The Essential Agus

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EMERGENCE OF THE MOVEMENT

In point of organization and the official crystallization of ideology, the Conservative group is the most recent alignment on the American scene. While the Jewish Theological Seminary, the focal point of the movement, was first organized in 1887, largely as a protest against the adoption of the Pittsburgh Platform, the institution virtually ceased to function following the death of its founder and first president, Sabato Morais. Later, as the massive tide of immigration from Central and Eastern Europe brought into being a large, inchoate Jewish population that was not yet integrated into the pattern of American culture, the social gulf between the Reform and Orthodox communities became wide and all but impassable. In order to assist the East-European Jews to achieve their own synthesis of tradition and modernism, a group of public-spirited citizens, headed by Jacob H. Schiff, invited in the year 1902 Prof. Solomon Schechter from England to reorganize the Seminary and to build around it an association of traditional synagogues. In fifty years, the movement has come to embrace some 450 rabbis and 500 synagogues, as well as an impressive number of central institutions.

In Western Europe, the Conservative or moderately Reform interpretation of Judaism had achieved predominance by the end of the nineteenth century. Outside of England, the leading congregations and communities of Germany, Austria and France were Conservative, with
the Leipsig and Augsburg synods of 1869 and 1870, respectively, striving consciously for the attainment of "the golden mean." The Seminary in Breslau, under the leadership of Zechariah Frankel, provided the greatest number of rabbis for the synagogues of the German "culture-sphere," which included the cities of Hungary and the Scandinavian countries.

However, the graduates of this Conservative school did not band together, upon their arrival in the United States, to foster their philosophy and program on a national scale. For many years modern traditionalist rabbis like Jastrow, Szold and Kohut attempted to find a common working basis with the determined leaders of American Reform. Only slowly and reluctantly were the ways of the Conservative and Reform wings of American Jewry parted, with the consequent emergence of the United Synagogue and the Rabbinical Assembly as the organs of a new party. Motivated by a deep attachment to the total community of Israel, the Conservative group was therefore projected upon the American scene as a distinct movement virtually against the will of its founders and leaders, who sought to heal the wounds of sectarianism and to serve the entire body of Israel. It was the hope and conviction of Prof. Schechter that the United Synagogue would become the central rallying point of American Jewry, lending to the Orthodox masses the polish of "culture" and bringing the errant Reformers back to the community, in "unison and peace." At the founding convention of the United Synagogue, he declared:

"Indeed, what we intend to accomplish is not to create a new party, but to consolidate an old one, which has always existed in this country, but was never conscious of its own strength, nor perhaps realized the need of organization. I refer to the large number of Jews who, thoroughly American in habits of life and modes of thinking and, in many cases, imbued with the best culture of the day, have always maintained conservative principles and remained aloof from the Reform movement which swept over the country. They are sometimes stigmatized as the Neo-Orthodox. This is not correct. Their Orthodoxy is not new... A better knowledge of Jewish history would have taught them that culture combined with religion was the rule with the Jew... The 'new' Orthodoxy represents therefore very little that is new. It was the normal state of the Jew in Spain..." 

In his loving estimate of Jewish tradition, Dr. Schechter assumed that the momentum of the fundamentalist trend was in his day completely
spent and that a liberal interpretation of Judaism could confidently expect to inherit the mantle of Orthodoxy. All that the Orthodox masses lacked was "culture," and, in their progressive adoption of American ways and patterns of thought, they could be expected to retain "reverence for the Bible as the word of God" and "love for the institutions and memories of the past." Conscious that he represented the healthy mainstream of tradition, Dr. Schechter rejected even the designation "neo-Orthodoxy" as being too suggestive of innovations.

However, the logic of events brought the Conservative movement into being as an identifiable group consciously formulating its own standards of piety, and rendered hollow and meaningless any residual endeavor to pretend otherwise. Today, Conservative synagogues are easily recognized by one or more of the following practices:

With rare exceptions, the women's gallery is abolished and families worship together. Worshippers wear the "tallith" at their morning prayers and "t'fillin" at the daily weekday services. The congregations sponsor an intensive program of Hebrew education and employ either the Orthodox prayerbook or the one of the United Synagogue. The main changes in the United Synagogue Prayer-Book consist in the elimination of a petition for the renewal of the sacrificial system. The prayers of the Mussaph services are retained but the tense is changed so that it becomes a recitation of what our ancestors did in the past. The translation of "m'hayeh hamaisim," is so phrased as to suggest God's creative power, not to teach the dogma of the resuscitation of the dead.

Prayers in English are included in the services. Many synagogues employ the organ to aid the cantor and choir, but the cantilllation is in the musical tradition of the synagogue. Worshippers sit with covered heads. With the exception of one synagogue, two days of every festival are observed, and all synagogues celebrate the two days of Rosh Hashanah. All boys are prepared for the Bar Mitzvah ceremony; the Bas Mitzvah ceremony for girls is rapidly becoming a standard procedure, while the ceremony of Confirmation is also included in the total educational program. The dietary laws are observed in all public functions of the synagogue. The approved pattern of Sabbath observance for Conservative laymen includes permission to ride to the synagogue on the Sabbath, emphasizes the practices making for the hallowing of the day and distinguishes clearly between avoidable and unavoidable types of work. As of the present, Conservative rabbis do not perform marriages for divorcees without a Jewish bill of divorcement ("get"); by a
Of the Committee on Jewish Laws and Standards a descendant of a priestly family (Kohen) is permitted to marry a divorcée or a convert.

