

Why and how is Halacha relevant nowadays and how and why does Halacha change?

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As the Senior Rabbi and Chief Executive of Liberal Judaism, it would be fair to say – independently of my personal views – that Liberal Judaism represents the more radical tendency of Progressive Judaism, a movement founded in Germany at the close of the first decade of the nineteenth century.

Like most revolutionary movements, Progressive Judaism found itself with a more conservative wing and a more radical wing. The former argued that the ‘new’ was essentially a continuation of the old, and sought to retain traditional language and practices where appropriate; the latter, if it did not consider itself a fundamental break from the past, understood its endeavour as ‘as different from Rabbinic Judaism as Rabbinic Judaism had been from Biblical Judaism’. It tended to concern itself less with traditional nomenclature and was more open in its rejection of prevailing customs.

With a history of more than 200 years, some of this tension has been resolved by breakaways, geography, the Shoah and changes elsewhere, but the radical/conservative clash can still sometimes be identified – and the attitude to Halacha is no exception.

In the remainder of my time, I shall seek to argue that Liberal Judaism is a post or non-Halachic expression of Judaism: Halacha as normatively understood is irrelevant, although there may be a respect, and even a use, for the Halachic process. In such a circumstance it would be chutzpadik in the extreme to pass comment on ‘Why and How does Halacha Change?’, but then I am an extreme (L)liberal!

The substantial thing I ought to say is that those of us who are tasked with defining Liberal Judaism would adhere to the slogan ‘Yesh G’val’.

Whilst our critics, and indeed some of our adherents, might like to believe that Liberal Judaism advocates nothing in principle or practice, it goes without saying that for me Liberal Judaism is not all things to all people. There is, though, an important distinction between the individual Jew and the Liberal Jewish community. In common with its counterparts, Liberal Judaism does take sides: is not invariably neutral or impartial. It, however, particularly seeks to advise rather than impose, because at the core of Liberal Judaism is a respect for the autonomy of the educated conscience.

Returning to the specifics of Halacha, Rachel Adler, the Professor of Modern Jewish Thought at Hebrew Union College, Los Angeles declares,

Halacha belongs to Liberal Jews no less than Orthodox Jews because the stories of Judaism belong to us all.¹

For thinkers of such ilk, the Halacha is the basis for a record of community practice which – whilst it makes demands on individuals – is nevertheless responsive to the needs of society. In relating the tradition, it seeks to answer the core question of Judaism: ‘What does God require of me?’ Its purpose was to mediate and answer the fundamental purpose of life.

Despite my initial sympathy for this, it is not clear to me that in the last 500 years or so the Halacha has been responsive – or at least responsive enough – to the demands of some who seem to suffer disproportionately from its inflexibility.

Yet what seems to me to underpin Halacha, and indeed traditional Judaism as a whole, is a concept inimical to Liberal Judaism. Whilst I appreciate the nuances and subtleties (upon which, if time permits, I will comment), the idea that the Torah was given directly by God and recorded accurately by Moses – who by Divine miracle contributed its transmission through the generations – is simply untenable for a Liberal Jew. It is, of course, accompanied by other assumptions, including the very authority of the Torah, the nature of Divine revelation, the exclusion of modern insights unless they can be pegged to a Torah verse and the rejection of the veto of the educated conscience.

¹ Adler, Rachel, ‘Here Comes Skotsl: Renewing Halachah and Engendering Judaism’ JPS, Philadelphia 1998

If I am not careful we shall end up talking about 'Halacha' with no common language. I understand the Halacha to be a process which is underpinned by some assumptions or principles and, it seems to me, that if Liberal Judaism, rejects those principles, it ought to be described as 'non'- or 'post' Halachic.

I could add – and I have not yet commented on the issue of gender – that, even were I to ignore its underlying assumptions, there is much in Halacha which it is impossible to keep, and much that a Liberal Jew would not want to observe in any case. I give just the example of the mitzvot concerning the Temple. Even without the inconvenience of the mosques and the politics of the Middle East were transformed – and even were we in a Messianic time – Liberal Judaism is clear that the Temple should not be rebuilt; its Halacha is redundant for ever, and the institution of the synagogue has enhanced and civilised Judaism in a manner in which the idea, never mind the practices, of the Temple cannot supercede.

In my exchanges with other Liberal Jews, there are those who will point to particular passages and practices which indicate that, notwithstanding the assumptions to which I have already referred, the Halacha has the capacity for change, which ought to cause a Liberal Jew to reflect on its rejection. There are a small number of passages which occur frequently in such conversations, and, whilst I am sure they are familiar to you, let me for the sake of completeness just summarise their contents.

The first, from Menachot 29b, recalls the legend of Moses' visit to the academy of Rabbi Akiva. Sitting at the back, he fails to understand a word that is being taught. However, he is comforted when, in response to an enquiry about the source of the teaching, Akiva replies "It is the law given to Moses on Sinai". My interlocutors appear to suggest that this somehow demonstrates the balance between the past and development, but I cannot see it. Perhaps it enables us to ask whether there are core principles which are built upon by the Halachic system, but does it give the authority to reject core principles which are simply wrong, outdated or irrelevant?

The second text is that from Eruvin 14b, in which the law appears to be unknown or forgotten. The Talmud relates,

Said Raba, son of Rabbi Chanan: What is the law? 'Go', the other told him, 'and see what the people are used to doing'.

Again, whilst I can admire the flexibility of examining what is actual current practice, and the issue of consent, there is no major issue of principle here which moves me.

The most oft quoted tale is that of the oven of Achnai, in which Rabbi Eliezer calls on a number of miracles to support his case in a disagreement with his colleagues. The Rabbis reject miracles as the deciding fact, and so Eliezer calls on God. As the Heavenly Voice attests in favour of Eliezer, the Rabbis reply, using a Torah verse, that it is not Heaven but rabbinic debate which will prevail.

Similarly, I can detect a valued attribute that reasoned discussion and majority voting are how Jewish decisions ought to be arrived at.

And there are plenty of other attributes of the Halacha: the breadth and depth of the endeavour, the attempt at consistency, the recording of minority opinions – all of which go to support a respect for the Halachic system, but do not persuade me of its ultimate importance to the Liberal Jew.

Let me conclude my paraphrasing my own teacher, the late Rabbi John Rayner.

...we are not in the business of patching up pre-Emancipation Judaism but of constructing a new, post-Emancipation Judaism².

Halacha as taught and practised is, in my view, pre-Emancipation and, in forging a Liberal Judaism for the 21st century, we shall, and I quote John Rayner again,

...seek a form of Judaism that preserves all that remains valid of the various past phases of our heritage but without dragging along the baggage of discredited beliefs and antiquated practices.

With respect, I place Halacha in the category of 'discredited beliefs and antiquated practices', and thus I describe Liberal Judaism as non- or post-Halachic.

² Rayner, John D., 'Jewish Religious Law: A Progressive Perspective' Berghan, New York 1998