

Chapter 10

Halakhic Authority in a World of Personal Autonomy

Jacob J. Schacter

I

In a 1985 study, Robert Bellah pointed to the growing ubiquity of the principle of personal autonomy and individual choice in American culture. He presented the memorable example of a nurse, Sheila Larson, who had ‘actually named her religion (she calls it her “faith”) after herself’. Larson defined this faith – ‘my own Sheilaism’, as she called it – in these words: ‘It’s just try to love yourself and be gentle with yourself.

I am honoured to present this essay in honour of Chief Rabbi Lord Jonathan Sacks, a highly gifted teacher, writer, and orator, and an outstandingly articulate spokesman for the enduring relevance of Jewish ideals and values in the world at large. My thanks to Neal Kozodoy for his kind and gracious help in preparing this essay for publication and to the editors of this volume for their many useful suggestions.

You know, I guess, take care of each other. I think He would want us to take care of each other.¹

For sociologists of religion, Bellah's 'Sheilaism' took hold as a shorthand way of describing an increasingly widespread American phenomenon.² By the end of the century, Robert Wuthnow was able to show that organized religion, which earlier had 'dominated [Americans'] experience of spirituality, especially when it was reinforced by ethnic loyalties and when it was expressed in family rituals', had devolved into something else entirely; now, he reported, 'growing numbers of Americans piece together their faith like a patchwork quilt... in which each person seeks in his or her own way.'³ The result, mourned an author in the *Chronicle of Higher Education*, was 'a world increasingly populated by Zen-leaning Lutherans, or Buddhists turned Catholic, or Jews turned Quaker' – a world in which individuals 'are so mired in the self that we are losing sight of the sacred.'⁴

By the turn of the twenty-first century, the replacement of the vaguely prescriptive word 'religion' by the word 'spirituality', with its connotations of something wholly personal and unencumbered by obligations, had progressed to the point where an entire book on the subject could be entitled *Spiritual But Not Religious: Understanding Unchurched America*.⁵ And it was only a brief matter of time before established houses

-
1. Robert Bellah et al., *Habits of the Heart: Individualism and Commitment in American Life* (Berkeley, CA 1985), 221. Imagine what she would have called her faith if her name had been Judy.
 2. Bruce A. Greer and Wade Clark Roof, "'Desperately Seeking Sheila': Locating Religious Privatism in American Society', *Journal for the Scientific Study of Religion*, 31/3 (1992), 346–52. For an earlier formulation of this point, see Louis Dupre, 'Spiritual Life in a Secular Age', *Daedalus*, 111 (Winter 1982), 24–5.
 3. Robert Wuthnow, *After Heaven: Spirituality in America Since the 1950s* (Berkeley, CA, 1998), 2. See also id., *Growing Up Religious: Christians and Jews and their Journeys of Faith* (Boston, MA, 1999), esp. pp. 162–93; Wade Clark Roof (ed.), *Contemporary American Religion* (New York, 2000), p. viii.
 4. Donna Schaper, 'Me-First "Spirituality" Is a Sorry Substitute for Organized Religion on Campus', *Chronicle of Higher Education* (18 Aug. 2000), p. A56.
 5. Robert C. Fuller, *Spiritual But Not Religious: Understanding Unchurched America* (New York, 2002). See also below, nn. 43, 50.

of worship caught up with their errant parishioners and began to adopt ‘Sheilaistic’ practices of their own.

In 2002, the *Wall Street Journal* reported on the growth of ‘flexible praying’ and ‘moveable holidays’ as some churches switched ‘the pre-Easter “Maundy” service from the traditional Thursday to Tuesday (for less-hectic Easter weekends)’ or added ‘a combined Good Friday and Palm Sunday double-header service so members [could] get key elements of the Easter story all at once.’ For worshippers disposed to sleep late on Easter morning, the *Journal* noted ‘a Sunday-evening option where liturgy scripted on PowerPoint is projected up on a screen and a band plays everything from ancient Christian tunes to rock music.’⁶ Three years later, an article in the *New York Times* described ‘a number of Christians [who] are regularly attending different churches in the course of a week or a month, picking and choosing among programmes and services, to satisfy social and spiritual needs. They are comfortable in participating in multiple churches’ – and, evidently, the churches were comfortable in accommodating them.⁷

What was true for America was no less true for Europe. *Newsweek* reported in 1999, ‘Young Europeans, in particular, are creating mix-and-match faiths, forging moralities where they can find them. Stalls in the Spanish pilgrimage town of Santiago de Compostela sell Rastafarian hats, Hindu incense, and Kurt Cobain T-shirts along with the crucifixes.’⁸

Whether in America or in Europe, it is not only a matter of the young – although the young are conspicuous, and the adolescent young especially so. According to Christian Smith:

American youth, like American adults, are nearly without exception profoundly individualistic, instinctively presuming autonomous, individual self-direction to be a universal human norm and life goal. Thoroughgoing individualism is not a contested

6. Nancy Ann Jeffrey, ‘Religion Takes a Holiday’, *Wall Street Journal* (15 Mar. 2002), pp. W1, W12.

7. Neela Banerjee, ‘Going Church to Church To Find a Faith That Fits’, *New York Times* (30 Dec. 2005), p. A18.

8. Carla Power, ‘Lost in Silent Prayer’, *Newsweek* (12 July 1999), 53.

orthodoxy for teenagers. It is an invisible and pervasive doxa, that is, an unrecognized, unquestioned, invisible premise or presupposition.⁹

The essence of that ‘doxa’ is, as paraphrased by Smith, ‘If you don’t choose it, it’s not authentic for you.’¹⁰

Back in 1985, taking note of the new religious realities, Bellah and his co-authors had foreseen ‘the logical possibility of over 220 million American religions.’¹¹ Today, over twenty-five years later, with the American population at the 300 million mark, the figure needs to be revised upward commensurately. Indeed, according to an August 2006 report in the *New York Times*, every year sees the emergence of 40 to 45 new religious groups.¹² ‘Ritual’ has given way to ‘ceremony’, as personal autonomy reigns ever more supreme.