**TRENDS WITHIN THE MOVEMENT**

In the past decade, thoughtful observers were frequently more impressed with the divisions inside the Conservative movement than with the overall character and ideology of the United Synagogue. It was commonly assumed that the "right wing" of Conservatism shaded off into liberal Orthodoxy, that the "left wing" represented a blend of Reform with nationalism and that the "center" consisted of the steadily diminishing company of the hesitating and the unconvincing. Actually, the past generation has witnessed the steady rise of the "center" group within the movement, leading to the evolution of a vigorous and scholarly interpretation of Judaism that bids fair to set the dominant pattern for the future.

Occupying the middle position between Orthodoxy and Reform, Conservatism may be understood either as a critique of the former or as a protest against the latter trend. Historically, the Conservative movement has arisen both in America and in Europe by way of secession from the camp of radical Reform. But, the congregations which constitute at present the United Synagogue had come into the Conservative camp from the ranks of Orthodoxy. The full implications of the movement have not yet been revealed. However, it is already clear that it contains vital ideas which lend it coherence, relate it to the noblest trends of thought in the past and open it to the influence of the best minds of the present. While these ideas are not stressed in equal degree by all Conservative rabbis, they do constitute a consensus of basic convictions that is more significant than the variety of emphases among the marginal adherents of the movement.

**REPUDIATION OF THE LITERALISTIC CONCEPTION OF REVELATION**

Along with Reform, the Conservative movement does not teach that every word in the Torah and every statement of the Oral Law were literally pronounced by the Deity. The naïve picture of revelation as consisting of the "Lord dictating and Moses transcribing" is taken to be
no more than a symbolic representation of the process of Divine inspiration, that is itself beyond the power of human comprehension. "The Torah speaks in the language of men," as the rabbis put it, and, as our understanding deepens, we must learn to disentangle the human, the conditioned and the temporary elements from the Divine, the absolute and eternal truths. We cannot ever draw the line with either certainty or finality, but we must envisage this line as best we can, in our endeavors to meet the challenge of changing circumstances. To the Conservatives, then, the Torah contains the Word of God, especially when it is understood by way of a total self-identification with the historic experience of Israel, but the detailed precepts, phrases and words of the Holy Scriptures are not all, in their bare literalness, the word of God.

On the other hand, the Conservative view differs from the Reform position, as stated in the Pittsburgh Platform, which considered only the moral law as "binding." Jewish tradition, in its entirety, including the Halachah, or the system of precepts and laws, is a steadily unfolding body of revelation which is never wholly free from the manifold limitations of the human mind nor at any time entirely bare of the Divine spark of inspiration. The legalism of the rabbis was not a corruption of prophetic idealism but an inspired, collective endeavor to translate it into the realities of life.

The source of Divine teaching is our sacred tradition in its entirety, including the ideas of our philosophical literature and even those of deviationist trends. The greatness of Jewish tradition consists precisely in its richness, variety and hospitality to differing views, permitting various doctrines and practices to recede into the background, as other principles and laws move into the center of attention. Reverence for tradition in its totality, precludes both the revolutionary mood and the piety of naive literalism and legalism, encouraging both the process of continuous reevaluation of the past in the light of the present and the judgment of the present in the light of the past.

There is, of course, ample precedent for this insistence that the Word of God is not simply the written letter of the Torah, but that it consists in the synthesis of the letter with the living spirit of interpretation, which issues out of the best scientific and philosophic knowledge of every age. Masters of the "Mishnah," like Rabbi Joshua ben Hananyah, derived this principle from the verse, "it is not in heaven," and, in the Middle Ages, philosophical Judaism took this principle for granted all
through its triumphant advance. Yet, the implications of a non-literal doctrine of revelation are more significant in our day because of the development of the scientific method in the study of history, especially the rise of biblical criticism.

For several decades, the Conservative movement shied away from the scientific study of the Holy Scriptures, principally because the science of “higher criticism,” as it was developed in Germany by scholars who were keenly conscious of their “Aryan” supremacy, was largely vitiated by a kind of “higher antisemitism,” as Schechter aptly phrased it. Nevertheless, it was Professor Schechter’s first ambition, upon his arrival in the United States, to promote the scientific study of Scriptures by Jewish scholars, utilizing the rich treasures of our own commentaries as well as the discoveries and views of modern research and archeology. Rooted deeply in the soil of tradition, Conservative scholars have brought to the study of Scriptures a kind of sympathetic understanding of the genius of the Bible that was sadly lacking in previous years. The massive labors of Y’heskel Kaufman, which served to demonstrate the fundamental errors of radical criticism and the essential monotheism of the Jewish faith, in its earliest beginnings, are appreciated and taken up in the Conservative outlook. Thus, for example, Rabbi Solomon Goldman, in his introduction to the Bible, takes account of the massive achievements of modern research; reviews the general field of biblical criticism and the particular question of the authorship of the Book of Genesis; arrives at the conclusion that “the critics have overreached themselves,” that “the religion of the Patriarchs was monotheistic,” and that Moses was probably the author, editor and compiler of the documents that constitute the first book of the Bible.

