid. *Israel, the Ever-Dying People, and Other Essays*. Fairleigh Dickinson Univ Press, 1986.
[46] Ibid

initiatives reaching more than 400,000 participants, representing approximately $500 million in investment over the past ten years."[47] Possibly, the best is yet to come?

The next chapter encourages looking back as a springboard for defining a future. Chapter three will explore the historical impetus for the emergence of *halakhah,* its evolving nature and its role in defining Jewish life. Hopefully, rooting ourselves in the traditional iterative nature of *halakhah* will infuse a sense of what could be next for liberal Judaism.

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[47] Jumpstart/Natan Fund/The Samuel Bronfman Foundation, "The Innovation Ecosystem: Emergence of a New Jewish Landscape" 2008

Chapter 3:

The Roots and the Development of *Halakhah* and Its Affirmation of Liberal Judaism's Authenticity

Its Story Is Our Story

Liberal Jews are the inheritors of a long and winding evolutionary path of *halakhah* that unfolds to this day. The purpose of the chapter is to explore this evolutionary nature and demonstrate how the oft-proclaimed liberal Jewish disassociation from *halakhah* diminishes *halakhah*, liberal Judaism and *halakhah's* role in shaping who we are and how we act as liberal Jews.

Halakhah, and *halakhot* (the plural of *halakhah*), is often understood as Jewish law. Over time, the addition of the article "the" in front of the word *halakhah* came to represent the body of Jewish law that first developed through rabbinic literature. As we will discuss later on, the Talmud includes much more than *halakhah*, laws. The proposition of this chapter is that a greater intimacy and an increased connection with the narrative arc of the *halakhah* will allow liberal Jews to feel affirmed in their identity and possibly catalyze an appetite to authentically move in and out of exploring Jewish practices with greater ease and curiosity.

The philosopher-ethicist Alisdair MacIntyre wrote, "I cannot answer the question 'What am I to do' without answering the prior question, 'Of what story or stories do I find

myself a part?'"[48] Dr. Rabbi Rachel Adler, a self-defined narrative theologian, uses MacIntyre's question to invite liberal Jews to make themselves at home in the narrative arc of *halakhic* evolution. Adler writes,

> The crucial difference between traditional *halakhists* and modernists is that modernists accept the premises of modern historiography: that societies are human constructions that exist in time and change over time, that ideas and institutions inhabit specific historical and cultural contexts, and that they cannot be adequately understood without reference to context. These premises are incompatible with the belief that *halakhah* was divinely revealed in a single event and reflects an eternal and immutable divine will. Rejecting the supernatural account of *halakhah* in favor of historical and naturalistic explanations raises fundamental theological questions about the place of *halakhah* in Judaism. If *halakhah* evolved historically and reflects the cultures through which it passed, then what makes it holy? Why should it be obeyed? And what makes its rules and categories appropriate for contexts so different from those for which they were formulated?[49]

As we prepare to set out on a journey through the evolution of *halakhah*, Adler's questions become our questions. What can *halakhah's* value be to Jews who question its divine revelation and lack a sense of obligation, obviating *halakhah's* historic authority? Or perhaps, a question even more apt to this moment in Jewish history: "How do we make it useful to us?" This gets at the heart of the issue: is there relevance to the study of and engagement with *halakhah* without taking on all the ritual practices?

The answer for Adler, and for the author of this thesis, is emphatically "yes, and. . . ." Yes, it is relevant *and* we will need to transform dramatically how we relate to *halakhah*

[48] As quoted in Rachel Adler's *Engendering Judaism: An Inclusive Theology and Ethics*. 1st edition. Boston: Beacon Press, 1999. (p. 22)
[49] Adler, Rachel. *Engendering Judaism: An Inclusive Theology and Ethics*. 1st edition. Boston: Beacon Press, 1999. (p. 27)

to feel the depth and breadth of its relevance. The "and" part of the equation will be more fully explored in the final chapter of this thesis in which we set out the parameters of a new framework for a liberal Jewish engagement with *halakhah*.

However, a new liberal *halakhic* framework is not meant to be a salve for all the problems of the liberal Jewish world. There are limitations to what *halakhah* has to offer to liberal Jews. As David Kraemer writes, "'Jewish' means far more than '*halakhic*.[50]'" This is true in at least two distinct ways. First, *halakhah* was created and written by men and for men. Adler's *Engendering Judaism* is a courageous and inspiring foray into *halakhah* and feminist studies. It is beyond the scope of this thesis to fully engage the thought of Adler and other giants in the field of liberal Jewish and feminist engagement with *halakhah*, such as Judith Plaskow and her seminal work *Standing Again at Sinai*. However, these scholars teach us a critical lesson: to embrace *halakhah*, even with a sharp critique, and to expand the literary and cultural canon to include other voices. Second, there are myriad other pathways into Jewish religious life and Jewish culture, from Yiddish literature to Israeli film, and beyond. And, still, even with all of *halakhah's* limitations it is an expansive body of literature that reads like an encyclopedia of the Jewish people.[51] It is an inherently idiomatic and central Jewish genre. To ignore it completely is to impoverish Judaism. Not to address *halakhah* is like trying to consume chicken broth with a fork (where Judaism is the soup). As liberal

[50] Kraemer, David Charles. *Exploring Judaism : The Collected Essays of David Kraemer*. Atlanta, Ga.: Scholars Press, 1999. ("Jewish Ethics and Abortion," 267.)
[51] Washofsky, Mark. *Jewish Living: A Guide to Contemporary Reform Practice*. 1st edition. New York: UAHC Press, 2010.

Jews we are not obligated to follow *halakhah* or "rate" or "judge" our Jewishness by it, but neither are we wise to ignore it.

Instead, we should embrace the study of *halakhah*, not from a place of obligation or any sense of compulsion to fulfill all or part of the *mitzvot*, but rather, as part of our literature, to infuse our Jewish lives with greater meaning and complexity. As Dr. Rabbi Mark Washofsky has pointed out, almost all that we do as liberal Jews emerges from or against the *hakakhic* tradition. Further, we profit greatly when we enter into the narrative of *halakhah* to absorb the historical and religious factors that led to such practices as lighting candles on Friday night, the order and priority of different prayers, and the structure of the Passover Seder. By analogy, consider the recent interest in farm-to-table restaurants. I hope to show that through re-rooting ourselves in the fertile soil of our tradition's garden we will increase the liberal Jewish harvest for knowing where and how our tradition was cultivated, by whom, and why.

What would "entering the narrative of *halakhah*" look like in the life of a liberal Jews?

As an example, let's take Shabbat. We all struggle with work-life balance. We seek a break from the modern madness and rush to do, to be plugged in. We want more time with family and friends and less time at work, in front of a screen, enslaved to emails and deadlines. As Jews we have an antidote, Shabbat. As God ceased working after

creating the world in six days, we too are instructed in the fourth commandment[52] to observe and remember the Sabbath.[53]

But how does one observe the Sabbath? What marks the start of the Sabbath? Is it the setting sun, candle lighting or something else? There is no biblical commandment to light candles at the onset of Shabbat but this is done in many liberal Jewish homes: welcome Shabbat by lighting candles, marking the moment with a *bissel* (little bit) of wine, and possibly a blessing on the challah. For others there is no ritual marking of this moment. Certainly many individual congregations pursue creative Shabbat engagement strategies (some more successful than others), but the Reform movement is not known for claiming Shabbat as a fairly radical counter-cultural concept.

Throughout this chapter we will continually revisit aspects of the classical *halakhic* conversation around the practice of *hadlakat nerot*, candle lighting. These textual digressions will be marked by shaded boxes. Tracking the evolution of *hadlakat nerot* will be used to invite an exploration into one practice that is both part of the *halakhic* corpus and as familiar in many liberal Jewish homes as smoked fish, social justice,[54] and the Passover *Seder*. The more clearly we understand the roots of our traditions the more we will be able to see ourselves and our lives in them, and also to explore pathways to transform *halakhah* to satiate the spiritual hunger of our day.

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[52] Exodus 20:8 & 31:13-17

[53] An expanded exploration of the question of how liberal Jews could enter the narrative of *halakhah* will be explored in the final chapter, chapter five.

[54] Robert P. Jones and Daniel Cox. "Survey | Chosen for What? Jewish Values in 2012." *Public Religion Research Institute*. http://publicreligion.org/research/2012/04/jewish-values-in-2012/.

Rabbinic Judaism: A Product of Turbulence and Transition

Seth Schwartz, a social, cultural and political historian of ancient Judaism, argues that *halakhah* emerged primarily in Palestine, and states "that a loosely centralized, ideological complex society came into existence by the second century BCE, collapsed in the wake of the destruction and the imposition of direct Roman rule after 70 CE and re-formed starting in the fourth century, centered now on the synagogue and the local religious community, in part as a response to the Christianization of the Roman Empire."[55] During this time of transition, marked by the rise and fall of the Maccabees in the 2nd century BCE, the destruction of the 2nd Temple in 70 CE and the Bar Kochba Revolt in 135 CE, the influence of imperial forces catalyzed the creation of the Mishnah and then ultimately the two Talmuds, first the Yerushalmi (in Palestine), and later the Bavli (in Babylonia).

The shift to rabbinic authority took hundreds of years and modern scholarship has completely undermined a linear view of the transition from Bible to Mishnah to Talmud. In fact, there seems to have been a rather restless fringe beginning in the 2nd and 3rd century BCE already operating at the margins of the Temple cult and exploring how to live and be Jewish beyond the reach of the priests. During the period before the destruction of the Second Temple there was tremendous growth in alternative representations of Jewish religious culture through sects, albeit small in number and limited in influence. In their nascent stage these sects sought alternative constructions of

[55] Schwartz, Seth Imperialism and Jewish Society: 200 B.C.E. to 640 C.E. Princeton: Princeton University Press, 2004. (p. 1)

fulfilling biblical commandments, study, and worship that were not centralized at the Temple. These emergent practices demonstrate a desire to bring religious practice into the home and into the lives outside of the Temple. As Shaye Cohen, the preeminent scholar of this period writes,

> Prayer, Torah study, the daily performance of the commandments, the promise of individual reward in the hereafter—all these became the distinguishing characteristics of Judaism, and all these minimize, or at least reduce, the centrality of the temple and the priesthood. The third century BCE witnessed the emergence of the scribes, a group of laypeople learned in the sacred writings, although their precise social function is obscure. The dual result of this process was the creation of new social organizations (synagogues and sects) that took the place of the temple, and new social elites (teachers, sages, and rabbis) who took the place of the priests. Synagogues appear in Egypt in the third century BCE, in the land of Israel in the first century CE. Sects emerge in the Maccabean period.[56]

Cohen affirms the fluidity and diversity of religious practice underway in competition with the Temple. The tension during this period was fueled by the internecine strife during the 1st century CE in Palestine among the various sects, the Sadducees (wealthy class), the Essenes (ascetics), and the Pharisees, among whom may have been progenitors of the rabbis of the Mishnah and Talmud. The rabbis later look back to the Pharisees as their spiritual forebears; but whether or not the Pharisees actually did "morph" into the rabbis cannot be proven definitively. Eventually, the priests lost power with the destruction of the Second Temple, although they probably still had some social standing and influence. That standing and influence is reflected in rabbinic literature.

