

A Study Guide for  
"Halakhah for Our Time", United Synagogue of America, 1992  
by Rabbi David Golinkin

prepared by Rabbi David Golinkin \*  
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The following Study Guide is intended for Youth Directors, USY Advisors and USYers. It is meant to enhance understanding, stimulate thought or debate and connect the contents of the booklet to the bibliography listed at the end. Some of the questions require outside reading or consulting with various rabbis. It is not necessary to answer all such questions. Each reader can answer the questions that interest him or her according to the time at their disposal.

### Chapter I: Tradition and Change

1. Tradition and Change can be viewed as two polar extremes. Orthodox Jews generally favor one extreme - that of Tradition - while Reform and Reconstructionist Jews generally favor the other extreme - that of Change. What are the advantages and disadvantages of taking one of the extreme positions? What are the advantages and disadvantages of taking the middle position - that of Conservative Judaism? Read Maimonides, Hilkhot Deot, Chapter One (especially halakhah no. 4).<sup>1</sup> According to him, which type of position is preferable?

*Do this readily available to our advisors*

2. Prof. Louis Ginzberg wrote the following in 1921:<sup>2</sup>  
"... [Jewish] Laws have been modified, changed and even abrogated, yet by whom and how? The first requirement of dealing with law is Authority... It is of no use to permit a person to take the car to the synagogue on Shabbos, as long as you cannot stop him from taking [it] to his shop, still less close the shop. It is easy to make people work on the second day of the Festivals, but difficult to make them rest on the first."

Compare his words to what is written in page 4 of our booklet. What was bothering him?

3. Give three examples of Jewish laws or customs which you think should be preserved in their entirety without any changes or modifications.

4. Ritual and Ethics: Compare the statement on page p.4 with principle no. 6 on pp. 31-32. Is ethics more important than ritual or just as important as ritual? What is your opinion? What do you do when ritual and ethics collide?

### Chapter II: The Centrality of the Halakhah in Conservative Judaism

1. After reading this Chapter, do you think it's possible to be a Conservative Jew without observing the Halakhah?

2. Rabbi Morris Joseph (1848-1930) once said: "The divine test of a man's worth is not his theology but his life." Who in our booklet would agree with him?

3. Many Conservative Jews study Jewish philosophy and discuss the whys of Jewish observance; relatively few study Jewish law (halakhah) and discuss the hows of Jewish observance. According to Prof. Heschel, which is more important? What do you think?

### Chapter III: Why Observe the Halakhah?

1. Which of the nine reasons given for observing the halakhah appeals to you the most?

2. Are there certain mitzvot you observe for one reason and other mitzvot you observe for another?

3. Think of your three favorite mitzvot. Why do you observe them?

4. Read Rabbi Elliot Dorff's book *Mitzvah Means Commandment*, United Synagogue Youth, New York, 1989. Compare the many reasons given there for observing mitzvot with the nine given here.

5. Read some of the articles in Part One of Rabbi Seymour Siegel's book, *Conservative Judaism and Jewish Law*, New York, 1977, pp. 1-253. What is the rationale for observing mitzvot given by each author?

6. Compare Schechter's concept of Catholic Israel (p. 10) with that of Rabbi Robert Gordis reprinted in Siegel's book, pp. 63-65. In what way did Gordis modify Schechter's basic concept? Why did he change it? Who do you agree with?

7. Interview five observant members of your community or synagogue and find out why they observe mitzvot.

8. Is it possible to observe mitzvot for Ethnocentric and Anthropocentric reasons without believing in God? What are the pitfalls of such an approach?

### Chapter IV: Who has the Authority to Interpret the Halakhah?

1. "You must not deviate from the verdict that they announce to you either to the right or to the left" (Deut. 17:11). Compare the following two midrashim on this verse:

a. "Even if they point out to you that right is left and left is right - obey them." (Sifrei Deutoronomy, Piska 154)

b. "Does this mean that if they tell you that right is left and that left is right you should obey them? Therefore it says 'to the right or to the left' - listen to them when they

tell you that right is right and that left is left."  
(Jerusalem Talmud, Horayot 1:1)

The Sifrei says: I must obey the law, no matter what.  
The Jerusalem Talmud says: I must obey the law only if it makes sense to me. Try to apply these two approaches to American law (for example: the war in Vietnam), to the "laws" of your school or organization, and to Jewish law. What are the advantages and disadvantages of each approach?

2. One of the most basic documents of classical Reform Judaism is the Pittsburgh Platform of 1885. It says, among other things, that:

"Third. We recognize in the Mosaic legislation a system of training the Jewish people for its mission during its national life in Palestine, and today we accept as binding only the moral laws and maintain only such ceremonies as elevate and sanctify our lives, but reject all such as are not adapted to the views and habits of modern civilization.