II

Which brings us to the Jews. Far from being unaffected by the general trend, American Jews appear to be at its forefront. In “‘Desperately Seeking Sheila’”, Bruce A. Greer and Wade Clark Roof reported that ‘Jews were considerably more privatized than either Protestants or Catholics’, being more likely than either group to exercise their freedom of choice in defining the substance of their religion.¹³ To adopt the suggestive terminology of Jonathan D. Sarna, where once Jewish cultural identity was determined largely by religious and ethnic ‘descent’, today it is largely based instead on ‘consent’¹⁴ – or, as I prefer to put it, on ‘assent’.¹⁵

9. Christian Smith, *Soul Searching: The Religious and Spiritual Lives of American Teenagers* (New York, 2005), 143.

10. Banerjee, ‘Going Church to Church’.

11. Bellah et al., *Habits of the Heart*, 221.

12. Michael Luo, ‘Seeking Entry-Level Prophet: Burning Bush, Tablets Not Required’, *New York Times* (28 Aug. 2006), p. B1.

13. “‘Desperately Seeking Sheila’”, 350.

14. Jonathan D. Sarna, ‘The Secret of Jewish Continuity’, *Commentary*, 98/4 (Oct. 1994), 57.

15. For a very different, indeed opposite, understanding of the notion of ‘communities

Steven M. Cohen and Arnold Eisen have summarized the current situation well:

The principal authority for contemporary American Jews, in the absence of compelling religious norms and communal loyalties, has become the sovereign self. Each person now performs the labor of fashioning his or her own self, pulling together elements from the various Jewish and non-Jewish repertoires available, rather than stepping into an 'inescapable framework' of identity (familial, communal, traditional) given at birth. Decisions about ritual observance and involvement in Jewish institutions are made and made again, considered and reconsidered, year by year and even week by week. American Jews speak of their lives, and of their Jewish beliefs and commitments, as a journey of ongoing questioning and development. They avoid the language of arrival. There are no final answers, no irrevocable commitments.¹⁶

This conception of Judaism has been compellingly championed by the Jewish Renewal Movement, as indicated in the following description of a 'Living Waters Weekend' it sponsored in 2000:

Optional sunrise walk and meditation. Musical workshop service at the ocean. Guided conscious eating at breakfast. Water exercises for body toning. Yoga with Kabbalah. Outdoor games, time for massage. Sacred gathering for men and women. Poetry readings and music. *Havdalah* ritual on the beach. Sunrise co-ed *mikvah* ritual in the ocean. Breakfast celebration with new affirmation. Kabbalistic meditation. Sacred sharing ceremony.¹⁷

of assent and descent', see Paul Morris, 'Community Beyond Tradition', in Paul Heelas et al. (eds.), *Detraditionalization: Critical Reflections on Authority and Identity* (Cambridge and Oxford, 1996), 238–45.

16. Steven M. Cohen and Arnold Eisen, *The Jew Within: Selfhood, Community, and the Jewish Tradition* (Bloomington, IN, 2000), 2.

17. See the *Jewish Daily Forward*, 20 Feb. 2000.

The references to yoga and other vaguely Eastern-sounding rituals are not coincidental. In its 2001 coverage of this general phenomenon, *Fortune* adduced the example of Ricardo Levy, a Jew 'long interested in philosophy and religion, particularly the Eastern traditions; he has, for example, practiced tai chi, a physical discipline rooted in Taoism. Like many baby-boomers, Levy has fashioned his own brand of spirituality, which draws from a number of religious traditions.'¹⁸ But the appeal to external sources of spiritual nourishment is not limited to Eastern traditions. A 2006 feature in the *Forward* described, among others, a 'new generation of "Chavurah Jews", meeting in lay-led prayer groups and retreats in a collective and "DIY" [do-it-yourself] way; what might be called "OMG! Jews" [who] pick and choose from multiple sources of religious and cultural identity rather than look to a single source (such as a synagogue) for communal and spiritual life; Online Jews, such as the Jewschool and Jewlicious communities', and still more. The page where this story appeared featured a description of a *minyan* led by a rabbi who studied for two years at the very traditional Yeshivat Chaim Berlin and then spent 'most of the next decade pursuing practices that read like a menu of the contemporary holistic movement: yoga, tai chi, shiatsu, Reiki, Alexander Technique, Feldenkrais, gyrotomics, Zen meditation, martial arts, integrative body psychotherapy and postural integration.'¹⁹

In October 2006, *Jewish Week* readers were introduced to Israelis gathered on Yom Kippur in a Tel Aviv pub stocked with cigarettes, beer, and platters of food, and emitting 'sounds of merriment'. In the words of one Israeli at the party, 'I devoted time to Yom Kippur this morning, asked for forgiveness, and now I'm enjoying myself.'²⁰ In the *New York Times* two months later, a Jewish woman gushed about the joys of celebrating Christmas: 'My husband and I were consenting adults. This was our house. Why couldn't we celebrate whatever we wanted?' While 'pretty sure' that she would also want her children to appreciate

18. Marc Gunther, 'God & Business', *Fortune* (9 July 2001), 76.

19. Jay Michaelson, 'Exploring the New Jewish Spiritualities' and Jennifer Bleyer, 'Rabbi's Journey Leads to "Ecstatic" Minyan', *Forward* (12 May 2006), 15. The third article on the page deals with new, non-traditional uses for the *mikveh*.

