On the Nature and Future of Halakha in Relation to Autonomous Religiosity

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It is with great hesitation and trepidation that I write this essay. I do not want to be misunderstood. I am in love with Judaism, rabbinic tradition, and halakha. I regard them as holy, and they are at the very core of my existence. Nonetheless, I am concerned about the future of Judaism and its impact on our young people.

This essay is an emotional appeal to our religious leadership, and should be read in that spirit. It is not an academic paper, citing many sources and raising intellectual arguments; rather, it is written out of deep concern, and should be viewed as an honest attempt to deal with some serious problems which plague the contemporary Jewish religious community. It is written in sweat and blood. My intention is not to spread discontent, but to help Orthodox Judaism move forward in an age which is radically different from that of our forefathers.

I teach Jewish Philosophy. I am confronted daily with countless young Jews who search for an authentic Jewish religious way of life, but are unable to find spiritual satisfaction in the prevalent halakhic system as practiced today in most Ultra or Modern-Orthodox communities. For many of them, typical halakhic life is not synonymous with genuine religiosity. They feel that halakha has become too monotonous, too standardized and too external for them to experience the presence of God on a day-to-day basis. Beyond "observance", they look for holiness and meaning. Many of them feel there is too much formalism in the halakhic system, and not enough internal meaning; too much obedience and not enough room for the individualistic soul, or for religious spontaneity. More and

more sincere young people express these concerns, and many of them are deeply affected by their inability to live a conventional halakhic life. Since they sincerely long for the opportunity to experience halakha, I struggle to find a response to this acute growing predicament. The solution must simultaneously acknowledge that a genuine Jewish religious life cannot exist without being committed to the world of halakha. This existential tension greatly influenced the content of this paper. The following observations are therefore not written from the perspective of a halakhist, but from the perspective of a deeply concerned Jewish thinker, who wants young people to be authentically religious while living a halakhic life which is meaningful to them. The following suggests a new insight into the world of halakha and its practical application.

Surely there are many arguments which can be brought against the contents of this essay, some of which I can point to myself. However, the purpose of this essay is to get people thinking, not to claim the definitive truth of my observations and suggestions.
I am fully aware that the views expressed may not be palatable to most bona fide and respected poskim. My analysis and suggestions will probably not carry their approval. I hope only to act as a catalyst in the hope that some halakhic authorities and Jewish thinkers will take my suggestions seriously and be prepared to discuss them. They are nothing more than thoughts which came to mind when contemplating and discussing these issues with students.

It is essential that the reader realizes my intention is not to simplify Judaism by making it more compatible with the progressive spirit of our age. Nor do I seek to make Judaism easier and more user-friendly by finding leniencies and short cuts. I do not believe that this is at the heart of the problems Judaism faces today. What is vital is whether or not Judaism is able to offer the Jew a divine mission, transforming the modern Jew into a holy, religiously inspired being, who embodies the very essence of Torah in modern society. Judaism needs to be infused with greater spiritual vitality and religious vigor. This is what so many young people are searching for today.

In order to achieve this, the spiritual dimensions of Judaism need a lot more attention. This may require application of aggadic (non-legal) inspirational sentiments in halakhic decision making. No doubt many formal poskim will object to this approach, based on the notion that aggadic and halakhic material should be separated. Nonetheless, I believe that if we wish to keep Judaism alive for the many people who seek different paths to Jewish religiosity, this approach must be carefully considered. Once additional spiritual dimensions are infused into the

world of halakha, and the very image of halakha is seen in a different light, young searching people will be able to find the Jewish religious life which they seek. This may require going beyond the conventional kelalei pesikah (principles of halakhic decision-making) which were used in the past. This approach is not meant to undermine the conventional ways in which halakha works; rather, to find a way to inspire young people who seek to find themselves in halakhic Judaism.

The observations and suggestions brought here are based on the belief that while halakha has a stiff and formal side, it also includes a cry for personal religious creativity, a call for human nobility and a demand for devotion and kedusha (holiness).

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The Problem of Codification

Over the last five hundred years, famous rabbinic leaders have called to limit the overwhelming authority of Rabbi Josef Karo's Shulhan Arukh and Maimonides' Mishneh Torah. They felt that these works do not reflect authentic Judaism and its halakhic tradition. The reason is obvious. Both these great codes of Jewish Law are very un-Jewish in spirit. They present halakha in ways which oppose the heart and soul of the Talmud, and therefore of Judaism itself. They deprived Judaism of its multifaceted halakhic tradition and its inherent music. It is not the works themselves which are the problem but the ideology which they represent: The ethos of codifying and finalizing Jewish Law.

