

בית המדרש ע״ש זיגלר

# Walking with Mitzvot

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דרכיה דרכי נעם

# In Memory of Harold Held and Louise Held, of blessed memory

The Held Foundation

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### RABBI ELLIOT COSGROVE

The story of modern Judaism can be summarized in two words separated by a comma: "Yes, but." "Yes," I want to 🗘 participate fully in secular society, "but" I also express loyalty and commitment to a distinctive Jewish tradition. "Yes," I hold sacred my American citizenship, "but" I also understand my national identity in relation to the modern state of Israel. "Yes," when I go to college, I am told to engage fully in the fruits and friendships of a multicultural, liberal arts education, "but" I am also told to only come home with a Jewish partner. Depending on the issue at hand, the "yes" and the "but" can either refer to the secular or the Jewish clause of each statement. Regardless of the ordering, it is this deceptively simple "Yes, but" that encapsulates the disorienting perplexities of what it is to be a modern Jew today.

Nowhere is this tension felt more than in the question of mitzvot. "Yes," I am an equal citizen of the modern world, but there are laws and rituals that I observe that are exclusive to my people. "Yes," the God I believe in is the God of all of humanity, "but" that same God revealed a unique truth to my Israelite ancestors as they stood at Mount Sinai to receive the Torah. "Yes," the God I believe in is beyond my comprehension, "but" that God also asks of me that I observe certain rituals as an expression of that indescribable relationship.

Could the timeless God of the entire universe really have revealed a particular legislation to one small people thousands of years ago? Are Jews today really expected to believe that in the performance of mitzvot, we are somehow acting on God's expressed will – responding to a truth that is exclusive to us?

To some degree, this question is not new to modernity. In biblical, rabbinic and medieval times, Jews struggled with the tension of being a treasured people to a God to whom the entire world is of equal concern. Jewish sages of every age have sought to reconcile the particularities of their faith and practice with the competing truth claims of their context. From the ancient notion of being "a light unto nations," to repeated attempts to classify the mitzvot according to "reason," Jews have attempted to respond to the paradox of their distinct practices alongside their presence within a common humanity. Nevertheless, it was the modern period, marked by the double challenge of the Enlightenment and Emancipation, which brought with it a dramatic rethinking of how this question was formulated.

First, the Enlightenment claim that Truth and the rules for proper conduct were not to be found in an ancient text, but rather in common and verifiable principles, dethroned Torah (as both a narrative text and code of law) from its position of pre-eminence in the mind of non-Jews and, eventually, many Jews. Combined with ongoing challenges to Scriptural claims of Divine authorship, the notion that performance of mitzvot expressed the will of God, became an increasingly suspect proposition.

Equally dramatic, if not more so vis-à-vis a life of mitzvot, was the Emancipation. The promise of full civic and economic participation for a hitherto self-contained community brought with it a set of "high-class" problems for the Jewish community. Given the option of full citizenry, were Jews really going to hold fast to a series of practices that set them apart from their gentile neighbors? Certainly with the erosion of communal structures and rabbinic authority, one could theoretically "opt-out" of Jewish life and living without suffering social consequences. In fact, given that the explicit or implicit admission ticket to modernity asked a Jew to divest him or herself from an insular life of Torah and mitzvot, the onus fell on teachers of Judaism to construct a compelling rationale for continued Jewish observance.

In response to this Enlightenment/Emancipation challenge, the Modern Jew was presented with a series of options with regard to observance. At one end of the continuum, s/he could refuse to recognize the problem, by rejecting, in the name of tradition, all modern thought as the way of the devil. At the other end, s/he could reject Jewish practice in-toto as some sort of atavistic loyalty of a by-gone era.

More interesting for our purposes are those who have sought to respond to this question with a "Yes, but." It is those Jews who have sought to remain loyal both to the faith of their ancestors and the intellectual and social demands of secular society, who seek to celebrate their unique cultural heritage within a multicultural society, to whom we shall





turn our attention. The attempt to formulate reasons for mitzvot reflects the impulse to explain, to a Jewish and non-Jewish audience, particular aspects of Jewish practice in a universal coin. In creating such distinctions between mitzvot that do or do not reflect the perceived values of a common humanity, Jews have in some cases, found a litmus test by which to retain some mitzvot while discarding others. In a very real way, the emergence of denominational life (Orthodox, Conservative, Reform etc), reflects alternative strategies to "re-brand" Judaism for the contemporary Jew. The differences between the diverse streams of Jewish life, profound as they may be, are differences of degree, not kind. They are all in some sense squirming on the same needle point of "Yes, but," that began with Moses Mendelssohn towards the end of the eighteenth century.

