The Essential Agus

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AN EVALUATION of the actual consequences of any one decision by the Law Committee is exceedingly difficult.

Its positive impact in the direction of a reacceptance of a Sabbath synagogue attendance program has been counteracted by several factors. The responsum was designed to be part of a national, massive Sabbath Revitalization Effort. The revitalization campaign could be launched and sustained only by the central agencies of the Conservative movement. No single rabbi could possibly command the staff and the resources for any such enterprise. Our central agencies ignored this effort altogether, with the result that the Sabbath Revitalization Effort remained merely an intra-Rabbinical Assembly project.

In a logically organized movement, the ideological decisions of the rabbinate become the policy of the lay organization, and the various executives of the central agencies regard it as their duty to put into effect the proposals of the rabbinic authorities. No such situation obtained in the past decade within the Conservative organization. In the opinion of those who do control our central institutions, the “Responsum on the Sabbath” in particular and the Sabbath Revitalization Effort in general were ill advised and even harmful. The national publications did not publicize it. Printed only in the RA Proceedings, it was exceedingly difficult for anyone to obtain a copy of it. The United Synagogue could find neither time nor money for this project. When the extent of publicity accompanying other projects in our national organization is
remembered, we realize that the indifference of our central agencies to this project was indeed monumental.

I write of the frustration of this effort not in anger but in explanation. Not for a moment do I question either the integrity or the devotion to Judaism of any one of the executives of our national organization. For the most part, they were sincerely convinced of the downright perniciousness of the Sabbath proposal. They succeeded in preventing a vote from being taken on the floor of the Rabbinical Assembly convention so as to nullify the takkanah character of the responsum and to prevent any united action. A sincere difference of opinion was involved, and the façade of organizational unity only served to hide it.

Apart from any revitalization efforts, did the Sabbath responsum help to sharpen our position and to clarify our stand in behalf of a genuine, forthright, and viable faith? From my experience in Baltimore and from my visits in other cities, it is clear to me that the effects of the responsum were altogether wholesome. The Orthodox rabbis, who either ridiculed or criticized this proposal ten years ago, had to mollify their opposition with various degrees of equivocation. In my travels throughout the country I find that our people are proud of the rejection of dissimulation that the responsum signaled. A definitive answer to this question could only emerge out of a study in depth of our movement. An initial step in this direction would be the preparation of a questionnaire to be circulated among our colleagues and to a representative group of laymen.

It is certain that the movement of the population toward the suburbs was accelerated during the past decade; that the concept of a small, neighborhood synagogue rendering adequate service to a small membership is now more impractical than a decade ago; that many of our colleagues ride to the synagogue on the Sabbath and that they do so now without any reflection on their spiritual probity or stature.

Several years ago, a very prominent leader in our movement wrote to me expressing the fear that the Sabbath responsum had the effect of widening the rift between the Conservative and Orthodox communities. Were it not for that responsum, he opined, the Conservative organizations would have come in time to embrace the entire “traditional” community.

I question both the premises and the conclusion of this argument. If we are to have an “ecumenical” movement for unity, it should be directed as much to our Reform brethren as to our Orthodox col-
leagues. To me, the only kind of religious unity that is salutary is the one that derives from the recognition of the distinction between the ethical-spiritual core of faith and the ritualistic-historical expressions of it. Hence it is only in the growth of the liberal spirit that we can eventually attain the goal of creative unity.

Unity is neither desirable nor attainable by way of squeezing all of Jewish life back into “the four ells of halachah,” as it took form in the Shulhan Arukh; nor is it either desirable or attainable by way of fostering a rank anarchy of individual interpretations behind a facade of official loyalty to the halachah; nor is it either desirable or attainable by way of negotiations between “spiritual statesmen on the summit” on a quod pro quod basis.

Genuine unity is of the spirit, not of external forms. If we in the Conservative movement achieve some success in affecting and elevating the lives of our people, our Orthodox and Reform brethren will be inspired to do likewise.

In actual practice, the Sabbath responsum, is now being tacitly accepted even by Orthodox congregations. I know of one exceedingly prominent congregation that plans to “sell” its parking lot every Friday afternoon to a Gentile. The laymen of the congregation privately ridicule the position of their rabbi. I know of another one where the directors persuaded the rabbi to restate the Sabbath responsum in a “kosher” way, by putting its decision in the form of a biblical quotation.

