

# Being a Halachic Jew

## Why the Old Labels Just Don't Fit

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## A BRIEF HISTORY OF ASHKENAZI DENOMINATIONS

*Much of the background information in this section can be found in Encyclopedia Judaica's entries on Conservative, Reform, and Reconstructionist Judaism.*

As a preliminary note, notice the term Ashkenazi denominations. I use this term because denominationalism is largely a development of Ashkenazi Judaism (European), beginning with Reform movement which largely took shape in 19<sup>th</sup> Century Germany. While different levels of observance certainly exist within Sephardic (Spanish) and Middle-Eastern Judaism, these differences were not matters of principled changes by organized groups, but rather of individual observance. **Also, note that the discussion of denominations here is vastly oversimplified, and there will be a great deal of variation in beliefs and practices in both the leadership and the constituency of each movement.**

Ashkenazi Jewish denominationalism finds its roots in 19<sup>th</sup> Century Germany. This is during the emancipation period where Jews were more able to fully integrate into secular society. The original "reformers" generally did not intend a wholesale change in Jewish practice, but instead sought a more Western form of service. They instituted such things as an abbreviated liturgy, organs during service, and the use of the vernacular (i.e. German) in some prayers and in the sermon. They also sought a service with more decorum than they felt was the norm in Jewish services. Over time, Reform Judaism for the most part drifted away from traditional Jewish observance. As this drift occurred, the late 19<sup>th</sup> century, eventually deciding that Halachic (Halacha = Jewish Law) constructs such as Shabbat and keeping kosher to be relative and dispensable. This shift gave rise to the Conservative movement which largely supported integration with the non-Jewish world and the development of Judaism with the recognition of changes in society, but provided that these developments did not result in rejection of traditional Jewish observances such as the Sabbath and keeping Kosher. Conservative Judaism, in fact, was more a reaction to the Reform movement than to Orthodoxy. Hence, for instance, the Conservative Jewish Theological Seminary (JTS) Articles of Incorporation state as part of its mission "the preservation in America of the knowledge and practice of historical Judaism as ordained in the law of Moses expounded by the prophets and sages in Israel in Biblical and Talmudic writings." Throughout its history, the Conservative movement has struggled with the interplay of modernity and Jewish law. Some who have objected to its course of development have split off to this or that side, including the Union of Traditional Judaism, to whom my personal loyalties lie. Another denomination of Judaism, Reconstructionist Judaism largely branched off of the Conservative movement, led by Mordechai Kaplan who was, for many years, a professor at JTS from 1909 to 1963 and largely desired for the Conservative movement to follow his philosophy (discussed further below). Many believe that Kaplan's views have largely won amongst the scholars of the current Conservative movement.

It should by no means be presumed that Orthodox Judaism remained static through these centuries. In fact, many view Orthodoxy as having become increasingly fundamentalist in order to stave off the perceived threat of the liberal forms of Judaism. It also is by no means true to say that Orthodoxy avoided all forms of modernity. To be sure, it integrated a great deal of modernity into the life of its constituencies (witness, for instance, the Orthodox groups in which

women are the primary breadwinners while the men study!). However, the fealty to traditional practices, both those required by halacha and that developed into practice in history (*minhag*) is far more pronounced. Also, there are many of us who believe that the course of Orthodox Judaism has been profoundly effected by the advent of the liberal movements. The idea here is that because Orthodoxy was so concerned with reform, and particularly because it viewed modernity as a major influence towards this liberalization, there was a reactionary approach taken in Orthodoxy, that often objects to new ideas, even if those ideas that may otherwise have been integrated into the halachic fabric. An example of this reactionary spirit is Rabbi Moshe Sofer (AKA *Chatam Sofer*), a 19<sup>th</sup> century German Rabbi who homiletically applied the Talmudic rule “*chadash assur min haTorah*, new (grains) are biblically forbidden [until Passover, when the Omer offering is brought]” to apply to reform, i.e. “innovation is biblically prohibited.”<sup>1</sup>

## GENERAL BELIEFS AND PRACTICES OF THE DENOMINATIONS

Of course, we can by no means plow the depths of beliefs of each of the movements. Therefore, this outline of denominational beliefs should be taken with a heaping grain of salt. Within this discussion, I will largely focus on each movement’s view of Torah and Jewish law. Perhaps this most demonstrates my bias as a legalist. This is not to say that there aren’t other factors involved. For instance, understandings and beliefs about God are of vital importance (though admittedly much more difficult to generalize into a paragraph).

### Orthodox Judaism

Orthodox Judaism believes in the divinity of the Torah.<sup>2</sup> It perceives Jewish law as indicated through the Talmud to represent a binding and relatively immutable imperative. Orthodox Judaism also tends to strictly adhere to *minhag*, the historical practices of Judaism, and particularly of each Orthodox Jew’s family practices.<sup>3</sup> As a sociological fact, many areas of Orthodoxy tend to be concerned about the integration of modern ideas into Judaism. For instance, with the development of feminism, some Orthodox rabbis have permitted women to participate in special prayer groups run for women and by women which include readings from the Torah (with some significant liturgical differences from a regular service). Other rabbis in Orthodoxy have rejected this development, though I have rarely seen a cogent legal argument for rejecting these practices. Often the argument is that since the inspiration for this idea came from “outside” Judaism, it is not acceptable. In some circles of Orthodoxy, this attitude extends to matters of study of modern sciences, academic studies of religious texts, etc. This, however, does not mean that Orthodoxy rejects modernism and change in its entirety, but, rather, a concern

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<sup>1</sup> One scholar, whose identity escapes me at the moment, is quoted as responding “*ayn chidush gadol mizeh* - there is no greater innovation than this statement (by Chatam Sofer).”

<sup>2</sup> Even in Orthodoxy, there is some divergence in what exactly this means. However, the broad-strokes is that the Five Books of Moses represents the teachings revealed by God through Moses.

<sup>3</sup> Some (myself included) feel that often this fealty to *minhag* can come into conflict with the stated Talmudic law.

that overindulgence in modernity will reduce dedication to Torah and Halacha. Modern day Orthodoxy includes a dialogue over integration of modernity, feminism, academic and scientific scholarship, etc. See for example the works of the Modern Orthodox group Edah ([www.edah.org](http://www.edah.org)).

## Conservative Judaism

Conservative Judaism believes in divine revelation, though its current beliefs towards the Torah vary from a traditional view to the view that the Torah is a creation of four authors/schools of thought. Though the Conservative movement believes in the authority of Jewish law, the perception of how Jewish law interplays with modernity is quite difficult. Some times, halacha simply applies differently when technology and society is different. Other times, the Conservative moment takes a more proactive view towards changing Halacha. Thus, in "Emet Ve-Emunah: Statement of Principles of Conservative Judaism," (1988) the section on "Tradition and Development within Halakha" states in part:

. . . The sanctity and authority of Haakha attaches to the body of the law, not to each law separately, for throughout Jewish history Halakhah has been subject to change. . . .

We in the Conservative Community are committed to carrying on the rabbinic tradition of preserving and enhancing Halakha by making appropriate changes in it through rabbinic decisions. . . . As in the past, the nature and number of adjustments of the law will vary with the degree of change in the environment in which Jews live. . . .

Following the examples of our rabbinic predecessors over the ages [] we consider instituting changes for a variety of reasons. Occasionally the integrity of the law must be maintained by adjusting it to conform to contemporary practices among observant Jews. Every legal system from time to time must adjust what is on the books to be in line with actual practice if the law is to be taken seriously as a guide to conduct.<sup>4</sup> . . .