Mendelssohn's strange and powerful and unique book, *Jerusalem*, provides the first systematic attempt to pick up the gauntlet thrown down by the Dutch Jewish thinker Baruch Spinoza. Ostensibly, Mendelssohn's book was a response to a challenge from an anonymous Christian author who asked Mendelssohn how he, an enlightened citizen, could remain an adherent to the faith of his fathers. The substance of Mendelssohn's reply, however, went far beyond the particulars of any one epistle, extending to a defense of modern Jewry, and for our purposes, the nature of mitzvot.

Indeed, Mendelssohn's treatment of mitzvot may be understood as an extension of and reaction to, Spinoza's famed distinction between Divine Law and ceremonial observances. Spinoza's argument that Divine Law must, ipso facto, possess both a universal and eternal quality, left little room for Mosaic legislation whose time and application had long since passed. For Spinoza, the demise of the Hebrew Commonwealth rendered biblical legislation a "dead letter." These claims, alongside the contention that that the Hebrew Bible was an altogether "human" document, formed in many respects the fundamental challenge to which Mendelssohn and every other modern Jewish thinker responded. How exactly could or should Jews laying claim to the principles of the Enlightenment and Emancipation maintain loyalty to an ancient and particular practice?

Mendelssohn's response made the novel and somewhat controversial assertion that Judaism "knows of no revealed religion," only "divine legislation." In other words, Jews, like their fellow citizens, are not party to any knowledge or truth that is not discernible by way of human reason. The divine legislation (ceremonial laws/mitzvot), particular to the Jews, is meant to encourage "temporal and eternal felicity." Mendelssohn's distinction allowed for Spinoza's challenge to stand, but provided a path by which Jews could continue to observe mitzvot. Clearly Mendelssohn's distinction, while solving some problems, raised all sorts of other dilemmas. Why exactly do Jews need mitzvot if Divine truth is equally accessible by all? What exactly are the "temporal and eternal" felicities that mitzvot provide?

The earnest attempts to "rebrand" ceremonial observances as representing universal truths signals, for better or for worse, an ongoing attempt to address these questions hinted at, but never resolved by Mendelssohn. The most sustained and articulate effort towards providing "new reasons for old commandments," was the nineteenth century founder of Modern Orthodoxy, Shimshon Raphael Hirsch (1808-1888). Acutely aware of the forces pressing for reform, innovation or selection of Jewish observance, in articulating "ta'amei hamiztvot" (reasons for commandments), Hirsch's act of "translation" provided contemporary arguments for observance that would nevertheless maintain strict traditional observance. Indeed, one of Hirsch's earlier statements on the subject, *The Nineteen Letters on Judaism* (1836), was addressed to imagined Jewish youth who themselves were drawn to the allure of assimilation. In his own words, by assigning meaning to commandments, "They [the mitzvot] are appropriate vehicles to convey the sentiments of a single united nation pervaded with one thought, actuated by one resolve, and are intelligible beyond the confines of Israelitish nationality." <sup>1</sup>

ZIEGLER SCHOOL OF RABBINIC STUDIES

<sup>&</sup>lt;sup>1</sup> Samson Raphael Hirsch, The Nineteen Letters of Ben Uziel. New York: Funk & Wagnalls, 1899, p. 123.

Hirsch's arguments, in their strengths and weaknesses, extend right up through today, both amongst contemporary Jewish philosophers and popular religious sentiment. The idea that mitzvot, particular as they are to the Jewish people, also express some universal ideal, can be traced in thinkers as diverse as Moredcai Kaplan, Abraham Joshua Heschel, Rachel Adler and more than can be counted. By explaining Jewish rituals (Sabbath, kashrut, family purity, etc.), in the cloth of universal humanistic or religious ideals, Jewish practice becomes both understandable and appealing to everyone from synagogue sermons, spiritual retreats or Hebrew school classrooms.

