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CURRENT JEWISH PERIODICALS

In the May 17, 1991 issue of *Sh'ma,* Marian Henriqez Neudel, a practicing lawyer in Chicago, Illinois, shares her experiences as a female mourner saying kaddish in a non-Orthodox setting. She is ideologically disinclined to participate "in all male *minyanim* which most emphatically did not want them [women] around and disapproved of their saying kaddish in the first place." Her search for an alternative place of worship was complicated because she "had the purely biological problem of not being a morning person," who enjoyed the luxury of being able to get up at 7:30, boarding an 8:30 train, and arriving at court at 9:30. She discovered that daily *minyanim* begin at 7:30, and in the downtown area, at 8:00. The egalitarian *minyan* at which Neudel *davens* on Shabbat doesn't meet during the week. "It's twenty-five years old now and is unlikely to change its ways on this issue. Most of us have trouble enough getting to *shul* on time for a 9:30 service once a week."

Neudel found a Conservative synagogue "a stone's throw from court" which serves "a good breakfast" and provides an opportunity to meet other attorneys. This synagogue permits mixed seating but does not count women in *minyan.* Also disturbing to Neudel is the fact that the synagogue's rabbi advocates political views that "are only a hair to the right of Jabotinsky himself." Consequently, Neudel prefers a Conservative synagogue in her neighborhood eight blocks from her home, where women are counted in the *minyan.* She concedes that "on some weeks, they can't get a *minyan.*" Neudel confesses that she likes the community of *daveners* who come initially out of bereavement, but who stay on. Nothing is mentioned about prayer as *mitsva,* the importance of prayer relative to the saying of kaddish, or the halakhic obligations of authentic Jewish prayer. Neudel's criteria for a *minyan* of choice are expressed in the following wish list:

> I sometimes joke about writing a "Mourner's Guide to Chicago Synagogues, rating them all (fifty odd, I think) on liturgical quality (rating indicated between one and five tiny sefer Torahs), speed of *davening* (indicated by clock faces), odds of having a *minyan* at any given service (stated in percentage), non-sexism (indicated by the number of = signs), friendliness (one to five smiley faces) and quality and quantity of breakfast (forks?). But obviously, I have made my choice.

A similar story is reported in *Moment* (August 1991), where Francine Klagsburn describes a "breakaway" trend in Conservative congregations in general, and in her congregation, *Or Zarua,* of Manhatten, in particular. Klagsburn prefers that Torah study rather than sermons be the center of Shabbat services and she does not want a rabbi or cantor to be authority figures. Instead, she yearns for "a *shul* of the type used by the grandparents or great-grandparents of our group, but Conservative in philosophy." Klagsburn "approves" of the *bima*'s placement in the center of the synagogue because "it allows for easy participation." She suggests that the need for alternative liturgies has its origins in the *havura* , or Jewish fellowship movement. According to her, the synagogue from which her group had disassociated had subsequently begun an "alternative service."

In the same issue of *Moment,* Ari L. Goldman encapsluates his *My Search for God at Harvard: A Jew and the Divinity School* (Times Books). Goldman had taken a leave from his position as religion writer at the *New York Times* to study comparative

religion at Harvard. He recounts that he was educated at "a right wing Orthodox high school" where he was taught that Judaism alone possessed spiritual validity. Goldman claims to be more comfortable with the approach of Yeshiva University which, for him, means "that Orthodox Judaism is not for the ghetto." Goldman compares his study of religion at Harvard with the Talmudic account of the four scholars who entered the "orchard" of "forbidden studies," with only Rabbi Aqiva emerging unscathed by the encounter. On the one hand, he confesses that he is "not always sure that it is worthwhile to be worldly"; on the other hand, Goldman admits that his view of religion changed at Harvard. He describes his encounter with the British [Conservative] Rabbi Louis Jacobs who, according to Goldman, is "the first pious Jew I met who really wanted answers." Although Jacobs rejects the doctrine of *Torah mi-Sinai,* the Orthodox Ari Goldman "believes it as a doctrine of faith even though [he feels that] it goes against rational thinking and historical fact." Goldman cites approvingly the comment of a professsor who claimed that unless one knows more than one religion, one does not really know any religion. Goldman does not mention either Rabbi Joseph B. Soloveitchik's essay "Confrontation" or Maimonides' ruling that the study of "religions" is only permitted to Torah scholars who must deal with other faith communities in appropriate halakhic terms and who will be not be tainted by the encounter.

Goldman confesses to unorthodox sexual exploits as a single man living in Manhattan, and he concludes by affirming that he is

> an unabashed traditional Jew. I make no apologies for the way I have melded Jewish practice with the other aspects of my life, be they at the *Times* or the Div(inity) School. To my mind, Judaism is diminished if painted too narrowly. From my life, I believe that traditional Judaism is large enough, compassionate enough, forgiving enough and tolerant enough to encompass the world.