The authority of Holy Scriptures for our day is twofold in origin—the truth of its central philosophy of monotheism and the interpretation that it enshrines of the enduring bent of mind of the Jewish people. Monotheism is not so much a series of intellectual propositions, as the nineteenth-century Reformers thought, but a fundamental attitude of the soul, which is validated by human experience generally. For us as Jews, monotheism is, in addition, the soul of our historic heritage and the substance of our collective experience. It is through our complete identification with the life of our people, in the tragic travail of the past as in the living aspirations of the present, that we come to experience the vibrant reality of the monotheistic way of life. Judaism is not only
philosophy; it is also a complex of psychic attitudes, a structure of loyalties and sentiments and a pattern of living.

In the Conservative view, the historic unity of God (metaphysical ideas), Torah (the detailed precepts governing the life of the individual) and Israel (the consciousness of ethnic unity and oneness of destiny), has been disturbed by the Reformers in their overemphasis on philosophical abstractions and by the Orthodox in their exclusive concentration on the precepts of the Torah. The impetus of Conservative thought is definitely in the direction of the re-creation of the original tri-partite unity, recognizing in the living people of Israel the synthesizing agent between the testimony of revealed tradition and the growing light of contemporary thought.

In its refusal to cut Judaism to a preconceived pattern of what a "religion" should be like and in its determination not to regard Judaism as a "finished," unchanging set of dogmas and deeds, Conservatism sees "the word of God" as a living stream of tradition and aspiration, rather than as a fixed pattern, or formula, or book, or collection of books.

Conservative scholarship finds ample support for this view in the historical analysis of the evolution of Judaism. As a foremost historian of our time put it:

"Neo-Orthodoxy, equally with Reform, is a deviation from historical Judaism. No less than Reform, it abandoned Judaism's self-rejuvenating historical dynamism. . . . It is Conservative Judaism which seems to show the greatest similarities with the method and substance of teaching of the popular leaders during the declining Second Commonwealth, inasmuch as clinging to the traditional mode of life, it nevertheless allows for the adaptation of basic theological concepts to the changing social and environmental needs." 5

THE "POSITIVE-HISTORICAL" VIEWPOINT

It was in the name of the "positive-historical" approach to the problems of Jewish theology that Zechariah Frankel, founder of the Conservative movement, seceded from the Frankfort Conference of Reform Rabbis in the year 1845. The issue in question was whether the use of Hebrew in the service was only "advisable," as the Conference contended, or whether it was absolutely essential. 6 Trivial as this issue might appear to us today, it reflected the fundamental divergence that was to eventuate
into the Conservative protest against the unhistorical rationalism of Reform. On any rational basis, worshippers should pray in the language they know best, and the law of the Mishnah concurs in this proposition. But, in prayer, the individual must learn to merge his identity with that of the collective body of Israel, and the Hebrew language is the effective medium whereby the individual Jew is made to feel the unity, continuity and distinctiveness of Israel as the people of revelation. Insistence upon Hebrew as "essential" for Jewish worship was, therefore, in effect tantamount to the negation of the basic Reform principle, that religion was strictly a relationship between the individual and God.

Essentially, the awkward phrase, "positive-historical," implies, in the first place, an attitude of humility toward the great achievements of the past. In every age, it is well for man to remember that his ideals and judgments, self-evident as they may appear to him, might only be partial facets of the infinite mystery of reality, the inadequacy of which will be as obvious to future generations as are the certainties and absolutes of past generations to us. It is good to embrace "the spirit of the age" in wholehearted devotion, but our enthusiasm must be tempered by the realization that the "weltanschauung" of our generation, as of all preceding epochs, is after all only a limited and partial view of that which can never wholly be known. Indeed, this fundamental humility is one of the essential functions of religion, in that it provides a perpetual counterbalance to the pride of reason and the inevitable acquisition of blind spots that accompanies the reception of every new vista.

In the nineteenth century, the feeling was widespread that humanity was standing on the final plateau of history, so that all the relative insights of the past were ready to be gathered up in the blaze of the final self-revelation of the Absolute Mind. We have seen how this conviction operated within the Reform movement in the uncritical adoration of "the spirit of the age." Frankel's insistence on "the positive-historical" approach was in effect a call to see the present in the light of the past and to recognize the limitations of our most cherished convictions. In the same spirit, Schechter declared that Judaism would never have survived if Jewish people had been ready to accept any apparent contemporary fad or trend as the final "verdict of history," as Geiger did when he wrote:

"History has given her judgment (against the Hebrew language) even though this judgment is not yet carried out, and all lamentations against
this condition of things are useless. No protest is justified against the forces of history.”