This problem has taken on formidable proportions in our day. There is more Jewish learning today than in the last two thousand years. More and more young people dedicate themselves to a life of shemirath hamitzvot (religious observance). This should be cause for great optimism. What more could we want in an age of extreme secularism? However, it is hard to deny that this commitment reveals a worrisome side-effect. It exposes elements of an artificial Judaism which has been re-written in ways which detrimentally oppose its very nature.

A careful read of modern Jewish Orthodox literature reveals that many authors misunderstand the nature of Jewish law. Much of this literature is dedicated to extreme and obsessive codification, which goes hand in hand with a desire to "fix" halakha once and for all. The laws of muktzeh, tevilath kelim, tzeniut and many others are codified in much greater detail than ever before. These works have become the standard by which the young growing observant community

lives its life. When studying them one wonders whether our forefathers were ever really observant, since such compendia were never available to them and they could never have known all the minutiae presented today to the observant Jew. Over the years we have embalmed Judaism while claiming it is alive because it continues to maintain its external shape.

The majority of halakhic literature today is streamlined, allowing little room for halakhic flexibility and for the spiritual need for novelty. For the most part, the reader is encouraged to follow the most stringent view without asking whether this will actually help her or him in their Avodath Ha-Borei (service of the Almighty) according to her or his distinct personality. The song of the halakha, its spirit and mission are entirely lost in this type of literature. When the student looks beyond these works seeking music, he is often confronted with a dogmatic approach to Judaism which entirely misses the mark. We are plagued by over-codification and dogmatization.

Another obsessive attempt which contrasts the very nature of Judaism is the attempt to codify Jewish beliefs. Jewish beliefs are constantly dogmatized and halakhicized by rabbinic authorities, and anyone who does not accept these rigid beliefs is no longer considered to be a real religious Jew. A spirit of finalization has taken over Judaism.

These and Those are the Words of the Living God

One of the Talmud's greatest contributions to Judaism is its indetermination, its frequent refusal to lay down the law. Talmudic discussions consist primarily of competing positions, often lacking a clear decision which view is authoritative. The reason is obvious: There should not be one. The well known Talmudic statement, "Elu ve-elu divrei Elohim hayim" - "these and those are the words of the living God" (Eruvin 13b), supports this position. Halakhic disagreement and radically opposing opinions are of the essence. There is a profound reason for this principle. The Torah, which is the word of God, can only be multifaceted. Like God Himself, it can never fit into a finalized system, for it is much too broad in scope. Every human being is different; the Torah must therefore be different to each one of them, showing infinite dimensions and possibilities. This is one of the most fascinating aspects of Jewish Tradition, making it strikingly distinct from the religions of the world.

In an illuminating discourse, Rabbi Shelomo Luria, Maharshal (1510-1573) states:

One should never be astonished by the range of debate and argumentation in matters of halakha. ... All these views are in the category of "these and those are the words of the living God" as if each one of them was directly received by Moshe at Sinai... The Kabbalists explained that the basis for this is that each individual soul was present at Sinai and received the Torah by means of forty-nine tzinoroth, spiritual channels. Each one perceived the Torah from his own perspective in accordance with his intellectual capacity as well as the nature and uniqueness of his particular soul. This accounts for the discrepancy in perception inasmuch as one concluded that an object was tamei in the extreme, another perceived it be absolutely tahor, and yet a third individual argues the ambivalent status of the object in question. All these are true and authentic views. Thus the sages declared that in a debate among the scholars, all positions articulated are different forms of the same truth. (Yam shel Shelomo, Introduction to Bava Kama)

Maharshal's observations go to the heart of Judaism. There is no such thing as a fixed Torah which is identical for all. Surely there are objectives which need to be achieved: namely, the fulfillment of God's commandments. But there are no passive recipients. Each person receives the Torah individually, according to his or her own personality and exceptional circumstances. In fact, one could argue that ideally no written text should have been given at Sinai since no two people are able to read the same text in an identical way. The meaning of the text is dependent to a large extent on the reader and is therefore not a fixed reality. The fact that a text was even given at Sinai is in itself a compromise. Even if a text should have been given, a priori, it should have been in as many versions as there are Jews since Sinai. This did not happen; only one text was revealed due to the fact that there was a need for unity and affiliation among Jews, sharing the experience of a divine text in a bond of togetherness, shaping a chosen people that would carry the word of God to the world. There was a need for a grundnorm through which Jews would be able to discuss the word of God and share it wherever they go. Above all, a fixed text was necessary to facilitate discussion, not agreement. In this way it would stay alive, infinitely enhancing new possible interpretations and unique insights.