Of course, such an approach also has its problems. If observance is contingent on the reasons provided for observance, then mitzvot arguably serve man, not God. As an expression of a covenant with God, the drama of living a life of mitzvot is that every observance, understood or not, is an expression of that human-Divine relationship. Surely, God did not intend the litmus test for observance to be the ever changing sensibilities of a particular age. Surely, it is not up to each and every Jew to determine if a mitzvah makes sense to him or her. If that were to be the case, then what exactly distinguishes Judaism from the latest release in the self-help section of the local bookstore?

A particularly articulate spokesman for this position is the iconoclastic twentieth century Jewish thinker Yeshayahu Leibowitz. As a religion of religious praxis, arguments for observance must never come by way of physiological, philosophical or sociological rationales. For Leibowitz, such a faith is akin to idolatry in that God has been made subservient to the needs of man. Even if Sabbath played absolutely no functional purpose, we would be equally commanded to fulfill its every precept. Far from an act of mindless submission, for Leibowitz, such observance becomes the ultimate expression of human freedom, in that the Jew becomes freed from the yoke of his or her "animal" nature, and becomes a servant to God.

It is not easy to steer between the Scylla and Charybdis of the above options. As slippery as it may be to step onto the path laid out by Mendelssohn and Hirsch, Leibowitz's argument in all of its clarity, smacks of religious behaviorism. To be worth anything, religion must transcend the blandishments of the age, and yet a religious practice that ignores the context in which it functions does so at its own peril, and enters a path leading either to irrelevancy or worse – fundamentalism. At every turn, contemporary Jewry continues to negotiate the insoluble tensions of the "yes, but" begun so long ago.

Perhaps a preliminary path forward involves efforts to reframe the question itself. As powerful as the forces of modernity and secularism may be, I believe that our present era is one in which searching Jews seek a covenanted, particular and even commanded existence in relation to whatever they perceive as the Divine. The storehouse of Jewish texts both received and being written daily, is more than capable of providing the vocabulary and ritual to give voice to the inchoate faith of the contemporary Jew.

As such, the task of Conservative Judaism (or whatever it should be called), is not so much to help a Jew explain why swordfish is or isn't kosher, who exactly wrote Genesis and whether we should or shouldn't change a word here or there in the liturgy. For the most part, we are no more (or less) able to answer these questions than our predecessors, and in expending time and resources doing so, we are losing Jewish souls daily.

Rather, the present task of contemporary religious leadership is to role-model, cultivate and maintain compelling models of individual and communal observance for the contemporary Jew. In a world of personal autonomy, people will choose to live Jewish lives (or not), based on whether they see their own personal and communal aspirations embodied in their faith and practice. Religious education, from early childhood to the training of clergy, should be guided by two overarching goals – passion and literacy. Only the passionate Jew will take the time to find the language and rituals to give expression to his or her spirit. Only the literate Jew (or Jewish educator) can be positioned to provide these points of expression.





Such an approach is, in a sense, a sort of non-fundamentalist *Chabad*, in that it seeks to engage Jewish lives with a non-judgmental fervor. Its non-fundamentalist nature is found in its dignifying every question and its allowance for a certain elasticity in Jewish practice. If a Jew observes because s/he has found a Hirschian reason for a mitzvah – wonderful. If as a Leibowitz-like response to God's will – equally wonderful. These decisions are best and ultimately always made in the hearts and minds of practicing Jews, and there is no evident upside to insist on one or another rationale. The strength of such a Judaism will not be found in uniformity of practice, sensibility or denominational affiliation, but rather the number of Jews living engaged Jewish lives as measured by faith (God), practice (mitzvot/Torah) and peoplehood (Israel). Future Jewish historians will not judge the success of the present era of Jewish life based on any metric other than the number of people who positively identify and practice as Jews. Every other consideration is, as they say, commentary.