In the second place, the term “positive-historical” implies an attitude of reverence toward the processes whereby changes are effected in the religious life of a people. Frankel, Zunz and Schechter were fundamentally historians. They were not averse to any change in the pattern of worship or the regimen of prescribed rituals, provided that change was brought about organically, naturally, smoothly, as a development of cumulative historical forces, not as an artificial fiat of a few men. As a living tradition, Judaism can and must continue to grow in accord with its inner genius, but it must not be tailored to suit abstract geometric patterns, which may be theoretically more systematic and rational.

Continuing this line of reasoning, the Conservatives generally favor that interpretation of the Law which allows the living authorities of each age ample scope to enact such amendments as are needed for the “strengthening of the faith” (“hizuk hadath”). The chief target of their criticism of Orthodoxy is its tendency to reduce the authority of contemporary rabbis and courts to the vanishing point, so that the domain of law and life are hopelessly separated. As Prof. Schechter first phrased this criticism in a review of Weiss’ study of the evolution of the Jewish tradition:

“What Weiss really objects to is a weak authority—I mean that phonograph-like authority which is always busy in reproducing the voice of others without an opinion of its own, without originality, without initiative and discretion. The real authorities are those who, drawing their inspiration from the past, also understand how to reconcile us with the present and to prepare us for the future.”

In brief, then, the Conservatives favored the vitalization of tradition by strengthening the authority of contemporary rabbis rather than the abandonment of tradition in favor of a rationally reconstructed faith.

In part at least, this debate reflected the issue between the European liberals and conservatives in the general field of public law. Are laws made in accordance with an abstract system of ethics, or must they be allowed to develop in keeping with their own inherent impetus? The liberals of European politics argued in behalf of systematic legislation based upon the implications of “the rights of man,” while the conservatives maintained that freedom must be allowed to broaden slowly, “from precedent to precedent.” Applying the conservative argument to the
problems of Judaism, Frankel and later Schechter maintained that the law must issue out of the life of the people, reflecting their sentiments and channeling their aspirations. While the Reformers conceived of religion largely as a set of abstract truths and consequently assigned to the religious leaders of every age the task of formulating and crystallizing the ideology and program of Judaism, the Conservatives regarded faith as a complex structure of sentiments, loyalties and ideals, shared by all the people and therefore to be molded by the people.  

In this "positive-historical" view, Judaism is continuously being modified by the changing habits of the people and by the process of interpretation of Jewish law, which, too, is not meant to be abstract and self-contained, but pragmatic and life-centered. Conservative scholars like Prof. Louis Ginsburg, Louis Finkelstein, Hayim Chernowitz and Saul Lieberman demonstrated in a massive series of researches how the Law reflected the changing needs and aspirations of the people in the varying strata of its gradual formation. Thus, the Conservatives accept the entire structure of Jewish law as valid for our time, save insofar as it was modified by the practice of the people, insisting, however, that the Law arose as a human response to a Divine call and that it continue to be developed in such a manner as to respond to the deepest spiritual needs of our time.

As to the application of this principle, the Conservative movement has been slow and fumbling. Only in recent years has the attempt been made to systematize, clarify and apply in practice the implications of the Conservative interpretation of Jewish law.

THE NATIONALISTIC MOTIF

Even before the rise of modern Zionism, the Conservative movement was motivated by a deep love for the living people of Israel, in all its peculiarities, foibles and loyalties. While the Reformers sought to eliminate all traces of nationalism from the prayer-book, the Conservatives insisted on the indispensability of Hebrew and on the need of retaining the ideal of rebuilding the historic homeland. As Mannheimer, the leader of Austrian Conservatism, put it: "I am one of those who do not rationalize the Messianic belief; I believe in and defend the national interpretation of this dogma and hope for a national restoration. . . ."  

In the Conservative view, the very existence and life of the Jewish people was a supreme religious ideal, for they could not envisage the
Jewish faith as being separated even in theory from the people that projected it upon the stage of history. Bitterly repudiating the anti-nationalism of the Reformers, Schechter wrote that they (especially Geiger) "saw in Israel a religious corporation, a sort of non-celibate monks, whose raison d'être was not in themselves, but outside of them. . . .

"We would have been spared all the terrible persecutions if we could ever have agreed to eliminate from it the national features and become a mere religious sect."\(^{11}\)

"It was just those things which distinguished us from our surroundings and separated us from the nations, such as devotion to the Pentateuch, the keeping of the Sabbath, the observance of the covenant of Abraham, and the loyalty to the dietary laws, to which we clung for thousands of years with all our life and for which we brought numberless sacrifices. Is this now the time, when the thought of nationalism is universally accepted, to destroy it as far as Israel is concerned?"\(^{12}\)

If the inspiration of Reform was the bold rationalism of a Maimonides, the guiding light of Conservatism was Halevi, who taught that Judaism was the living tradition of a Divinely chosen and uniquely endowed people. Taken collectively, Jewry was a people of prophets, and anything that redounded to the benefit of the physical wellbeing of the people strengthened the foundation of the true faith. This organic unity of the particular people with the universal faith was articulated in the accents of contemporary thought by men like Samuel David Luzzato, who saw the Jewish spirit as being arrayed against the secular spirit of Hellenism or "Atticism," as he put it, in all epochs and in every phase of culture, and Nahman Krochmal, who interpreted the entire sweep of Jewish history in terms of the unbreakable bond between the people Israel and the Absolute Idea of God.