It could even be argued that not all Jews were in need of the same mitzvoth. It was only for the sake of comradeship, and the common destiny of the Jewish people and their mission to the world, that they all had to commit themselves to all of the mitzvoth. In the words of Rabbi Mordechai Yoseph from Isbitza, "And although not every Jew is in need of every prohibition in the Torah, he is still obligated to heed and suffer this prohibition for the sake of his fellow Jew."(Mei Hashiloah, Parashat Bereshith 22:12)

The Nature of Halakha

Halakha is the practical upshot of un-finalized beliefs, a practical way of life while remaining in theological suspense. In matters of the spirit and the quest to find God, it is not possible to come to final conclusions. The quest for God must remain open-ended to enable the human spirit to find its way through trial and discovery. As such, Judaism has no catechism. It has an inherent aversion to dogma. Although it includes strong beliefs, they are not susceptible to formulation in any kind of authoritative system. It is up to the Talmudic scholar to choose between many opinions, for they are all authentic. They are part of God's Torah, and even opposing opinions "are all from one Shepherd" (Hagiga 3b).

Halakha transforms the fluid liquid of Jewish beliefs and transforms them into a solid substance. It chills the heated steel of exalted ideas and turns them into pragmatic actions. The unique balance between practical halakha and un-finalized beliefs ensures that Judaism will not turn into a religion which is paralyzed in awe of a rigid tradition or evaporate into a utopian reverie.

Still, it would be entirely wrong to believe that the need for practical application of halakha has anything to do with absolute truth. Practical halakha is in principle only one way to act. It carries authority only as far as the practical implementation of the halakha is concerned. Even when practical halakha must be decided upon, the heat of debate must stay alive. Jewish beliefs are like shafts that dart to and fro, wavering as though shot into the air from a slackened bowstring; halakha must reflect this. While halakha is more straight and unswerving, it must adhere to the unequivocal truth that even opposing halakhic opinions are "all the words of the living God," and each of them carries the potential to become practical halakha.

Critique of Maimonides and Rabbi Joseph Karo

As mentioned earlier, several outstanding Talmudists have argued that Maimonides' Mishneh Torah and Rabbi Joseph Karo's Shulhan Arukh starved Jewish law of this very spirit. Maimonides eliminates all references to the basis of his rulings and almost entirely ignores even the existence of dissent and minority opinions. On the occasion where he does refer to them, he seems to express a negative attitude, as if he would like to save Judaism from this embarrassment. (See, for example, Hilkhot Mamrim 1:3-4.) Although less extreme, Rabbi Joseph Karo also states his rulings in the Shulhan Arukh in general language without mentioning sources or other opinions. It is true that he first authored the "Beit Yosef" in which he brings many opinions and citations, so one might argue that he

did not want his Shulhan Arukh to become a distinct and self contained work. However, the fact is that once he authored this work, it quickly assumed this very status. It would be hard to argue that the author did not foresee this possibility.

Maharshal, Maharal and Rabbi Haim ben Betzalel

Three early authorities were deeply concerned about this development: Rabbi Shelomo Luria, known as Maharshal (1510-1573); Rabbi Yehudah Low ben Betzalel, known as the Maharal of Prague (1520-1609); and Rabbi Haim Ben Betzalel (1530-1588), brother of the Maharal. Each in his own way attacked the Mishneh Torah and the Shulhan Arukh, claiming they were anti-Talmudic and therefore anti-halakhic. Maharshal accused Maimonides of acting "as if (he) received it (the Mishneh Torah) directly from Moshe at Mount Sinai who received it directly from Heaven, offering no proof ..." (Yam shel Shelomo, Introduction to Bava Kama). Directing his attack to Rabbi Joseph Karo's Shulhan Arukh in which the author follows the majority opinion of three authorities (Rif, Rosh and Maimonides), Maharshal asked how the author had the right to do so. Did Rabbi Joseph Karo receive such a tradition going back to the days of the sages? (ibid)

Maharshal goes on to state that the Shulhan Arukh's entire enterprise is dangerous. Those who study it will come to believe that what Rabbi Joseph Karo wrote has finality, and even "if a living person would stand in front of them and exclaim that the halakha is different, citing excellent arguments or even an authoritative received tradition, they will pay no heed to his words..." (Yam shel Shelomo, introduction to Hulin). Rabbi Haim ben Betzalel adds that people will fail to realize that this current authority is "just one person among many". (Vikuah Mayim Haim 7.)