My teacher, the late Rabbi Arnold Jacob Wolf z"l, once shared that he believed that every Jew is, at the same time, Orthodox, Conservative and Reform. I think what he meant by the comment was that as much as every Jew aspires to feel commanded by God, each one of us knows of the element of choice in our decisions – even in the most traditional communities. So too, the most casual observer of Jewish life is well aware of the evolving nature of Jewish practice over the ages, a historical claim given fullest expression by the Conservative Movement.

Rabbi Wolf's descriptive observation recommends itself to prescriptive steps forward. Jewish practice, while acknowledging the choices Jews are afforded, must never minimize the hope of a Jew to stand in a covenanted relationship with God. While ever mindful of the evolving nature of Jewish practice, arguments for observance must be aimed at the religious strivings of an individual and not seen as some detached academic exercise. Communities and denominations will emerge as they will, based on the passion, literacy and creativity of Jews and Jewish leadership. The "yes, buts" of the last hundreds of years, helpful as they are in understanding our condition, do not provide a path forward. It is time to recalibrate our questions in a way that provides new answers.

The time is now.



### BARUCH SPINOZA, THEOLOGICAL-POLITICAL TREATISE, 1 TRANSLATED BY SAMUEL SHIRLEY

The word law, taken in its absolute sense, means that according to which each individual thing—either all in general or those of the same kind—act in one and the same fixed and determinate manner, this manner depending either on Nature's necessity or on human will. A law which depends on Nature's necessity is one which necessarily follows from the very nature of the thing, that is, its definition; a law which depends on human will, and which could more properly be termed a statute [ius], is one which men ordain for themselves and for others with a view to making life more secure and more convenient, or for other reasons (p. 101).

...since law is simply a rule of conduct which men lay down for themselves or for others to some end, it can be divided into human and divine law. By human law I mean a prescribed rule of conduct whose sole aim is to safeguard life and the commonwealth; by divine law I mean that which is concerned only with the supreme good, that is, the true knowledge and love of God. This law I call divine because of the nature of the supreme good, which I shall now briefly explain as clearly as I can (pgs. 102-103).

If we now consider the nature of the natural Divine Law as we have just explained it, we shall see:

- 1. That it is of universal application, or common to all mankind. For we have deduced it from human nature as such.
- 2. That it does not demand belief in historical narratives of any kind whatsoever. For since it is merely a consideration of human nature that leads us to this natural Divine Law, evidently it applies equally to Adam as to any other man, and equally to a man living in a community as to a hermit.
- 3. We see that the natural Divine Law does not enjoin ceremonial rites, that is, actions which in themselves are of no significance and are termed good merely by tradition, or which symbolize some good necessary for salvation, or, if you prefer, actions whose explanation surpasses human understanding. For the natural light of reason enjoins nothing that is not within the compass of reason, but only what it can show us quite clearly to be a good, or a means to our blessedness (pgs. 104-105).

In the previous chapter we showed that the Divine Law, which makes men truly blessed and teaches the true life, is of universal application to all men. Indeed, our method of deducing it from human nature shows that it must be considered as innate in the human mind and inscribed therein, as it were. Now ceremonial observances—those, at least, that are laid down in the Old Testament—were instituted for the Hebrews alone, and were so adapted to the nature of their government that they could not be practiced by the individual but involved the community as a whole. So it is evident that they do not pertain to the Divine Law, and therefore do not contribute to blessedness and virtue (p. 112).

- What "Divine Laws" may Spinoza have had in mind given the era (1632–1677) in which he lived?
- To what degree does Spinoza's thinking reflect an anti-clerical sentiment felt beyond the bounds of the Jewish world?
- The suggestion that the authority of legislation is contingent on an institution to enforce it seems rather obvious. Why would Spinoza's suggestion prove to be so heretical that it resulted in his excommunication?

<sup>&</sup>lt;sup>1</sup> Baruch Spinoza, Tractatus Theologico-Politicus, translated into English by Samuel Shirley. Leiden: Brill, 1989.