[56] Cohen, Shaye. *From the Maccabees to the Mishnah, Third Edition*. 3rd edition. Westminster John Knox Press, 2014 (p. 154)

The Oral Tradition: The Mishnah's Creation and its Relationship to Torah

In the midst of this turbulence an oral tradition capturing perspectives on how to live Jewishly came into being. Some, but not all of this oral tradition is collected in the Mishnah, set around 200 CE. "Mishnah" literally means repetition, as rabbinic sages memorized the tradition and also by trained repeaters, who functioned as "living texts." These texts were connected to and distinct in nature from the Bible. Critically, while it is believed the canonization of the Bible[57] occurred around 1st and 2nd century BCE, this was just the first step in the materials that have now been canonized in the Jewish tradition. As Cohen writes, "These biblical works were regarded as *the* basic writings of Judaism, were especially venerated, and by the 1st century CE were believed by most Jews, if not by all, to have been inspired or revealed by God. Biblical books are distinguished by their higher level of authority."[58] While biblical works are granted a higher level of authority, the evolution of *halakhah* demonstrates that the final authority is actually in the hands of the *halakhists*, and in their interpretation of the texts more so than the texts themselves—indeed, their interpretations themselves become "texts" that are analyzed and commented upon by even later *halakhists*.

Ironically, for many liberal Jews living 2,000 years later, these biblical writings are still regarded as *the* basic writings, and in some cases the only texts that define who we are

[57] The Bible is also known as the Tanakh: The Tanakh is the acronym for the Torah (five books of Mose), Prophets and Writings (in Hebrew - Torah, Nevi'im and K'tuvim = Tanakh).
[58] Cohen, Shaye. *From the Maccabees to the Mishnah, Third Edition*. 3rd edition. Westminster John Knox Press, 2014 (p. 174)

today. As my classmate Jesse Paikin has said, many liberal Jews think the narrative of Jewish religious practices proceeded "from the Torah to Prophets, and then boom… Emancipation."[59] One can imagine the disorientation and liberty at the front edge of the Jewish emancipation around 1800 CE, with reform-minded Jews stumbling to determine what it meant to be both Jewish *and* modern. Today, our challenge is the opposite, to be both modern *and* Jewish. For Jews living around the period of the Second Temple Cohen writes,

> Instead of (or in addition to) seeking God through living prophets, they sought God through the study of the words of the prophets of old. But, as often occurs in such cases, subordination served as a goad to be creative in new areas. The canonization of the Tanak was both a restraint and a stimulant. It freed the imagination, since the word of God was now safely enshrined, and it compelled the Jews to develop new literary genres. Through creative exegesis, the Jews could claim fidelity and subservience to the sacred texts and simultaneously free themselves from their tyrannical grip. When approaching the legacy of their ancestors, the Jews of the latter part of the Second Temple period (and of rabbinic times as well, …) saw themselves as both subservient and free, both subordinate and autonomous.[60]

Cohen's characterization of the Jews of the latter half of the Second Temple period might sound something like liberal Jews today: "both subservient and free, both subordinate and autonomous." There is something exciting about this description. It is not enslavement, nor is it individualism to the extreme. Fixing something invites interpretation. Over hundreds of years there was a shift in practice and authority. Although the authority collapsed for the priestly caste in conjunction with the collapse of the Second Temple, it was not a sudden, smooth or obvious transition to rabbinic

[59] Paikin, Jesse. Informal conversation on 01/20/16.
[60] Cohen, Shaye. *From the Maccabees to the Mishnah, Third Edition*. 3rd edition. Westminster John Knox Press, 2014. (p. 168)

cultural and religious dominance. That rabbinic "dominance" is not really discernible until about the seventh century, according to Schwartz in *Imperialism*.[61]

But is the Mishnah an outgrowth of Torah or something different? David Kraemer writes: "Contrary to the popular (mis)representation, the Mishnah is far from being a commentary on the Torah…the relationship between the Mishnah and Scripture is profound if non-specific."[62] If the Mishnah is not built upon the Torah how do we understand its relationship with the Torah and its role in defining Jewish religious practice? Kraemer calls the construct of the Mishnah "'revolutionary,' having no known precedent in received Jewish tradition."[63] The Mishnah reformats and re-imagines how to structure and order the very nature of defining Jewish practice and transmitting it out into the world. Kraemer continues, "When one compares the Mishnah's law with the Torah's foundation, however, one recognizes that the relationship between the two is extremely complicated. At this point, the Mishnah seems to claim Scripture as one of its authoritative sources but indirectly."[64] Kraemer points to a concurrent continuation of the textual tradition and a rupture in frame and purpose.

[61] Schwartz, Seth Imperialism and Jewish Society: 200 B.C.E. to 640 C.E. Princeton: Princeton University Press, 2004.
[62] Kraemer, David, The Mishnah, in *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period*. Cambridge, UK; New York: Cambridge University Press, 2006. (300 & 307)
[63] Id (p. 299)
[64] Id (p. 303)

Hadlakat Nerot: This is a heuristic point to introduce the evolution of the *halakhic* literature around Shabbat candle lighting.[65] What many of us think of as the most Jewish of practices, the kindling of Shabbat candles, is not mentioned in the Bible. While there is lighting of the Tabernacle candelabrum replenished and lit twice daily (Ex. 27:20-21) to ensure it remained burning, there is not a corresponding verse regarding Shabbat candles. It is only in the *mishnaic* period that we see the first mention of kindling light for Shabbat. What is mentioned in the Bible is a prohibition on lighting fire during Shabbat, which is considered labor and therefore not permitted: "You shall kindle no fire throughout your settlement of the Shabbat day." (Ex. 35:3) The first mention of lighting Shabbat candles (really an oil lamp) is in the Mishnah, where it is paired with two other *mitzvot*[66] women are obligated to fulfill on pain of dying in childbirth. At this point in the construction of *halakhah* around candle lighting no blessing is mentioned nor is it required, as the act is not yet considered a commandment.

This initial and rather limited instruction regarding *hadlakat ner*, is part of the Mishnah, considered the preeminent third century compendium of rabbinic *halakhah*. Chock full

[65] These sections on candle lighting are greatly informed by the Dr. Lawrence Hoffman's skillful editing and the contributions of his all-star cast of contributors in *My People's Prayer Book: Shabbat at Home v.7: Traditional Prayers, Modern Commentaries* Jewish Lights Publishing, 2004.

[66] Mishnah, Shabbat 2:6 "Women die in childbirth for three transgressions: If they are not careful with [the laws] of menstruation; and if they are not careful [to separate some] dough [when baking to give to the priest]; and if they are not careful with the lighting of the [Shabbat] lamp." (Translation from Sefaria.org)

of legal material but "not quite a law code,"[67] the Mishnah is more like a Roman digest, a compendium of legal guidance. It was edited around 200 CE and redacted in Hebrew, distinct from the dominant use of Aramaic at the time in Palestine. As Cohen writes, "The Mishnah contains primarily material of a legal character: anonymous rulings, rulings ascribed to named sages, and debates between sages. The Mishnah also contains anecdotes, maxims, exhortations, scriptural exegesis, and descriptions of the rituals of the Jerusalem temple."[68] The majority of the sages' names in the Mishnah are from the 1st and 2nd century CE.

Again, the transition from the text of the Torah to that of Mishnah or the transition from the priests to the rabbis as religious authorities was neither simple nor quick nor ever quite complete. As Cohen writes, "the rabbis triumphed over the indifference of the masses by gradually gaining control of the schools and the synagogues. The exact date of the triumph is hard to determine, but it was not earlier than the seventh century CE."[69]

The liberal Jewish community has much to learn from the rabbis of late antiquity, both in taking the long view on change, as well as in the emphasis on investing heavily in education and institution building. That said, liberal Jews have an advantage over the rabbis of late antiquity, being the majority of the Jewish population in the US, not a fringe population.

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[67] Cohen, Shaye. *From the Maccabees to the Mishnah, Third Edition*. 3rd edition. Westminster John Knox Press, 2014 (p. 207)
[68] Id (p. 168) (p. 205)
[69] Id (p. 213)

Mishnah into Talmud: One Text Reifies the Other, and Vice Versa

As the authors of the Mishnah see themselves informed by and distinct from the Torah, so too do the authors of the Talmud relate to the Mishnah. Both the Mishnah and the Talmud are compilations of laws, responses to transitions in the socio-political environment. In the case of the Talmud, there is a greater resemblance to the Mishnah than Mishnah to Torah. This mirroring of structure and insertion of *mishnaic* texts, and other texts from the same period, serves to authenticate and facilitate the progression in legal guidance. As David Kraemer writes, "The Mishnah forms the outline and primary focus of both Talmuds, the *Bavli* (or Babylonian) and the *Yerushalmi* (or Palestinian). That is to say, both Talmuds represent themselves primarily as commentaries on the Mishnah, despite the inaccuracy of such a representation…Indeed, it (Mishnah) was studied as bona fide 'Torah' by the *amoraic* sages (those whose views are recorded in the Talmuds), who examined its precise formulation and sought to make sense out of each and every word."[70] Cohen argues that the rabbis of the Talmud intentionally place the Mishnah at the center of their commentary to affirm and legitimate the Mishnah and position themselves as the qualified *poskim* (deciders). The message is powerful and at the root of the message of this thesis: authority must be claimed through ownership of the texts upon which we stand.

[70] Kraemer, David *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period*. Cambridge, UK; New York: Cambridge University Press, 2006.

Hadlakat Nerot: In the case of the Talmud and its guidance on candle lighting, the rabbis expand on the directive to light candles found in the Mishnah. The Talmud Bavli makes Shabbat lighting obligatory, albeit not as weighty as a *mitzvah*, upping the religious valence and value of the act (M. Shabbat 2:6-7 & Shabbat 25b). According to the Talmud, the purpose of light is to provide *shalom bayit* (peace in the home). One can imagine the importance of having light for a pleasurable dinner, clean up, and, of course, family time to remember and guard the Sabbath. (Shabbat 23b, 25b and Tosafot to Shabbat 25b) As Dr. Alyssa Gray writes, "Only in the Middle Ages (in Ashkenaz[71], at least), did Shabbat lights come to be viewed not just as utilitarian, but also marking the special sanctity of Shabbat."[72] By the end of the 5th to 7th century CE, roughly by the time of the redaction of the Talmud, there is no recorded or mandatory blessing for the lighting of the Shabbat candles, in any format.