Moreover, such codices lead to intellectual laziness. People will no longer study the Talmud in their reliance on these works. They can be compared to a pauper who collects alms from wealthy people and shows off his riches. At first it seems that he is indeed rich. After all, he has food and clothing. But in truth this is illusory, for all he has are the items he collected. (ibid) Similarly, one who studies only these codices and rules does not know the ins and the outs of the Talmudic debates which preceded them.

Rabbi Betzalel warns of yet another danger. How can one ever know whether the law as stated in the Mishneh Torah or Shulhan Arukh is applicable to a particular situation? Such matters are in a state of flux. A minor change may require a radically different response. Even more daring is his observation that since the "[Torah] is no longer in Heaven" (Baba Metzia, 59a-b) and halakhic matters must

be decided upon by human beings, it is possible that the same halakhic authority may see things differently today than he did yesterday. As such, he may rule differently today than he did yesterday. This is not a shortcoming or inconsistency. It is all part of the principle that "these and those are the words of the living God."

Maharal adds that the Rabbi can only rely on his own intellect: "And even when his wisdom leads him to err, he is nonetheless beloved by God as long as he has used his best reasoning. And this person is by far preferred to the person who determines the halakha from within one work, without knowing the reason, walking like a blind person along the way" (Netivoth Olam 16, end).

These authorities agree that the Talmud alone should be the source of halakhic decision making. All declare that the concern "that there will be many Torahs in Israel" (Sanhedrin 88b) has no bearing on this matter. It is not the multitude of halakhic opinions which creates the danger of many Torahs; it is the rejection of the Talmud as the only authoritative text to decide on halakhic issues which presents this danger. In fact, it is codification which causes the problem of many Torahs in Israel, since it no longer requires the posek to return to the various opinions stated in the Talmud! The Talmud embodies Judaism in its most authentic form. It is the validity of each of the opposing opinions as part God's Torah which makes Judaism vibrant and true to its own spirit. It is only from the Talmud itself that the Rabbi needs to decide the law, taking into account all the different opinions mentioned therein.

No doubt Maimonides and Rabbi Joseph Karo had the best of intentions. They wanted to create common ground and felt that a unified codification would make that possible. Both felt that their fellow Jews needed a streamlined Judaism in which nearly nothing was left to imagination. As Maimonides' thirteen principles of faith gave Judaism an appearance of a dogmatic religion, so do the Mishneh Torah and the Shulhan Arukh. These codified works introduced foreign elements into Judaism. Looking back, we can see that they caused a misrepresentation of the nature of Jewish law and its spirit. It set in motion an entire genre of halakhic literature which is un-Jewish in spirit. The result was a severe false impression of Judaism, which became the cause célèbre for attacking Judaism as a religion of stern rigidity. Spinoza's Tractatus Theologico Politicus is a typical example of this, and extreme codification in today's Jewish world is the obvious result.

By all means, we should continue to study the works of Maimonides and Rabbi Joseph Karo and possibly even live by their directives. They belong to the best which Judaism has to offer. But we should be careful not to create an impression

that there are no alternative ways. We must make our young searching people aware that halakha is much more than what these works represent. Above all, we should see these works as sublime commentaries on the Talmud. Specifically, Maimonides' Mishneh Torah offers us profound insights into how his genius mind read and understood the Talmud. It is in this, and not in his attempt to codify Jewish Law, that Maimonides made his greatest contribution to Jewish learning. Ultimately, it is only by the discussions in the Talmud that we, with the help of our rabbis, should decide how to live our religious lives.

Judaism is an Autonomous Way of Living

The question we now need to ask is how to bring Judaism back to its original authentic "self" in which the halakhic tradition of "elu ve-elu," is once more recognized and applied. Can we reactivate this concept in order to bring new life into the bloodstream of Judaism for those young people who are in dire need? Surely the principle of "elu ve-elu" is not a blank check that anything goes. The principle should only be implemented if it will stimulate greater commitment to Jewish religious life while simultaneously responding to the many drastic changes which have taken place in our modern world. The need for human autonomy as well as spirituality and meaning which are sought by so many young people will have to be addressed.