Of particular importance in later years were the ideas of Ahad Ha'am, who saw the genesis of every ideal in the "will to live" of the people and in the progressive unfolding of its national soul. It was the unique bent of the Jewish mind to seek to order all phases of life in accord with "absolute justice." This "Torah of the heart" is the genuine dynamic and enduring impetus of Judaism; all else is temporary, peripheral and expendable. Thus, it is possible to identify oneself with Jewish life for the sake of spiritual self-fulfillment, even if one does not accept the idea of God and does not observe any phase of the ceremonial pattern of the Jewish faith. In an age when intellectuals hesitated to express belief in
God, Ahad Ha'am's ideas functioned as powerful centripetal forces for the Jewish community, directing attention to the cultural and spiritual content of the Jewish faith and stimulating a broad loyalty to the total complex of Jewish values. And it was within the hospitable compass of the Conservative movement that the seeds of Ahad Ha'amism found their most fertile soil.

THE MOTIF OF ANTI-SECTARIANISM

Allied to the national ideal is the resolve to build bridges of understanding between the varied and contradictory interpretations of the Jewish faith, so as to retain the vision of the all-embracing unity of a common tradition. Thus, secular Zionism was so enthusiastically welcomed by Conservative Jews as to erase the lines of demarcation between them, though, of course, it represented only one phase of the tradition. To the believer in the motto, "nothing that is Jewish is alien to me," every creative expression of Jewish life, one-sided and unbalanced as it may be, is still part of the total organic complex that is Judaism. In particular, the Conservative group was cast in the role of the mediator and interpreted between the Orthodox and Reform conceptions of Judaism. Rabbi Moshe Sofer and Rabbi Malbim were the implacable opponents of Geiger, Holdheim and Zunz, but to the Conservatives, both sets of leaders belonged to the one tradition that they sought to make meaningful for their day and age. While the Reformers concentrated their loving attention upon the essence of Judaism, the Conservatives sought to take account of the totality of the tradition, with the understanding that varying phases of the tradition might leap into the focus of significance at different times, while other phases temporarily move into the background. Thus Prof. Schechter wrote:

"In other words, is it not time that the new theology should consist in the best that all the men of Israel, including Geiger, gave us, but should modify and qualify his views, dating from a rationalistic age, by the loyalty to the law of Rabbi Akiba Eger and Rabbi Mordecai Baneth, by the deep insight into Jewish history of a Zunz and a Krochmal, by the mysticism of a Baal Shem and some of his best followers, and by the love of Israel's nationality and its perpetuation of Herzl or Ahad Ha'am?"\(^{13}\)

In this quotation, the argument is pointed against the Reformers, but it was directed with equal logic against the Orthodox, who reduced all
of Jewish life to Torah, condensed all of Torah into the “four ells of Halachah,” and all of the historically varying trends within Halachah into the rigid molds of the “Shulhan Aruch.” In opposition to the steadily narrowing spiral of the “faithful” by Orthodox standards, the Conservatives stress the fullness of the historic tradition, which included reverence for all that is genuinely Jewish and all that the cumulative knowledge of the age acknowledges to be true. The precepts of the Halachah were not to be viewed in isolation, but against the historic background from which they emerged and in the light of the total tradition which they expressed. A century of Jewish scholarship has demonstrated the responsiveness of the law and its official interpretation to the exigencies of life and the requirements of the contemporary spiritual climate. Thus, the validity of Halachah is reaffirmed, but only as one of the factors of the rich and varied tradition of Israel.

And within the tradition, the source of authority is shifted from the written word to the living people, in all its confusion, variety and uncertainty. What is lost in definition and clearness is gained in vitality, relevance and comprehensiveness.

“Since then the interpretation of Scripture or the Secondary Meaning is mainly a product of changing historical influences, it follows that the center of authority is actually removed from the Bible and placed in some living body which, by reason of its being in touch with the ideal aspirations and the religious needs of the age, is best able to determine the nature of the Secondary Meaning. This living body, however, is not represented by any section of the nation, or any corporate priesthood, or Rabbihood, but by the collective conscience of Catholic Israel as embodied in the Universal Synagogue.”