Interpretation and/as Authority

The authors of the Talmud use their authority as interpreters to continue the conversation started in the Mishnah and explore new threads in response to their distinct social, political and economic milieu. Kraemer continues his line of questioning the "true intentions," if not the implications, of the Talmudic authors. He writes, "The Talmuds' recovery of these teachings therefore represent a challenge to the Mishnah's authority – a reopening of the Mishnah's canon or a broadening of the Mishnah's earlier narrowing of options in the law…Hence, while it is in some sense correct to say that the

[71] Northern France and Germany.
[72] Gray, Alyssa, in Rabbi Lawrence Hoffman's *My People's Prayer Book: Shabbat at Home v.7: Traditional Prayers, Modern Commentaries (My People's Prayer Book)* (. Jewish Lights Publishing, 2004. (p. 42, 48)

Mishnah was authoritative in the eyes of the Sages of the Talmud, it is essential to recognize that its authority was a much compromised one."[73] Is this true of the evolution of art, jazz, food, literature and other such areas of common interest? When something is interpreted is it inherently transformed as it comes into contact with the next generation? If we acknowledge this as common in other formats, why is it so hard to see our role as liberal Jews as a successive generation of interpreters of the tradition we have inherited?

In concluding this section on interpretation and authority, it's useful to consider how Shaye Cohen articulates the power of interpretation:

> Just as the Jews gained mastery over the Torah through interpretation, the rabbis of the Talmud gained mastery over the Mishnah through interpretation. They subordinated it to an earlier canonical text of higher authority. In practice, of course, the rabbis of both the Mishnah and the Talmudim were innovators as well as conservators, but whereas the Mishnah admitted this implicitly by not linking its rulings to the words of the Torah, the Talmudim felt constrained to deny it. The tension between these rival perspectives continued in medieval Judaism; and in the ongoing debates between fundamentalist and liberal Judaism, it continues to this day.[74]

Again, like those who came before us, we are interpreters. Liberal Jews should proudly and boldly claim our authority and authenticity in the context of *halakhah's* historic evolutionary narrative. This is a primary goal for this thesis: that every liberal Jew sees her or himself "not as the creators of something new, but as the bearers of something

[73] Kraemer, David *The Cambridge History of Judaism, Vol. 4: The Late Roman-Rabbinic Period*. Cambridge, UK; New York: Cambridge University Press, 2006. (p. 314)

old"[75] even as we alter/adapt/re-form it. That is our birthright. We honor the tradition when we move close to it and then lovingly appropriate and adapt *halakhah* to be responsive to this moment, to our lives.

Hadlakat Nerot: The Shabbat lights blessing does not appear *in halakhic* literature until after the redaction of the Talmud. This is particularly striking as it was forbidden to create any new blessings after the close of the Talmud. As Dr. Lawrence Hoffman writes, due to the presence of the *Karaites* (scriptural literalists) challenging the authority of rabbis to be interpreters, there was a need to justify the new blessing's existence.[76] The Geonim (8-11th century CE, Iraq) in the post-Talmudic period draw on the earlier Talmudic language of obligation for *shalom bayit* and then strengthen it with biblical citations. We see in *Seder Rav Amram* (our first known prayer book from the ninth century), "Rav Avya said (from Deut. 17:8, 11), 'If the case is too baffling for you to decide…you shall promptly repair to the place that Adonai your God will have chosen…(and) act in accordance with the instructions given you.' Rav Nachman bar Isaac said (from Deut. 32:7), 'Remember the days of old, consider the years of ages past; ask your father, he will inform you, your elders, they will tell you.'" In one artful fell swoop the *Geonic* rabbis bring the Shabbat candle blessing into the canon, affirm it as a *mitzvah*, and establish it as authentic. This the beginning of a much longer process of *hadlakat nerot* being widely practiced, and multiple other interpretations on when to say the blessing, what authority it has to trigger Shabbat, who should say it, and so on.

[75] Cohen, Shaye. *From the Maccabees to the Mishnah, Third Edition*. 3rd edition. Westminster John Knox Press, 2014. (p. 229)
[76] Hoffman, By Rabbi Lawrence A. *My People's Prayer Book: Shabbat at Home v.7: Traditional Prayers, Modern Commentaries* Jewish Lights Publishing, 2004. (p. 53-54)

Today, the Talmud is the foundational text for Judaism as we know it, but as we see with the candle lighting blessing even the Talmud is not necessarily the last word. We are not practicing Judaism as described in the five books of Moses—indeed, neither the Pentateuch nor the *Tanakh* as a whole have a word for, or even a conception of, something we would call "Judaism."[77] Contemporary Judaism across the spectrum of practice – Ultra-Orthodox, Centrist and Open Orthodox, Conservative, Reform, Reconstructionist, and Renewal Judaism - is an outgrowth of rabbinic Judaism as it developed and is represented in the rabbinic compilations of late antiquity, most notably the Babylonian Talmud. When people say Jews are "people of the book," they should be referring to the Talmud rather than the *Tanakh*. Like any other law or guidance under the rubric of "the" *halakhah*, there has been evolution, but all changes trace their roots back to the Talmud and in turn are authorized or justified by reference to the Talmud. While it is true the Talmud roots its authority in the *Tanakh*, freely expanding on and elucidating the Hebrew text of the *Tanakh*, it is also creating anew.

How *Halakhah* Became the Architectural Blueprint for Judaism

The rabbis are not making up new practices out of whole cloth; they stitch together much of what they propose from swatches of Torah. They also weave in the oral tradition, which is informed by emergent *minhagim* (customs) outside of the rarefied elite scholarly circles. In the process of building on what comes before, a system

[77] In fact, the Hebrew word used for religion today, *dat*, was first found in Megillat Esther where it is commonly translated as "custom." In rabbinc Hebrew *dat* begins to take on the meaning of custom, law or religion.

emerges that requires of the creators a certain stability and distinct boundaries within which to operate. Systems don't "emerge"; they're *created*, and in the case of Jewish law, the appearance of a "system" is a construct that is in the eye of the beholder. This creation moves mostly incrementally, in an evolutionary and not always a revolutionary way. The system as constructed seeks to, in the words of the Conservative scholar/rabbi Gordon Tucker, "ground Jewish societies and bind them to one another and to their past."[78] The beauty of the system is that when one becomes an active participant in it she is, by practice, connected both to contemporary Jewish society and also bound to the past. This is binding, liberating, and grounding for some, while repellent for others.

By the 12th century CE the Babylonian Talmud is securely positioned as the definitive text for Jewish communities around the world. None other than Rabbi Moses Maimonides (the Rambam), in the 12th century CE states in his introduction to the *Mishneh Torah* "but all things written in the Babylonian Talmud are binding on all Israel (all Jews), and every city and every country is to be compelled to adopt the conduct prescribed by the Talmudic sages, because all Israel agreed to all the things written in the Talmud." Almost 700 years after the Talmud is redacted, its position is secure as the central text of the Jewish people. And the sentiments stated by Rambam in the 12th century CE were accepted by rabbis in the succeeding centuries and are still referred to today.

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[78] Tucker, Gordon. "Halakhic and Meta Halakhic Arguments Concerning Judaism and Homosexuality." *This Paper Was Submitted as a Dissent from All the Decisions of the CJLS on December 6, 2006. Concurring and Dissenting Opinions Are Not Official Positions of the Committee on Jewish Law and Standards*

Context as a Force of *Halakhic* Transformation

Societal context is central to the evolution of *halakhic* decision-making. This is as true today as it was two hundred years ago. Rabbi Abraham Isaac Kook, the first Chief Rabbi of Israel, provides one example of this. In a *teshuvah* (legal decision) about the permissibility of legume oil specifically prepared for Passover, we learn about context and the impact of Reform Judaism on "traditional" Judaism in the 19th century. Kook writes about a previous legal ruling by the Rabbi Moses Schreiber (known by his work, the *Hatam Sofer*), an 18th and 19th century Hungarian preeminent *halakhic* authority. The *Hatam Sofer*, in his day, ruled against the permissibility of legume oil. Rabbi Kook rules otherwise. Rabbi Kook cites the climate of the times in which the *Hatam Sofer* was writing as necessitating a stricter enforcement of existing laws, and discouraging flexibility. R. Kook writes:

> Let me explain to you. The reason for the strict attitude evinced by the Hatam Sofer in this regard was the need of the time. Since the Reform movement, which sought to reform the Jewish religion, was then in its heyday, any ruling against the prevailing custom would have provided the rebels with ammunition. The Hatam Sofer was not willing to introduce a new custom lest it encourage further reform. However, in our time this fear no longer exists, since those who wish to break off from religion do not seek any authority, but do as they please, reform no longer being an issue. There is thus no risk in sanctioning that which is *halakhically* permissible though contrary to prevailing custom. On the contrary, knowing full well the inclinations of our generation, I recognize that by permitting what may be permitted people will realize that what we do not allow cannot possibly be permitted.[79]

[79] Kook, A.I., Orakh Mishpat, Jerusalem 1937 (p.126)

Rav Kook acknowledges the flexibility of *halakhah* to be responsive to changing customs and its ability to change course and still be authentic and true to its nature. Even as he invokes these qualities here as a reaction *against* liberal Judaism, so too should liberal Jews feel emboldened to make the most of these characteristics of the *halakhah* to serve our own very different religious ends. Of course, Kook's epistemology is different than a liberal Jew. He believes the texts are divine. We look at them differently.[80]

The Intermingling of Narrative and Law

The *halakhic* authors use narrative and legal guidance hand in hand to transmit their thinking. A somewhat dated but compelling advocate of the narrative (*aggadic*) elements within the Talmud and their interplay with *halakhah* was Hayim Nahman Bialik. Bialik was one of the champions of Israeli literature and poetry in the first half of the 20th century and wrote about the close relationship between *aggadah* and *halakhah* in the Jewish tradition. In his famous essay *Halakhah and Aggadah*, Bialik invites us to consider the symbiotic relationship between the two, in our tradition and in our lives. Bialik writes:

> *Aggadah*, nursling of the spheres, deals with what ought to be and what might be; to read it is to learn what have been the desires, the pre-occupations, the ideals of the Jewish people. *Halakhah*, fed by the actual world, deals with what exists and is established; it shows us unmistakably, in small but clear vignettes, the actual, concrete life of the people. In it I see with my own how the

[80] This thesis intentionally avoids exploring the Orthodox perspective on liberal Judaism and liberal Jewish identity. It is a topic worthy of investigation, and would be enlightening to all.

