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# Jewish Heritage

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## ***Jewish Heritage***

A QUARTERLY MAGAZINE DEVOTED TO ADULT STUDY

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# To the Reader

In the long history of the Jewish people no era has presented the Jew with greater challenges to his religion than that of the last two centuries. The impact of enlightenment, emancipation, and the industrial revolution has changed the whole character of Jewish existence and made a series of adjustments to the modern environment inevitable.

During the Middle Ages the Jew suffered from persecution, deprivations of all kinds, and frequently wholesale expulsion. He was excluded from agriculture, the guild system, and from all but the pettiest forms of trade. But living in a closed ghetto community, isolated from intellectual and social challenges, he had the benefit of a stable existence which insured his survival. Faith in a personal God who watched over him, the promise of immortality and the coming of the Messiah gave him hope. The Sabbath and holiday round added beauty and dignity to his daily living, and a universal system of education for adults as well as children lent grandeur to an otherwise dull existence.

These forces of conservation, however, began to break down as the Jew entered the modern world. The enlightenment opened his eyes to the scientific discoveries which had been made and the new winds of doctrine current in the late eighteenth century. Emancipation, while it brought him greater political freedom and new economic opportunities, deprived him of the strength and security of the cohesive medieval community. With the increase in social intercourse between Jews and non-Jews and the widening of intellectual horizons, the basic doctrines of Judaism began to be questioned and traditional patterns of religious observance weakened. Jewish learning lost ground, and the very will to live as Jews was lost. Some were willing to pay the "admission ticket to European civilization" and convert to Christianity. Others, dissatisfied with the informal manner in which the prayers were read, the exclusive use of Hebrew, the absence of a sermon and the use of "oriental" music, longed to introduce the esthetics, decorum, and music of the church into the synagogue. Wanting to show their complete loyalty to their country, they also resented all references to Palestine and the coming of the Messiah.

All these factors made some form of adjustment essential if the tidal wave of escape from Judaism was to be stemmed and the new generation not lost to Judaism. Jewish leaders were forced to formulate anew their concept of Judaism and to clarify their status and beliefs.

The first attempts to adjust Judaism to the modern world took place in Germany. Here Reform Judaism was born which produced such religious leaders as Abraham Geiger. Here also we can find the beginnings of the

Conservative tendency in the writings and activities of Zechariah Frankel, and here also took place the first attempts of Orthodoxy to meet the challenges of modernism by Samson Raphael Hirsch. It was in Germany also that there emerged the modern rabbi, who has been such an important factor in the adjustment of the Jew to the new environment.

The first attempts at adjustment were at best piecemeal and haphazard. There were many obstacles which stood in the way. It was only in America, where church and state were separated and religion free from governmental interference, that the new approaches to Judaism flourished and developed into full-scale religious movements, each with its own seminary, rabbinical and lay organization, teachers institute, publications, and other activities. Reconstructionism, while often described as a religious movement, actually represents a school of thought which cuts across denominational lines. However, the great influence it has exerted during the past quarter of a century and its clear statement of philosophy and principles warrant its inclusion with the three major groupings in Jewish life. It represents the latest attempt to adjust Judaism to the modern world. All these movements bear witness to the influence of the democratic environment in which we live, and the practicality and activity-centeredness of Americans.

It is these religious movements which are described in this special issue of **Jewish Heritage**. The first four articles by Emanuel Rackman, Harry Essrig, Abraham Karp, and Benjamin Mehlman (and Ira Eisenstein's selections from the writings of Mordecai Kaplan) present the origins and background of each of the movements, its development down to the present, a brief description of its structure, and a statement of its beliefs, ritual practices, and attitudes toward Zionism, Jewish education, and other aspects of contemporary Jewish life. The article by Morris Adler raises a fundamental question about the possibility for greater cooperation among the various wings of Judaism, and Israel Levinthal points to the future, urging us to recognize the distinctive contributions of each group and the principle of "unity in diversity" in Jewish life.