THE “HIGH SYNAGOGUE” MOTIF

An enduring emphasis in Conservatism is the high estimate of the importance of rituals and time-honored symbols in religious life. While Geiger maintained that, with the advance of culture, symbols become unnecessary, the Conservative movement in Europe and America insisted that religion was a total involvement of the soul and that its symbols and rites are directed to the vast reaches of the unconscious and the irrational. The massive researches into the psychology of religious consciousness that were conducted under the inspiration of William James, McDougall and the Freudians confirmed the truth of the ancient
insights, that symbols of action are of incalculable value in the economy of spiritual life. After a century and a half of unidirectional rationalism, the modern world was reminded that the human personality was rational on the surface only and that symbols of word and deed frequently reached the depths that concepts could only point to. This realization was included in the ideology of American Conservatism, which was taking shape even as students of religion turned their attention from logic and metaphysics to depth-psychology and social anthropology.¹⁵

Thus, in Conservatism, the prevailing tendency is not to abolish ceremonial practices, but as far as possible, to revitalize them and even to create new ritualistic channels for the articulation of religious feeling. Worship with covered heads and in “tallith” and “t’fillin,” the Dietary laws and the distinctive rites of each festival are cherished. The Congregation ceremony for children entering the Hebrew School and the Bas Mitzvah observance, as well as the practice of blessing children on the Sabbath nearest their birthdays, are instances of the search for new vehicles of religious expression. The emphasis on the principle of creativity is particularly strong in the Reconstructionist version of the Conservative philosophy, which will be discussed presently.

THE FACTOR OF NEO-MYSTICISM

A renewed appreciation of the mystical element of religious experience is a potent factor in the formation of the Conservative ideology. While in the early days of Reform, the doctrines of Kabbalah and the institution of Hassidism were derided as monstrous aberrations, the twentieth century saw the rise of a neo-Hassidic movement which glorified the romantic and mystical trends in Jewish tradition. The works of Martin Buber, I. L. Peretz and Sh. Horodetzky exhibited the genuine beauty of mystical piety and its deep roots in the indigenous culture of the East-European Jews.

Thus, Prof. Schechter pleaded for the infusion of the mystical piety of the Baal Shem Tov into the life of the modern Jew.¹⁶ Repeatedly he exposed the dry and narrow approach of the rationalistic Reformers.

“Rationalism could well appreciate all the virtues of manliness, but it could never value properly those qualities of obedience, submissiveness, meekness and self-denial which constitute a holy life.”¹⁷

The impact of mysticism is partially antinomian, since attention is directed away from legalistic correctness and toward the travail of the
spirit. To mystics the observance of any law is not as important as the spirit in which it is observed. For this reason, the Lithuanian “mithnag-dim,” in their zealous passion for the Law, feared and fought the mass-movement of Hassidism. But, the enduring pressure of mysticism is in the direction of a progressive intensification of loyalty to ancient practices and even in behalf of the proliferation of new customs and practices. It is in conformity to the established rituals and ceremonies that the mystical personality finds refuge from the blinding radiance of ecstatic piety, a powerful bond with the religion of the masses and a persistent protest against the pride of reason. While both rationalism and mysticism seek the spirit behind the Law, the former expects the ceremony to speak to the worshipper whereas the latter expects the worshipper to speak through the ceremony. Thus, at the various Reform conferences, the rituals which are not connected “directly and naturally” with some worthy spiritual purpose were declared to be no longer valid. In contrast, the Conservative movement follows the guiding principle of Franz Rosenzweig, who, in a famous letter to a group of disciples, declared that it is not the objective character of the ceremony that is decisive, but the question whether or not we today can still bring ourselves to say through the rite or symbol, “Praised art Thou, O Lord, our God.”

“Practice precedes theory for us,” he wrote, “whereas, with the Reform movement, the contrary was true.” In the beginning is the act of commitment to the Jewish faith and destiny—an act which is more volitional than rational, and for which virtually any rite may serve if it is part of the divinely designed synthesis of Torah and Israel. “Your Hassid too did not begin with Kavanah (intention). That will come one day, of course. But, to desire to begin with it, as people tell us we must, is entirely un-Jewish.”

To Rosenzweig, God is the creative principle of love, subsisting behind the universe. Flashes of His love interpenetrate the cosmic process from time to time, setting into motion the current of redemption which will one day sweep mankind up to the blessed peaks of the Kingdom of God. It is of the nature of love to be selective. Hence, the recipients of the Divine ray of love inevitably feel themselves to be “chosen.” The Jewish people was thus “chosen” by God, in a concrete and historical fashion, insofar as its collective consciousness is illuminated by this central religious experience of its prophets and saints. The individual Jew shares in this transforming experience if he surrenders
his individual identity to the collective consciousness of his people, willing, feeling and thinking of himself only as a cell in the organism of the nation. Since Israel is fashioned as a community by the Torah, especially the Divine Law, obedience to the Law is an automatic articulation of the sense of belonging to the Jewish community. Only those who belong can enjoy the feeling of being the object of Divine love and of being part of the “chosen” people.

Thus, while Rosenzweig placed the living people in the focus of attention, rather than the letter of the Law, he insisted that the worshipper must make every effort to address God through the approved channels of Halachah, discarding only the rites which have lost altogether the power to stir the religious consciousness. “I should not dare to declare any law as human, because it has not yet been permitted to me to say through it in proper fashion, ‘praised art Thou.’ ” At the same time, he declared, “Judaism is not Law. It creates Law, but is not it, it is to be a Jew.”