> people gave shape to their will and their welling aspirations in solid and firm-set forms of life, forms of activity.[81]
>
> An old *Halakhah*, abrogated, retires into the crucible of the heart, and is transmuted into an *Aggadah* - like or unlike – the *Aggadah* in turn, after being purified, emerges thence into molds of thought and action, and then again condenses into *Halakhah*, but in an improved or wholly new form. Thus *Halakhah* is, no less than Aggadah, a creative process. It is the supreme form of art – the art of life and living."[82]

Bialik strives to capture the artistry and fluidity of blending law and narrative and how they are distinct and yet serve the same purpose, to be sacred vehicles for living a righteous Jewish religious life. One example of the intersection of narrative and law is connected with the biblical verse "*lo b'shamayim he*"(Gen 30:12), "the Torah is not in heaven." Moses states this as part of his guidance to the Israelites as they prepare to enter the holy land without him. Moses encourages the Israelites to not be overwhelmed or baffled by what they are being asked to do. Don't sweat it, Moses emphatically assures, the instructions "are not in the heavens," but rather, "very close to you, in your mouth and in your heart, to observe it." (Deut. 30:11-14) The rabbis of the Talmud employ this verse to credential their very enterprise and authority. In a well-known *aggadah* (Babylonian Talmud, Baba Metzia 59b), Rabbi Eliezer deems an oven kosher while Rabban Gamliel and others determine otherwise. Even though Rabbi Eliezer demonstrates that no less an authority than God affirms his legal judgment, ultimately the other rabbis prevail, citing *lo b'shamayim he*, the answer is not in heaven. This is a

[81] Bialik, Chaim Halachah and Aggadah, 1917 – translated by Sir Leon Simon (p. 382)
[82] Id (p. 370)

critical moment of transition in the narrative of the Jewish people, a moment in which ultimate *halakhic* authority is shifted toward humans and away from God. This is the Jewish path that continues to this day.

At the end of the *lo b'shamayim he aggadah*, God laughs and delights that his children have defeated him. The message is clear: God seeks human action and ownership of the process of applying the divine ethos in the world. This charge applies equally to the Orthodox *halakhist* and to the liberal Jew of today.

The *Halakhah* is Varied, Vertical, Horizontal and Ours.

This chapter has sought to demonstrate that "the" *halakhah* is not one thing, but is a multi-faceted, continually expanding framework for informing and guiding Jewish life. Within its evolutionary path, there is extraordinary variety and variation as seen in the evolution of the blessing for Shabbat candle lighting. There is also, throughout the *halakhic* chain of transmission, a traditional affirmation of God's sovereignty over all things (vertical, God above, man below). Finally, the *halakhah* is horizontal, in that it is a human work, historically open only to men, but now open within liberal Jewish streams to both men and women, equally called to be the interpreters and ultimately the implementers of a Judaism responsive to the world in which we live. We are tethered to *halakhah* not out of obligation but out of the fact that we are a part of the ongoing Jewish narrative, and we are bound to advancing the work of the sages, as we wrestle with being Jewish today.

Chapter 4:

Reflections and Inspirations - Interviewing Engaged Liberal Jews

Historically, the framework for being a liberal Jew has been "informed choice," learning about the roots of particular Jewish practices and then determining for one's self the right path forward. But informed choice has run its course: it set an unrealistic bar and an uninspiring framework. Too few of us feel that we have an adequate Jewish education and we are overwhelmed by the tyranny of far too many choices in our lives. With the decline of ethnic Judaism, soon all liberal Jews will be Jews-by-choice, if we aren't already. We need to find new ways of walking with God and enabling ourselves to be inspired and transformed. Now is the time for us to figure out how to ask more--not less--of each other and ourselves as we invite greater exploration and experimentation.

This chapter seeks to root what might be an abstract conversation about doing and being Jewish as a liberal Jew in the lives of real life liberal Jews. Seven individuals were interviewed with a set of questions (included in addendum) to focus on practice, meaning and identity. These questions are largely drawn from the *The Jew Within*[83] and were then edited with guidance from Steven M. Cohen. Of course, broad conclusions about the entire liberal Jewish community cannot be definitively drawn from such a small pool. This chapter is meant to be a snapshot of *engaged* liberal Jews, not a

[83] Cohen, Steven M., and Arnold M. Eisen. *The Jew Within: Self, Family, and Community in America*. Bloomington: Indiana University Press, 2000.

comprehensive study *of all* liberal Jews. Nonetheless, this is a start. The selected interviewees are actively engaged in their Jewishness, and no other extant survey or study has had this particular focus.

While there was an intention to capture some level of gender, age and geographic diversity, I do not claim that this group of seven is the perfect demographic mirror of the liberal Jewish community in America. Regrettably, in this group there are no Jews of color or Jews-by-choice. What principally distinguishes this cohort is that they are all actively Jewishly engaged, either professionally, personally, or both. They take their Jewish identity seriously and are in varying degrees of relationship with Jewish ritual and practice. Their stories and reflections provide an insight in the current state of engaged liberal Jews.

In an effort to highlight the respective reflections I have provided minimal framing, allowing the words to speak for themselves. To facilitate a "conversation" between interviewees I clustered their responses into larger groupings with some basic conclusions. These individuals demonstrate the depth, richness, and variety of engaged liberal Judaism and their wrestling with Jewish rituals and traditions. While many pundits despair about the future of liberal Judaism, intermarriage and the threat to Jewish continuity, or the lack of Jewish literacy, these voices provide an inspiring counter narrative.

At the heart of each person's narrative is some level of wrestling with *halakhah*, the push and pull of doing and being Jewish and modern. There is resistance to feeling obligated and there is inspiration drawn from a deep sense of commitment. There is a desire to "do it right" as provided by Jewish law and a great irritation at being told there is only one way to do something. There is an embracing of exploration and experimentation and there is self-consciousness that messing with "the right way" is somehow less than fully Jewish by someone else's standard. Although modernity and Judaism have been dancing together for over 200 years, we are all still participants in finding a rhythm.

One of the participants said, "Some of us have joked that we should we have a tagline at our Temple, *The last stop before total assimilation*. But, Reform Jews should not be the last stop before total assimilation. Rather, it should be something like informed embracing of Judaism: Learning to live in the Jewish and non-Jewish world." There is a vibrancy in holding the drama of the situation with humor, *and* there is real urgency to discern a different path forward. In the words of the interviewees there is deep reservoir of wisdom embedded in Jewish practice and ritual to shape a new framework for liberal Judaism.

The interviewees:[84]

Steve, early 40s, LA, male, communal Jewish professional

Fanny, late 60s, Boston, female, on board of her Reform synagogue

[84] Names, gender, and other identifying features may have been changed to honor the confidentiality of the participants.

Lila, Late 60s, LA, female, President of her Reform synagogue

David, late 20s, NYC, male, Works for URJ Youth and Camping Initiatives

Kay, early 70s, San Diego, active in her Reform congregation

Aiden, early 40s, NYC, 4th Generation Reconstructionist, married to someone who is not Jewish

Michael, late 20s, NYC, Reform rabbinical student, from Midwest

I have bolded short excerpts of the interviewees' comments to draw the reader's attention to particularly compelling and provocative reflections. As happens with transcription of oral statements, there is ungrammaticality in the quotes. These quotes were transcribed as heard and what they have said was not standardized for written English.

I. Celebrating Liberal Judaism: Pride in the dynamism, flexibility and freedom of liberal Jewish practice.

Those interviewed had a great appreciation for the flexibility of liberal Judaism, especially its allowance for individual choice. Even as they celebrated their freedom, they exhibited some level of personal conflict about how they are viewed by other Jews. Almost every interviewee discussed a process of coming into their ownership of their own Jewish identity and decisions. Ultimately, they exhibit a sense of great appreciation for liberal Judaism's invitation to make choices and they strongly reject, in some cases to the point of revulsion, the notion of being obligated. Possibly even more prominent than the appreciation to choose their own path was the deep sense of pride in being

Jewish, learning Jewish texts and traditions, and being a builder of Judaism for this moment.

> **"It took me a long time to say I'm *shomer shabbos* (observant of Shabbat).** I wouldn't have said I'm *shomer shabbos* because I drive and shop, but I don't work. I celebrate in my way. I accept the idea of the continuum of observance. I think one can be *shomer shabbos* and not drive and not use lights. There are many ways of being kosher. **Being a Reform Jew allows me to be Jewish and do it in a way that is authentic to us. This is one of the beauties of Reform Judaism.**" (Lila)

> **"That is one of the beauties of Reform is that authentic Judaism is elastic and self identified.** To be Jewish gives me a sense to be exposed to and access the best part of myself in term of values, in terms of community service and prayers. (Lila)

> "I grew up in the Conservative movement. But it is not important to me to be Conservative. What is important is the tradition, but not in way that is a creed. Not that I have to check off anything. **I used to scoff when I heard folks say 'just Jewish,' but now I think why are we trying to label ourselves. I work with young adults – they say I'm a bad Jew or a half Jew. And I tell them, 'you're Jewish' – these labels make folks feel like they fall short.** I really

think about how these labels are so damaging because then they have to justify what type of Jew they are. People always feel like they are falling short." (Steve)

"I want to get away from the term 'bad Jew.' I hate when folks put it in front of being Jewish. I want people to own being Jewish and not discount it. There are not enough spaces where you can plan things on your terms, with your friends, volunteer and all that and know that it is a full expression of your Jewish identity. The barrier is people not saying Judaism happens in many spaces. There are not enough people out there to pass that message along." (Steve)

Choose a touchstone that works for you. Lots of Reform Jews say that they are not as "good" as orthodox. **If you see it as a spectrum – then you can choose a path of growth that works for you.** (Kay)

"We have friends that were very observant Jews. They were *shomer Shabbos*, counters on Passover covered with tin foil. I felt like 'they really did it right.' We were all pregnant at same time. I said to them if we had a son, we'd name him Micah. 'They said who is that?' **After that I realized I am 100% authentic as anyone else.**" (Lila)

I don't have any questions about my Jewish identity. I don't give a shit if folks think I'm not Jewish because of politics or parentage. Some might see me

outside the Jewish community. **I like being able to define the community the way I want to.** (Aiden)

II. Owning our Liberal Jewish Authenticity: Commitment to ritual and Jewish practice with a strong rejection of the language of obligation.

I once heard a board member of a Reform synagogue where I taught sixth graders proudly declare that their congregation was "Judaism lite." That made my skin crawl. There is nothing light about liberal Judaism. Of course, anything can be "lite" or weak or watered down. And in reality, there are elements of "Judaism lite" in all the denominations. The negligence on the part of this board member was not to see and name the enormity of the challenge of being an engaged liberal Jew. What does it mean to be actively wrestling with the tradition while not feeling obligated to take on all the *mitzvot*? This is a messy and serious business.