We are deeply indebted to the contributors, all colleagues and friends, for their splendid cooperation and for their willingness to fit into the general frame of reference. This issue fulfills a number of requests for a special edition of **Jewish Heritage** devoted to one overall theme. It is part of a larger effort to provide an adult education literature dealing with the inner content of Jewish tradition, both in the past and present, prepared by well-known scholars, written in popular style and geared to the needs of the adult in our time. It is hoped that this material will be found useful not only for individual reading but for members of study and discussion groups who want to explore together the various religious ideologies of modern Judaism.

**Simon Noveck**

## WHAT IS ORTHODOX JUDAISM?



**Emanuel Rackman**

Jews crave name changes not only for themselves but also for their faith. Reform Judaism prefers to be called “liberal.” Conservative Judaism would rather be known as “historic,” and Orthodox Judaism wants no descriptive adjective whatever. It insists that there is but one Judaism and giving it a first name makes it appear that other interpretations are equally valid.

Even at the risk of being dubbed “intolerant,” exponents of Orthodox Judaism insist that they represent the one authentic Judaism, while other approaches are error, distortion, heresy, or even pretense. Nonetheless, they admit that within the range of the authentic there is a wide latitude in practice and interpretation. Judaism has never had a fixed philosophy, nor even one inflexible approach to law. There have always been, and will continue to be, many different modes of Jewish thought and conduct, and every generation does introduce a great measure of innovation. There is still no hierarchy of authority; on the other hand, until the Messiah comes, the rabbinic groups seem to multiply and reflect

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ideological, geographical, and ethnic differences. How does one reconcile this diversity with an insistence that there is but one Judaism?

To resolve the paradox, one would do well to conceive of Judaism neither as a religion nor as a faith. If it is regarded as a faith, then Jews who are its devotees must be considered a community of believers. But not all Jews believe in God. And Orthodoxy, even more fervently than Conservative and Reform Judaism, refuses to exclude them from the fold. Furthermore, religions usually permit their adherents to exercise some choice — to be or not to be a member of the fellowship or a communicant of the church, visible and invisible. But Orthodox Judaism gives Jews no choice. It recognizes neither resignation, withdrawal, renunciation, nor even apostasy as effective means to shed one's Jewishness.

### **Judaism as a Legal Order**

For these reasons it is more accurate to expound Judaism as a legal order rather than a religion or faith. The anomalies thus become intelligible. A legal order presumes a constituency which is bound by a pyramid or hierarchy of norms which may apply to creed as well as practice, and definitely applies to the very process by which the norms themselves are derived and concretized. The legal order best known to us is the state. In our day an international legal order is also striving to be born. But Judaism always was, and still is, an international legal order for Jews. Moreover, upon careful analysis, it appears that every legal order is founded upon one basic norm. In the case of a political entity, the basic norm is usually the lawmak-

ing power of the sovereign. From this norm most others are derived. In the case of Israel, the basic norm is God's Revelation — the Torah.

Within that legal order there is diversity. However, the existence of diversity does not mean that there is a multiplicity of legal orders. The freedom permitted is always proscribed. One can violate the norms — often with impunity. One can even defy the basic norm. But if the legal order grants no release from its grip, one has no legal power to make his exit. One may be deemed wicked, a sinner, a traitor, but the legal norms are not his to make. The legal order itself ordains how these norms shall come into being. One may have a voice in the process, but even a majority can rarely change the norms that are basic.

In this way Orthodoxy can regard even a Jewish atheist as a Jew. As a legal order, Judaism has norms applicable to the non-observant, the agnostic, the atheist, and the apostate—all of whom it continues to regard as subject to the legal order. Generations ago they might have been punished or excommunicated but they were never placed beyond the law. (Today we are not even permitted to act disdainfully toward them.) Their conduct and their thought may violate the norms of the legal order itself, but they remain Jews. There is but one Judaism and one Jewry. Even the guardians of the legal order may err (the legal order provides for such errors). But the legal order and its processes are supreme. One lives within them — perfectly or imperfectly—but one can never leave them except pursuant to the norms themselves.

