

Dialogue about halachah is limited

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David Singer has written a provocative paper and I welcome the opportunity to respond to his questions.

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There certainly cannot be a dialogue between Greenberg and Bleich if, by dialogue, one means an exchange of views between parties, each of whom is willing to modify his views if he is rationally convinced of the merits of his partner's argument. From Bleich's point of view Greenberg doesn't have the credentials to enter the dialogue since she is not a *talmid hakham* (religious scholar). By definition, she cannot understand the halakhic process. (Elsewhere, I have written why no *talmidei hakhamim* share a Greenberg-type perspective). Secondly, Bleich's position must be a matter of faith for him. He could no more modify his position on *halachah* than he could on *Torah Misinai* (revelation at Sinai). In fact, as Louis Jacobs makes clear, if Bleich modified his position he would undermine the authority of *halachah*. Once we adopt a non-mechanical explanation of the halachic process then we can only anchor halachic legitimacy in the charisma of the *posek* (decisor). (*Gedolei Hador* (leaders of their generation) are by definition infallible) or in the institutionalization of the halachic process in some legislative body like a Sanhedrin whose interpretation of *halachah* is, by definition, authoritative. Either solution would require far more radical deviation from traditional Jewish formulations than Bleich's mental gymnastics. He coerces only his mind, not his religious conscience.

Is Singer surprised that contemporary Orthodox *poskim* (decisors) are more reactionary than pre-modern Orthodoxy? Contemporaries have to contend with the problem of halachic self-consciousness, theories of historical relativity, and questions of epistemology which were less troubling to our forefathers. Hence, the more rigid defense mechanisms of contemporary *poskim*. So, if Bleich sounds less open minded than (*I'havdil* - to distinguish) the Rambam or Maharal, it is not despite his American experience but because of it.

The Problem With Liberalism

I don't believe that anyone can answer Singer's second question about how a self-conscious value oriented approach to *halachah* would function in practice in an intellectually satisfactory manner. Singer raises the perennial problem of religious liberals and explains why it is so difficult to take religious liberalism seriously from both a religious and intellectual perspective, however satisfactory we find it politically or socially or ethically.

The Limits To Dialogue

In answer to Singer's third question about "significance": there is little significance to the fact that some Conservative Jews adopt a position

identical to or even more rigid than that of some Orthodox Jews. Modern Orthodox Jews who think about *halachah* and contemporary life do so from a particular perspective. The normative community they take for granted (regardless of their own behavior) is one in which men and/or women wear *tzitzit* (ritual fringes), pray three times a day, wash their hands before eating bread and go to the *mikveh* (ritual bath) each month. Now this is not only taken for granted but because it is so radically at odds with the behavior of other Jews it necessarily creates a sense of community. This means that differences between Bleich and Greenberg are likely to be of minor behavioral significance. Conservative thinkers (and to my great surprise even Eugene Borowitz, a Reform Jew with the *hutzpah* to enter the discussion from a different platform) are speaking out of a totally different context. (Lest I be misunderstood I do identify myself intellectually as a Conservative Jew). I cannot find existential meaning in what Conservative Jewish thinkers have to say about *halachah* today because they aren't serious about *halachah*. To repeat what I have written elsewhere (in the pages of *Sh'ma* as well) I cannot give credence to Conservative thinkers who "pretend" to wrestle with the problem of women's rights any more than I take Borowitz seriously when he "pretends" to think through his position on *halachah* and ethics since none of them take the non-controversial, everyday, taken for granted parts of the Jewish tradition seriously. And if, Gordis or Novak or Borowitz feel what I say is not applicable to them personally then I apologize but I can't for the life of me understand how they continue to identify themselves the way they do. (I would be inclined, however, to distrust what they say until I discovered how they raised their children). What I'm saying is that non-Orthodox thinkers are not anchored in a halachic community and don't feel bound by *halachah* the way Judaism has understood the binding nature of *halachah* for at least 2,000 years. So the modern Orthodox can admire their intellectual contribution but cannot take their personal or existential solutions as models insofar as these recommendations involve any element of subjectivity. Since I assume that the problem of *halachah* and modernity is really a dilemma whose confrontation necessarily involves some compromise and some subjectivity, the way in which each individual resolves the problem is extremely important. It is at this point that significant dialogue between the Orthodox and non-Orthodox has got to break down because the givens of the non-Orthodox are completely at odds

with those of the Orthodox.

I cannot resist recording my impression that the charges which Orthodox leaders have leveled against Conservative Judaism for the last eighty years are (with some exceptions) true. The paradox is that they are only true in the last few decades and may, in fact, have been "self-fulfilling charges." The late Rabbi Israel Klavin once said (to me, in private, of course), that he believed the *Ribbono Shel Olam* (Master of the World) might hold the Orthodox rabbinate accountable for what had happened to Conservative Judaism. I'm not sure this would be fair but then again, I don't know if the *Ribbono Shel Olam* is much of a sociologist.

An Unresolvable Problem

There are a variety of answers to Singer's fourth question why modern Orthodox intellectuals who share Greenberg's perspective don't speak out. Some answers are personal to each individual. But I suspect an answer common to many is that they realize or sense that there is no universalizable answer to the problem. So they must adopt the same kind of *ad-hoc* solution I adopted. One accepts regnant Orthodox *psak* (legal rulings) as a reference point and makes private accommodations in terms of one's ethic, comfort, communal and familial pressure and circumstances without for an instant believing that the particular accommodation can or indeed should become a standard. (Orthodox feminists are, I am told, an exception in this respect). At most, I guess, the modern Orthodox intellectual shares his behavior pattern with friends of similar bent and treasures the notion that he is not alone. But "to speak out about the matter" is by definition to undermine community. If I may be forgiven an analogy, as a long time hypocrite I have learned that there is only one principle to which I must adhere; a public denial of my hypocrisy. ●