20. Jonathan Mark, 'Yom Kippur's Moveable Feast', *Jewish Week* (6 Oct. 2006), 16.

the centrality of Hanukkah, she concluded: ‘On the other hand, maybe it’s nice to teach children that holidays can be done à la carte. Every religion, every culture, has so many beautiful rituals and traditions to choose from. Maybe celebrating is a step toward tolerating. I can hardly wait for Hanukwanzaa.’²¹

As the above suggests – and there are many more examples – the ‘unlimited choices’ available to today’s seekers hardly exclude a (selective) dip into Jewish as well as non-Jewish sources – or even, for some, a conditional look into the world of traditional Jewish learning. Thus, at an Israeli institution called the Secular Yeshiva, students devote themselves to the study of authoritative Jewish texts – minus the authority. As one of its founders explains the school’s philosophy, ‘We don’t see any text as an authority, but as an inspiration.’ Since, in the words of the school’s director, ‘the idea is to expose [students] to many worldviews’, at this yeshiva ‘there is no prayer service, no kosher kitchen, and no separation between the sexes. There is’, he adds, ‘a period in the morning called *shaharit*, the name given to morning prayers, but rather than pray, the students meditate or read poetry.’ On Yom Kippur one year, ‘several students decided to fast for the first time in their lives, *not because it was a mitzva* [emphasis added], but because for them it was a physical manifestation of their spiritual learning process.’²²

In fact, choice extends not only to the fashioning of one’s Judaism but even to the possibility of abandoning it altogether. In this context, it is instructive to study how various Jewish encyclopaedias published in the twentieth century dealt with the appropriateness of including someone who converted out of the faith. Does such an act disqualify that person from inclusion in a ‘Jewish’ encyclopaedia or not? While the editors of the *Jewish Encyclopedia* (1901) and even the *Encyclopaedia Judaica* (1972) felt that anyone born of a Jew ‘who was sufficiently distinguished’ merited inclusion, ‘because the present work deals with

21. Cindy Chupack, ‘Jewish in a Winter Wonderland’, *New York Times, Sunday Styles* (24 Dec. 2006), Section 9, p. 2.

22. Erica Chernofsky, ‘Not in Search of God’, *International Jerusalem Post* (18–24 May 2007), 17.

editors of *Jewish Women in America: An Historical Encyclopedia* expressed the following rationale for including such women: 'Conversion to another religion, a path chosen by a few women in the encyclopedia, was treated as part of a woman's Jewish biography, that is, her explicit rejection of Judaism. Conversion is, after all, an aspect of the modern Jewish experience.' For these writers, choice is so much a part of Judaism that one can actually exercise one's 'Jewishness' in the very act of rejecting it!

III

At the heart of traditional Judaism stands a diametrically opposite set of values and assumptions. As a divine document, the Torah – and the Oral Law as well (BT *Shabat* 31a) – represent the will of God, which Jews are bidden to obey. The word 'mitzvah' does not mean a 'good deed', to be performed or avoided at will, but a 'commandment', a non-negotiable, uncompromising requirement or obligation. When it comes to belief and practice, all choices are not equally valid. In particular, religious observance cannot be defined by whatever I may want it to be at any given moment. 'Commandment' means that there is a Commander, God, and that every Jew is commanded. It is a total system. Picking and choosing, mixing and matching, buffet-style selectivity – these are out of the question.

Juxtaposing the word 'rights' – 'a highly evocative one... in the post-Enlightenment secular society of the West' – to the word 'mitzvah', the legal scholar Robert Cover wrote:

23. Cyrus Adler et al., 'Preface', *Jewish Encyclopedia* (New York, 1901), pp. ix–x; anon., 'Introduction', *Encyclopaedia Judaica*, vol. 1 (New York, 1972), 7.

24. See Paula E. Hyman and Deborah Dash Moore, 'Editor's Preface', in ead. (eds.), *Jewish Women in America: An Historical Encyclopedia*, vol. 1 (New York, 1997), p. xxii. For comparisons of the respective criteria of inclusion/exclusion in these encyclopaedias and others, see Susan A. Glenn, 'In the Blood? Consent, Descent, and the Ironies of Jewish Identity', *Jewish Social Studies*, NS 8/2–3 (2002), 139–52. For the role of 'Sheilaism' in the Modern Orthodox community, see Steven Bayme, 'New Conditions and Models of Authority: Changing Patterns within Contemporary Orthodoxy', in Suzanne Last Stone (ed.), *Rabbinic and Lay Communal Authority* (New York, 2006), 113–28.

The [redacted]
[redacted]
the way [redacted]
[redacted]
[redacted]
[redacted]

[redacted]
tradition [redacted]
[redacted]
[redacted]
[redacted]

Ana d[redacted]

Shalah e[redacted], ‘Send forth My people that they may serve Me,’ is the divine message delivered through Moses to Pharaoh in the book of Exodus (7: 26). Freedom is not an end in itself; it is valued only as a means towards heeding the Creator’s call to be His servants.