### **Basic Tenets of Orthodoxy**

What are the basic norms of the legal order that is Judaism?

God chose Abraham and his seed to give them a land and a law. The Covenant — reconfirmed several times in the lives of the patriarchs and in the wilderness en route from Egypt to Canaan — is forever binding on us. Three basic dogmas of Jewish theology derive from the Covenant. First, God is personal — He intervenes in the lives of individuals and nations. Second, He chose a particular people. Third, He and this people are forever bound by the provisions of the Torah.

#### *(1) A Personal Omnipotent God*

For an Orthodox Jew any interpretation of Judaism which does not involve commitment to these three facts as historical occurrences is a perversion of Judaism. Jews may conceive of God differently. Their philosophies and theologies may be hewn from different sources. But all must believe that God is aware of individuals and nations whose creator, rather than whose creature, He is. He does permit the exercise of free will so that He is not the only author of history. Man also writes many a chapter of his own biography, as well as substantial parts of the annals of his people. But God, who is personal, knows what is happening, participates in events, and is the ultimate judge of all that is done. Moreover, as He is omniscient, so He is omnipotent.

The relationship between God and His people is a personal one. God can and does answer prayers. Even if one gives miracles a naturalistic interpretation — regarding them as occurrences within the frame of natural law and only their remarkable coincidence with our need of the hour constituting their miraculous character — a Jew must believe that God can perform and has performed miracles. According to the tradition, prayer is meaningless unless

one has faith that God can and does intervene in nature to answer our supplications. That is why for Orthodox Jews prayer is not merely an occasion for introspection and a stimulus to self-improvement. It is a confrontation of God by man. Moreover, God's miraculous intervention in nature will reach its climax when He sends the Messiah, establishes universal justice, resurrects the dead, and even divests the beasts of their evil propensities. Nature itself will reflect His perfection. For the Orthodox Jew this is not only poetry. It is rather his commitment. He stakes his life on the moral and logical necessity that a benign God must do no less.

Interestingly enough, it is not the Jew who doubts that this can happen who is regarded as the heretic. The heretic is he who denies that it can ever come to pass. This is a denial of God's omnipotence and infinite righteousness. To doubt is natural; to deny is sin.

### (2) *Revelation*

Especially did God intervene to redeem His people from Egypt, the affirmation of which fact is a prelude to prayer. The most important intervention in nature, however, was in connection with Revelation. Jews may differ as to the exact form in which Revelation took place and the exact manner in which Torah was committed to writing. But all must believe that the Torah is God's will made manifest to His people. Jews, and non-Jews too, may have a voice in the fulfillment of that will in history, but the Torah — whose validity is the basic norm of the legal order of Judaism — ordains how that fulfillment shall occur.

### (3) *The Chosen People*

The chosenness of the Jews flows from the fact that God redeemed them

from bondage and gave them the Torah that they might become a holy people and a kingdom of priests. Whether or not they had a mission as such to the non-Jewish world remains debatable. Perhaps their achievement for humanity was to be only an incident of their service to God. What is not debatable is that there exists a special relationship between them and God pursuant to the Covenant.

### (4) *The Covenant*

The Covenant pertains to every aspect of life — man's relationship to God, to his fellow, to his self, to the animal kingdom, to the very universe itself. It contains norms for war and peace, for family and nation, for time and even outer space. It is hard to visualize any system of norms that is more extensive than those of the Torah. However, the system was to be a dynamic one. Changes always occurred in the circumstances of Jews. Therefore, with the Written Law there was also transmitted from Moses an oral tradition. The oral tradition was the fulcrum controlling the Law's development so that it might cope with change.

### **Development of Jewish Law**

In some instances the oral tradition represented the common law of the people. In other instances, it represented new interpretation. In the main, it was a method, a process, whereby Revelation was kept viable — even progressive.

Yet, who would be vested with this power to create law? Man had become God's partner in creation. The commandments to be fruitful and multiply and conquer the earth and all its hosts had made him such a partner. The Jew also became God's partner in expanding the Torah, God's will.