Another portrayal of a contemporary Orthodox Jew is offered by David Singer in *First Things* (June/July 1991) in his essay, the "Unmodern Jew." Singer begins by noting that Louis Jacobs claims to be a "non-fundamentalist . . . totally committed to the *halakhic way,*" but his understanding of "modernity," to which he is also committed, conflicts with the theological assumptions of halakhah. Unlike Jacobs, Robert Gordis contends that Jewish law can and does change "to respond to new external conditions . . . and new ethical insights."

Singer finds in Rabbi J. David Bleich the "unmodern Jew who, unlike Gordis and Jacobs, rejects the mindset of secular modernity. Applying the descriptions of the sociologist of religion Peter L. Berger, Singer contends that Reform Judaism engages in "cognitive surrender" by accepting the majority culture uncritically. A second approach described by Berger is "cognitive bargaining," which Singer identifies with Conservative Judaism. In this approach, modernity and tradition are compromised; surrender is delayed but capitulation is inevitable. The third approach offered by Berger, "cognitive retrenchment," is adopted by Bleich, who rejects the secular mindset which compromises traditional belief. For Bleich, Torah is a self-contained object whose development is not influenced by subjective considerations:

> It is a travesty of the halakhic process to begin with a preconceived conclusion and then attempt to justify it by means of halakhic dialectic.

Singer claims that Bleich is an Orthodox modernist, for unlike Orthodox traditionalists, Bleich is well aware of secularity and its significance, and this awareness impacts on his framing, processing, and application of Jewish tradition. But Singer observes that while Bleich rejects as null and void any conversion in which the candidate exhibits anything less than total commitment, on the other hand, Singer observes that there is a significant body of halakhic opinion that disagrees with this "hard line" position. According to Singer, Bleich's objective approach to law is, in fact, subjective and selective. Singer argues that "it is sufficient" to note "that Bleich's

personal predilections play no small role in determining where the halakhic chips fall."

Implicitly rejecting the "leftist" Orthodox approaches of Rabbis Irving Greenberg and David Hartman, as well as those of non-Orthodox thinkers, Bleich affirms that he "must either accept the principle [that halakhah] does not change or reject the halakhic process in its entirety." While Singer believes that Bleich is liberated from the modern consciousness and is therefore intellectually independent, he understands Bleich's subjectivity to be an instance of "cognitive retrenchment," the conscious withdrawl from the larger culture's alien values. While Singer is unwilling to submit to secularity like Reform, or to bargain with modernity like Conservative Judaism, he does not deny that, from his perspective, tradition underwent change or that the most "objective" scholar imposes subjectivity if only by the weighing of options and opinions. Singer concludes by affirming Bleich's approach in practice, practicing "as if" change did not occur but permitting himself the intellectual license to believe that halakhah does change.

In *Jewish Observer* (Tammuz 5751/ Summer 1991), Chaim D. Zwiebel, the general counsel of Agudath Yisrael of America, responds to the Rabbinical Council of America's recent decision on brain death in his "A Matter of Life and Death: Organ Transplants and the New RCA 'Health Care Proxy.'" Zwiebel summarizes the view of Rabbi Marc D. Angel, the President of the RCA, who viewed this decision as a "bold and creative effort . . . not only correct according to Halakhah, [but also] deeply sensitive to the real needs of society today." Also noted is the "Religion Notes" column of Ari L. Goldman in the *New York Times* (June 15, 1991),

> in its continuing effort to apply traditional Jewish teaching to modern life, the largest group of Orthodox rabbis in the world has formally endorsed the donation of organs from brain-dead patients. . . . The new proxy, prepared under the direction of Rabbi Moses Tendler of Yeshiva University, declares that organ transplant procedures are in full compliance with halacha, traditional Jewish law.

Zweibel notes that the RCA's position has not been accepted with the same enthusiasm reported in the press by all elements within the American and Israeli Orthodox communities. Of issue is whether the halakhah recognizes the irreversible non-functioning of the brain stem, which controls autonomous breathing, as a definition of death. While conceding that the Israeli Chief Rabbinate endorses this understanding, Zweibel observes that many leading authorities strongly oppose the RCA's position. He cites the opposition of Rabbi Weiss of the Eida haHareidit, Rabbi Shach of the Ponevezh Yeshiva, Rabbis Wosner, Karelitz and Gestetner of Benei Breq, Rabbi Eliezer Waldenberg, the author of Responsa *Tsits Eliezer,* and Rabbi Elyashiv of Jerusalem. In addition to these rabbinic leaders who speak for traditional European Orthodoxy, Zweibel also reports some opposition within the RCA community.