The fullness of what it means to be commanded – to the point of knowing which shoe to put on first and which fingernail to cut first²⁶ – is reflected in a variety of talmudic statements. One central example is the teaching *Gadol hametsuev ve’oseh mimi she’eino metsuev ve’oseh*, ‘One who is obligated [to perform a commandment] and does so is greater than one who is not obligated [to perform it] and does so’ (BT *Bava kama* 38a; *Kidushin* 31a, 87a). This teaching has normative halakhic implications; it serves, for example, as the basis for considering the meal at a bar mitzvah – and, for some, a bat mitzvah as well – as a religiously significant act, a *se’udat mitsvah*.²⁷

The indispensability of obedience in halakhic commitment is stressed in a number of the writings of Rabbi Joseph B. Soloveitchik

25. Robert Cover, ‘Obligation: A Jewish Jurisprudence of the Social Order’, in Martha Minow, Michael Ryan, and Austin Sarat (eds.), *Narrative, Violence, and the Law* (Ann Arbor, MI, 1995), 239–40.

26. R. Joseph Karo, *Shulhan arukh*, ‘Orah hayim’ 2:4; R. Moses Isserles, gloss on *Shulhan arukh*, ‘Orah hayim’ 260: 1.

27. R. Shlomoh Luria (Maharshah), *Yam shel shelomoh*, BK, no. 37; R. Ovadiah Yosef, *Yabia omer* 6:29; id., *Yehavev da’at* 2: 29.

He tries to cast it off and rid himself of that great burden, under whose impact he walks humbly and slavishly, committed to duties that he dislikes, to restraints and sacrifices that he resents, without being able to lift his head in full dignity and to regain his freedom and independence of living.²⁹

So central is the idea of religious submission that it is required, according to Maimonides, even of the gentile who has committed himself to the Seven Noahide Laws:

A heathen who accepts the seven commandments and observes them scrupulously is a 'righteous heathen', and will have a portion in the world to come, provided that he accepts them and performs them because the Holy One, blessed be He, commanded them in the Law and made known through Moses our Teacher that the observance thereof had been enjoined upon the descendants of Noah even before the Law was given.³⁰

And so the issue is clearly drawn. In the words of Jonathan Sacks, 'From the perspective of the autonomous self, then, halakhic existence is

-
29. R. Joseph B. Soloveitchik, 'The Absence of God and the Community of Prayer', in Shalom Carmy (ed.), *Worship of the Heart: Essays on Jewish Prayer by Rabbi Joseph B. Soloveitchik* (Jersey City, NJ, 2003), 73–4. This notion lies behind the Rav's response in the famous fourth footnote of his *Halakhic Man* to those who perceive religious faith as 'simple and comfortable' or as 'tranquil and neatly ordered, tender and delicate'. See id., *Halakhic Man* (Philadelphia, PA, 1983), 139–43. See also id., 'Catharsis', 46; Abraham Joshua Heschel, *God in Search of Man* (New York, 1955), 282–3. My thanks to R. David Shapiro for bringing this text to my attention.
30. Maimonides, *Mishneh torah*, 'Laws of Kings' 8: 11. The translation is from Isadore Twersky, *A Maimonides Reader* (New York, 1972), 221. For some literature on this difficult and controversial Maimonidean text, see Jacob Katz, *Exclusiveness and Tolerance* (New York, 1969), 175–6; Isadore Twersky, *Introduction to the Code of Maimonides (Mishneh torah)* (New Haven, CT, 1980), 455 n. 239; Mikhael Tsevi Nehorai, 'Hasidei umot ha'olam yesh lahem helek le'olam haba', *Tarbits*, 61/3–4 (1992), 465–87; Eugene Korn, 'Gentiles, the World to Come, and Judaism: The Odyssey of a Rabbinic Text', *Modern Judaism*, 14 (1994), 265–87. See also my 'Rabbi Jacob Emden: Life and Major Works' (PhD diss., Harvard University, 1988), 739–41. (See also n. 3 of Alasdair MacIntyre's essay in this volume [eds.])

inauthentic because it flees from making personal choice the centre of its universe. From the perspective of tradition, much of contemporary ethics is inauthentic precisely because it makes personal choice the measure of all things.³¹ The

choose

ical Modern Orthodox Jew, writes Rabbi Aharon Lichtenstein, while recognizing ‘that authority, and submission to it, is critical...bridles at the thought of constricting his autonomy.’³³

Can anything be done to help resolve this dilemma?

IV

We may begin by noting that even the most meticulously observant halakhic Jew does not always view unquestioning submission to God as appropriate. Take the daring argument of Abraham to God: ‘Shall not the Judge of all the earth do justly?’ (Genesis 18: 25) or Moses’ bold retort to God over a similar case of contemplated collective punishment: ‘Shall one man sin and You be angry with the entire assembly?’ (Numbers 16: 22). And what about the famous line put into God’s mouth by the talmudic rabbis: ‘My children have defeated Me, My children have defeated Me’ (*Bava metsia* 5)?

In the realm of the mind (as opposed to practice), one fruitful

31. Jonathan Sacks, *One People? Tradition, Modernity, and Jewish Unity* (London and Washington, 1997), 158.
32. The phrase comes from R. Arnold Jacob Wolf, ‘Reclaiming Shabbat’, *Reform Judaism*, 12/1 (Fall 1983), 14. It is cited in Marc Lee Raphael, ‘The Emergence and Development of Tradition in Reform Jewish Worship, 1970–1999’, *Jewish History*, 15 (2001), 121. This article presents the Reform Movement’s struggle with the very issue being presented here, the notion of mitzvah as commandment.
33. R. Aharon Lichtenstein, ‘Legitimization of Modernity: Classical and Contemporary’, in Moshe Z. Sokol (ed.), *Engaging Modernity: Rabbinic Leaders and the Challenge of the Twentieth Century* (Northvale, NJ and Jerusalem, 1997), 3.

source for finding a place for autonomy is the Rav's emphasis on the 'creativity' and 'individuality' of halakhic man, a figure whose 'autonomy asserts itself more and more.' The halakhic individual, he writes,

relies upon his intellect, he places his trust in it and does not suppress any of his psychic faculties in order to merge into some supernal existence. His own personal understanding can resolve the most difficult and complex problems. He pays no heed to any murmurings of intuition or other types of mysterious presentiments. Halakhic man is a spontaneous, creative type. He is not particularly submissive and retiring, and is not meek when it is a matter of maintaining his own views ...