We must realize that Judaism is an autonomous way of life. While the need for conformity within the community must constantly be taken into consideration, ultimately one is expected to respond as an individual to the Torah's demands. Each human being is an entire world, and no two human beings are identical in their psychological make up, religious needs or experience of God. One can only encounter God as an individual. What, after all, is the purpose of my existence if not to relate to God differently from my neighbor? To imitate what others do in their service of God is to demonstrate that there is no reason for me to have been born. The overwhelming need for human distinctiveness is demonstrated by the fact that no Jew received the Torah or heard the voice of God at Sinai in a similar way, as the Maharshal observed. The need for more halakhic autonomy is not for the sole purpose of adapting Judaism to the spirit of modern times, but also to make Judaism more authentic and true to its own spirit. While the necessity for communal conformity often made it difficult for Judaism to emphasize the need for personal autonomy, the difficulty experienced by so many young people today may propel this matter to the forefront of our concern.

Difficult Questions

In light of the abovementioned observations, I wonder whether we can re-introduce the great Talmudic debates in a way which will reshape Judaism into its original multifaceted and colorful self, so that the young searching Jews of today will fall in love with it. Should we perhaps permit, and even encourage, people or communities to decide themselves which of the many opinions in the Talmud they would like to follow?

To answer this question we surely must move beyond the conventional way in which halakha has been applied throughout later generations. In many ways the question is not only a halakhic one; it is also one of hashkafa. We need to find new paths to Jewish spirituality, and the world of aggada may be able to help us. While it is not at all clear where issues of halakha end and where matters of hashkafa, aggada and spiritual needs which influence halakhic thinking begin, it is necessary to enter into a new halakhic way of thinking; one which has rarely been used, but is clearly part of the world of the Talmud. This is the concept of multiple truths within God's Torah. In our modern world the spirit of halakha as a multifaceted living tradition becomes extremely relevant. Conventional rules on how to reach a halakhic decision may have to incorporate more spiritual requirements. However, this can be done only as long as they are rooted in the Talmud and do not violate the underlying principles of halakhic debate as disclosed by "elu ve-elu." The debate regarding whether individuals can decide on their own which opinion in the Talmud they would like to follow is of utmost importance.

Halakhic Scholars and Religious Crisis

The great halakhic scholars of today and tomorrow will have to decide whether we are permitted to implement this idea. Will they be prepared to sincerely consider these questions? Are they equipped with enough knowledge about our world - the moral, spiritual and religious crisis in which so many young people find themselves - to handle this matter? Do they fully understand the central place that human autonomy occupies in today's society and in authentic Judaism? Do they connect enough with the religious melody of halakha to even see the need for these questions? They can easily reject these questions as irrelevant, unacceptable, non-kosher or even heretical; but this won't do. Too much is at stake. The existential predicament of mankind at large and the Jewish people in particular is so great, that rejection of these problems will ultimately distance many fine Jews from the Jewish tradition and religious observance. Ignoring the growing need of so many young, intelligent searching people for an autonomous approach to a personal halakhic life is no longer possible. Great courage is

required to even raise these questions, let alone give answers. What is needed is sincere willingness to think out of the box.

Halakhic Problems

At first glance, it seems that many halakhic principles might bar the possibility of reintroducing the concept of elu ve-elu. The Talmud includes minority opinions concerning dinei d'rabbanan - rabbinic law. This is the category which urgently necessitates dealing with issues of spirituality and established halakha. Generally, minority opinions are not meant to be followed. The reason is obvious: allowing people to re-enact these opinions would have a destructive impact on the Jewish community and its need for uniform and normative behavior i.e. "so as not to fragment the Torah into many Torahs" (Sanhedrin 88b).

But what if following minority opinions would only increase the love for and adherence to Torah law (d'oraita) by many fellow Jews? Many of the rabbinic laws are fences for the distinct purpose of preventing people from violating Torah law, but what if they produce the opposite result, the absolute rejection of Torah law? Today, many of these rabbinic laws keep people out instead of inviting them in. They are not conducive to the spirituality longed for by all people trying to observe Torah laws. What if some of the minority opinions would be more conducive to the observance of Torah law? This is specifically true about rabbinic laws which affect the individual. These matters require great spiritual investment on an individual level. Would it not be wiser in these cases to encourage the implementation of minority opinions as recorded in the Talmud instead of prohibiting them and standardizing the majority opinions?