According to Zweibel, the debate turns on exactly what the late R. Moshe Feinstein wrote and said with regard to brain death and how that ruling is to be applied according to the consensus of the *Gedolei Yisrael* that Agudath Yisrael accepts as authoritative. However, no analysis or criticism of the actual halakhic methodology or logic of the RCA's decision is presented in Zweibel's critique.

In *Reconstructionist* (Summer 1991/Av 5751), Arnold Jacob Wolf affirms the pluralistic "right" to "rediscover" and "recompose" the Torah, but he is uncomfortable with "secular autonomy," which he takes to be "pure subjectivity." For Wolf:

> Transcendence sharply delimits autonomy. God demands more than my conscience. *Halakhah* is the historical way I must go, not one that I carve out myself in a lonely wilderness. We cannot play tennis without a net; we cannot legislate without a standard. Judaism is, at least, law.

While conceding that these two sensibilities are irreconcilable, Wolf is troubled by the "problematic" quality of homosexual and "most kinds of heterosexual love in our culture." According to him,

> the conventional is probably sinful; it certainly is invidious. But freedom is only

> possible within the limits given to us, not created by us. . . . Liberalism sins when it forgets to concern itself with sin. Reconstructionism cannot reconstruct human nature.

Haunted by the possibility that "the old 'lies,' all of them, may, after all, be 'true,' " Wolf remains a theological liberal who is pained by the loss of religious innocence and certainty.

In the same issue of the *Reconstructionist,* Rami M. Shapiro suggests a new model for American liberal rabbis in his "Standing Naked, Breaking Heads: A New Model for the American Rabbi." For Shapiro, American liberal rabbis are frustrated because they do not know what they should be doing. According to Shapiro, it is not his

> job to teach Torah. I leave that to the college professor and the Orthodox rabbi. It is my job to break heads, to smash idols, to tear down Isms that we might glimpse at what Is.

For Shapiro, "we must teach our rabbis to be ignorant." His congregants do not "want to know if their chicken is kosher. They either look for the kosher seal or they do not care." He does not want his congregants to "be trapped in a right view, a kosher view." Shapiro believes that it is his job (and, given his presentation, within his ability) "to abandon the Isms and embrace the Is." Unfortunately, Shapiro does not explain what the "Is" is or how he happens to be privy to this esoteric "truth." He does, however, reject

> the old paradigmatic Judaism of the rabbi [who] insists that over and above nature there exists a *God who so loved the Jews* that He chose them to be the recipients of his twofold law, adherence to which would secure them a place in the world to come. [emphasis mine]

The emphasized text is a paraphrase from Christian Scripture [John 3:16] which explains why, for Christianity, one should obey the charismatic hero; rejecting Torah, rabbinic tradition and Jewish doctrine, Shapiro presents a liberal Jewish version of charismatic theology, and he claims that this model will save American Judaism because it answers the real questions he contends that Jews are asking.

The theological content of Rami Shapiro can be understood in the context of Arthur Green's "Where We Stand: Theory and Practice of Contemporary Reconstructionism" in *Reconstructionist* (Autumn 1990). As a Reconstructionist, the President of the Reconstructionist Rabbinical College professes a commitment to tradition and "to contemporary meaning." His tradition is "evolving" just as the faith of the ancient Israelites is, to Green's view, different from the faith of the Sages or Maimonides. Since the tradition "changed" in the past, Green claims the right to invent his own theological system. Unlike the ancients he cites, Green does not offer any definition of parameters of or criteria for Jewishly authentic change. Green defines this approach as "religious" in a novel way, for he does not believe in a supernatural God who commands. His God "inhabits the human heart" and "makes us more generous, sensitive, and caring people."

For Arthur Green, each group of American Jewish life has something to contribute to the whole of the Jewish people. He admires the seriousness and devotion of the Orthodox, but he rejects their view of God and Torah. He respects the scholarship that he finds in Conservative Judaism, but he believes that the Conservatives are still too tied to Jewish legal thinking. Green's Reconstructionism shares what he takes to be Classical [Pittsburgh Platform] Reform Judaism's recovery of the prophetic tradition, but, unlike Classical Reform, he claims that no aspect of the Jewish tradition should be rejected dogmatically. Green does not mention the ethnic, Zionist trend within Reform or the willingness of some within the Reform community to selectively adopt some traditional rituals, albeit without a theology of *mitsva.* Left unstated is the difference, and hence the need, for Reconstructionism if its program does not differ from what has become the "accepted" main stream positions within Reform. Green's new "openness" to tradition does not extend to a reconsideration of traditional gender roles. Green does not explain how the prophetic tradition that Reform and Reconstructionism claim to

share is compatible with the doctrine of "pluralism."