Even the Holy One, blessed be He, has, as it were, handed over His imprimatur, His official seal in Torah matters, to man; it is as if the Creator of the world Himself abides by man's decision and instruction ...

Halakhic man received the Torah from Sinai not as a simple recipient but as a creator of worlds, as a partner with the Almighty in the act of creation. The power of creative interpretation (*halakhic creativity*) is the very foundation of the received tradition ... The essence of the Torah is intellectual creativity.³⁴

With certain exceptions like Rabbi Avraham Karelitz (the Hazon Ish, 1878–1953) and Yeshayahu Leibowitz (1903–94) who, in different ways, took the principle of submission to an extreme,³⁵ many others have

34. Soloveitchik, *Halakhic Man*, 78–82.

35. For the position of the former, see Lawrence Kaplan, 'The Hazon Ish: Haredi Critic of Traditional Orthodoxy', in Jack Wertheimer (ed.), *The Uses of Jewish Continuity in the Modern Era* (New York and Jerusalem, 1992), 145–73. Leibowitz for his part maintains that religious behaviour can only be based on worshipping God as His faithful servant. Even searching for 'meaning' in mitzvot is inappropriate because it shifts the focus from God to the individual. See id., 'Religious Praxis: The Meaning of Halakhah', in id., *Judaism, Human Values, and the Jewish State* (Cambridge, MA, 1992), 3–29.

I plan to deal with this point at much greater length in a forthcoming publication. Here I want to make a more focused point, albeit one unlikely to resonate with anyone who is not already, at least to some extent, committed to halakhah, even most broadly conceived, as essential to Jewish identity and Jewish meaning. Above all, I address myself to those who, while valuing halakhic behaviour as an important if not indispensable component of their lives, are struggling to find personal meaning in it and/or to commit themselves to it in its entirety.

My core proposition is this: one need not give up one's autonomy in order to understand, appreciate, and submit to the divine authority of Torah and mitzvot. Even as a life of halakhah rests on a set of objective requirements that do not generally allow for individual expression, much in that life not only allows for but encourages – nay, even requires – such expression. Indeed, I hope to demonstrate that the halakhic system itself provides its adherents with multiple opportunities to exercise personal autonomy; 'pockets of autonomy' exist and, in fact, are central in the world of halakhic authority. In short, one need not check one's individualism at the door of halakhic commitment.

Borrowing the terminology of a Dutch gentile scholar, although presenting it in a very different way, Isadore Twersky once characterized halakhah, or 'Jewish religious consciousness', as consisting of two elements simultaneously: both 'religion in manifestation' and 'religion in essence'.³⁸ In the Jewish context, the former term refers to the outward act: the performance of the mitzvot. One *manifests* one's commitment to God and Torah by *acting* in a certain public, visible, obvious, and identifiable way. Holding the 'four species' (*arba minim*) on Sukkot, eating matzah on Passover, lighting sabbath candles, donning tefillin and reciting kiddush: all are examples of this category. Anyone seeing an individual performing such acts knows exactly what she or he is doing.

has also generated something of a backlash. See Barry Schwartz, *The Paradox of Choice: Why More is Less* (New York, 2004). The subtitle of the book is, 'How the Culture of Abundance Robs Us of Satisfaction'. My thanks to Dan Cohn for bringing this book to my attention. In a different context, see John Tierney, 'To Choose is to Lose', *New York Times Magazine* (21 Aug. 2011), 33–7, 46.

38. Isadore Twersky, 'Religion and Law', in S.D. Goitein (ed.), *Religion in a Religious Age* (Cambridge, MA, 1974), 69–70 and p. 78 n. 2.

By contrast, the latter term, ‘religion in essence,’ refers to the inner, personal, subjective, and hidden component of observance, what Twersky calls the ‘interior, fluid spiritual forces and motives ... internal sensibility and spirituality.’ Here we mean to designate what the adherent of halakhah is *feeling* or *experiencing* while performing the act – the fundamental assumption being that God does not want halakhic practitioners to be robots or monkeys but rather to be affected, inspired, elevated, and even transformed by the acts they perform.³⁹

Each of these elements is necessary, and each coheres with the other. ‘The true essence of halakhah,’ writes Twersky, consists in both ‘prophecy and law, charisma and institution, mood and medium, image and reality, normative action and individual perception, objective determinacy and subjective ecstasy.’⁴⁰ Elsewhere, he refers to halakhah as ‘a tense, vibrant, dialectical system which regularly insists upon normativeness in action and inwardness in feeling and thought,’⁴¹ and to its aim as a ‘composite act which is subjective though quantified, inspired and regular, intimate yet formal.’⁴² One without the other is incomplete; both are necessary. ‘For many religious traditions,’ writes an expert in Christianity, ‘ancient texts, beliefs and rituals do not replace experience as the vital center of spiritual life, but instead provide the means for engendering it.’⁴³ This statement pertains to Judaism as well.

39. During a visit to the Metropolitan Museum of Art in New York in September, 2005, I saw on a wall a quotation attributed to Henri Matisse that is relevant here: ‘I do not literally paint the table but the emotion it produces in me.’ I suggest that ‘table’ is ‘religion in manifestation,’ ‘emotion’ is ‘religion in essence’.