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<sup>4</sup> See the attached "Warning To Conservative Jews: Don't Eat That Pizza!," Jewish Week February 9, 2007 (attached at p. 19) for an interesting discussion on this philosophy. I am also attaching my Letter to the Editor on the subject. It strikes me that the following from the Babylonian Talmud, Betzah 30a may give us some practical advice on this matter:

אמר ליה רבא בר רב חנין לאביו: תנו, אין מטפחין ואין מספקין ואין מרקדין, והאידנא דקא חזינן דעבדן הכי, ולא אמרינן להו ולא מידי? - אמר ליה: ולטעמד, הא דאמר רבא (+מסורת הש"ס: רבה+) לא ליתיב איניש אפומא דלחיא קלמא מגנדר ליה חפץ ואתי לאתויי (ארבע אמות ברשות הרבים), והא הני נשי דשקלן חצבייהו ואזלן ויתבן אפומא דמבואה, ולא אמרינן להו ולא מידי? אלא, הנה להם לישראל, מוטב שיהיו שוגגין ואל יהיו מזידין. הכא נמי - הנה להם לישראל, מוטב שיהיו שוגגין ואל יהיו מזידין. והני מילי - בדרבנן, אבל בדאורייתא - לא. ולא היא, לא שנא בדאורייתא ולא שנא בדרבנן לא אמרינן להו ולא מידי, דהא תוספת יום הכפורים דאורייתא הוא, ואכלי ושתו עד שחשכה ולא אמרינן להו ולא מידי.

We affirm that the halakhic process has striven to embody the highest moral principles. Where changing conditions produce what seem to be immoral consequences and human anguish, varying approaches exist within our community to rectify the situation. Where it is deemed possible and desirable to solve the problem through the existing halakhic norms, we prefer to use them. If not, some within the Conservative community are prepared to amend the existing law by means of a formal procedure of legislation (takanah). Some are willing to make a change only when they find it justified by sources in the halakhic literature. All of us, however, are committed to the indispensability of Halakhah for authentic Jewish living.

It is worth noting that the Conservative movement's place as a halachic organization is under attack both from within and without. Many believe that its stance towards the acceptability of vast changes in Jewish practice belies a lack of fealty to traditional Halcha. See for instance the attached article, "Conservative Leaders Call For New Openness", Jewish Week 12/9/05 where JTS Professor Neil Gillman argues that the Conservative movement should no longer call itself halachic.<sup>5</sup>

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Rabbah the son of Rav Chanin said to Abaye: It is taught in a Mishnah: "We do not clap, beat our thigh, nor stomp (on Shabbat and Yom Tov). Yet now, we see that people do so, and we (the Rabbis) do not say anything? [This must mean that the prohibition is not valid]. [Abaye] said to him: By your reasoning, that which Rabbah said: A person should not sit at the edge of an Lechi (the symbolic end of a private domain), lest something of his roll away (into the public domain, where it may not be carried) and he'll come to carry [it], and women take their pitchers and go and sit at the edge of the alleyway, and we don't say anything (by your argument that must be legal as well). Rather [just as there we do not object because] leave Israel alone, better they should be in error and not be deliberate (in violating the law), so too leave Israel alone, better they should be in error and not be deliberate (in violating the law). [They thought] this principle applied only to rabbinical [laws], but not Torah [laws], but this is not the case - whether it is regarding a Torah [law] or a rabbinical [law], we don't say anything. For adding time to Yom Kippur is a Torah law, yet people eat and drink until dark, and we do not say anything to them.

This text counsels that when people are not following the law, we may not "rub their noses in it," but the fact does not change the law.

<sup>5</sup> Attached at p. 25.

## **Reconstructionist Judaism**

Reconstructionist Judaism sees Judaism as an evolving civilization whose practices are largely determined by its people. Belief as to the existence of, or nature of God is entirely up to the individual. In large part, Reconstructionist Jews see the Torah as a human work over many centuries.

## **Reform Judaism**

Reform Judaism sees Torah and Jewish practice as divinely inspired, though subject to development and choice. The Rj.com websites page “What is Reform Judaism” states: “Throughout history, Jews have remained firmly rooted in Jewish tradition, even as we learned much from our encounters with other cultures. Nevertheless, since its earliest days, Reform Judaism has asserted that a Judaism frozen in time is an heirloom, not a living fountain. The great contribution of Reform Judaism is that it has enabled the Jewish people to introduce innovation while preserving tradition, to embrace diversity while asserting commonality, to affirm beliefs without rejecting those who doubt, and to bring faith to sacred texts without sacrificing critical scholarship.” Interestingly, over the past years Reform Judaism has begun to become more traditional in its practices. For instance, from times where a Reform synagogue would not have people wear yarmulkes and tallit, now many Reform synagogues encourage doing so. There are also suggestions in the Reform movement about encouraging kosher dietary practices.

## **The Union for Traditional Judaism**

By way of disclosure, I am a member of the Union for Traditional Judaism. I also received my *smicha* (Rabbinic ordination) from the UTJ’s Institute of Traditional Judaism. From a historical perspective, the UTJ was created by a number of people who left the Conservative movement, as they felt that the movement had strayed from a proper halachic and theological path. Originally, the group was founded as the Union for Traditional Conservative Judaism. Eventually that name as truncated. In addition to its Conservative roots, many like-minded Rabbis and laypeople from the Orthodox world participate in the UTJ and its rabbinic fellowship, Morasha. The philosophy I promote in this paper is largely culled from my teachers and colleagues in that organization. Then again, some of my teachers, for whom I have a great deal of veneration, will disagree with my commentaries.

## HALACHA – THE TRUE JEWISH TRADITION

The term “traditional” is subject to multiple interpretations.<sup>6</sup> It is a widespread belief throughout most of the Jewish world that following “tradition” means that as Jews we are called upon to emulate the religious practices of our parents and grandparents. Tradition is the force of inertia that keeps us behaving as we have in past generations. Some come towards this tradition because of a sense of nostalgia for the past. Others (particularly in the Orthodox camp, though the view in many ways belongs to Reconstructionist philosophy) view family or cultural history as having legal import, either clarifying or overriding the written canons of Jewish law.<sup>7</sup> I reject both these philosophies at least on some level.

Judaism is a religion of law, as set out in our canons – Torah, Talmud, and the writings of *Chazal*.<sup>8</sup> We are meant to follow these laws not simply because our parents did so, but because we see it as an expression of God’s command.<sup>9</sup>

The view that the practice of our parents and grandparents represents unqualified command seems equally difficult.<sup>10</sup> Jewish history is replete with examples of religious errors made by

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<sup>6</sup> For this reason I change the title of this paper from “Being a Traditional Jew” to “Being a Halachic Jew.”

<sup>7</sup> Common phrases expressing this idea are “*minhag avotenu din hu* – our fathers practices are law,” or a “*minhag brecht a din/minhag oker halacha* – practice overrides halacha.”

<sup>8</sup> “*Chachamenu Zicronam Livracha* – The Sages of Blessed Memory”, a general term used for the rabbis up to and including the Talmudic period.

<sup>9</sup> The manner in which postbiblical Jewish legal sources represent God’s law can be understood in different ways. The fundamentalist would argue that the deliberations of the Rabbis were divinely inspired and therefore endowed with divine approval. Others would argue simply that as a religion of law, the Rabbis of the Talmud were empowered by God to make binding decisions as to how to interpret and, when necessary, expand the law (c.f. Deut 17:8-13 bidding the people to follow the instructions of religious leaders of their days). In this view, these decisions (at least where at some point they achieve a level of universality/canonicity) become binding precedent for future generations.