It is through the symbols of action that the worshipper comes to feel, not as a disembodied “man in general,” but as an integral part of the living body of Israel, that was made eternal by the Word of God. “People understand differently when they understand in doing. Every day in the year, Bileam’s speaking ass may be a legend to me; on the Sabbath Balaak, when it speaks to me out of the uplifted Torah, it is not.”

While Martin Buber is wary of all organized forms of religious expression, especially of all rituals, the impact of his philosophy is felt in a growing reverence for the mystical trends in Jewish thought, especially Hassidism. The early writings of Buber dealt with the nature of the inherent genius of Jewish thought. As the leading exponent of “spiritual Zionism” in Western Europe, Buber sought to define the character of the Jewish elan, which he envisaged as a subterranean stream of consciousness, finding expression at various epochs in the emergence of mighty cultural and religious movements. The creative impulse of the Jewish people, he maintained, was not to be sought in the ideas and norms of Judaism, that are assembled in the Talmud, but in the unconscious drives that come to the surface in folk-piety, on the one hand, and in the prophetic-mystical experience of saints, on the other hand. The national “soul” of Israel is like a restless, surging stream, and the dogmas and rituals of official Judaism are the rocks and boulders thrown off by the raging waters.
Buber agreed with Ahad Ha’am in maintaining the thesis that the underlying genius of the Jewish national soul, the “Torah of the heart,” must be distinguished from the dogmatic structure of the Jewish faith. But, while “Ahad Ha’am” regarded the pure doctrines of absolutist ethics as constituting the enduring substance of the Jewish way of life, Buber insisted that the “inner Torah” was no rational ideology of any kind, but an intuitive grasp of the nature of man’s relation to the Supreme Being. The Jew of history, especially as he appears in the Holy Scriptures, interpreted the travail of human destiny in terms which derived from this intuitive vision. However, the vision itself cannot ever be fully concretized in man-made schemes. Hence, the successive rise and fall of mystical movements in Jewish life, each endeavoring to renew and recapture the dynamic substance of faith, which consists in a direct confrontation of the human soul with the Living God.

Buber’s contribution to the contemporary ferment of ideas consists of three fundamental ideas, which he has elaborated in a great number of books:

(a) The national soul of Israel is the fundamental reality in the spiritual life of all Jews. The artist and the writer become creative, only when they permit the unconscious spirit within them to operate freely. And the unconscious spirit of the individual is at bottom merely an expression of the Great Unconscious spirit of the nation. Hence, it is as a son of one’s people, and only as such, that any individual can address himself meaningfully to humanity.

“Now, the folk is to him (the individual) a community of people who were, are and will be a community of dead, living and those yet unborn, who together constitute a unity; and this is his “I” which is but a necessary link eternally determined to occupy a definite place in this great chain. What all the people in this great chain have created and will create, that he feels to be the work of his own inner life; what they have experienced and will experience, that he perceives to be his own inner fate.”

The individual Jew is so constituted that he is inevitably sensitive to all contradictions and imperfections of society. Hence, he is always in search of the “Kingdom of God.” But, the meaning of his restless striving cannot become clear for him unless he learns to understand himself as a Jew, “for only the one truly bound to his people can answer with his whole being.”
To discover his own true being, the Jew must learn to embrace in mind and heart the entire history of his people.

“All religious creation, all genuine personal religion is a discovery and a taking up of an ancient treasure, a development and a liberation of the grown subterranean religion.”

(b) In the Hassidic movement of eighteenth century Poland, Buber finds a modern expression of this “subterranean” religion. While Buber does not accept the dogmatic substructure of Hassidic piety, he calls attention to the pattern of living which arose spontaneously among the untutored, poverty-stricken masses of southern Poland, reflecting the Jewish yearning for God’s sovereignty.

In his numerous works on the subject of Hassidism, he stresses especially the following points:

1. The hassid is perpetually ready for the appearance of God’s redemptive power. Hence, his childlike naivete and his eagerness to believe the miracles of the saints. Hence, too, the awakening of the myth-building faculty among the masses. As Plato discovered long ago, it is only through myths that the paradoxical nature of reality may be grasped.

2. The hassid is taught to worship God in rapture and ardor, and the “tzaddik” attains high levels of ecstasy in his worship. Thus, God is found by the dark and mysterious paths of feeling, not on the prosaic highway of reason.

3. The hassid achieves unity in his own personality. He is not engaged in an endless struggle against his own lower nature. But, body and soul are joined together in joyous adoration of God.

4. The hassid is not other-worldly. He is taught to concentrate his efforts upon the achievement of the good life here on earth, especially by way of “deeds of loving kindness.” Nor is he expected to confine himself to the well-trodden pathways of ritual piety. The hassid was bidden to discover fresh ways of expressing his religious feeling.

5. The hassidic community, in which the “tzaddik” forms the living center, is an illustration of the warm fellow-feeling of a society based upon a common religious experience. It is through the confrontation by his soul of the Supreme Being that man attains a generosity of spirit which makes possible his wholehearted entrance into the intimacies of a genuine, organic community.
Man confronts God as a “person” and enters into a dialogue with Him. In saying “Thou” to God, man discovers his own “I,” as a responsible self, a partner of the Lord in the creation of the good society. Buber has described the “I-Thou” dialogue-relationship in so thorough and brilliant a manner that no student of modern thought can afford to ignore it.