The majority of the interviewees take *halakhah* seriously. They study and explore various practices. They resist and reject the framework of obligation. They are turned off with being "required" by a supernatural being to do anything. They *do* feel bound to their ancestors, tethered to Jewish history, and accountable to advancing the Jewish project. If you view a Reform Jewish practice through an Orthodox lens then it may very well appear to be "Judaism lite." But that is not what Reform Judaism aspires to do—or *should* aspire to do.

For engaged liberal Jews there is great ease and fluency moving in and out of multiple spiritual influences, be they Buddhist contemplative practice, Vedic yoga traditions, or Kabbalat Shabbat. There is little appetite for an Orthodox interpretation of Jewish practices. The lives of liberal Jews are conducted primarily in the broader American, secular society with a diverse set of friends, family, and neighbors from around the world. These interviewees seem to delight in a countercultural element of figuring out how to be both modern and Jewish. On their journey they have a sense of honoring the Jewish tradition while pushing back against a culture of individualism and consumption with a commitment to family and community.

> **"Some people think of Judaism as a rock around their neck, I think of it as a rock too, but it is a diamond."** (Lila)

> **I feel obligated to get married and have kids. That is the single thing I feel obligated to do, and try to be menchy.** That is what Judaism is, that is what it is about. It is about the Jewish story and *shalshelet hakaballah*. And there is the piece about living an ethical life, and not sucking and fix it when you fuck up. (Michael)

> "I don't eat pork and shellfish. It leaves me with a broad range of decision to make on my own. It doesn't limit me and I do as I feel appropriate. I don't keep the Sabbath by not turning on lights or paying bills but I go to services. **Why keep kosher? I like that identification, something you do everyday, keeps it**

in front of you on a regular basis. Although my husband was brought up with little Jewish content, from the beginning I said, eat what you want, but this is comfortable to me. Really speaks to me but I don't want to impose on anyone else. My father was a butcher – and brought home all kinds of stuff. I didn't have any problem with that. **When I was first married I thought if I'm ever going to be properly kosher this would be the time. That didn't last too long. It felt like it was pushing my boundaries more than I'm comfortable with. It was too many logistics – it was more fuss than I wanted to bother with – or that I needed to feel comfortable Jewishly.**" (Kay)

"There are two layers: I identify as an ethnic cultural Jew only when I'm doing something that betrays an 'authentically' Jewish practice. … I have a sense of not being *halakhically* observant enough. In that sense I feel I'm not fully there. At this time, Shabbat is not different for me. I'm at the synagogue. Even Kashrut, I don't keep kosher. I want to keep kosher in my home. **A couple weeks ago I got a bagel with bacon and egg. I hid the bagel from woman who grew up orthodox. It is silly and yet I can't get past it**…One thing I want to be clear about. I was totally confused about being Jewish. I knew it was the most important thing in my life, but I couldn't define it. I defined myself as non-Christian. Or when I'm with orthodox or conservative Jews, then Judaism is just a culture. But with Reform Jews I feel Judaism is totally *hallakhically* driven. But when some say Judaism is just a religion, I think it is just for people. **My idea of Halakhah depends on who I'm with.** (Michael)

"I don't eat pork and shell fish – except when I do – and I don't feel guilt over it. I don't eat pork and shellfish because it is a reminder that the food on this earth, the creatures on earth, man doesn't own them, you can't eat what ever you want. There are limits on what you eat. **It is a push against gluttony and thoughtless consumption.** Yes, there is a Jewish link, it is informed by what my culture teaches me. I don't keep Kosher because it is an edict of God – it could be – I don't know. There are things beyond your control, man doesn't have mastery of everything, that's why I do it…**Not eating pork and shellfish ties me to Jewish tradition *and* I don't want to be bound to the tradition. I like being obligated with memory – but I resist binary of do this or don't.** We are all human – there are places we excel at and where we fall short." (Steve)

"I remember a lot of sensual experiences. We were in a big auditorium on the High Holy Days. I was sitting next to my dad, long services. I remember playing with the *tzitzit* on his *tallis*. For my daughter's bat mitzvah I bought a new tallit and I remember touching the fringes and being like 'oh yeah, this goes way back.' **Even when I look at Hasidic looking men with *tallit* on, I can almost feel it on my fingers. It is just a physical link to Jews around the world for all times."** (Fanny)

"Well…this may sound funny. I pay attention to laws that may seem obscure. **On Yom Kippur I read *Kiddushim* code that afternoon. Last line I read is**

‘do not hold wages of your worker until the morning.’ One time I forgot to take out enough cash for my housekeeper. She said, ‘Don’t worry, I’ll be back in two weeks, you can pay me then.’ But I said no, I don’t want to embarrass her. Because of the economic duress of our time, that a worker doesn’t have the luxury to wait a week for $100. **I don’t want to dishonor or embarrass her by making her ask**.” (Lila)

“I took the *Shmita* year seriously. I’ve had the same housekeeper for 20 years. Over the course of that time she borrowed a little bit at a time, crept to $6,000. But it was a burden for her. After Rosh Hashanah I asked if she would allow me to dissolve the debt. I explained that it was the *Shmita* year and this was a Jewish practice. She burst out in tears. She said that every time I paid her she felt embarrassed because she owed me money, but couldn’t pay me back. I actually never thought of it. But to her it was huge.” (Lila)

“I have a complicated relationship with the word obligation. I feel committed to doing things: raising Jewish kids, raising them with values that I find important, that I find in Judaism and engage in Jewish intellectual life, and be out as a Jew in public spaces. I’m committed to eating Kosher food. Why? Because I always have. I like the straight line of keeping the level of observance in my life. Coming back to {Mordechai} Kaplan, I like the intentionality of my approach to food that is connected to something bigger than myself, especially if the

tradition is not harmful to anyone. The world is not a worse place if I don't eat shrimp." (Aiden)

When I talk with more secular Jews who are turned off to 'religion' it is 90% because they don't believe in God or bible as the truth or miracles. The have been led to believe that is central to Judaism, and so they then choose to not be part of the community. That is why Kaplan is so wonderful. We are able to hold on to other traditions that are meaningful. There is no reason that Judaism can't be both. People are so allergic to being commanded to do things by a supernatural power they don't believe in, they give up on the whole thing. (Aiden)

"My grandmother was honored at her synagogue as "mother of the year." She did some of her good works through her synagogue for children with Down Syndrome living in an institution. (Around the Jewish holidays) she would bring holiday baskets there. I would go with her. I would do anything with her. I remember hopping in the car, and the institution was an extremely scary place for me, in a beautiful spot, acres of land. I was scared to get out of the car. There were teenage girls walking around, all with the same haircut, same Down features. I locked the door. She went in. And I was mortified. **Now that I'm a leader at my synagogue doing social justice work I feel like I'm letting my grandma know "I got out of the damn car, I did it."** (Fanny)

III. *Halakhah* as a framework for making informed decisions

There was extraordinary variety of language used to define *halakhah*. One thread throughout the responses was *halakhah* as a blueprint of sorts for guiding the construction of a Jewish life.

> "*Halakhah* is the collection, I don't even know, the collection of law written down, oral and written, that govern every aspect to living – from how to treat your wife, to treating the stranger, to observe holidays to all aspects of living – with response from rabbis. ***Halakhah* is jumping off point for understanding the modern day. *Halakhah* is not impenetrable. It is not perfect. You don't have to pledge 100% allegiance. It is something to react against.** Halakhah says that Homosexuality is forbidden. In that case they are not correct. Halakhah is a collection of laws. ***Halakhah* is frozen in time, and it is our job to bring it into our time. We need to do more of this. More wrestling**." (Steve)

> "I would say it is about boundaries, about making moral choices. When unclear, having a guidepost to turn to and that as a Reform Jew, that it is ok to make choices. ***Halakhah* guides me. It helps us get to yes in an ethical way. We have to live with boundaries. I can't walk into your house and take whatever I like. But it is away to live in a cohesive society.** I think it can be used so well to get to good results." (Lila)

"*Halakhah* is the ancient laws about life and living and ethical living that we are commanded to follow today. Within different movements and sects it is done differently. **What I love about Reform Judaism is that we do what is applicable, what I relate to, and I don't have to follow *halakhah* religiously**." (David)

"*Halakhah* is a body of Jewish law. For a long time Jews were a self governing community, even living in other countries, and as such developed a whole set of laws to guide themselves in those societies. *Halakhah* is the compilation of the laws developed over time. We were running our own shit for a long time and if you are going to do that you need your own rules. **I give *halakhah* a vote, not a veto. *Halakhah* shouldn't be dismissed. I also don't think of God as supernatural force or that we will be punished if we don't do it.**"(Aiden)

"Jewish law, to put simply, I might talk about the shoresh (root) of halakh, to walk, as a way to live. **Nobody that I talk to wants to hear it is *the* way, only *a* way. It has always be *a* Jewish way, not *the* way.** It is something that we base our tradition off of." (Michael)

IV. The nature of Halakhah: fixed or fluid?

While leading a text study with 70 congregants at a Reform congregation in White Plains my interest in writing about *halakhah's* evolution was catalyzed. This learned group of congregants, who had been meeting weekly on Shabbat morning for 20+ years

for text study, bagels and prayer, were convinced that halakhah was fixed, and only Reform Judaism deviated from what was originally mandated as proper Jewish action in the Talmud.

There was a mixed response from the interviewees regarding *halakhah's* evolution; some view it as fixed, others as see it as fluid. There was also a range of emotional responses to *halakhah*, most often assigning it a negative valence, such as rigid and distant, and rarely accessible or inviting. A further exploration of the moments of real encounter with Talmudic texts in text study or from the *bima* during a sermon would be invaluable for discerning the source of these perspectives.