If there is any one practice that officially separates the Conservative congregations from the Orthodox, it is that of mixed pews. I was involved in several litigations of this issue. Yet I know of no effort to abolish this practice for the sake of an illusory goal of unity.

The so-called new ketubah evoked far more opposition among the Orthodox than the Sabbath responsum. It also antagonized the Reform. The Sabbath responsum, by contrast, cannot be strongly opposed either on the intellectual level or in terms of the realities of our day. Ideologically, few Orthodox spokesmen either can or will dispute the right of a community to create takkanoth. Practically, it is hardly possible for them to oppose it openly.

Here is an area where forthright decisions are certain to meet with increasing acceptance.

I refer to the Sabbath responsum as a takkanah, not a hetair. The latter is an individual interpretation; the former is a communal enactment. The
acceptance of the responsum by the majority of the Law Committee may be taken as positive action of the Rabbinical Assembly, since this is the only form of endorsement available in our organization. Presumably, the committee could be disavowed and dissolved by the convention if its decisions did not correspond to the sentiments of our colleagues. In turn, rabbis may be presumed to retain the confidence of their respective congregations. A *takkanah* is validated by the express acceptance of the people of any one community.

It would have been far better for the movement if the Sabbath responsum had been directly endorsed by the Rabbinical Assembly and then freely accepted by the United Synagogue and its affiliates. We should then have had truly autonomous legislation, bearing potent ethical-spiritual influence. But even without these formal expressions of assent, the character of the responsum is still that of *takkanah*, not that of a *hetair*. Some of our colleagues are apparently of the opinion that the *takkanah* principle should be invoked only on rare occasions and that we should be guided, in the case of the Sabbath, by the principle of free interpretation. They are apparently of the opinion that *takkanah* legislation opens up vast new horizons and is thus dangerous for us to contemplate. In their eagerness to keep the rate of change slow and deliberate, they prefer to rely on the art of stretching the Law by the subtleties of interpretation.

Actually, the sole difference between a *takkanah* and an interpretation is that the former is a communal enactment and the latter is a private opinion. It is clear that a conscious policy of limitless commentary, allowing free interpretation by individual rabbis, borders on anarchy. On the other hand, a communal enactment is likely to restrain arbitrary and extremist policies and to frame new enactments in the spirit of the tradition as a whole and of previous precedents.

The line between free interpretation and *takkanah* legislation should be drawn in keeping with the distinction between *general* rules and *individual* applications. For example, an individual rabbi should answer a *sheilah* of the type “Is this bottle of wine kosher?” But no individual rabbi should undertake to deal with a question of the type “Shall the practice of designating wine as nonkosher (*setam yainom*) be declared no longer valid in our day?” When general rules are involved, we cannot invoke the principle of freedom of interpretation without destroying the fabric of norms and standards that have been built up through centuries of travail.
Traditionally, wide latitude was allowed in matters of doctrine, aggadah, but only a minimal measure of freedom in the domain of halachah. The only alternative to the controlled standardization of takkanoth is the proliferation of anarchy.

Some say, "But we established the system of family pews by the process of interpretation." In this case, the "interpreting" was evidently done by individual rabbis and congregations acting spontaneously, without guidance by any rabbinic body. As recently as thirteen years ago, a most revered professor of the seminary wrote to a congregation in Baltimore in behalf of the Law Committee, asserting that mixed pews were a violation of the Law. Continued development in this direction would make us Janus-faced, with a stance of official orthodoxy masking a state of spiritual bankruptcy and widespread anarchy. If the reconstituted Committee on Jewish Laws and Standards is to be frightened away from takkanoth, the trend toward total anarchy will continue unchecked, and the Conservative movement will disintegrate.

The distinction between general rules and individual interpretations determines the meaning and scope of a takkanah. I take it that the Committee on Jewish Laws and Standards should deal with individual cases as well as general rules. No one can question the right of the committee to issue a series of interpretations and applications of the Sabbath responsum, though one may differ in regard to the wisdom of any one recommendation. If any one such interpretation is widely questioned, a procedure for discussion, debate, and decision should be devised.