Beit Shamai and Beit Hillel

We wonder whether such an approach would be valid when dealing with the ritualistic controversies between Beit Shamai and Beit Hillel. Halakha unequivocally follows Beit Hillel, and under normal circumstances it is forbidden to abide by the opinions of Beit Shamai (Eruvin 13b). However, the reason is not entirely clear (See Yebamoth 14a). In fact, it seems there were cases in the past where following Beit Shamai's ruling was even encouraged (Berakhoth 53b) Whatever the reason, would it be permitted to follow the opinions of Beit Shamai when some people feel more connected to this view? After all, many of these differences of opinion are not just legalities or academic disputes; they are, above all, differences in approach to religious life. (See for example volume 2 of Michtav Me-Eliyahu (p.120) by Rabbi Eliyahu Eliezer Dessler concerning the question whether one should light all eight candles on the first day of Hanukkah (Beit

Shamai) or only on the last day (Beit Hillel).)Would it not be more in the spirit of Beit Shamai and Beit Hillel to allow people this choice, now that religious commitment in a secular society is of an entirely different nature than it was in earlier days?

Ignoring Minority Opinions

Moreover, would the Talmud allow us not only to ignore majority opinions but minority rabbinic opinions as well if the result was people keeping the Torah laws? Undoubtedly many rabbinic laws make it easier to observe Torah laws, but what if people feel confined by these laws which deny them the spirit of, say, what prayer or Shabbat is all about? In many instances it is not clear whether a law is d'oraita or d'rabbanan, and in such cases one cannot take any chances. But where we know for a fact that they are d'rabbanan, would this be permitted? After all, human beings are most complex. Freedom in one area often leads to greater commitment in another.

If, arguably, practical halakha would indeed allow us to ignore the minority opinion, this would be true only in exceptional circumstances (bedi-avad) and for specific individuals. It was never encouraged as a new way of dealing with religious crisis in which whole communities of people long for autonomy while genuinely searching for religious commitment. Indeed, in pre- Mishnaic and Talmudic times many of these rabbinic laws did not yet exist, and people made their own decisions on how to ensure that they would not violate Torah law or how to give meaning to their relationship with God through their own prayers or other rituals. There were no prayer books and it seems that it was strictly forbidden to write down any prayers (Shabbat 115b). Is it not possible that we need a similar approach today?

Personalizing Blessings, Prayers, and Synagogue Services

Could people adopt other versions for blessings, such as those discussed in the Talmud but not codified in practical halakha? Would the Talmud really object to people formulating their own berakhot if it was more meaningful to them? When people complain that some of the official berakhot and prayers seem irrelevant; that these berakhot and prayers are of such beauty that they are unable to absorb their magnificent meaning and therefore feel hypocritical when saying them; or, that the constant reciting of the same berakhot and prayers no longer allows for saying them with religious fervor, is there not some truth to their claim? After all, was it not the purpose of the Sages to formulate these religious texts in order to inspire people to sincerely praise and thank God? Is it not preferable for

us to say different prayers when this goal would be better served? Needless to say, certain spiritual-religious requirements would have to be preserved.

Could various types of synagogue service be created in which alternative prayers and rituals are offered from which people can choose? Minhagim, rituals and other traditions are most important and should not be taken lightly. They have greatly contributed to Judaism. But what if people desperately need to express their religious devotion in a different way? Just as it is possible for a Rabbi to make a halakhic decision one day and a different one the next, because he sees matters differently, could this not also apply to the praying human being? What if this would help create a more genuine religious experience?

These questions and others are of the greatest importance if we want to revitalize Judaism in the hearts of many people.