Priests and judges, saints and sages played their part. The process was an intricate one. It called for commitment to the basic norms and a profound understanding of the art and technique of fathoming God's will. In a legal order, not every wise or good man can be a final arbiter of what is right and wrong. There is a judicial process, eloquently described in our times by the late Supreme Court Justice Benjamin Cardozo, which one masters only after decades of preoccupation with the law. Similarly, the process was not a simple one for Jews. But God and His people in history were constantly creating within the frame of the immutable law new insights, new rules, new directives. In the crucible from which the new interpretations emerged there were many fuels—the will of the people, the challenges of the hour, the authorities of the past, the imagination of poets, the yearning of saints, the passion of prophets. During the millenia some Jews denied that the creative process was legitimate—the Sadducees and the Karaites, for example. Others denied that it had any limitations—such as Reform Jews. Still others — Reconstructionists — denied one or more of the basic norms. Orthodoxy continued to make its fathoming of the process and its creativity within it the core of Jewish life, and differed with right-wing Conservative Judaism principally in that the latter permitted many who are not committed to the basic norms to have a major voice in directing the destiny of the Covenant.

### **Modern Challenges and Adjustments**

In the last few centuries the Law has faced its greatest challenge. No earlier period of Jewish history saw more fundamental changes in every phase of human existence. From modern sci-

ence and philosophy there came such a plethora of challenges to the basic norms of Judaism that the overwhelming majority of Jewish writers assumed that the foundations of Judaism had crumbled. Jewish political, social, and economic life also underwent such a revolution that the very structure of the Jewish community in which the Law might have been operative disintegrated. Everyone could do as he pleased. Congregations became completely autonomous. Rabbis had virtually no authority. Philosophies of assimilation, secularism, even hedonism, enjoyed as much respect in the Jewish community as philosophies of religion.

In the face of these trials, the guardians of the Law did make manifest some readiness to be creative in meeting new situations. For example, while the omnipresence of the automobile has moved no Orthodox rabbi to permit its use on the Sabbath, the emergence of the electric dishwasher did evoke a very liberal decision permitting its use for both dairy and meat dishes at different times, with specifications as to what must be done in the intervals between such uses. Similarly, while Orthodoxy dare not countenance any change in the incidence of the Sabbath day in spite of the pressure within the United Nations for calendar reform which will affect its fixity, Orthodoxy has given *de jure* recognition to the international date line for the purpose of computing when the Sabbath shall be observed on both sides of that longitude. Orthodoxy has also been exceedingly liberal in the matter of the adoption of non-Jewish children. And there is almost complete unanimity that a child conceived by artificial insemination even from a donor other than the husband is legitimate though rabbis

differ on the propriety of resorting to this method of procreation.

The threat to survival, however, has been so great that the natural tendency has been to resist revolution with counter-revolution and introduce a virtual “freeze” in the dynamism of the Law. Codes which were never intended to be final oracles became more immutable than the Bible, and customs, even forms of dress, which were hardly Jewish in origin, were canonized because they coincided in time with the “freeze.” Within the ranks of Orthodoxy, this has been the basis for grave differences of opinion, and authorities respected for their learning and commitment to the Law still take different positions vis-a-vis the Jewish situation in the modern age.

One school has argued, for example, that the devout and the observant should insulate themselves against all contact with dissenters. While they concede that in ancient times Pharisees and Sadducees sat in the same Sanhedrin, the danger to the Law in the nineteenth and twentieth centuries seems to them to require more drastic measures. Another school is more respectful of the historic dogma involving the oneness as well as the chosenness of the Jewish people.

One school became anti-Zionist—in the sense that they banned any cooperation with Zionists who were heretics. Another school saw in Zionism the beginning of the Messianic era and even sought to explain why in such an era one ought to expect a higher incidence of sin.