40. Twersky, ‘Religion and Law,’ 70.

41. Isadore Twersky, ‘The Shulhan Aruk: Enduring Code of Jewish Law,’ *Judaism*, 16/2 (1967), 157.

42. Isadore Twersky, ‘Some Aspects of the Jewish Attitude toward the Welfare State,’ *Tradition*, 5/2 (1963), 144–5. For Twersky’s formulation of some late mediaeval examples of this phenomenon, see id., ‘Talmudists, Philosophers, Kabbalists: The Quest for Spirituality in the Sixteenth Century,’ in Bernard Dov Cooperman (ed.), *Jewish Thought in the Sixteenth Century* (Cambridge, MA, 1983), 431–57; id., ‘Law and Spirituality in the Seventeenth Century: A Case Study in R. Yair Hayyim Bacharach,’ in Isadore Twersky and Bernard Septimus (eds.), *Jewish Thought in the Seventeenth Century* (Cambridge, MA, 1987), 447–67.

43. Amy Hollywood, ‘Spiritual But Not Religious,’ *Harvard Divinity Bulletin*, 38/1–2 (Winter-Spring 2010), 21.

The Rav repeatedly stressed this dual nature of the halakhic obligation; in fact, I would characterize this as one of the central motifs of his lectures and writing. A few examples:

I learned from [my mother] very much. Most of all, I learned that Judaism expresses itself not only in formal compliance with the law but also in a living experience. She taught me that there is a flavor, a scent and warmth to *mitzvot*.... The laws of Shabbat, for instance, were passed on to me by my father.... The Shabbat as a living entity, as a queen, was revealed to me by my mother.... The fathers *knew* much about the Shabbat; the mothers *lived* the Shabbat, experienced her presence, and perceived her beauty and splendor.⁴⁴

There are two aspects to the religious gesture in Judaism: strict objective discipline and exalted subjective romance. Both are indispensable....

Judaism has always believed that wherever actions are fair and relations are just, whenever man is able to discipline himself and develop dignified behavioral patterns, the latter are always accompanied by corresponding worthy emotions. Feelings not manifesting themselves in deeds are volatile and transient; deeds not linked with inner experience are soulless and ritualistic. Both the subjective as well as the objective component are indispensable for the self-realization of the religious personality.⁴⁵

-
44. R. Joseph B. Soloveitchik, 'A Tribute to the Rebbitzin of Talne', *Tradition*, 17/2 (1978), 77. For another formulation of the 'distinction between mother's and father's mission within the covenantal community' along these same lines, see id., 'Parenthood: Natural and Redeemed', in id., *Family Redeemed: Essays on Family Relationships*. David Shatz and Joel B. Wolowelsky (Jersey City, NJ, 2000), 114–15.
45. R. Joseph B. Soloveitchik, 'Marriage', in id., *Family Redeemed*, 40. For additional references to this theme in the works of Rabbi Soloveitchik, see his 'Al ahavat hatorah vege'ulat nefesh hador', originally published in *Hado'ar* 39/27 (27 May 1960), 519; id., 'Letter to Morris Laub', 23 Jan. 1972, in R. Nathaniel Helfgot (ed.), *Joseph Soloveitchik: Letters and Collected Essays*. R. Soloveitchik (Jersey City, NJ, 2005), 337–8; id., *The Lonely Man of Faith*, 56; id., 'Uvikashtem misham', in id., *Ish hahalakhah: galui venistar* (Jerusalem, 1979), 210–11

It should thus be clear that one's experience of mitzvot is very personal and subjective. As Isadore Twersky notes:

[W]hile there are established modes of religious behavior, there are no established modes of religious sensibility, religious experience, or measures of moving ever closer to God. Here uniqueness reigns. Every halakhic act is accompanied by 'practice of the

n. 19, and id., *Shiurei Mishneh* 2 (Jerusalem, 2002), 198–206 (regarding *Shema* and *Shema*); id., 'Ra'ayonot al hatefilah', in id., *Ish hahashuvah: Shiurei venistar*, 239–43; id., 'Mah dodekh midod', in id., *Dikdukei Mah* (Jerusalem, 1982), 79; id., 'Peleitat sofrehem', in id., *Dikdukei Mah*, 137–40; id., 'Zemanei hateshuvah veyihudam', in id., *Yemei Kadon* (Jerusalem, 1989), 233; id., *Halakhic Mind* (New York, 1986), 78–81, 85; id., 'Kibbud u-Mora: The Honor and Fear of Parents', in id., *Family Redeemed*, 126–30; id., 'Petition, Prayer and Crisis', in Carmy (ed.), *Worship of the Heart* 3–19, 21; id., 'Intention (Kavvanah) in Reading Shema and in Prayer', in Carmy (ed.), *Worship of the Heart* 7–106; id., 'Reflections on the Amidah', in Carmy (ed.), *Worship of the Heart* 46–7; Aaron Rakeffet-Rothkoff, *Worship of the Heart* B. Soloveitchik, vol. 2 (n.p., 1999), 147–8, 170, 175–80, 210–12; B. David Schreiber, *Sefer noraot harav*, vol. 9 (n.p., 1998), end of book; Pinhas Peli, *Al hateshuvah* (Jerusalem, 1975), 40–1, 58 n.; Abraham R. Besdin, *Reflections of the Rav: Lessons in Jewish Thought* (Jerusalem, 1979), 143–4 on the sin of Korah, 163; Arnold Lustiger, *Before Hashem You Shall be Purified: Rabbi Joseph B. Soloveitchik on the Days of Awe* (Edison, NJ, 1998), 17–22.

