



Mark Fasman - Rabbi

THE CHALLENGE OF CONSERVATIVE JUDAISM

Moses Sofer (1762 - 1839), known as the Hatam Sofer, lived in a particular society at a particular time. He lived most of his life in Pressburg, Hungary. As the local undisputed authority, he was responsible for his community, and so he instituted policies that had never existed before – primarily a policy of

no change (He-chadash asur min ha-Torah) – based upon a clever reinterpretation of the phrase *חדש אסור* – “New is forbidden” found in a discussion in the Talmud concerning the use of various agricultural products (Kiddushin 37b): *We learnt elsewhere: Hadash is forbidden by Scriptural law everywhere; [the prohibition of] ‘orlah [without Palestine] is a balachab, and [that of] keil’ayim is from the words of the Scribes. What is meant by balachab? — Rab Judah said in Samuel’s name: It is a law of the country. Ulla said in R. Johanan’s name: It is a balachab of Moses from Sinai.*

The Hatam Sofer’s move was a polemic against the rising Reform community in Germany and other parts of Europe. According to the Encyclopedia Judaica, “he declared total war with no concessions in the battle against modernity.... He disassociated himself from the battle for emancipation, not merely because he feared the heavy price that would be exacted for it at the cost of tradition, but because he viewed the very aspiration for equality as a sign of dissatisfaction with the traditional way of life of the community and a desire for partial assimilation with gentile culture.”

Perhaps he was right – his fears of what would happen when Jews were permitted (and chose) to participate equally in civil society seem, after all, to have come true.

The rise of the Conservative Movement in Germany (and more so in America) was an attempt to bridge the increasing gulf between an intransigent and isolationist traditional world and an increasingly assimilated Jewish population open to any and all changes that would make their lives in a non-Jewish society easier.

The essential challenge of Conservative Judaism is that it tries to have it both ways. We are not Reform – anyone who looks closely at our services and our practices and our beliefs would not fail to miss the fundamental differences between the two approaches to Judaism in our time. Similarly, we are not “Orthodox” – if by Orthodox one means an unwillingness to consider fundamental changes in Jewish attitudes and behaviors. We are Conservative. That means that we have a commitment to serve our community in our time in such a way as to enable us to participate fully in the secular society while maintaining our particular Jewish identity through an acknowledgement of our commitment to the Written Torah and the Oral Torah as interpreted in each generation by the leaders of our time.

Each generation is obligated to address the fundamental concerns and values of its time and to struggle with the parameters of necessary and permissible change. Deuteronomy itself insists upon this: we must rely on the judges/priests/leaders of our time “even if they say that right is left and left is right” (Sifre on Parashat Shoftim). And as we read in Parashat Nitzavim, “[Torah] is not in the heavens.”

Based upon this verse, the Sages of the First Century CE kicked God out of the Beit Midrash(!). Our Sages were engaged with the Great Rabbi Eliezer in an argument concerning the kashrut of an oven to be used for preparing matzah for Pesach. Rabbi Eliezer calls on heaven to perform miracles and then finally to send a Bat Kol – a heavenly voice – that says, “The halakhah is with Rabbi Eliezer.” The Sages respond, essentially, “Stay out of this, God! You have taught us that Torah is not in the heavens.” Right or wrong, the Rabbis understood that interpretation of God’s will could not depend upon prophecy – they insisted that prophecy had ended with Malakhi during the Second Temple period. But unless someone had the authority to articulate divine standards for human behavior, we would be living in anarchy. For our ancient Sages, speaking on behalf of God was an act of *chutzpah* (their word, not mine!).

But silence on behalf of God was an act of cowardice, a failure to lead, and, most important, a suggestion that since we cannot know God’s will, then there can be no standards for behavior, no expectation that each Jew is answerable to God for his or her choices.

To our Rabbis, Judaism is a covenantal relationship with God. Our part of the relationship is based on Torah, a Torah that comes from heaven, but is not in heaven. It is rather the property of the finite, fallible human community chosen by God to live according to that Torah. We are called on to be a holy people – defined more by our by our behaviors than by our beliefs and opinions.

As a Conservative rabbi, I am fully aware that I am a descendant (and an inheritor) of a sacred tradition. That tradition has a claim on me, as do my parents, grandparents, and other ancestors. However, I am also an ancestor. It is my sacred obligation to transmit this priceless treasure that I have inherited to those of my generation and, ultimately, to bequeath it to future generations.

What is our tradition? Jewish tradition is not simply a rigid, monolithic body of rules and customs. It is the living expression of our covenantal relationship with God, with the community, with our ancestors, and with our descendants. Because it is alive, it changes. It has to change, or it will die. But it cannot change so radically or so quickly that it will cut itself off from its roots.

As Conservative Jews, we absolutely reject the position that “new is forbidden from the Torah.” It is an un-Jewish statement, since our sacred Tradition has changed and grown in every generation. Had Rabbi Yochanan ben Zakkai been resistant to change at the time the Temple was destroyed, it

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“We are conserve-ative, not preserve-ative.”

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