In *Tikkun* (March/April 1991), Michael Lerner's editorial, "Jews Reflect on the [Persian Gulf] War . . . and the Antiwar Movement" appears at first blush to signal a change in attitude on his part. Lerner "does not romanticize Arab culture, for he is "too aware of the long history of militarism, anti-Semitism, racism, and sexism" and he believes that the humanistic universalism of Western Culture is beneficial for Arab culture. But he still opposes Western imperialism, which brought shame and humiliation to the Arabs. Left unclear is the relationship between what amounts to "cultural imperialism," which Lerner apparently endorses, and "political imperialism," which he rejects. Lerner observes that the anti-war community did not oppose Sadaam Hussein and that this community continues to engage in "Israel bashing."

Lerner is now willing to object to those who claim that "Zionism kills," that "Israel is worse than Iraq," or "list Palestinians as people of color while excluding their Semitic Jewish brethren from this category," and "list oppressed groups but never mentioning Jews." Nevertheless, Lerner's "*Tikkun* Passover Haggadah Supplement" (1991) echoes the views of those who see the Jewish establishment consensus as the demonic "Other." He would have Jews recite on Seder night that

> ours was the first historical national liberation struggle, and the prototype of many struggles that other nations would wage against those who oppressed them.

Indeed,

> While slave ruling classes, slave owners, bosses want no limits on how much they can exploit human labor, the Shabbat institutionalizes the first absolute limit and is the prototypical worker's victory over the power of bosses. . . . While there have been Jews in every age who thought that they best served the interests of our people by cuddling up to the powerful and allying with them, most Jews have rejected this strategy and instead have sought ways to ally themselves with the oppressed.

While denying sympathy for Sadaam Hussein, Lerner claims and "prays" that "we are mindful of the suffering of the Palestinian People," and he deplores the fact that the Israelis will not negotiate with either those whom the Palestinians have designated as their leaders or the PLO. Lerner does not say how or by what democratic process these PLO leaders are designated. He bemoans the fact that 1,500,000 "Palestinians now live under the direct military rule of the Israeli army," and he claims without documentation that the majority of Palestinians "are still willing to settle for a state of their own in the West Bank and Gaza, a state that would live in peace with Israel." Anti-Semitism and sexism are defined oppressions, and the Israeli and the Jewish communal leadership are still viewed as oppressors.

Judaism has recently published essays of particular interest to Orthodox Jews. In the Spring, 1990 issue, Marc Shapiro, a graduate student at Harvard, contends that since many Orthodox married women do not observe the discipline of wearing a head covering in public as mandated by Jewish law, a new *minhag America* has developed. He contends that since married Orthodox women do not, in the large, observe this practice, and since he claimed to find some rabbinic justification, the (non-)practice becomes halakhically legitimate.

Shapiro's position is opposed in *Judaism*'s Winter, 1991 issue by Rabbi Michael J. Broyde, a lawyer who earned the *Yadin Yadin* ordination from Yeshiva University, and who now teaches at Emory University in Atlanta, Ga. Broyde challenges Shapiro and Robert Gordis, who claimed that custom recreates Jewish law. Gordis argues that family seating in non-Orthodox congegations proves that communal practice can in fact change Jewish law. [*Judaism,* Winter 1987]. According to Broyde, there is no basis for family seating in the synagogue according to Jewish law. To justify his position, Gordis "must look to the Jewish population at large, be it generally observant or not, to establish proper tradition." However, Broyde concedes that there are some opinions that justify married women not wearing head coverings when the exposure of hair is no longer an erotic

distraction, but he quotes an oral communication from Rabbi Dovid Cohen of Congregation Gevul Yavets in Brooklyn, New York, who observes that "being published does not make one into a decisor." Broyde presents a thorough listing of Torah authorities who have defended the practice of married women who go with their hair uncovered in public on the basis of family and community tradition and the sense that uncovered female hair is no longer a source of stimulation.

Broyde maintains that the majority halakhic opinion is that while a woman's uncovered hair may no longer be a source of erotic distraction to men (and who are therefore permitted to recite blessings in the presence of such women), *Dat Moshe* obligation which the Talmud defines as Toraitic nevertheless obliges married women to cover their hair in public, over and above the considerations of modesty. It should be noted that Broyde assumes that a "legitimate opinion" justified by "great rabbis" has halakhic validity, even in the face of explicit Talmudic edict. Not considered is the possibility that these great rabbis are *melammed zechut* (pleading a case for a not yet fully observant Jewry); while they are unable to change the practice in their communities, they do not want to portray their communities as halakhic outlaws.