<sup>10</sup> Many will refer to Babylonian Talmud Shabbat 33a as espousing this view. There, Rav Nechemiah argues that when fulfilling a rabbinic commandment one may say a blessing because Deuteronomy 32:7 tells us: “Ask your fathers, and they will tell you, your elders, *v’yomeru* to you.” However, the key to this verse is the last phrase, saying that the elders will command us. The word “*v’yomeru*” has the root *אָמַר*, which at its base means “command”

individuals and communities (the Golden Calf comes to mind as one example). Leviticus 4:13 and following prescribes a sacrifice to be given should the entire people Israel make an error regarding Jewish law, thus positing such an error to be a philosophic possibility. Also, in the face of rabbinic disagreement regarding matters of *halacha*, it seems dubious simply to allow accident of birth to determine our destiny. This, of course, does not mean that *minhag* (custom), has no place. Minhag has a place filling in gaps in the prescriptions of *halacha*, where appropriate, and generally should be followed so long as it does not violate *halacha*. However, sheepishly following the practice of our ancestors even where *halacha* is apparently at odds seems to demonstrate that our fealty to our ancestors is greater than our sense of responsibility to search out God's commandments. This philosophy by no means represents a disrespect for our previous generations, nor a break from their true "tradition." As our ancestors did their best to follow God's will as represented through Torah and *halacha*, we too must seek to do the same to the best of our ability given our knowledge and access to information.<sup>11</sup>

The expanded influence of prior practice also often leads to an unfounded rejection of innovation. Many Orthodox rabbis have rejected some of the developments in Judaism simply because it is new. I heard one case in which a marrying couple was advised not to sign a prenuptial agreement designed to help avert the problem of *agunah*<sup>12</sup> simply because it is "not the Jewish way." I have heard such arguments also argued towards innovations such as women's prayer groups. This ignores the Rabbinic dictum (Mishnah Eduyot 2:2) "*lo ra'inu ayno ra'aya* – 'we haven't seen it' is no proof." The fact that something has not been seen in the past, does not prove that such a thing is not permitted in the present.

To my mind, the true content of our tradition is not found in any particular behavior or practice, but in the eternal striving to live our lives in a manner consistent with *halacha*. We look to our classic textual sources to tell us what Jewish law is. Sometimes, new realities call for an analysis of how Jewish law applies to the new reality. For example, the modern Jew must approach questions such as how the laws of Shabbat apply to electricity, how we may respond to the problem of *agunah*, or how we may respond to women's desire for an engaging spiritual experience where modern feminism has created and/or recognized difficulty in that regard. True tradition demands that we maintain our observance of classical *halacha* while searching for intellectually honest ways to apply those laws to modernity. We do so neither out of a sense of nostalgia nor out of a desire to preserve our ancestral culture. We do so because it is our realization of God's command in our lives.

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(the understanding of this verse and Shabbat 33a was taught to me by Rabbi Alan Yuter).

<sup>11</sup> Because of my view of the tension between *halacha* and *minhag*, I have become a great fan of the Vilna Ga'on, who often looked to change practice where he found it at odds with the classical sources, for instance requiring 2 rather than 3 matzot on the Seder table, see *Be'ur Hagra* on *Orach Chayim* 273:4.

<sup>12</sup> Jewish law requires the giving of a Jewish bill of divorce ("get") by the husband. Where a husband refuses to give such a get so that the now ex-wife cannot remarry, the woman is called an *agunah* – a chained woman.



## THE PRINCIPLES OF THE UNION FOR TRADITIONAL JUDAISM

Like other groups, the UTJ has a diversity of beliefs within its midst. The UTJ Declaration of Principles presents the common ground in our approach and I believe eloquently catches the essence of our organization. Quoted in full below is the UTJ Declaration of Principles. As Traditional Judaism has many elements of belief in common with one or the other of the other branches of Judaism, the above discussion of denominations will inform our understanding of the Union for Traditional Judaism.

### UTJ Declaration of Principles

#### The Jewish tradition teaches that:

One God created the universe and endowed the humans in it with intelligence and the ability to choose good or evil, God revealed Torah to Israel (*torah min hashamayim*), and Torah--both written and oral--as transmitted and interpreted by our sages, from Sinai down through the generations, authoritatively expresses the will of God for the Jewish People.<sup>(1)</sup> Building on the foundation of these beliefs, the Union for Traditional Judaism is committed to the following:

A. The Authority of Halakhah (Jewish Law)--(*Derekh haHalakhah veSamkhutah*) Study and observance of Torah is the means whereby Jews draw closer to God and become His partners in creation, sanctifying the world under His dominion. Torah is the yardstick by which we determine right from wrong and the permitted from the forbidden; we concretize it in our daily lives through adherence to Halakhah. Both as it pertains to our relationship with God and to our relationships with others, **Halakhah is binding upon us even when it conflicts with popular trends in contemporary society.** Torah must also guide our actions when we face new situations in which the law is not clear. Such matters must be decided by scholars who are distinguished by their depth of Torah knowledge and piety. In making these decisions, these scholars use their judgment in applying Torah values and Halakhic principles to the cases before them. **Though new discoveries in other fields of human knowledge are relevant factors in Halakhic decision making, Jewish law alone is the final arbiter of Jewish practice. Response to today's challenges should be compassionate and may be creative but must always take place within the parameters of the Halakhic system.**<sup>13</sup> This process functions

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<sup>13</sup> In contrast with some in the Orthodox world, the UTJ does not see modernity as to be avoided *de facto*. In contrast with some in the Conservative movement, we do not believe that modern beliefs and morals trump traditional Jewish law. Instead, modern ideas may (and where they are particularly positive, should) be integrated into our Jewish living.

This principle also speaks towards the role of modern ethics on Jewish law. While we are always concerned to behave in an ethical manner, Torah is our primary source of ethics, and May not be rejected when it appears to conflict with modern thought. A prime example of this approach is found in we also do not

effectively only in the context of a community which is committed to observing Halakhah and which abides by the decisions of its recognized Halakhic authorities.

B. Free and Open Inquiry with Intellectual Honesty--(Yosher Da'at) It is a sacred imperative to apply our God-given intellect and abilities to any and all fields of human endeavor in order to better understand and appreciate our universe. Our quest for all forms of knowledge, when carried out with a sense of awe at the wisdom of God's creation(2), is a religious act.(3) Since the universe and Torah issue from the same Source, they must each be understood in light of the other. We must therefore strive to deepen our understanding of Torah in the context of God's creation. Thus we utilize all available methods and all potentially relevant disciplines in interpreting the sacred texts of our tradition. Intellectual honesty requires that we seriously consider new discoveries in any field of knowledge in our search for new meanings (*hiddushim*) in Torah(4); but intellectual honesty also requires that we recognize the fallibility of our human perceptions and the limitations of our methodologies. This recognition keeps us from drawing conclusions which contradict any of the three beliefs stated above.(5)

C. Love and Respect for Our Fellow Jews--(*Ahavat Yisrael*) The mitzvah of *ahavat yisrael* directs us to relate lovingly and respectfully to all Jews regardless of their level of commitment to traditional Jewish beliefs and observance of Halakhah. We must cooperate, to the fullest extent possible within the parameters of Halakhah, with other Jewish groups and their leaders, without regard to the political boundaries of denominational affiliation. Shared history and common destiny are sufficient reason for making far-reaching efforts to preserve the unity of *kelal yisrael* (the entire Jewish people). **In addition to demanding mutual respect, *ahavat yisrael* requires that we champion adherence to halakhic norms.(6) Bringing Jews closer to Torah is one of the most important challenges we face today, and we believe that this goal can most readily be achieved through an approach which encourages, educates and persuades.**<sup>14</sup> In taking such an approach, we are emulating God's display of love and concern for the Jewish people even when they were not fulfilling their religious commitments.(7) God expects us to continually strive to reach our collective potential as a community. We must therefore create synagogue and communal settings where all Jews are made to feel at home, yet are constantly stimulated to bring Jewish observance and study into their homes and their daily lives by rabbis and laymen whose own shared striving and commitment are evident.

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change the law in order to bring it in line with what people are doing. See, for instance, the attached Jewish Week Article "Straight Talk About Homosexuality" written by two of my teachers, Rabbis Leonard Levy and Pinchas Klein, attached below at page 29.

- RNG

<sup>14</sup> I.e. we do not reject or disrespect individuals who do not follow Jewish law as we might like (in fact, we all fall short of the mark to a greater or lesser extent). However, we do hold fast to the conviction that we are expected to follow Torah and Halacha, and always attempt to bring people closer to that observance. - RNG

D. Love and Respect for Humanity and Creation--(*Kevod haberiyyot*) God's covenant of Torah with the Jewish people does not annul His relationship with the world or with humankind; rather, it enhances it. God continually cares for the world He has created (*hashgahah*) and for every person in it. Since the Jewish people are commanded to imitate God's loving care, we must be concerned with creation in general and with humanity in particular. In the case of creation, we must respect the integrity of nature and oppose its degradation. In the case of humanity, we must respect the dignity of all human beings and oppose their oppression. God's covenant of Torah assumes universal morality then raises us to a higher spiritual level (*kedushah*) as we approach universal redemption (*ge'ulah*).