1. In regard to attendance at bar mitzvah services, that is, whether or not a person should ride to a synagogue where the bar mitzvah service of a friend is held: this question involves a general rule, for it is a regular, frequent, even a standardized practice. I fail to see any reason why it should be exempted from the general takkanah, permitting riding to the synagogue. The fact of a social obligation being involved is merely another mitzvah that is performed, in addition to the act of worship. If, except at rare instances, the Talmud permits interruption of prayer for the greeting of a friend, should we now disdain social courtesies as things unholy? When people come to a synagogue, they take part in a mitzvah gedolah without reference to their motivations—such as, did they come to hear the rabbi, or criticize the cantor, or cavil at the gabbai, or get the latest gossip, or make an impression on some people?
If the intentions of the original committee are relevant to this discussion, I can state that I do not recall the discussion of any such exemption. For myself, I consider such an interpretation extremely unwise and harmful.

2. As to riding for the purpose of visiting the sick, this question was not included in the original takkanah. It constitutes a domain for new decisions. My own recommendation is as follows:

As a general rule, bikkur holim should not be considered as sufficient motivation for riding on the Sabbath.

However, cases may arise, as, for instance, a rabbi's visit prior to a very serious operation. This mitzvah may acquire extreme urgency. Then, if a sheilah is presented to the rabbi, he should feel free to advise his congre-gant to ride for this purpose. The governing consideration should be letzorech, as it is on Yom Tov.

3. Regarding the attendance of a rabbi at a berith milah: this is also a regular and frequent occurrence, requiring explicit action by the committee.

As I see it, a rabbi is not essential to the performance of berith milah. A mohel, as we know, is allowed to ride on the Sabbath, even in accordance with Orthodox law. But since a rabbi is not essential to the ceremony, in normal circumstances, he should not ride.

However, occasions sometimes arise when the rabbi's participation is essential. Thus, if the circumcision is performed by a Jewish doctor, it is essential that the rabbi participate in the mitzvah directly. In that case, he should feel free to ride.

4. Several questions arising from the Sabbath responsum, and previously debated:

Should a rabbi feel free to choose his residence without regard to the possibility of walking to the synagogue? As I recall, we felt that a rabbi—indeed, all men—should seek to live in relative proximity to the synagogue. He should try to live within walking distance, riding only when, as, and if necessary.

Should a rabbi make it a practice to visit the sick in the hospital on the Sabbath? Not on a regular basis, but only if it is a special case of extreme urgency.

Should a person drive to the golf course on the Sabbath? By no means. (This question happened to arise.)

Should a synagogue provide a bus for the transportation of children to attend services on the Sabbath? This question involves a matter of
general policy. The rabbis taught us that rabbinic enactments should not be done furtively but openly, as in the case of pikuah nefesh dohe Shabbat. Hence a Conservative synagogue should not hesitate to provide transportation for children on the Sabbath so that they might attend services.

Should Jewish organizations be allowed to hold business meetings on the Sabbath? We have made strong representations on this point to all national organizations. We were not able to obtain the cooperation of the Reform Ritual Committee in regard to this issue. Professor Israel Bettan was at that time chairman of this committee. But we did obtain assurances from nearly all Jewish organizations that Sabbath programs would be designed to reflect the sanctity of the day. Here is an example of greater stringency than previous halachah and Jewish practice.

Should Jewish community centers be open on the Sabbath? This question is exceedingly complex. It is only tangentially related to our “Responsum on the Sabbath.” It should be studied separately and on the basis of reports from rabbis in the field.

Lastly, I wish to commend the committee on its undertaking to reevaluate the Sabbath responsum. The procedure of takkanah legislation contains its own means of rectification. Every new takkanah is in the nature of an experiment.

Let us not be discouraged by the need of articulating our decisions in even greater detail and taking account of newer problems. Such is our heritage. Our entire sacred tradition is the compendium of takkanoth in previous generations. The living traditions that we shall leave to the future will consist in effect of the takkanoth we institute in our lifetime. No greater privilege is given to any man than the opportunity of refining the faith, expanding the vistas, and elevating the culture of future generations of his people.