Secondary literature on this theme includes Lawrence Kaplan, 'Rabbi Joseph B. Soloveitchik's Philosophy of Halakhah', *Jewish Law Annual*, 7 (1988), 193–5; id., 'The Multi-Faceted Legacy of the Rav', *Bekhol derakhekha da'ehu*, 7 (1998), 63–4; R. Elyakim Koenigsberg, *Sefer shiurei harav al inyanei avelut vetishah be'av* (Jerusalem, 1999), 1–2, 78–82; id., *Sefer shiurei harav al inyanei shehitah, melihah, basar behalav, veta'aruvot* (Jerusalem, 2005), 5–6; R. Yosef Blau, 'Hesped for the Rav', in Michael A. Bierman (ed.), *Memories of a Giant: Eulogies in Memory of Rabbi Dr. Joseph B. Soloveitchik* (Jerusalem and New York, 2003), 122–4; Shlomo Zev Pick, *Mo'adei harav* (Ramat Gan, 2003), 24–6; id., 'Memories of Rav Joseph B. Soloveitchik', *Bekhol derakhekha da'ehu*, 15 (2004), 70; Alex Sztuden, 'Grief and Joy in the Writings of Rabbi Soloveitchik', *Tradition*, 44/3 (2011), 9–32. It is also highlighted by R. Aharon Lichtenstein in his appreciation of the impact of his father-in-law. See his 'R. Joseph Soloveitchik', in Simon Noveck (ed.), *Great Jewish Thinkers of the Twentieth Century* (Clinton, MA, 1963), 294–7. See, too, R. David Shapiro, *Rabbi Joseph B. Soloveitchik on Pesach, Sefirat ha-Omer, and Shavuot* (Jerusalem, 2005), 53–67, and the bibliography on pp. 66–7; Jeffrey R. Woolf, 'Time Awareness as a Source of Spirituality in the Thought of Rabbi Joseph B. Soloveitchik', *Modern Judaism*, 32/1 (2012), 54–75.

heart' – a personal, subjective religious component. The objective act is standard and unchanging; the practice is various and multifaceted.☒

Nor is this view a modern innovation. As Michael Stanislawski writes in a very different context, 'we have countless expressions of individuality, individuation, and richly idiosyncratic interiorities not circumscribed by [particular] views of God and Torah – no one could confuse Maimonides' interior life with Judah Halevi's, or the Vilna Gaon's with the Baal Shem Tov's.'☒

In this experiential, 'religion in essence' realm of halakhic observance, individuality is central. There is much room for autonomy in the personal and subjective way each individual experiences the mitzvah she or he performs; 'religion in essence' is central to the mitzvah act. It is a simple and obvious fact that, for example, different people experience taking the 'four species' differently, that the mitzvah of sukkah means different things to different people, that not all women have the same thoughts during Friday night candle-lighting, and so on. Some people are more rationally oriented, some more mystical; some are more intellectual, some more emotional; some like to say, some love to sing. The structure of the law is given, it is constant; the experience of the law is personal and subjective, various and multifaceted, individual and fluid.

This leaves the way open for modern individuals, rooted in the values and assumptions of Western culture, to enter the worldview of halakhic commitment and, I would submit, to accept the authority inherent in it. The yoke of the law lies lighter on those aware of the degree to which the law itself makes room for the expression of their individuality.

To be sure, I hardly mean to underplay the nuances and complexities of this suggestion. One issue concerns guidelines or boundaries to legitimate individual religious experience. Rabbinic texts attach symbols

46. Isadore Twersky, 'What Must a Jew Study – and Why?', in Seymour Fox, Israel Scheffler, and Daniel Marom (eds.), *Visions of Jewish Education* (Cambridge, 2003), 52.

47. Michael Stanislawski, *Autobiographical Jews: Essays in Jewish Self-Fashioning* (Seattle, WA, and London, 2004), 13.

to the 'four species', suggesting that they represent different parts of the body or different types of Jews. These traditional possibilities for a 'religion in essence' for this mitzvah are well known and meaningful. But what about someone immersed in Eastern religions for whom, let us say, the concentric shape of the *etrog* and the linear shape of the *lulav* represent the primal forms of woman and man, achieving their highest spiritual level when brought together (*igud*) as one? Many would hesitate to accept this as Jewishly valid, and I am not sure that I would disagree with them. Even so, I stand by the basic point. Despite limitations to what may be considered appropriate religious experiences, a great deal of room exists for both autonomy and individual expression in the overall world of religious authority. Jewish observance was not meant to be mechanical, monotonous, simply performed by rote. On the contrary, it is meant to be lived and experienced. Therein, precisely, lies the rationale for strict punctilious attention to halakhic details and structure.

VI

Finally, and most strikingly, if measures of autonomy, individuality, and choice are possible in the realm of 'religion in essence', there is also a case to be made for their applicability even in the realm of 'religion in manifestation', a realm where one might expect religious practice and ritual behaviour to be fully scripted, structured, 'standard and unchanging'.

Clearly, Jewish observance needs structure and form. 'Without the traditions and legal structures of marriage to contain and sustain it, romance is always in danger of flaming out or heading down blind alleys, extinguished as quickly as it first appeared.'⁵⁰ Those words, uttered by a Unitarian minister, could just as easily have been uttered by a traditional Jew. And marriage is only one example of this central point.

48. *Leviticus Rabbah* 30: 12, 14. For other associations, see Arthur Schaffer, 'The Agricultural and Ecological Symbolism of the Four Species of Sukkot', *Tradition*, 20/2 (1982), 128–40.