E. Redemption--(*Ge'ulah*) We share the age-old dreams for messianic deliverance and trust that ultimate redemption will come when God sees fit. We see in History the unfolding of this divine promise and regard the establishment and development of the State of Israel as a step toward its fulfillment (*reishit tzmihat ge'ulateinu*). We are fortunate to live in a time when we can actively participate as partners in this process. These are the beliefs and principles for which the Union for Traditional Judaism stands. We call upon all who support these ideals to help us in implementing them throughout the Jewish world. We pray that the work of the U.T.J. will heighten the place of Torah in this world (*lehagdil torah ulehaadirah*) and bring us closer to God.

1. cf. Maimonides, Introduction to Commentary on the Mishnah, tr. Kafih, (Mosad HaRav Kook: Jerusalem, 1963), pp. 4-16
2. Mah rabu ma'asekha hashem, Psalm 104:24.
3. cf. Maimonides, Mishneh Torah, Hilkhoh Yesodei ha Torah 2:2.
4. cf. RaSHBaM on Genesis 37:2.<sup>15</sup>

<sup>15</sup> Rashba"m Genesis 37:2:

ישכילו ויבינו אוהבי שכל מה שלימדנו רבותינו כי אין מקרא יוצא מידי פשוטו, אף כי עיקרה של תורה באת ללמדנו ולהודיענו ברמזות הפשט ההגדות וההלכות והדינים על ידי אריכות הלשון ועל ידי שלשים ושתים מידות של ר' אליעזר בנו של ר' יוסי הגלילי ועל ידי שלש עשרה מידות של ר' ישמעאל.

Let those who love knowledge become knowledgeable and understand all that our sages taught us, that scripture never departs from its plain meaning. Except that the essence of the Torah comes to teach us and guide us through hints from the plain meaning, homilies, laws and statutes through expanded language and through the 32 homiletic principles of Rabbi Eliezer the son of Rabbi Jose the Galilean and through the 13 homiletic principles of Rabbi Yishmael.

והראשונים מתוך חסידותם נתעסקו לנטות אחרי הדרשות שהן עיקר, ומתוך כך לא הורגלו בעומק פשוטו של מקרא... וגם רבנו שלמה אבי אמי מאיר עיני גולה שפירש תורה נביאים וכתובים נתן לב לפרש פשוטו של מקרא, ואף אני שמואל ב"ר מאיר חתנו זצ"ל נתוכחתי עמו ולפניו והודה לי שאילו היה לו פנאי היה צריך לעשות פרושים אחרים לפי הפשטות המתחדשים בכל יום.

The early Rabbis in their piety strived to bend toward *derash* ("searched" meaning) which are the essence, and because of this they were not habituated [to study] the depth of the plain meaning of scripture. . . . And also Rabbi Shelomo, my

5. This relationship between intellectual honesty and these beliefs is implicit in the motto of the Institute of Traditional Judaism: *emunah tzerufah veyosher da'at* (genuine faith and intellectual honesty).
6. Leviticus 19:17-18.<sup>16</sup>
7. Nehemiah 9

## UTJ FREQUENTLY ASKED QUESTIONS

### What is the Union for Traditional Judaism?

The UTJ is a trans-denominational education and outreach organization dedicated to promoting the principles of traditional Judaism. We support and encourage traditional Jewish practice among individuals, congregations, institutions, scholars and religious leaders across the spectrum of the Jewish community. Our programs and resources are used by a wide range of synagogues, schools, and other Jewish institutions. Our goal is to bring the greatest possible number of Jews closer to an open-minded, observant Jewish life.

### What is the UTJ's Religious Philosophy?

The UTJ promotes "open-minded observance," i.e., commitment to Halakhah (Jewish law) combined with intellectual openness and loyalty to Klal Yisrael (the totality of the Jewish people). We affirm that Halakhah encompasses ritual (prayer, kashrut, Shabbat, etc.) as well as ethical obligations, both of which are intended to bring of us closer to God. The authoritative formulation of the UTJ's religious philosophy is our Declaration of Principles.

The unique ideological position of the UTJ contrasts with what is rapidly becoming the norm of Jewish denominational life. Keen observers of Jewish life have noted that, within the Jewish community, the Right is moving farther to the Right and the Left is moving farther to the Left. The UTJ aspires to become the focal point of an emerging center of Jewish religious life.

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mother's father (=Rashi), who enlightened the eyes of the diaspora, who commented on Torah, Prophets and Writings, gave attention to explaining the plain meaning of the text. Even I, Shemuel the son of Meir his son-in-law, of blessed memory, who stood with him and before him, and he told me that if he were able, he would have to make new comments, in accordance with the plain meaning which are renewed (i.e. found) every day.

<sup>16</sup> Leviticus 19:17-18.

(יז) לֹא תִשָּׂא אֶת אָחִיךָ בְּלִבְךָ הוֹכֵחַ אֶת עֲמִיתְךָ וְלֹא תִשָּׂא אֶת עַלְוֵי חֵטְאֵי  
(יח) לֹא תִקֵּם וְלֹא תִטְרֹף אֶת בְּנֵי עַמְּךָ וְאַהֲבַת לְרֵעֶךָ כִּי מוֹדֵךְ אֲנִי יְקִוֶּךָ:

(17) Do not despise your brother in your heart, you shall rebuke your kinsman, and not bear iniquity for him.

(18) Do not take revenge, nor bear a grudge those of your nation, love your fellow as yourself, I am the Lord.

## **How Does the UTJ View "Denominationalism" in Jewish Life?**

Many Jews exaggerate the significance of contemporary denominational labels.

The UTJ, by contrast, believes that these labels often obscure more than they clarify.

In a responsum concerning the "credentials" of rabbis in a Bet Din (Jewish Court), the UTJ's Panel of Halakhic Inquiry ruled that the qualifications of rabbis "stand independent of any movement affiliation... 'Orthodox', 'Conservative', 'Reform', and 'Reconstructionist' are categories that have no halakhic validity and ought not be recognized as such. They are political distinctions. Either a Bet Din operates halakhically or it does not. If it does, then its actions are valid. If it does not, then its actions are invalid."

## **What Distinguishes the UTJ From the Conservative Movement?**

The UTJ is committed to the primacy of Halakhah in the formulation of all religious policy decisions. Historically, Conservative Judaism affirmed a similar commitment. Sadly, many policy decisions of recent decades indicate that today's Conservative Movement is, at best, selectively loyal to Halakhah in general and the halakhic process in particular.

Examples of the Conservative Movement's new attitude include prayer book revision, egalitarianism, redefining halakhic boundaries of sexual relationships, and advocacy of Israel accepting conversions that are non-halakhic even by Conservative standards. Moreover, these changes often proceeded without prior review by the Conservative Movement's own halakhic authorities. The Conservative Movement thus appears to endorse the notion that changing societal norms can supersede the proper application of halakhic sources.

## **What Distinguishes the UTJ From Institutional Orthodoxy?**

The UTJ is committed to using the methods of science to deepen our understanding of Torah while using Torah wisdom to help us find the kedushah (sanctity) in science. While some Orthodox institutions profess a commitment to both Torah and secular learning, most of institutional Orthodoxy has never applied scientific method to Torah study and sees the world of secular learning as separate from the world of Torah.

Few within establishment Orthodoxy today make outreach to non-observant Jews a part, let alone the centerpiece, of their ideological mission. Of those who do, many seek to draw their recruits closer to a narrow conception of Jewish belief and practice. The UTJ, by contrast, seeks to "draw [Jews] closer to Torah" (Avot 1:12), i.e., to an open-minded, non-politicized observance of mitzvot.

## **What Is the UTJ's Position On Contemporary Rabbinic Authority?**

"If a case is too baffling for you to decide," says the Torah, you are to follow the advice of contemporary legal authorities; moreover, "you must not deviate from the verdict that they announce to you either to the right or to the left" (Deuteronomy 17:8,11).