> "I don't know enough. In my mind it is fixed. Which is why I don't engage with it. **You can't change the *halakhah*. You have to work around**." (Steve)

> "I remember doing a lot of transforming of things like the *haggadah* – when I was little – at our first seders. Feeling like, this has to be meaningful and authentic to us as a family and the type of world I wanted them to live in. We added things informed by going to bookstores, putting Miriam's cup into the seder, crossing out Egypt and putting in *mitzraim*, because I didn't want them to feel funky about Egyptians, it is about the narrow place. **Crossing out the words and putting in gender inclusive language. It felt like I was taking it seriously. This matters. What we say and what we say to our kids matters. I felt like I wanted to get to the heart of this, the core of it. We don't have a**

Pope. We have traditions. I do think that I came of age at a wonderful time, when women were searching for their voices. And being part of that. As being a woman at Temple Sinai, part of woman's study group for 25 years. We read *Standing Again at Sinai*. We decided to add God of our fathers and mothers. **Got a little mimeograph piece that was then added into prayer books. 'Why are you doing it?' one of our rabbis asked. We are doing it for our sons and daughters. That's what we want to be the new normal. To wrestle with it."** (Fanny)

"I find the idea of *halakhah* is so wrapped up in the obligation-ness of them that I need to remove them from "the *halakhah*" to see them with clear eyes. Saying something is *halakhic* or not puts it in to a realm where a group of rabbis decide what you can and can't do – takes it out of your hands and puts it into someone else's hands…For example, *ketubah* is part of the obligations, part of wedding rituals. For us, we did not need to have a rabbi. But I wanted a rabbi at my interfaith wedding. There were a lot of rituals that were attractive. **But the language on a *ketubah* didn't resonate at all. There is an untouchable element to it. But what we liked about it was that we would spend the rest of our lives together, memorialize that, and do it in a public way.** So we had a friend who is an artist, make our *ketubah*. Then we, actually mostly Susan, wrote the text. We didn't reference the traditional text at all. But when we have had naming ceremonies we have used it as well, took it out as a public reminder.

Is that *halakhah*? Any one who knows would say no. But it was driven by an agreement that was shared and made part of wedding and our family." (Aiden)

"I don't see *halakhah* as binding. But if we had to choose, I would defer to halakhah. Wait, I don't know. I want to say that I refer to *halakhah* in all matters except where I diverge due to liberal matters. **But I don't really know *halakhah***. It is the tradition of our people and not binding by God. I feel a desire to keep kosher because my great grandparent did and was designed to be a marker of Jewishness, I'm not interested in keeping kosher because that is what God prefers…It is important to know your history and history of Jewish people. Jews need to know where we came from – should be committed to Jewish history, which includes *halakhah*, but does not obligate folks to *halakhah*. I think people are averse to *halakhah* because it was shoved down their throats by parents or rabbis. Or there are people immersed in the secular world, those who see *halakhah* as religion, but don't want to talk about *gemorra*. It is just our literature and we just need to know our literature." (Michael)

V. Role of candle lighting

All but one of the interviewees spoke passionately and personally about the ritual of candle lighting and the role it played in their spiritual and family life. Additionally, there was a comfort, lightness, and sense of full ownership over doing this simple but powerful ritual. Finally, interviewees communicated a feeling of connecting deeply to the antiquity of the Jewish tradition through this ritual.

"**I like lighting candles because it is part of the Jewish tradition, links me back thousands of years, or maybe 100s of years**. Candles are powerful. Something about kindling a light, bringing a light. Used in many traditions. **They are finite**. They burn down, you have to watch them. I say the blessings. It is a moment of giving thanks. It is one time on Friday night – to remind me that other things happen to get me to this point in the week." (Steve)

(Regarding his son being raised by two moms, who are not Jewish, in a different state):

"I hope he explores his Jewish identity – but I'm trying not to have expectations – but hard if not raised with it. He is a great kid regardless. It is a little bit sad. He has a natural intellectual curiosity. **When I do the blessings, he wants to say them, I see his lips move with mine."** (Steve)

"I light candles most Fridays. But sometimes I don't. Sometimes I notice, sometimes I don't. **I don't feel heartsick if I forget.** A friend who lives alone said, "I can't light them when I'm by myself because I feel alone." But, that is exactly why I light them when I'm by myself, maybe because I think about my Grandma. I remember her taking a napkin and putting it on her *keppe* before lighting them on Friday night. **I remember selecting blue and white candlesticks for myself that I liked, it was important for me to select candlesticks. I needed to make that my own and not use my grandmothers.**

Mostly, it is about just having that moment of *shalom*. I don't always light them at sundown, or Hanukkah candles, I wait for my husband to come home." (Fanny)

We do light candles; it is another touchstone in my life. **I always feel, 'Thank goodness that Shabbat has come.' Candles have a sort of mystical quality – it is not concrete.** It identifies a separation between the week and Shabbat. If we go out, which we rarely do, we always light the candles first. (Kay)

"**If there wasn't a meal attached to candle lighting, we wouldn't light candles. If the ritual was midday we wouldn't do it. It is a sacred time, in the modern sense of it. What do you do, to ensure that something happens, you attach ritual to it.** Part of it, is we are having the meal. And to help ensure we have the right intention, we light candles. Also, I grew up with it. It is a small fairly easy way to bring Jewish tradition into the home and some Hebrew into home. We also…the kids proposed that we say something that we are grateful for from the past week and how we are feeling. And it is always the kids that suggest that we do it. But if we didn't have that meal – when would we do it? That is how these pieces layer on one another. I would probably take some satisfaction if my kids continued this tradition, if they find it meaningful. If I successfully conveyed why meaningful and important – then my guess is that they will do it or the equivalent of it. The way we do it, and way my mom did it, that adds strength to the likelihood it will continue. And that that is the form it

takes. **It is easier to continue a tradition that has been around thousands of years**." (Aiden)

VI. Relationship with God

God emerges from the details of each person's lived experience. Also exhibited is an intimacy and ease in their closeness or distance from God. Finally, there is a trope around the role of practice and ritual plays in drawing closer to God or at least the possibility of God's existence.

"I like being comfortable and feeling that it is one of many wonderful paths in the world. I like to feel Jewish but not have a formulation of God. I like being comfortable being Jewish, without feeling that I am worshiping a supernatural deity. I recall 2nd grade. Never liked how God was illustrated as a old man, with a beard**. I recall putting another 'o' in and saying my God is the good. It is a metaphor for me. I loved learning that we are chosen to be Jews as others are chosen to be with their faith. In some ways we are all Jews by choice, we get to choose it again.** My husband will say on Friday night, "Just remind me again why we are doing it." I just need these three minutes of peace and calm. That there is something beyond the every day – kissing and saying good Shabbos, and that woman have done this for centuries." (Fanny)

"I don't have a mindfulness practice – but sometimes I sit, and I feel like I get out of my self and I can get past the 12,000 tasks, and I connect with something

larger. Or on a bike ride, in some place in nature, when I can get my mind off the present when I'm outside the familiar spaces. I can sit and close my eyes. When I go to bed and I think about how I need to change. And that is holy work. That is how I connect with God. **Also, when I do social justice work I think afterwards, "that was holy work, but not when I'm doing it.**" (Steve)

God and I are good friends. Both as *Eloheim* and *Adonai*. *Adonai* as the God that is close to me, to give me strength. God has worked in incredible ways in my life. *Eloheim* who created the moon and stars. That God is huge and far away. *Adonai* is imminent. **I do believe there is a God and I think I'm ultimately answerable to God.** (Lila)

"I had a break-in in my apartment and asked the rabbi where I work to tell me how to make my apartment mine again. The break-in was a somewhat traumatic experience for me. I asked if there is a prayer or ritual to make the apartment mine again. I was seeking something outside myself to help. The rabbi suggested *Birkat haGomel*. I want to feel safe in my home, to switch energy. I felt like a bad omen having had people in my apartment who were not welcome. **I do have a personal relationship with God. Yes, but I don't know what it is. More personal than communal. Prayer in communal setting is more about community. For me I connect with God in personal spaces**." (David)

"As I've grown older, I connect religion to the God of nature. The awe and wonder of the natural world which has been a big part of our retirement. Visiting national parks, watching flowers bloom. I think God may well be a sweet spot inside of me, and not outside of me, and that is comfortable for me. **But whatever God is, I'm thinking of he/she/it wants me to lead a good life/ethical life – to be kind**. And I'm immensely grateful for the natural world. **God is in the spaces where the best of us evolves. God is the striving for the best part of me and the best part of society**." (Kay)

If anything I think God is laughing at me all the time. I don't have God language. When I'm really scared I pray, I say the *Sh'ma*. When I wake up I say *Modeh ani*. All of this is bullshit – and there is no god. And also God exists. When it comes to halakhah God does not play a role, but I know for many God does play a role. If I have any relationship with God it is definitely personal. When I was a kid, my parents were getting a divorce. I prayed to my imaginary friend, that friend was God. And in that sense believing in God certainly served God. **The one exception is when I feel intense gratitude – I want some object to thank, and I thank God.** (Michael)

Chapter 5:

Initial Thoughts on Re-imagining the Role of *Halakhah* in Liberal Judaism

My three-year-old son Reuven recently asked me, "What does Jewish mean?" After taking a quick breath, I said, "Judaism is about being kind to others." He looked at me filled with wonder and asked for an applesauce squeezy. Of course, Judaism is not just about being kind.

This final chapter offers considerations for re-imagining or re-imaging liberal Judaism's relationships with *halakhah* with the aim of strengthening liberal Judaism's capacity to be meaningful and to transform our communities and world into more just places. As noted in the opening chapter, the catalyst for exploring *halakhah*'s relationship with liberal Judaism is our position in an epochal moment in the history of American liberal Judaism. Although still present, the strength of ethnic Judaism in America is waning. There are fewer young Jews personally connected to the immigrant experience, the Holocaust or the Six-Day War. These were life-defining events for generations of American liberal Jews that distinguished them from their Christian neighbors. Today, there is less connectivity to these formative historical moments and experiences. We have the inverse challenge of our great-grandparents who sought to assimilate. They were Jewish through and through – lox, sturgeon, and bagel (lock, stock and barrel). Now, we are so thoroughly American, it can feel like a stretch to identify what part of us is Jewish and not simply, "American with a shot of Jewish." The recent Pew report

demonstrates that the societal, class, cultural, and religious barriers that kept Jews from intermarrying have almost totally disappeared. Nothing says you have "made it" in America like intermarriage. By these statistics liberal Jews have certainly succeeded.