However, the failure to exploit the Law’s potential to meet new situations wrought its greatest havoc in connection with Jewish family law. The result is that in the State of Israel, where the rabbinate remains in control of matters

of personal status, there is far more liberalism than in the Diaspora, where the need for creativity is much greater. Because the Orthodox rabbinate in the Diaspora, as custodians of the Law, has only a minority of loyalists supporting it, all energies are expended on the dikes, to prevent breakthroughs, and all proposals for remedial measures are looked upon critically.

Yet, by the same token, this “freeze” of the modern age has saved from obsolescence much that is basic in Judaism. The Sabbath, for example, would long have lost its meaning and value but for the resistance of Orthodoxy. Even the innovators are recognizing the folly of their license with the tradition, and ancestral forms and techniques are being refurbished for the greater bliss of beleaguered moderns. Psychiatrists too are now helping Orthodoxy to give the Sabbath new significance in the face of that hedonistic philosophy in whose name they once whittled away all of its prohibitions.

Moreover, the deterioration of Jewish moral standards has also led to renewed interest in Orthodoxy. In Israel, such interest has been due to the sense of alarm created by the increase in juvenile delinquency, while in America, a similar interest has developed as a result of the increase of sexual promiscuity and marital infidelity.

### **Goal of the Mitzvot**

To strengthen one’s faith and live by it is the goal of the *mitzvot*. Though some call this supernaturalism, Orthodoxy maintains that without the possibility for transcending the natural in history one has no authentic Judaism. If anything, it is Judaism’s unique hope that the supernatural will invade the natural and endow it with the perfection and the goodness which are God’s.

In accomplishing this purpose the

Jewish people are God's instrument. He decided to use the Jews and they consented to be used. For that purpose they entered into the Covenant with Him. A legal order was created. It was to be a legal order with its disciplines and its freedoms, its rights and its duties. The lowliest and the greatest had their roles to play. The confrontations with God were to be continuous—at least continuously sought. He is the sovereign and we are His subjects. These words of the prayers are not figures of speech alone; they state the basic norm of our chosenness and our continued existence as a people.

Essentially the Law as codified in the *Shulchan Arukh* of Rabbis Karo and Isserles is the guide for Jewish practice in the synagogue and in the home. Dietary laws are to be observed as prescribed in this code. The order and manner of prayer are also set forth there. The strictest Sabbath and festival observance is ordained as well as a multitude of commandments applicable to man's behavior from the cradle to the grave, from the character of his business department to the time and manner of his sexual intercourse. No summary can possibly be made of the volumes of regulation that flow from the Covenant.

### **Wide Applicability of Jewish Law**

Orthodoxy is disturbed, however, that the Law is now commonly regarded as relevant to only a few areas of human life—Sabbaths, festivals, food, and family. We must remember that considerably more of the sheer literary abundance of the Law deals with state and nation, agriculture and commerce, capital and labor, speech and thought. There is hardly a theme in philosophy, political science, economics, sociology, and psychology upon which the Law does not touch.

Within the legal order which Judaism is, for example, there are prescriptions with regard to politics and the state—with regard to popularly elected legislatures, the use of proportional representation, and graduated income taxation in accordance with one's ability to pay. In the administration of criminal law, capital punishment is frowned upon. The accused always enjoys an absolute immunity against self-incrimination, far beyond the protection of the Fifth Amendment of the Federal Constitution. Because of Judaism's sanctification of human life, euthanasia is not permitted.

While the state's power to take life is strictly circumscribed, Jewish law gives the state much broader control of economic affairs than constitutional provisions in the United States permit. Prices can be fixed by duly constituted authorities. Accumulation of wealth can be limited, and testators do not have much choice as to what will happen with their fortunes after their death. The right to work is guaranteed. To be supported by the state is a right—one can claim state help by judicial proceeding. The dignity of labor is vouchsafed. Workers may organize and strike; however, the public weal is of paramount importance. This is only a sampling of the extent to which the Covenant is applicable to every phase of human life.