### Moses Mendelssohn (1729-1786), Jerusalem, or, On Religious Power and Judaism, 1 TRANSLATED BY ALLAN ARKUSH

I must, however, also do justice to his [Herr Moerschel's] searching eye. What he saw was, in part, not wrong. It is true that I recognize no eternal truths other than those that are not merely comprehensible to human reason but can also be demonstrated and verified by human powers. Yet Mr. Moerschel is misled by an incorrect conception of Judaism when he supposes that I cannot maintain this without departing from the religion of my fathers. On the contrary, I consider this an essential point of the Jewish religion and believe that this doctrine constitutes a characteristic difference between it and the Christian one. To say it briefly: I believe that Judaism knows of no revealed religion in the sense in which Christians understand this term. The Israelites possess a divine legislation—laws, commandments, ordinances, rules of life, instruction in the will of God as to how they should conduct themselves in order to attain temporal and eternal felicity. Propositions and prescriptions of this kind were revealed to them by Moses in a miraculous and supernatural manner, but no doctrinal opinions, no saving truths, no universal propositions of reason. These the Eternal reveals to us and to all other men, at all times, through *nature* and *thing*, but never through word and script (pgs. 89-90).

- Is it possible, as Mendelssohn suggests, to be subject to particular Divine legislation but not to particular Divine truth?
- The above passage is often understood as Mendelssohn's response to Spinoza. To what degree does he solve Spinoza's challenge? What is still left unresolved?
- In your opinion, does Mendelssohn's distinction at all reflect the reality of Judaism?

<sup>&</sup>lt;sup>1</sup> Moses Mendelssohn, Jerusalem, or, On Religious Power and Judaism. Hanover: University Press of New England, 1983.



Samson Raphael Hirsch (1808-1888), The Nineteen Letters of Ben Uziel, 1 TRANSLATED BY BERNARD DRACHMAN THIRTEENTH LETTER, SELECTIONS FROM PAGES 118-126

Edoth - Symbolic Observances. - The acknowledgment of the essential principles of life in righteousness and love does not suffice to actually build up such a life, nor is it even sufficient for the accomplishment of your mission as Israelite, as bearer of the law of God to man, actually to live in accordance with those fundamental principles; there is need, in addition thereto, of symbolic words and actions which shall stamp them indelibly upon the soul, and thus preserve them for you and for others. A truth, in order to produce results, must be impressed upon the mind and heart repeatedly and emphatically. This is the essential concept of the Edoth. The symbols are chiefly those of actions, of practices which serve as signs of an idea... (p. 118).

...The day upon which the newly-created world first lay extended in its completeness before man that he might possess and rule over it, this day was to be to him an eternal monument of the great truth that all around him was the possession of God, the Creator, and that God it was who had conferred upon him the power and the right to rule it, in order that he should not grow overweening in his dominion and should administer his trust as the property of God and in accordance with His supreme will. In order to retain this idea ever fresh and vivid, he should refrain on this day from exercising his human sway over the things of earth, should not place his hand upon any object for the purpose of human dominion, that is, to employ it for any human end; he must, as it were, return the borrowed world to its Divine Owner in order to realize that it is but lent to him... (p. 124).

...The Sabbath is thus an institution of vast significance, but not it alone, every one of the many ordinances which constitute the *Edoth* is similarly laden with great and invaluable instruction, and both those ordinances deducible from the plain word of Scripture, De'Oraita, and those established by Rabbinical interpretation, De'Rabbanan, are equally instructive and important (p. 126).

- Samson Raphael Hirsch (1808-1888) was the leader German Orthodox Judaism. For Hirsch, every one of the Edoth, or symbolic observances, represents a greater universal truth. How is his thought an extension of Mendelssohn's thought?
- To what degree does Hirsch's explanation of Shabbat ring true with its biblical and rabbinic explanations?
- On a practical level, what are the strengths and weaknesses of coming up with reasons for the commandments?

<sup>&</sup>lt;sup>1</sup> Samson Raphael Hirsch, The Nineteen Letters of Ben Uziel. New York: Funk & Wagnalls, 1899.



## YESHAYAHU LEIBOWITZ, "COMMANDMENTS," IN A. COHEN AND P. MENDES-FLOHR, CONTEMPORARY JEWISH RELIGIOUS THOUGHT 1

*Mitzvot* as a way of life, as a fixed and permanent form of human existence, preserve religion as a goal in itself and prevent it from turning into a means for attaining a goal. Indeed, most of the *mitzvot* have no sense unless we regard them in this manner, as an expression of selfless divine service. Most of the *mitzvot* have no instrumental or utilitarian value and cannot be construed as helping a person fulfill his earthly or spiritual needs. A person would not undertake this way of life unless he sees divine service as a goal in itself, not as a means to achieve any other purpose. Therefore, the halakhah directs its attention to one's duties and not to one's feelings.