Fourth. We hold that all such Mosaic and rabbinic laws as regulate diet, priestly purity and dress originated in ages and under the influence of ideas altogether foreign to our present mental and spiritual state. They fail to impress the the modern Jew with a spirit of priestly holiness; their observance in our days is apt rather to obstruct than to further modern spiritual elevation."<sup>3</sup>

How do you think Schechter and other founders of the Conservative Movement reacted to such a statement? What do you think of this statement? Most Reform Jews no longer subscribe to the Pittsburgh platform (it was officially overturned by the Columbus platform of 1937). Interview your local Reform rabbi and see where he or she stands in relation to the observance of mitzvot.

Chapter V: On Change, Flexibility and Development Within the Halakhah

1. Some Orthodox Jews say that if Hillel or Rashi or Maimonides was to come back to life today, they would recognize all of our laws and customs and fit right into our way of life. Do you agree? Contrast their approach with that of the Talmud in Menahot 29b (pp. 21-22). Interview your local Orthodox rabbi and see where he stands in relation to changes in Jewish law.

2. Changes in Jewish Law (pp. 22-25): Look for five changes that have been made in Jewish law throughout the centuries. (Consult your rabbi or read Goldin, Jacobs, Routtenberg or Zucrow listed in the bibliography on p. 47.) What was the reason behind each change?

3. How do the changes that were made in the laws of funerals

(p. 24) affect the halakhah today?

4. Sefardic Flexibility (pp. 25-28): For other examples of the halakhic flexibility of Sefardic rabbis read Faur and Zohar listed in the bibliography on p. 48 (E, 2 and 8).

5. According to Rabbi Hazan (p. 27), the "Torah is eternal for ever and ever". If so, why and when is it permissible to change it?

#### Chapter VI: The Principles which Guide Conservative Rabbis in Their Halakhic Decisions

1. Compare these six principles with the principles stated by Rabbi Seymour Siegel in Conservative Judaism and Jewish Law, New York, 1977, pp. xix-xxv.

2. Study any three Conservative responsa from one of the following:

a. Rabbi Siegel's book, Part Two (five Conservative responsa)

b. Proceedings of the Committee on Jewish Law and Standards of the Conservative Movement 1980-1985, The Rabbinical Assembly, New York, 1988 (47 Conservative responsa)

c. Robert Slosberg, "Responsa and Papers of the Committee on Jewish Law and Standards", Conservative Judaism 34/1 (September-October 1980), pp. 43-54 (an index of 150 Conservative responsa)

d. David Golinkin, An Index of Conservative Responsa and Practical Halakhic Studies: 1917-1990, The Rabbinical Assembly, New York, 1992 (an index of a few thousand Conservative responsa)<sup>4</sup>

Which of the six principles is reflected in each responsum? Do they utilize other principles not mentioned in our booklet?

#### Chapter VII: A Sampling of Halakhic Rulings of the Committee on Jewish Law and Standards

1. Glance through the Indices of Slosberg or Golinkin. Which topics have had the most responsa written about them? Why? Do you think that the attention is justified? Are there some topics that have been neglected by Conservative poskim (halakhic authorities) that you would like to see addressed? Speak to your own rabbi and ask him or her some of these halakhic questions. If he or she is not able to help you, ask them to submit the question to the Committee on Jewish Law and Standards of the Conservative Movement.

2. Aliyot for Women and the Agunah Problem (pp. 34-35): Find out how some liberal Orthodox rabbis have dealt with these issues in the past few years. How do their solutions differ from the Conservative solutions? Do you think they were influenced by the Conservative approach to these issues?

3. Patrilineal Descent (p. 35): What happens when one movement in Judaism unilaterally changes a basic halakhah which affects Kelal Yisrael (the entire Jewish people)? How is this different than changing a halakhah related to an individual or a congregation?

"AND AS FOR THE REST - GO AND LEARN!"

#### Notes

\* The author of this Study Guide would like to thank his father Rabbi Noah Golinkin for a number of helpful suggestions.

1. For an English translation see Moses Hyamson, *Mishneh Torah: The Book of Knowledge*, Boys Town, Jerusalem, 1965, pp. 47a-48a or Philip Birnbaum, *Maimonides' Mishneh Torah*, Hebrew Publishing Company, New York, 1944, pp. 11-12.

2. *The Jewish Exponent*, February 18, 1921, p. 1.

3. The entire Platform can be found in Rabbi Elliot Dorff's book, *Conservative Judaism: our Ancestors to our Descendants*, United Synagogue Youth, New York, 1977, pp. 236-237.

4. It appeared after our booklet and is therefore not listed in the bibliography.