Many within Orthodoxy, based on these verses, espouse a dogma sometimes called Daas Torah (understood as "THE Torah view"). This dogma obliges every observant Jew to defer uncritically to the pronouncements of specific rabbinic leaders (Gedolim) on all matters of public policy. Though identified primarily with "right wing" Orthodoxy, the belief in Daas Torah has influenced much of Modern Orthodoxy as well.

By contrast, the UTJ affirms the pivotal role of each mara d'atra (local rabbinic authority) in halakhic decision-making. Any rulings by those considered Gedolim must be judged on the merits of the arguments advanced, not on the prestige or charisma of the scholar advancing them. In the Talmud, R. Joshua ben Korchah interprets Deuteronomy 1:17 ("Fear no man") as an obligation not to defer to any authority when Truth is at stake (Sanhedrin 6b)<sup>17</sup>. Indeed, failure to "speak up" violates the commandment to "keep far from falsehood" (Exodus 23:7). This view is accepted by the Codes (Maimonides, Hilkhos Sanhedrin 22:2; Tur/Shulchan Aruch, Choshen Mishpat 9:7).

### How Does the UTJ Formulate Its Positions On Halakhah?

Among the greatest resources available to the UTJ are our world-renowned scholars, some of whom participate in our Panel of Halakhic Inquiry. The Panel fields difficult questions of Jewish law from lay people and rabbis around the world. Thus far, the UTJ has published three volumes of Panel responsa entitled Tomeikh ka-Halakhah, covering issues found in all four sections of the Shulchan Arukh. Topics include: synagogue ritual practices, issues of kashrut (dietary laws), questions related to marriage, and the definition of a "qualified" Beit Din (Jewish court). A third volume is now in progress.

Panel member Rabbi Wayne Allen, in his introduction to Tomeikh ka-Halakhah vol. 2, makes the following observations on the methodology of the Panel:

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<sup>17</sup> Babylonian Talmud Sanhedrin 6b:

רבי יהושע בן קרחה אומר: מניין לתלמיד שיושב לפני רבו וראה זכות לעני וחובה לעשיר, מניין שלא ישתוק - שנאמר לא תגורו מפני איש

Rabbi Joshau b. Korcha says: From whence do we know that a student sitting before his teacher, who sees merit for the poor [litigant] and liability in the rich [litigant] from whence do we know that he may not be silent? As it is written: "have fear before no man."

Deuteronomy 1:17:

לא תב ירו פנים ב. מ. ש. פ. ט. כ. ק. טן. כ. ג. ד. ל. ת. ש. מעון לא תגורו מפני איש כ. י. ה. מ. ש. פ. ט. ל. להים הוא ...

Do not show favoritism in justice, listen to the meek as just as to the great, have fear before no man, because Justice is God's

. . . .

"The Panel of Halakhic Inquiry shuns monolithic extremes in favor of a more refined, thoughtful, and sophisticated approach based on the commands of Jewish law and not merely on the demands of advocacy groups. For the Panel, the substance and process of Jewish law sets the standard, not a preconceived sociological bias of one sort or another. Accordingly, some questions evoke a decision which seems 'liberal' while others result in a decision which seems "conservative." On the surface this may appear to be inconsistent. In fact, it reflects a coherent methodology: faithfulness to the integrity of Jewish law as well as to its inherent subtlety and flexibility."

### **How Does the UTJ View the Role Of Women In Judaism?**

The UTJ affirms that Jewish tradition reserves for men and women distinct religious roles of equal importance. These roles are complementary but not interchangeable. Hence, the UTJ is not "egalitarian" as that term is currently understood, but maintains that Halakhah allows some latitude for women's participation in synagogue ritual.

The UTJ upholds the Talmudic rule (Mishnah Kiddushin 1:7, Bavli 29a) exempting Jewish women from positive time-bound commandments. This rule - and its few legitimate exceptions - are codified by Maimonides (Hilkhot Avodah Zarah 12:3).

While women may assume commandments from which they are exempt, voluntary obligations never rise to the level of legal obligations. The Talmud (Rosh Hashanah 3:8, Bavli 29a)<sup>18</sup> rules that only a legally obligated Jew may discharge ritual obligations for the public. Thus, even women who assume the obligation of public worship thrice daily are ineligible to serve as prayer leaders of men. The Codes concur (Maimonides Hilkhot Shofar 2:2, Tur/Shulchan Arukh Orach Chaim 589:1-2).

### **What Is the UTJ's Position On Women's Prayer Groups?**

In a written responsum, the Panel of Halakhic Inquiry has enthusiastically endorsed women's prayer groups. While noting certain halakhic limitations to such groups, the Panel concluded that "it would be counterproductive to forbid women's prayer groups... where committed Jewish women come to serve God with love and reverence."

Since there are no explicit precedents for prohibiting women's prayer groups, the UTJ views them as permissible (indeed, positive) developments – notwithstanding bans promulgated by various "authorities." The fact that such groups may not have existed heretofore is no halakhic impediment. In a different context, R. Joseph Karo (Beit Yosef to Tur Yoreh De'ah chapter 1) notes an important principle: "Lo ra'inu einu re'ayah" - the fact that we have not seen such things in the past is no proof [that they should be forbidden now].<sup>19</sup>

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<sup>18</sup> Mishnah Rosh Hashanah 3:8 (appears in Talmud Bavli RH, 29a)  
... זה הכלל כל שאינו מחויב בדבר אינו מוציא את הרבים ידי חובתן  
. . . This is the general rule. Anyone who is not obligated in a manner, may not fulfill the public's obligation.

<sup>19</sup> See Mishnah Eduyot 2:2.

## **What is the UTJ's Approach To Advanced Torah Study By Women?**

The UTJ affirms the desirability of Jewish women pursuing Torah study on the most advanced levels. Although the Institute of Traditional Judaism, in keeping with long-standing traditional practice, grants rabbinic ordination only to men, its classes are open to any women who meet its academic standards.

## **What Is the Institute Of Traditional Judaism (ITJ)?**

The ITJ (also known as the "Metivta") is the school of higher Jewish learning of the UTJ. The Metivta provides the Semikhah (Ordination) Program, the Beit Midrash Program, and Continuing Education for Rabbis. In addition, we offer, in cooperation with nearby Fairleigh Dickinson University, the world's only Masters in Public Administration degree with a concentration in Jewish communal service.

### *Who Teaches At the ITJ?*

The Metivta is headed by our renowned Reish Metivta, Rabbi David Weiss Halivni. Rav Halivni is a yoreh-yoreh yadin-yadin musmach from Sighet, Hungary and Mesivta Chaim Berlin in NY. Author of the multi-volume Mekorot U-Mesorot and of many English works, Rav Halivni also serves as Professor of Talmud and Classical Rabbinics in the Department of Religion at Columbia University.

Rabbi Ronald Price, Dean of the Metivta, is the Executive Vice-President of the Union for Traditional Judaism and a founder of the Metivta. Originally ordained by the Jewish Theological Seminary, he received traditional semikhah from Rav Halivni in 1992.

Our faculty also includes such prominent scholars as Rabbi David Novak, Hakham Isaac Sassoon, Rabbi Gershon Bacon and Rabbi Alan Yuter.

### *What Is Unique About The Curriculum of the ITJ?*

In the words of ITJ Dean Rabbi Ronald Price: "The Metivta is a place where our students have the freedom to learn Torah in a depoliticized atmosphere, where one can be fully committed to faith and halakhic adherence, yet comfortable in expressing and researching philosophical and textual questions. Thus our motto of emunah tzerufah v'yosher da'at, Genuine Faith and Intellectual Integrity...Rabbinical students must also be educated with a variety of study methodologies in order that they appreciate the 'Torah' of different religious communities. In addition to the approach of our founder and teacher, Rabbi David Weiss Halivni, Metivta students are exposed to faculty of different backgrounds, that of Brisk and Mir as well as to traditional Sefardic text study."