If *mitzvot* are service to God and not service to man, they do not have to be intended or directed to man's needs. Every reason given for the *mitzvot* that bases itself on human needs—be they intellectual, ethical, social, or national—voids the *mitzvot* of all religious meaning. For if the *mitzvot* are the expression of philosophic knowledge, or if they have any ethical content, or if they are meant to benefit society, or if they are meant to maintain the Jewish people, then he who performs them serves not God but himself, his society, or his people. He does not serve God but uses the Torah of God for human benefit and as a means to satisfy human needs.

Therefore, the so-called "reasons for the *mitzvot*" (taamei ha-mitzvot) are a theological construct and not a fact of religious faith. The only genuine reason for the *mitzvot* is the worship of God, and not the satisfaction of a human need or interest. If, for example, the meaning of the Sabbath were social or national, it would be completely superfluous: The secretary of the labor union takes care of the workers' need for rest. The divine Presence did not descend upon Mount Sinai to fulfill that function. If the Sabbath does not have the meaning of holiness—and holiness is a concept utterly devoid of humanistic and anthropocentric meaning—then it has no meaning at all (pgs. 70-71).

- Yeshayahu Leibowitz (1903-1994) was an Israeli scientist and philosopher. What is Leibowitz's objection to finding meaning in the mitzvot?
- Is it at all plausible that contemporary Jewry should observe a life of mitzvot in such a schema?
- Are there alternatives to Leibowitz and Hirsch?

<sup>&</sup>lt;sup>1</sup> A. Cohen and P. Mendes-Flohr, Contemporary Jewish Religious Thought. New York: Scribner, 1987.



### THE INTERSECTION OF PHILOSOPHY AND MITZVOT - TEXT FOR GROUP STUDY

### Thomas Paine (1737-1809), Age of Reason<sup>1</sup>

To my fellow-citizens of the United States of America:

I put the following work under your protection. It contains my opinions upon Religion. You will do me the justice to remember, that I have always strenuously supported the Right of every Man to his own opinion, however different that opinion might be to mine. He who denies to another this right, makes a slave of himself to his present opinion, because he precludes himself the right of changing it.

The most formidable weapon against errors of every kind is Reason. I have never used any other, and I trust I never shall...

As several of my colleagues and others of my fellow-citizens of France have given me the example of making their voluntary and individual profession of faith, I also will make mine; and I do this with all that sincerity and frankness with which the mind of man communicates with itself.

I believe in one God, and no more; and I hope for happiness beyond this life.

I believe in the equality of man; and I believe that religious duties consist in doing justice, loving mercy, and endeavoring to make our fellow-creatures happy.

But, lest it should be supposed that I believe in many other things in addition to these, I shall, in the progress of this work, declare the things I do not believe, and my reasons for not believing them.

I do not believe in the creed professed by the Jewish church, by the Roman church, by the Greek church, by the Turkish church, by the Protestant church, nor by any church that I know of. My own mind is my own church.

All national institutions of churches, whether Jewish, Christian or Turkish, appear to me no other than human inventions, set up to terrify and enslave mankind, and monopolize power and profit.

I do not mean by this declaration to condemn those who believe otherwise; they have the same right to their belief as I have to mine. But it is necessary to the happiness of man, that he be mentally faithful to himself. Infidelity does not consist in believing, or in disbelieving; it consists in professing to believe what he does not believe (pgs. 1-5).

- What is the source of final authority for Paine?
- How does Paine frame the challenges that scripturally based religions (like Judaism) would encounter in a post-Enlightenment world?
- To what degree do Paine's objections to creeds and churches continue to reflect the sentiment of the contemporary Jewish community?

L William M. Van der Weyde, editor, The Life and Works of Thomas Paine, Vol. VIII. New Rochelle, NY: Thomas Paine National Historical Association, 1925.





# **NOTES**





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