49. My thanks to Dr William Kolbrener who suggested a version of this possibility to me (personal communication via email, 23 Nov. 2005).

50. Cited in Elizabeth Debold, 'Spiritual But Not Religious', *What is Enlightenment Magazine*, 31 (Dec. 2005–Feb. 2006), 105–10. It can be found online at www.wie.org. My thanks to David Landes for bringing this article to my attention.

How so? Take the rituals of Sukkot again, as scripted and regulated a collection of requirements as any ‘religion in manifestation’ could demand. The Talmud and the codes instruct us in exactly what is involved and what is to be done: what elements comprise the ‘four species’, how to hold and shake them, the practice of first holding the *etrog* upside down in order to fulfil the requirement of reciting the blessing prior to fulfilling the mitzvah, what a sukkah looks like, how many walls it must have, what materials may be used to cover it, and more, much more. Or take other examples of carefully defined rules and behaviours: how many fringes comprise the *tsitsit*, what is recited during kiddush, how much wine is necessary to fulfil the obligation, how to bake matzah for Passover, in what time-frame must it be eaten, at which point is the *berakha* (blessing) over the candles on Friday night recited, and so forth. All these details are carefully and meticulously described – and many more like them, thousands more, govern every aspect of every festival, of the sabbath, of prayer, and of the totality of an observant Jewish life.

And yet, even into this world of ‘religion in manifestation’ a measure of autonomy and choice is constantly allowed to intervene and, indeed, is meant to intervene. Examples of this would include decisions by a man as to whether or not to wear his *tsitsit* over his shirt, wrapped around his belt loops, visibly protruding from his shirt, or tucked into his pants, with *shatnez* (blue thread) or not.⁵¹ Decisions of whether or not to sleep in the sukkah, make personal additions to different blessings in the Shemoneh Esreh, stand for the Torah reading or repetition of the Amidah, or put on Rabbenu Tam’s tefillin would fit into this category. Also, according to Rabbenu Hananel and Ritba, it is the personal prerogative of every individual to decide whether or not he or she wants to act

51. See BT *Sukkah* 32a; *Shulchan Aruch*, ‘Orah hayim’, ‘Laws of Sukkah’, nos. 625–44; ‘Laws of Lulav’, nos. 645–67. On holding the *etrog* upside down, see the various approaches in Tosafot on BT *Sukkah* 39a, s.v. *over*; *Arba’ah Parshiyot* and *Shulchan Aruch*, ‘Orah hayim’ 651.

52. On *tsitsit*, for example, see R. Eliezer Y. Waldenberg, *Tsits Eli’oz* 8:3; R. Ovadiah Yosef, *Yeha’adot* 2: 1; R. Alfred Cohen (ed.), *Tekhelet: The Renaissance of a Mitzva* (New York, 1996). See also David J. Landes, ‘Traditional Struggles: Studying, Deciding, and Performing the Law at the Rabbi Isaac Elchanan Theological Seminary’ (PhD thesis: Princeton University, 2010), 239.

lifnim mishurat hadin, beyond the letter of the law.⁵³ In all such instances, one's personal decision will clearly affect one's halakhic behaviour. Under this same heading, we may add the diverse ritual practices adopted in recent years by some women in more Modern Orthodox communities and considered appropriate by some *poskim* or recognized halakhic authorities: bat mitzvah ceremonies, reciting kaddish or *birkat hagomel* (blessing on an escape from danger) in the synagogue, and many more.⁵⁴

What I hope to have made clear is that Jewish tradition not only allows for, and even encourages, a 'variety of religious experiences', to borrow from William James, but also recognizes the validity of a variety of religious behaviours. Jewish authority speaks in a multiplicity of voices. A fundamental awareness of these facts can, I believe, help light the way to a greater readiness on the part of God's children to submit to His will and accept with joy the blessing and the privilege of His commandments.

53. See their respective commentaries on BT *BM 24b*. This question of whether acting *lifnim mishurat hadin* can be required or not is, in fact, the subject of debate among mediaeval Jewish halakhic authorities, and many disagree with the position taken by R. Hananel. See Shmuel Shilo, 'On One Aspect of Law and Morals in Jewish Law: *Lifnim Mishurat Hadin*', *Israel Law Review*, 13 (1978), 359–90, esp. pp. 365–9; R. Aharon Lichtenstein, 'Does Jewish Tradition Recognize an Ethic Independent of Halakha?', in Marvin Fox (ed.), *Modern Jewish Ethics: Theory and Practice* (Columbus, OH, 1975), 62–88.

54. There is a large, and growing, literature on these matters. For references to halakhic authorities allowing and, in some cases, even encouraging these practices, see R. Yehiel Ya'akov Weinberg, *She'elot uteshuvot seridei esh*, vol. 3, 93; R. Ovadiah Yosef, *Yabia omer* 6:29; R. Ovadiah Yosef, *Yehaveh da'at* 2:29 (bat mitzvah); R. Ahron Soloveichik, *Od yisra'el yosef beni hai* (Chicago, IL, 1993), 100, no. 32 (kaddish); R. Ovadiah Yosef, *Yehaveh da'at* 4:15 (*birkhat hagomel*). I am not dealing here with other current women's synagogue ritual practices.

RADICAL RESPONSIBILITY

Celebrating the Thought
of Chief Rabbi Lord Jonathan Sacks

EDITED BY

Michael J. Harris,
Daniel Rynhold,
and Tamra Wright

London School of Jewish Studies
The Michael Scharf Publication Trust / YU Press
Maggid Books