When liberal Judaism emerged at the onset of the enlightenment, a core, if not the central value was autonomy, the freedom of choice. These early adaptors to modernity were thirsty for the right to decide what Jewish practices and rituals to adopt and which to relinquish. The autonomy of the individual and ethical monotheism was the *sine qua non* of Jewish emancipation. These principles did not include *halakhah* and an emphasis on Jewish ritual and practice. As Jack Wertheimer writes of the Reform movement, over time, the "ritual structure of Judaism was dismissed as a throwback to an era now rendered anachronistic by the advances of science and human reason."[85] The Emancipation liberated Jewish communities, and other minority groups, in fits and starts, in Europe around 1800. And now, in America, one might argue American Jews have fully realized autonomy. But at what cost? For many years, liberal Judaism's embrace of autonomy was a representation of a sincere yearning to retain a full sense of Jewishness and to be fully modern. But now there is a need to have more definition and structure. Now, with liberal Judaism's very future in question,[86] there is an urgency to

[85] Wertheimer, Jack. "What does Reform Judaism stand for?" Commentary, June 2008
[86] Rabbi Daniel Gordis. "Conservative Judaism: A Requiem." *Jewish Review of Books*, Winter 2014.

question the status quo, to "trouble the waters,"[87] and to explore new thinking and new strategies.[88]

This chapter will explore three areas:

I. Ideas leading us toward a new definition of liberal Judaism.

II. Elevating the role of liberal Jewish lay leaders

III. Preliminary elements of a new framework for liberal Judaism's relationship with *halakhah*.

I. Toward a New Definition of Liberal Judaism

In this moment of great change, there is a call to create or at least refresh the definition of liberal Judaism. As noted at the beginning of chapter four, "informed choice" as an organizing principle has run its course. Moving away from the historic centrality of autonomy, it is now time for us to ask more, not less, of individuals and communities. In no way is this shift toward asking more a diminishment of autonomy of choice. Every Jew should (and will) determine what might or would be the appropriate level of engagement for him- or herself. We must eliminate the hierarchy that defines "doing more Jewish stuff" as the highest aspiration. We can embrace an explicit shift away from the deeply felt, often unnamed definition of authentic Jewishness as defined by *frumkeit* (religiosity), and advance toward the new goal of inspired engagement.

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[87] Meaning to agitate, disturb. From African-American spiritual "Wade in the Water" (Wade in the water children, wade in the water, don't you know that, God's gonna trouble the water, don't you know that God's gonna trouble the water.)

[88] Yoffie, Rabbi Eric H. "Misreading the Apocalypse: Orthodoxy Won't Save American Jewish Life." *Haaretz*, November 25, 2013

"Inspired engagement" speaks rousingly to this moment in a way "informed choice" falls flat. In no way is the pairing of inspired and engagement meant to be a magical salve. Rather they are matched to speak to the *zeitgeist*. First, Judaism has to inspire and be meaningful. In liberal Jewish circles, the sense of obligation is thin and the secular realm of inspiration is thick. There are endless opportunities for meaning – from yoga studios to meditation centers, from local hikes to international travel, and from cultural events to a cornucopia of culinary choices. A great strength of Judaism is its ancient-ness, its time-honored authenticity, and its extraordinary treasure trove of texts, culture, music, history, personalities, and narratives. Inspiration is not a stretch, but it also is not always easy to access. This is where engagement comes into play.

Engagement is embodied, it is active. The urgency to locate engaged practice at the core of liberal Jewish life is likely not a great revelation to those who are already participating. We know that there is some percentage of deeply engaged liberal Jews that are invested in grappling with "doing Jewish" and being modern. As captured in chapter four, this struggle is productive and provocative. Those who are active are the same individuals who speak compellingly of the value of being an engaged Jew and part of the Jewish community. They are sincerely wrestling, moving in and out of practice, trying things on and taking them off.

Additionally, practice is necessary from the perspective of continuity—literally continuing the practices, albeit with adjustments. Our rituals and practices are the

pathway for mimetic absorption of Jewishness. When we do something we become that thing. When we light candles on Friday night we become "Friday night candle lighters." When we do not light candles on Friday night we grow accustomed to not lighting candles on Friday night.[89]

One of the most powerful qualities of *halakhah* is that it is practice based in study *and* action. *Halakhah* catalyzes and supports repetition, often in community. Ideally, it is not just doing, but doing for a purpose, with a clear intent. It is doing for the sake of meaning, be it for God, community or self-actualization. As Rabbi Lawrence Hoffman writes, it is not about doing it right; it is about doing it well.[90] What Hoffman is advocating is that *halakhah* or any Jewish practice without personal resonance, without connecting with our lives now, is frivolous and fleeting. At worst, doing without meaning is a turnoff.

The opportunities and risks of redefining and redirecting liberal Judaism are varied and their exploration lies beyond the scope of this thesis. Yet, without delivering a fully cooked strategic plan this thesis will suggest some considerations that may be useful to

[89] "Practice can be both distinct and indistinct. We can set aside time to intentionally focus on our practice, such as when we set aside time to practice a musical instrument, practice basketball, or practice meditation. Practice is also indistinct in that we are always practicing something, whether we are conscious of it or not. The ritual of our morning coffee and newspaper, how we behave in meetings, our attitude when it is time to do unpleasant activities – in all of these situations we are practicing how we should be, though usually without conscious intent." Ng'ethe Main and Staci Haines, Generative Somatics: Somatic Transformation and Social Justice, The Transformative Power of Practice:http://www.generativesomatics.org/sites/default/files/Transformative%2BPower%2Bof%2BPractice%2Bfnl.pdf

[90] Hoffman, Lawrence, "Doing It Right or Doing It Well?" CCAR Journal: The Reform Jewish Quarterly Fall 2013

those who accept the challenge. First, the opportunity is significant, as there is no commonly understood definition of or aspiration for liberal Judaism. In that vacuum, many liberal Jews define themselves as not secular and not orthodox. Instead of being a "not," we need to provide a positive framework. "Inspired engagement" can be the tagline (or inspire something better). It is less about the right marketing language and more about shifting how liberal Jews approach Judaism. The second consideration, a risk, is that we will alienate people if they interpret inspired engagement as asking too much of them. Already, too many of us feel stretched and pulled and exhausted by pace of life. Emphatically calling on folks to engage while compassionately articulating engagement as self-defined is critical. What this sounds like, looks like, and how it manifests would need to be shaped, and in many cases is being shaped, by an existing community of rabbis, cantors, educators and lay leaders. Merely maintaining the status quo with only some tweaks on the edges would be a cataclysmic failure on the part of liberal Jewish leaders.

Ironically, two days before this thesis was due, when Googling – "inspired engagement" Jewish – the Union of Reform Judaism youth page popped up. It reads, "'Inspired engagement' – what the URJ is branding as its distinct way of engaging youth – emerged after an eight-month strategic planning process that included voices of more than 700 stakeholders from across the Jewish community and beyond." This coincidence might mean any or all (or none!) of several things: the language of "inspired engagement" is on the right track, the URJ should have saved their money and time and hired me, or the name should be expanded to include *all* liberal Jews, not only the youth.

Below is preliminary language, a starting point. There would be great value in exploring how widely and deeply liberal Jews are drawn to crafting new language and shifting their orientation toward inspired engagement. There could be a multitude of processes to engage communities and the unaffiliated, both in-person and on-line, to infuse this transformation with stories, struggle and hope.

A working definition of liberal Judaism

Liberal Judaism charges us, as individuals and as a community, to actively explore and engage with the full spectrum of Jewish texts, music, practices, spirituality, literature and culture, toward shaping lives of meaning and creating a more just and compassionate world.

How "Inspired Engagement" speaks to being Jewish today:

- Being Jewish is an active process not a passive existence.
- Being Jewish challenges us to do individual acts of loving-kindness and accountable to heal the world.
- Being Jewish emboldens us to create time to cease doing, to reflect and to be with the fullness and brokenness of our lives and the world in which we live.
- Being Jewish emphasizes relationships and community over individual decadence and unfettered consumption.
- Being Jewish calls on us to connect with something bigger than ourselves, be it nature, God, or that which is sacred and divine in our own eyes.

II. Elevating the role of lay leaders in partnership with Jewish professional leadership.

How might highly engaged liberal Jews play a meaningful role in defining liberal Judaism today? While one of Judaism's greatest assets is the centrality of rabbinic authority in American Jewish life, there are also inherent liabilities. The number of individuals authorized to define what is and is not Jewish is limited. As traced in chapter three, historically, the rabbis have been the exclusive crafters and curators of *halakhic* authority. There is no historic tradition of lay Jewish commentary. And while we certainly want our leaders to be appropriately learned, invested, and trained, as carrying the weight of rabbinic authority is no light affair, we could use more people power in this moment. The Jews have thrived at times, at other times we have faced historic and epic travails, and our continued existence is somewhat of a miracle, never mind the psychic weight of "chosenness" and "covenant."

And yet, there has already been a shift in authority, named and unnamed. Over the last several hundred years, academic analysis and commentary have assumed, at least in the liberal Jewish world, equal if not greater weight than rabbinic commentary. Names such as Nahum Sarna, Jacob Neusner, Nechama Leibowitz, and Aviva Zornberg are all examples of scholars, not rabbis, held in the highest of regard, who have shaped Judaism, as we know it today.

Concurrently, with the advent of social media, from the ubiquitous to the rarely curated blogposts to resources like ritualwell.org or myjewishlearning.com, avenues to access Jewish life, texts and history beyond rabbis and scholars have multiplied. There are pros and cons to this expansion. On the positive side, we have elevated the voices of lay leaders and scholars to identify shifts and rifts in the cultural landscape that those too deep inside the system are unable or unwilling to see. Two recent "disruptive" articles stand out. Jay Lefkowitz's article about social orthodoxy[91] calls out Orthodox Jews who remain in Orthodox communities out of social convenience rather than deep religious conviction. On a different topic, Peter Beinart's provocative and controversial article[92] highlights young Jews' distance and disengagement from Israel. These articles were both in their own ways successful catalysts for Jewish federation hand wringing, synagogue panel discussions, and Jewish funder *agita*. In addition to the Pew report and the long-term implications of intermarriage, they illustrate the impact of Jewish grappling with self-definition outside of the rabbinic realm.

The great under-tapped pool of talent and exemplars of liberal Judaism are lay leaders. If liberal Judaism is to be re-imagined, lay leaders must be at the center. Of course, there is ample historical precedent for this. Israel Jacobson, founder of the Reform Movement, was a layperson. Today, there is a dearth of opportunities to engage "Joe and Joanna Jew" and learn about what inspires or isolates them. There is a need to

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[91] Lefkowitz, Jay P. The Rise of Social Orthodoxy: A Personal Account
An unorthodox pathway to traditional observance. Commentary Magazine, April 1, 2014
[92] Beinart, Peter. "The Failure of the American Jewish Establishment." *The New York Review of Books*. Accessed January 27, 2016. http://www.nybooks.com/articles/2010/06/10/failure-american-jewish-establishment/.

study, capture, and elevate how they are succeeding and tripping over Jewish practice. This is not about a focus group or a convening, but rather about creating institutional structure and recognition that engaged liberal Jews, as so powerfully exhibited in chapter four, are the best models of living liberal Judaism today.

Rabbis, cantors and Jewish educators may, it turns out, be the worst symbolic exemplars. They are the exception, both in their commitment to study, and possibly in their commitment to practice Jewish rituals. Also, theoretically, being Jewish is built into their jobs. This is not a proposal to diminish the earned authority and critical modeling of Jewish clergy and professionals; it is to see beyond leadership as a zero sum game. There is room for more symbols of what a powerful, rich and meaningful Jewish life looks like. More lay leaders look like lay leaders in their practice than they look like Jewish professionals. In conversation with lay leaders, Jewish clergy and educators can create a process for elevating and showcasing the lifestyles of all kinds of engaged Jews.