In addition, Metivta students utilize critical methodologies in their study of the Bible and the Talmud. The ITJ accepts such methodologies as a valid approach in the study of sacred texts.

The ITJ rabbinical program focuses on the intensive study of Talmud, Halakhah, and Tanakh. Students also take classes in Jewish thought, theology, history, counseling, homiletics, and



communal service. All students are expected to complete a Master's degree either before entering the program or concurrently with their Semikhah studies.

### *What Kinds Of Positions Have ITJ Graduates Obtained?*

Graduates of the ITJ have obtained positions in Modern Orthodox synagogues, UTJ-affiliated synagogues, non-affiliated traditional synagogues, and traditional Conservative synagogues, as well as in day schools and communal organizations such as CLAL.

### **What Services Can the UTJ Offer Synagogues?**

Although congregations affiliated with the UTJ receive our services at discounted or rebated rates, affiliation is not required in order to subscribe to our services. Among the services that we provide are rabbinic placement, youth programming, a speakers' bureau, the MTV Challenge, and bulk subscriptions to the Kosher Nexus (the UTJ's kashrut newsletter), as well as access to other UTJ programs and publications (as described below). Our Congregational Services Committee is continuing to develop new programs and services for the benefit of traditional congregations.

### **What Other Programs and Publications Has the UTJ Sponsored?**

The UTJ holds an annual Shabbaton and conference, generally at our Teaneck, NJ headquarters. Past conference themes have included Jewish Unity, Tradition and Modernity, Conversion: Crisis and Opportunity, Who's Afraid of Traditional Judaism?, and Women in Jewish Law. The UTJ has also prepared the first traditional Jewish Living Will, which reflects an halakhic approach to advances in medical technology, and also sponsors a lively internet discussion list and Operation Pesach, a Passover hotline which has commanded national attention.

In addition to Tomeikh kaHalakhah and Kosher Nexus, we publish Hagaheret: a quarterly newsletter outlining the activities of the UTJ, Cornerstone: a journal of traditional Jewish thought, and Taking The MTV Challenge: a pre-packaged curriculum including videos and a thorough teachers' guide with classical sources that create a tool enabling Jewish teens to view television with a critical eye.

### **From Where Does the UTJ Obtain Its Financial Support?**

The UTJ does not rely on a budget from any organization, institution, or movement. We are an independent body whose support comes from members and others who believe in our work.

### **What Does the UTJ Hope To Achieve?**

The UTJ believes that the increasingly divisive polarization in North American Jewish life is the result of institutional and sociological factors and does not accurately represent either the imperatives of the halakhic tradition or the inclinations of North American Jewry. Through our growing roster of programs and publications, we aim to give voice to the halakhic center and to provide encouragement and support to those who seek to live lives committed to Torah, K'lal Yisrael, and intellectual integrity.

### **How Can I Get Involved In the UTJ's Efforts?**

The UTJ depends not only on broad-based financial support but also on the active involvement of those who share its commitment to open-minded observance. There are numerous opportunities for anyone who wishes to get involved in our various committees and projects. Simply fill out and return the volunteer form or contact our office via telephone or e-mail.

Appendix 1 – “Warning To Conservative Jews: Don’t Eat That Pizza”, Jewish Week 2/9/07

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# The Jewish Week

SERVING THE JEWISH COMMUNITY OF GREATER NEW YORK

(02/09/2007)

## Warning To Conservative Jews: Don't Eat That Pizza!

*Movement's top kashrut cop wants to reverse practice of eating hot dairy food in non-kosher eateries.*

**Stewart Ain - Staff Writer**

A survey of Conservative clergy released last week found that more than 80 percent eat warmed fish in non-kosher restaurants, prompting the chairman of the movement's rabbinic kosher subcommittee to begin writing a legal opinion that will likely restrict what Conservative Jews may or may not eat in non-kosher restaurants.



Such a sweeping opinion, if approved by the movement's Committee on Jewish Law and Standards, would radically change Conservative practice that has been in place for more than a generation. And it would also set Rabbi Paul Plotkin, the subcommittee chairman and a recognized expert in kashrut for the Conservative movement, on a collision course with more liberal Conservative rabbis who argue that halacha must change with the times.

"It's been disappointing to me and a matter of personal consternation for a long period of time," Rabbi Plotkin said of the Conservative movement's widespread practice of eating hot dairy food in non-kosher restaurants.

"I've been toying with writing a responsum on the issue," he said. "Not only do I want to see this issue revisited [by the Law Committee] but there is a misconception in the Conservative movement that Conservative Jews are permitted to eat hot food in non-kosher restaurants. That is not true."

Rabbi Plotkin, spiritual leader of Temple Beth Am in Margate, Fla., said he expects to submit his paper by the end of the year. He said the current practice of Conservative Jews was based on a misunderstood legal opinion written in 1940 by Rabbi Max Arzt that focused on the eating of grilled fish and cooked vegetables in non-kosher restaurants in communities that lacked kosher restaurants.

"It was limited in scope and rooted in the reality of its time," Rabbi Plotkin said. "Many of the reasons he permits grilled fish are no longer valid. ... And that teshuvah [Jewish legal opinion] does not cover how you can eat pizza from a non-kosher restaurant. I certainly do not eat, nor can I find any foundation religiously, for allowing it — even if one presumes that all cheese is kosher."

The e-mail survey — which was conducted in January by the Jewish Theological Seminary primarily to gauge views on its Law Committee's decision to permit gay and lesbian ordination and same-sex commitment ceremonies — was answered by 919 rabbis and 211 cantors. Although their acceptance of gays and lesbians was widely reported last week, little attention was paid to the section of the survey that dealt with patterns of observance and belief.

Rabbi Plotkin said his responsum would present an "intellectually honest and halachically valid opinion to guide Conservative Jews as to what they may and may not eat in a non-kosher restaurant."

He said he realizes that a "more stringent position may evolve" as a result of his paper "because that is the intellectually honest position. ... The Conservative movement should not be about how many leniencies the movement can find."

But Rabbi Barry Leff, of Toledo, Ohio, said that although he agrees with Rabbi Plotkin's conclusion, he believes halacha, or Jewish law, has to adapt to the times. Making it stricter, as Rabbi Plotkin suggests, "would reduce the relevancy of halacha in the eyes of many."

"Every once in a while we have to bring halacha into line with what people are doing or we lose respect for the system," he explained. "Don't impose something on the community unless they will abide by it," and a change in halacha now would not be accepted by the people.

"Halacha gets determined by the people, and the rabbis follow," Rabbi Leff pointed out, citing the case of turkey, which was unknown in the Old World.

"The rabbis wanted to ban it, but the people said it was like a chicken and had to be kosher," he said. "The rabbis followed and had to adapt halacha."

The same holds true for eating in non-kosher establishments, said Rabbi Leff, spiritual leader of Congregation B'nai Israel. He said he found in his own non-scientific survey of 110 Conservative rabbis in the fall of 2003 that 71 percent ate hot dairy meals in non-kosher restaurants and that 92 percent ate hot dairy meals in vegetarian restaurants that lacked rabbinic supervision.

Similarly, he said, he found that a "substantial majority" of observant Conservative Jews ate hot dairy meals in non-kosher restaurants. Last week's survey found that 90 percent of Conservative Jewish professional leaders (educators and executives) and 97 percent of Conservative lay leaders such as synagogue presidents and board members said they eat warmed food such as fish at non-kosher restaurants. (About one-third of Jewish professional leaders do not keep kosher; 57 percent of lay leaders do not keep kosher outside of the home, the seminary survey found.)

On his own blog, Rabbi Leff argued that the danger in changing halacha in this instance "seems small compared with the benefit that will accrue from our committed people seeing that halakhah can adapt to the changing times and practices.

"The time for wrestling with this issue is long overdue, and this responsum is offered in an attempt to reconcile practice and halakhah. We believe that a seemingly-radical change in halakhah is preferable to allowing the current dissonance between law and practice to continue indefinitely."