Hora'ath Sha'ah

In this vein, perhaps we should look to halakhic concepts which deal with circumstances where the suspension of a particular law will "bring back the multitudes to religion and save them from general religious laxity" (Mishneh Torah, Mamrim 2:4). Such concepts might include hora'ath sha'ah, the need for temporary suspension of a law; lemigdar milta, improvement of a particular matter; and et la'asoth Lashem, a time to act for God. As the great Talmudic sage Resh Lakish remarked, "There are times when the suspension of the Torah may be its foundation" (Menahoth 99a-b). These concepts usually refer to short-term deferments, and are generally limited in scope. However, there have been cases in Jewish religious history where matters have been changed on a long-term basis, and in some instances were never revoked. In fact, these principles have even been used for totally opposing religious needs depending on the hashkafot of communities who were at wit's end how to enable Judaism to survive in modern times. Such examples can be found in Rabbi Samson Raphael Hirsch's concept of "Torah im Derekh Eretz"; the Hatam Sofer's opposition to general culture; the Hafetz Hayim's permissive ruling about intensive Torah education for young women; and the rabbinic prohibition in certain circles, concerning women's prayer groups. All of these were a response to an acute crisis, whether le-kulah or le-humrah, permissively or restrictively. They probably can't be included in the strict definition and parameters of hora'ath sha'ah, but they clearly carry its character and were accepted as such by different communities. They are all "hora'ath sha'ah-like."

To avoid any misunderstanding, I reiterate that in no way am I suggesting that we do away with parts of Judaism, or deny the divinity of the Torah and the importance of Rabbinic Law. The reverse is true. My observations and suggestions flow forth from a deep love and appreciation for what halakha is all about. It is out of love for the word of God which came down to us at Sinai that this essay was born.

Postscript

It is not the changes themselves which will bring young people what they are looking for. It is important that such changes create a new image of Judaism and halakha. They will set Judaism and halakha in a positive light and will ensure that Judaism is again understood as a living organism which is averse to dogmatism, finalization and obsessive codification. The tradition of "elu ve-elu" must again stand at the center of Judaism's overall religious philosophy. The call for human autonomy as a condition for deep religiosity together with profound commitment to the word of God is essential.

It is impossible to discuss any of these issues without a deep commitment to Yirat Shamayim, fear of God. No motive other than Yirat Shamayim may guide us. It is this same Yirat Shamayim which forces us to ask these questions and propose possible solutions. Denying their urgency would be a serious dereliction of our duty as religious Jews.

My suggestions in this essay are only proposals by an educator who wants Judaism to become much more meaningful to many young people who are otherwise unable to connect. No doubt some of the suggestions are fraught with risk, but no spiritual search is risk free, and by shutting the door to all error we risk blocking the chances for greater love and commitment to Judaism. These observations have nothing to do with making Judaism easier so that people can be more lax in their observance. The reverse is true. I believe that Judaism may have to be made more difficult in order to become more meaningful. Simply making it user-friendly, by introducing all sorts of leniencies, will not bring young serious people closer to its message. After all, they expect sweat, challenge and discomfort in order to accomplish great achievements in university studies, music, sports and martial arts. They are well aware that to conquer these disciplines they need to fight, not be entertained. It is the very need to exhaust themselves that gives them the satisfaction of accomplishment.

Living a genuine Jewish life is hard work, and the revisions I suggest require hard work. Young people must be sure they are familiar enough with Talmudic texts to

make the autonomous decisions they seek. Our young people will only value Judaism when it is at least as challenging and demanding as all the other disciplines they study. In fact, it may need to be more challenging, since it is a lifelong involvement which requires constant attention even to the sanctification of daily trivialities. There are no short cuts. For many of them Judaism will become a joyful experience because it demands sweat and discipline while its reward is deep meaning and a strong notion of mission and holiness.

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I recognize that the road to implementation of these ideas is not simple; nonetheless the route must be drawn out before we can begin this journey. My intention is not to suggest a new halakhic way of living for all Orthodox Jews. Those who are deeply inspired by their religious commitment in accordance with well established traditions should definitely continue to do so. If we come to implement some of these suggestions, one must never forget that one does not discover new lands by losing sight of the shore from which the journey had begun. I do hope, however, that my observations will bring them new insights as well, and help them realize how beautiful and dynamic Judaism really is. They should ask themselves whether the issues expressed have not a direct bearing on their own religious lives.

What the leadership of Orthodox Judaism needs to realize, above all, is that the internal danger is greater than the external threat of secularism. Judaism must renew itself, or face decline. The greatest problem Judaism faces is lack of belief in itself. Orthodox Judaism must stop being defensive and looking over its shoulder. It should strengthen itself by looking to its great Talmudic resources and rebuilding itself accordingly. Only when it reappears as a dynamic living tradition, averse to all finalization and dogmatization, will it become the great passion of all Jewish people.

May Ha-Kadosh BArukh Hu grant us insight.