III. Preliminary elements of a new framework for liberal Judaism's relationship with *halakhah*.

How does one create a new framework for liberal Judaism? In a world with unlimited resources and time, the process would be inclusive, expansive and iterative. In the case of this thesis it will be preliminary, exploratory and hopefully provocative. As it is written in the Talmud, "Rabbi Tarfon and some elders were reclining in an upper chamber in the house of Nitza in Lod when this question came up: Which is greater,

study or action? Rabbi Tarfon spoke up and said: Action is greater. Rabbi Akiva spoke up and said: Study is greater. The others then spoke up and said: Study is greater because it leads to action."[93] Learning and then acting in the world are interdependent. We are not choosing one against the other; we are choosing both, in concert.

With this in mind, the aspiration is that this thesis leads to action. Toward that end, drawing on the world of organizational development, the model "The Wheel of Change" developed by the Social Transformation Project,[94] provides a framework for exploration. The Wheel of Change seeks to illustrate that to bring about lasting transformation (from caterpillar to butterfly) that three central domains of human systems are engaged: hearts and minds, behavior, and structures. In the language of the Social Transformation Project, "These three domains continually reinforce each other, tending to keep individuals, organizations and society resistant to change. New Year's resolutions are notoriously difficult to keep up. Over 70% of organizational change efforts fail. For change to succeed, it must attend to the systemic nature of people, institutions and society."[95] This model is sympathetic to the challenges of liberal Judaism. In order to achieve the change we seek we will need to impact individual behavior and thinking, strengthen and disrupt institutions, and be keenly aware of societal pressures and consciousness. The Wheel of Change model, as perfect and imperfect as any model, is dynamic and recognizes the interplay and interdependence

[93] Kiddushin 40B, Soncino translation
[94] Social Transformation Project, Directed by Robert Gass and Jodie Tonita. http://stproject.org/
[95] Social Transformation Project, http://stproject.org/strategy/wheel-of-change/

between different elements of our lives and society, much the way *halakhah* is accountable to human progress and the environment in which it exists.

Below you will find, in bullet point, suggestions for re-imagining *halakhah's* role in liberal Judaism. The definitions, in quotes, of the three domains are from the Social Transformation Project.

Hearts & Minds

"The full range of what people think and feel: their motivations, beliefs, emotions, perceptions, etc."

Urgency of now: Identify the urgency of now not from a place of fear or desperation, but rather with strength of message, depth of content and the vast opportunity speak to a generation of Jews seeking meaning and community.

Fear not: Be willing to define who we are in an open and inclusive way, and be open to possibility some may opt-out.

Redefine purpose: Seek to create a compelling purpose statement that animates and resonates.

Flip the narrative on authenticity: Broaden the material from which we define a Jew, to include *halakhah*, women, lay leaders, and non-traditional texts including oral and mixed media.

Embrace and disrupt *halakhah*: Mainstream *halakhic* wisdom and claim our right to determine our liberal engagement.

Behavior

"What human beings actually do: their words and deeds, the actual choices they make to speak or not speak, to act or not to act, their habits."

Shift language: Never again will a liberal Jew say I'm "a bad Jew" or I do "Jewish lite"

Inspired engagement: Let every liberal Jew own a full sense of authority and authenticity in exploring Jewish practices that resonate.

Daf Yomi: Investment in daily Talmud study around relevant liberal Jewish practices: candle lighting, *tzedakah*, visiting the sick, evolution of prayer, parenting, wise aging, spiritual disquiet, questioning/embracing God.

Reclaiming tradition: Some rituals like *mikvah* are resurgent. What about Shabbat lunch, a rigorous Elul spiritual inventory, studying Talmud and other nontraditional liberal Jewish texts?

Structure

"The organizational structures, systems, and processes through which work gets done."

Synagogues:

- Increase study of *halakhah's* evolution and Talmudic texts related to issues of relevancy in congregants' lives.
- Promote and feature model lay leaders of "inspired engagement."
- Add a Talmudic text (in English) as part of every *b'nei mitzvah* learning and service.

- Create Annual “Jewish Engagement Inventory Cards” for each synagogue member as part of every Elul and High Holy Day experience.
- Train a “Filter” team of engaged lay leaders who: a) meet 1:1 with synagogue members over the course of every year; b) reflect on “Jewish Engagement Inventory Card”; c) direct them toward the sub-communities within congregations or communities that will inspire and engage.
- Have staff and clergy team meet bi-annually to reflect on their own practice and learning. Where are they thriving and stumbling? Make the sharing of exploration normative.

Seminaries:

- Create a new degree for “Inspired Engagement Engineers” with a focus on spiritual formation and leadership development to work 1:1 with individuals and communities.
- Refine curriculum to cultivate entrepreneurial, mentorship, leadership and social justice skills.
- Create an atmosphere where the most pressing issues of the day are addressed and the smartest thinkers seek to test their ideas.
- Increase standards for enrollment to ensure students are ready tackle learning while in school and to take on leadership upon graduation.
- Mandate three years of work experience for prospective students before applying to HUC-JIR. For prospective candidates HUC-JIR will serve as job counselors to find meaningful work in the Jewish world, broadly defined.

- Create multiple formats of *halakhic* engagement: from comic books to commentaries that are not dependent on fluency in Aramaic. Hire a hip designer! Make the font 12 pts or higher!

Multiple national liberal Jewish organizations working together:

- Launch a 1,000 person listening campaign with engaged liberal Jewish leaders to capture personal stories, identify best practices, and highlight the depth and breadth of Jewish practice in liberal Jewish communities.
- Establish dozens of biennial retreats around the country to study texts and explore various Jewish rituals and practices. Set them on the off year of the Union of Reform Judaism biennial.
- Train a new cohort of "Inspired Engagement Engineers" who work inside and outside of Jewish institutions to engage individuals in practice and reflection. See various existing models, including Moishe House and Chabad *shluchim*/emissaries.
- Create a curriculum for an engaged liberal Jew. It could include:
    - Being able to speak about one's relationship with God
    - Have a level of fluency in basic ritual practice
    - Understand the historic arc of *halakhah* and how we are the organic extensions of its evolving narrative
    - Fluency in the cycle of the Jewish calendar, holidays, Shabbat, etc.

Conclusion:

In the 14th century, Rabbi Jacob ben Asher (called "the Tur" after his monumental work, the *Arba'ah Turim*, the Four Rows), crafted a new architectural blueprint to house *halakhah*.[96] This innovation was a response to a local call for an accessible and ordered *halakhic* guide tempered by the Tur's desire to honor his training and his father's wish to root *halakhah* in the broader historic *halakhic* discourse of both Ashkenaz and Sefarad. The story of the Tur and his creative approach deserves its own chapter, if not its own book. Liberal Judaism is in need of such a structural overhaul, while keeping many of the elements intact.

This thesis is meant to serve as a productive agitation to the ongoing conversation about liberal Judaism. Jews study sacred texts in *chevrutah* (one-to-one) and we require a *minyan* (10 people) to read Torah as we can only see, understand, reflect, and transform our own understanding of Torah in conversation with others. Any transformation that occurs to liberal Judaism will be through a movement, a coming together of leaders and thinkers, lay and professionals, mainstream and fringe actors, and through a process that will both exhaust and animate. In many ways, I hope it will mirror the process of *halakhic* evolution, rooted in the tradition of *machloket shel shamayim*, an argument for the sake of heaven, and responsive to the moment. "Now go and study!" – Hillel

[96] Galinsky, Judah, "Ashkenazim in Sefard: The Rosh and the Tur on the Codification of Jewish Law," The Jewish Law Annual XVI (2006): 3-23

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Interview Questionnaire

The questionnaire, informed by *The Jew Within*, was loosely followed per advice of Dr. Steven M. Cohen. Dr. Cohen's suggestion was to have it be more of a fluid exploration/conversation than a rigid interview. It seemed to work.

Opening frame:

- Thanks for taking the time to speak. Your reflections will be used to inform my thesis.
- XYZ What I'm writing about and what I'm exploring.
- Names and identities of participants will be disguised.
- Any questions before we begin?

Basic Biography:

- Tell me about who you are? (job, family, interests)
- Tell me about your Jewish journey.

Existing ties to Jewish community/practice:

- How are you connected to the Jewish community?

Jewish biography:

- Now let's go back and focus on the Jewish part of your biography. Please start with your childhood, your parents and the types of Jewish things your family did.
- With regard to your Jewish upbringing, what sorts of things most stick in your mind from your childhood? (Holidays, anti-Semitism, Hebrew School, summer camp, Israel…)
- What are the things you like about being Jewish?
- When do you feel most Jewish?

Barriers:

- Do you feel fully Jewish? If not, what barriers exist?
- Do you ever not feel authentically Jewish? Why?
- Are there (or have there been) barriers to doing Jewish? Being Jewish? Feeling Jewish?
- Do you think of Judaism as a religion, an ethnicity, or what? Why?

Obligation/Halakhah:

- What do you feel obligated to do? Where does that comes from? What about as a Jew? How is that different from others?
- Why?
- Do you think Jews have a special responsibility to be ethical? To be active in social causes?
- What in your view is the most important thing a Jew should do as a Jew?
- If someone asked you, "what is Halakhah? What is Jewish law about", what would you answer (if you were to answer)?

- How do you relate to Halakhah?
- Does it inform decisions you make in your life?
- What do you think about Jews who observe all the commandments?
- Do you identify as more or less or equally Jewish to these individuals?
- Do you think of Halakhah as fixed or ever changing/evolving?
- Are there some commandments, more than others that you feel bound to follow?
- What valence, good or bad, if any, do you assign to observing the mitzvot?

God:

- I noticed you did/did not mention God – tell me about it.
- How do you feel about God? What does God mean to you?
- Do you feel you have a personal relationship with God? When do you pray to or talk with God?
- Have your feelings about God changed over the years? How? Why?
- Would you call yourself a "spiritual" person? Why/Why not?

Lighting Shabbat Candles:

- Do you light candles? Why?
- If no, why not? How do you feel about it?
- How did you learn about Candle Lighting?
- For you, what "triggers" Shabbat – services, leaving work, Saturday morning bagel?
- When is Shabbat for you? When do you feel it is fully Shabbat.
- Do you know from where the tradition emerges?
- (Possibly a place to Teach/share something about halakhic tension between lighting or prayer as trigger for bringing Shabbat. Over last 2,000 years)
- Does this impact how you think about Halakhah?

Wrap-Up?

Aside from what we've spoken about, what other parts of Judaism or being Jewish are important to you?

Do you have something to add about anything we've said? Anything you want to clarify? Is there anything I should have asked you that I didn't?