Rabbi Leff said he submitted this teshuvah to the Law Committee in May 2004 and that it still has not been considered. But were it considered, he said he believes it would receive the six votes necessary to be adopted. Rabbi Plotkin, however, said he rejected the paper's arguments, saying, "If tomorrow everyone is eating pig, do you change the rules? Where does that end?"

Rabbi Kassel Abelson, chairman of the Law Committee, said his committee has left it up to "individual rabbis to make the decision about where to eat."

"I would assume that even the Orthodox or very Orthodox would eat cold food like salads [at non-kosher restaurants]," he said. "Warm food brings another level of observance in terms of the plates it was prepared on. I presume that most restaurants are clean and the question is whether you accept it or insist [that the plates] be ritually cleansed."

The seminary survey found also that more than one-third of Conservative rabbis and cantors believe the Torah was "written by people and not by God or by Divine inspiration." And it found that about one-third turn lights on during Shabbat.

The poll found that 36 percent of Conservative clergy said they believe man wrote the Torah, and that 39 percent of Conservative professionals and 42 percent of lay leaders believe it. In addition, 37 percent of clergy, 17 percent of professional leaders and 6 percent of lay leaders refrain from turning on lights on Shabbat.

There are great divisions between clergy and laity on other practices as well. For instance, 64 percent of clergy refrain from driving on Shabbat, compared with 27 percent of professionals and 11 percent of lay leaders. And although 94 percent of clergy refrain from shopping on Shabbat, that is true of only 60 percent of professionals and 43 percent of lay leaders. In addition, while 83 percent of clergy pray at least three times a week, that is a practice followed by only 40 percent of professionals and 33 percent of lay leaders.

Asked about the poll results, Rabbi Joel Meyers, executive vice president of the Conservative movement's Rabbinical Assembly, took issue with the wording of the questions. Thus, he said, the results might not indicate the true behavior of the respondents.

Rabbi Abelson said the turning on of lights on the Sabbath is in keeping with a Law Committee decision from the 1950s. What was a surprise, he said, was their response to the question about the origins of the Torah.

"I have always thought that the overwhelming majority [of rabbis] would say that even if the words were put down by human beings, they were still divinely inspired," he said. n

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- [90 Years Of Shaping New York Jewry](#)  
*UJA-Federation of New York marks anniversary, growth from \$2 million campaign to \$145 million.*
- [A Synagogue Grows in Manhattan](#)  
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*OU youth group launches pro-abstinence Web site as studies reveal such programs don't work.*
- [Israel's Real Threat: An Absence Of Media](#)  
*Mainstream news builds support, media mistrust breeds*

Appendix 2 – “Changing the Rules”, Letter to the Editor by Rabbi Gradofsky, Jewish Week  
*2/23/07*

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Friday, May 18, 2007 / 1 Sivan 5767

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(02/23/2007)  
**Changing The Rules**

Rabbi Barry Leff's response to Rabbi Paul Plotkin's laudable attempt to promote traditional halacha in the Conservative movement is an example of the attitudes that led me to leave the Conservative movement. ("Don't Eat That Pizza," Feb. 9)

The recent Conservative decision regarding homosexuality demonstrated once again that a large segment of Conservative Judaism values subjective judgments of morality over traditional halachic analysis. While I respect this approach, and I believe compassion is an essential element of Judaism, I believe that respect for the divinity of Torah and Jewish law requires that God's law be determined by classical halachic analysis.

Rabbi Leff says, "Every once in a while we have to bring halacha into line with what people are doing or we lose respect for the system." Rabbi Plotkin's response is on point: "If tomorrow everyone is eating pig, do you change the rules? Where does that end?"

I believe we must respects all Jews, regardless of their beliefs and practices, but that we must also seeks to draw all Jews closer to proper observance of Torah and mitzvot. "Bringing halacha into line with what people are doing" does nothing to promote respect for, much less commitment to, halachic Judaism.

**Rabbi Noah Gradofsky**  
*Long Beach, N.Y.*

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Appendix 3 – “Conservative Leaders Call for New Openness”, Jewish Week 12/9/05

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# The Jewish Week

SERVING THE JEWISH COMMUNITY OF GREATER NEW YORK

(12/09/2005)

## Conservative Leaders Call For New Openness

*Gillman says drop halachic constraints; Epstein calls for aggressive outreach to intermarrieds.*

**Gabrielle Birkner - Staff Writer**

Boston

Responding to perceptions that Conservative Judaism is spiritually listless and on the decline, a major thinker in the movement called this week for it to acknowledge that it is not bound by halacha, or Jewish law.



In calling for a new vision at the United Synagogue of Conservative Judaism's biennial in Boston, Rabbi Neil Gillman, professor of Jewish philosophy at the Jewish Theological Seminary, argued that calling itself a halachic movement is intellectually dishonest and has failed to inspire increased religious commitment of congregants.

"We have to be open and honest, and try to project a religious vision, a theological vision," Rabbi Gillman told The Jewish Week.

Conservative Jews should instead distinguish themselves from other liberal movements by their liturgy, their ritual practice and their loyalty to Conservative Jewish institutions, he said.

Rabbi Gillman in his keynote address also stressed the healthy tension that exists within a Conservative Jew — between history and modernity, between the letter and the spirit of the law, between wanting answers and embracing ambiguity.

Articulating a new vision will depend in large part on the person chosen to succeed outgoing JTS Chancellor Ismar Schorsch, according to Rabbi Gillman, who sits on the selection committee.

His comments at the unusually charged convention — a four-day event attracting about 700 rabbis, educators, and congregational professionals and lay leaders — reflected the movement's struggle to define what it means to be a Conservative Jew in the 21st century, as it has seen its numbers drop (from 43 percent of affiliated Jews 15 years ago to 33 percent now) and its ideology challenged from within.

Rabbi Gillman said there is little difference between the religious practice of Conservative and Reform Jews outside the synagogue, and that "if we are a halachic community, it has to be because we want to be, not because we have to be. Then we have to explain why we want to be, and we have done neither."

Others objected strenuously.

"He deconstructed everything and offered nothing, spiritually speaking," observed Rabbi Michael P. Singer of Temple Beth David in Palm Beach Gardens, Fla. "I couldn't disagree more with Rabbi Gillman," he said, asserting that "the idea of Conservative Judaism is to move our members toward an understanding of halacha," which he called "the link to the past, present and future."

Though Rabbi Jerome Epstein, executive vice president of the USCJ, told delegates "we must not react defensively to the Orthodox or the Reform" in seeking to fortify Conservative's centrist stand — bound by halacha but open to change — events at the conference suggested otherwise, including his own call for a more aggressively welcoming attitude toward gentiles married to Jews, with conversion as the goal. (See story below.)

In response to Rabbi Gillman's remarks, Rabbi Epstein asserted that "halacha is the mainstay of the movement, and our decisions are based on halacha. That doesn't mean they are entirely consistent," he added. "They're grappled with."

He noted that "if not for halacha, we would vote on the gay and lesbian issue tomorrow," a reference to a major dividing line within the movement about whether to allow gay and lesbian rabbinical students.

While a large majority of current rabbinical students oppose the current policy not to allow gays and lesbians in the program, Rabbi Schorsch has held off challenges, and it is widely believed the next chancellor will review the situation.

The current policy "makes no sense," a leading Conservative rabbi observed, noting that it allows for gay rabbis in the field to continue in their pulpits but bans gays from entering rabbinical school. "It's a 'don't ask, don't tell ... too soon' policy," he said, and inconsistent.

Another challenge that emerged at the biennial was over the movement's allowing non-egalitarian synagogues to continue to affiliate.

An address by Rabbi Menachem Creditor, the spiritual leader of Temple Beth Israel in Sharon, Mass., became an unlikely focal point of the conference when, after urging the movement to ordain gay clergy, he said that allowing non-egalitarian synagogues under the Conservative umbrella was immoral and tantamount to "institutional misogyny."

The comments garnered rousing applause and a standing ovation from some audience members, but was resented by many conference-goers from Canada, where a large concentration of more traditional, non-egalitarian synagogues are situated.