### **Israel and Zionism**

Orthodoxy's approach to the philosophy and program of Zionism differs radically from that of other Jewish groups. For Abba Hillel Silver's Zionism, Theodor Herzl may be the great source, and for Mordecai Kaplan's Zionism it may be Ahad Ha'am. For Orthodoxy the principal purpose of a return to Zion is that the whole

of the Law may once again be fulfilled in practice.

To understand Orthodoxy's approach to Zionism, one must first appreciate the fact that, in the words of Rabbi Abraham Kook, we have but two overall values in life, the sacred and secular. In our own era, Rabbi Kook says, we so suffer from an exaggerated over-emphasis on the secular that it spreads over the entire breadth of life and darkens the sacred light within us.

It is understood that if this movement were secular by nature, the elimination of the sacred from its values would not have affected it . . . . But since the source and foundation of the movement and our entire national rebirth come, in truth, from the sacredness of the holy of holies . . . its secular content is not suitable for it and does not measure up to its quality or character and therefore we feel weakness in all the parts and branches of our movement . . .

It is especially painful to Orthodoxy that the basic law of the State of Israel continues to be essentially Ottoman, British, and French. What is more, the present mentors of Israel's legislation are preparing at Harvard University model codes for the future. There is a studied avoidance of historic Jewish jurisprudence with frequent pronouncements by Israel's Attorney-General that Jewish law is inadequate for the purpose. This is one of the basic differences between the approach of Orthodoxy to the existence of a Jewish state and the approach of non-Orthodox Jews.

There are Orthodox Jews who want no part of the State—and even refuse its ration cards. They regard it as a sin to hasten the appearance of the Messiah. The number of this group is

shrinking. Even Agudas Yisrael, the political party which never joined the World Zionist movement, joined in the coalition government of the new state, participates in elections, and has its representatives in the legislature helping to collect its taxes and enact its laws. But together with the other religious parties it is committed to the fashioning of the State in accordance with the principles and mandates of Torah.

### **Issues Confronting Orthodoxy**

In the United States, Orthodox Jews are not well organized. While the Conservative and Reform movements each have one rabbinical body and one seminary for their training as well as one union of their congregations, Orthodoxy has many of each. Oldest of all its seminaries is Yeshiva University, which ordains each year the greatest number of rabbis. However, there are now scores of institutions specializing in the teaching of the Law, and there exists among them no coordination whatsoever, even in such matters as curriculum or fund-raising. Many of the congregations are affiliated with the Union of Jewish Orthodox Congregations of America, but others are affiliated with the National Council of Young Israel and Yeshiva University Synagogue Council. Many affiliate with no national body and are even proprietary in nature. The Union of Orthodox Rabbis of the United States and Canada is the oldest rabbinical group, while the Rabbinical Council of America is the largest. In addition, there are the Rabbinical Alliance of America, the Hitachdut ha-Rabbonim Charedim, the Agudat ha-Admorim, and the Council of Refugee Rabbis. These, too, coordinate little with each other and cooperate less. The lack of unity is patent. Nonetheless, while it

makes for institutional weakness, it speaks for exceptional commitment. Differences in ideology and method are taken very seriously. The mood of “anything goes” is anathema.

In European countries and in Israel greater unity prevails. Indeed, wherever the state gives some semblance of support to the legal order which is Judaism there is less anarchy. That is why the United Synagogue of England—with Parliamentary recognition—does have considerable control over matters of *kashrut*, marriage, divorce, conversion, and even religious education. In Israel, too, through the rabbinical courts and the chief rabbinate the same goals are achieved. In the United States, however, neither the Jewish community is formally consti-

tuted — as many Reconstructionists would like to see it—nor is the legal order which is Judaism formally recognized.

The great challenge which Orthodoxy faces is that the legal order of Judaism is accepted only by a minority, while for the majority Judaism becomes like other religions—a creed with some rituals. Orthodoxy’s future in America depends upon its ability to mobilize more devotees of the Law in every generation so that the legal order which it is will be applicable to many.

None can gainsay that the Law and its guardians have many problems. But for Orthodox Jews the faith is eternal that the written and oral tradition has the answer.

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