Paul Kochberg, president of USCJ's Canadian region, said Rabbi Creditor's comments were "devastating," adding, "For him to stand up in front of the crowd and preach that there is no room in the movement for non-egalitarian synagogues that have decades and decades of tradition in the Conservative movement is repugnant, offensive, hurtful and entirely out of place."

About 10 percent of the nearly 700 Conservative synagogues in North America place limits on women's participation in synagogue, according to Rabbi Epstein, USCJ's top professional.

Some conference-goers grumbled that the non-egalitarian Conservative congregations should be forced to secede from the USCJ in light of Rabbi Creditor's remarks. Those fears were allayed when Rabbi Epstein, in a plenary session, reaffirmed the movement's commitment to pluralism.

"As long as I am the leader of United Synagogue, there will always be egalitarian and non-egalitarian," he said in an interview.

Rabbi Creditor, the founder of Shefa: The Conservative Jewish Activists' Network, stood by his remarks.

"We've been so afraid to lose anyone that we don't air our passionate

beliefs," said. "We have to begin the process of self-definition, even if that means our tent is a little bit smaller, but maybe more secure and more purposeful."

The vast majority of conference attendees were well into middle age, underscoring the movement's efforts to bring into the Conservative fold Jewish young adults. During one session, devoted to engaging and retaining Jewish young adults, Jackie Saltz, who as the founder of the USCJ alumni association said recent focus groups have shown that Conservative-reared 20- and 30-somethings long for the intense Jewish communal experiences they had at day school or summer camp or on youth group excursions.

"We've created a schism," Saltz said, referring to a perceived dearth of programming for Jewish young adults. "We are not providing Jewish experiences equal to what they had in United Synagogue Youth or Camp Ramah," the Conservative movement's network of summer camps.

But sometimes it's not a lack of outreach or programming that accounts for declining numbers, said Rabbi Harold Kushner, the best-selling author of "When Bad Things Happen To Good People," a featured speaker.

"We're at a point, not just in religion but in society, when people are moving out of the moderate center to the extremes," Rabbi Kushner said in an interview. "It's nothing we're doing wrong. It's just hard to be a moderate."

Speaking to several hundred people at the conference, he outlined what he described as the four pillars of Conservative Judaism: an emphasis on community rather than shared theology; fearlessness in the face of truth; the idea that life is a quest for holiness; and the primacy of history in shaping Conservative Jewish practice.

Then he simplified his theory, adding, "My definition of a Conservative Jew is someone who knows Tu b'Shvat is on Feb. 13 and that the Super Bowl is on Feb. 5, and wants to take part in both celebrations."

Despite much discussion about declining numbers, some attendees were optimistic about the future.

"I don't think numbers tell the whole story," said conference-goer Elizabeth Pressman, a member of Temple Emunah in Lexington, Mass. "In many ways the movement is much stronger. Our day schools are growing, and more of our young people are versed in [text] study. But what the movement does need to do is articulate what it stands for." n

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Appendix 4 – “Straight Talk about Homosexuality”, Jewish Week 5/11/07 Opinion piece by  
Rabbis Klein and Levy of the UTJ.

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# The Jewish Week

SERVING THE JEWISH COMMUNITY OF GREATER NEW YORK

(05/11/2007)

## Straight Talk About Homosexuality

**Rabbi Pinchas Klein And Rabbi Leonard Levy**

The mother of a gay son spoke with disappointment that her son lived an openly homosexual lifestyle and resisted seeking counseling to consider reorientation.

Another mother spoke proudly of her son, who is gay and Orthodox, saying that unlike others in the "frum" world, he would not pretend to be straight by marrying while keeping a same-sex partner on the side.

We recently spoke at a program called, "Homosexuality: A Nuanced Halachic Approach," where these two women shared their stories. The event, sponsored by the Union for Traditional Judaism in Teaneck, N.J., is among the first of such programs by a Traditional/Orthodox organization to discuss openly the issue of being gay and trying to fit in within a religious community. Hopefully, it is not the last. It is time for the entire halachic community to come out of the closet.

There are misconceptions, stereotypes and bigotry on the traditional and liberal sides of this discussion. People with same-sex tendencies and their families suffer by being caught in the middle.

Is there anything wrong with our attitude in the traditional community toward homosexuals? The answer simply is yes. There's been a kind of Victorian attitude about the discussion of sexuality.

Regrettably, many rabbis in the Traditional/Orthodox world would like to pretend that same-sex attraction is purely a choice perpetrated by willful violators of the Torah. The reality is that the feeling of being attracted to people of the same sex is absolutely no different from the feelings that one has for being attracted to a member of the opposite sex. Both are beyond one's conscious control.

Halachic communities need to be sensitive and sincerely welcome people with same-sex attraction into our shuls and our communities. Just as we welcome people who violate the Sabbath and encourage them to strive toward greater observance, so must we welcome and understand people with same-sex attractions and encourage them to observe Jewish law to the best of their ability.

Welcoming and endorsing, however, are two different matters. The Torah is very clear, and Jewish law of the past 2,000 years is equally so. Unlike the more liberal communities, we cannot overturn our rich religious tradition that clearly bans homosexual behavior.

While we are critical of the lack of understanding in the religious community regarding those who feel same-sex attraction, we are equally critical of the myths perpetuated by some in the gay rights camp. Indeed, we are completing a booklet on the myths and facts regarding homosexuality to confront many of the misperceptions.

Myth No. 1: You're either gay or straight.

Wrong. Researchers over the past 60 years from Kinsey to the present have consistently found that the great majority of people who feel same-sex attraction also have a significant level of attraction toward the other sex.

In addition, people who feel same-sex attraction at one point in their lives may not feel it at other times. Recent studies have shown that close to 50 percent of people who felt same-sex attraction before age 18 did not feel it thereafter.

Myth No. 2: People who feel attracted only to the same sex have no choice but to act on those feelings.

All human beings feel drives to violate God's commandments. In turn, God gives us the power to refrain from acting on those drives, as difficult as it is.

Myth No. 3: People are born gay, like people are born with blue or brown eyes.

Recent studies of identical twins have shown that when one feels significant same-sex attraction, the other identical twin also feels significant same-sex attraction in only around 10 percent of the cases. If homosexuality were genetic, like blue and brown eyes, this would happen in 100 percent of the cases. The overwhelming majority of gays are not born that way.

Myth No. 4: It is impossible to change one's sexual orientation through therapy.

False. Many people have succeeded in decreasing or eliminating their same-sex attractions while developing sufficient opposite-sex attraction to sustain happy heterosexual marriages. These results are confirmed by the clinical experience of Dr. Nicholas Cummings and a recent study by Dr. Robert Spitzer, both of whom were instrumental in removing homosexuality from the list of psychological/psychiatric disorders.

While some people can change, others cannot. Not enough research has been done to determine what the proportions are. It is, however, morally untenable to tell people who are distressed about their feelings of same-sex attraction that change is impossible.

In conclusion, we appreciate that we stand in the middle of a societal tug of war: Torah and traditional Jewish sources on one side forbidding homosexual behavior, and a growing portion of Western society embracing homosexuality, including same-sex marriage, as an equally legitimate lifestyle.

We in the Traditional/Orthodox communities need to take to heart critiques regarding our failure to understand the plight of homosexuals, who have been treated unfairly and unjustly and have felt excluded from our communities.

At the same time, others in the Jewish community should not expect us to abandon the Torah's age-old wisdom. Relating compassionately and empathetically to individuals struggling with same-sex attraction is one thing. For the observant Jew, approving and even sanctifying homosexual behavior is quite another. n

Rabbi Leonard Levy has researched and written on matters of halacha and homosexuality. He is a member of the Talmud faculty of the Institute of Traditional Judaism, and rabbi of the Jewish Center of Forest Hills West. Rabbi Pinchas Klein is a psychotherapist who has worked extensively on halacha and sexuality. He is the rabbi of the Mount Freedom Jewish Center in Randolph, N.J. Both rabbis are members of the Union for Traditional Judaism's rabbinical organization, Morashah.

**Special To The Jewish Week**