Following are the essential points in his presentation:

(1) The “I-Thou” relation is basically different from the attitude that we assume toward things, which he designates as the “I-it” relation. In dealing with things, we live in a world where we ourselves constitute the center. But, in facing a person, we enter a new dimension of existence, where the relation subsisting between the persons involved becomes itself the fiery core of reality.

“If I face a human being as my Thou, and say the primary word I-Thou to him, he is not a thing among things, and does not consist of things. . . . But, with no neighbor, and whole in himself, he is Thou and fills the heavens. This does not mean that nothing exists except himself. But, all else lives in his light.”

(2) Though we address human persons as “Thou,” we feel that our perception of their personality extends beyond the appearance that confronts us. There is the radiance of infinity about the “Thou” relation, so that we glimpse the Supreme Personality looming behind those who evoke the word “Thou” from us, in all its depth and pathos. “In each Thou, we address the eternal Thou.”

(3) The “I-Thou” relation is wholly quality, not quantity, entirely in the present, not in the space-time world. Thus, it comes as an augury of a domain of existence that is different from the space-time world which we are inclined to regard as the whole of being. It is the key to reality.

(4) Love is the apex of the “I-Thou” relation.

“Love is the responsibility of an ‘I’ for a ‘Thou.’ In this lies the likeness—impossible in any feeling whatsoever—of all who love, from the smallest to the greatest and from the blessedly protected man, whose life is rounded in that of a loved being, to him who is all his life nailed to the cross of the world, and who ventures to bring himself to the dreadful point—to love all men.”

(5) It is through our readiness to love all men and all things and to address them in word and deed as “Thou,” that we find God
in the world. For God is the eternal Thou. "Men do not find God if they stay in the world. They do not find Him if they leave the world. He who goes out with his whole being to meet his Thou and carries it to all being that is in the world, finds Him who cannot be sought.

"If you explore the life of things and of conditioned being you come to the unfathomable, if you deny the life of things and of conditioned being you stand before nothingness, if you hallow this life you meet the living God." 28

(6) Buber repudiates the goals of so many mystics—that of union with the Divine Being or that of absorption into the Divine Abyss. To him, the ecstatic apex of the "Thou" relation is still a relation between two beings, and there is no loss of personality. At this point, Buber parts company—and very distinctly—with the vast majority of mystics in Christianity and in the Hindu world.

(7) The dialogue-relation implies a mutual need on the part of both man and God.

"You know always in your heart that you need God more than everything; but do you not know too that God needs you—in the fullness of His eternity, needs you?" 29

(8) The "I-Thou" relation is double faceted—addressed to man, it points to God; addressed to God, it points to man.

"Meeting with God does not come to man in order that he may concern himself with God, but in order that he may confirm that there is meaning in the world." 30

In sum, Buber's philosophy is a lengthy homily on the meaning of human and Divine love. The full import of his message is only now beginning to be felt in America.

Prof. Abraham J. Heschel is the exponent of neo-mysticism on the American scene. A member of the faculty of the Jewish Theological Seminary, he is a scholarly and brilliant defender of a non-dogmatic type of Hassidism. Holiness is, to him, a dimension of existence, of which all men are aware, in gradations varying from the sense of wonder and bafflement of the average person to the overwhelming, lightning-like tremors of the saint in the blessed moments of ecstasy. Hence, piety is not a subjective attitude, but a "response" to the Divine call.

"What gives rise to faith is not a sentiment, a state of mind, an aspiration, but an everlasting fact in the universe, something which is
prior to and independent of human knowledge—*the holy dimension* of all existence.”

God needs man even as man needs God, and in obedience to the Divine Law, man joins in the fulfillment of the Divine Will. “The pagan gods had selfish needs, while the God of Israel is only in need of man’s integrity.”

But, “man’s integrity” includes his endless yearnings for the good life, yearnings which interpenetrate every aspect of life. Hence, the Law, guiding our life, must be regarded as an organic unity, not as a collection of precepts.

“What constitutes the Jewish form of living is not so much the performance of single good deeds, the taking of a step now and then, as the pursuit of a way, being on the way; not so much the acts of fulfilling as the state of being committed to the task, of belonging to an order in which single deeds, aggregates of religious feeling, sporadic sentiments, moral episodes become parts of a complete pattern.”

In illustration of this central purpose of building the dimension of holiness into life, Prof. Hescher describes the institution of the Sabbath as “a palace in time with a Kingdom for all.” Glancing away from any considerations regarding the origin of the Sabbath or the need of modifying some of its laws, the author devotes himself to the task of explicating the mood of the Sabbath as being the focus of time touched by eternity, spent in mystical wonder and contemplation in contrast to the space-oriented mood of work and civilization. As the approach of the mystic stands in polar opposition to the scientific and pragmatic attitude, so does the spirit of the Sabbath when time is lived with intimations of eternity, differ from the secular and mundane spirit. It follows that one may not enter the Holy of Holies of Judaism with the boots and tools that are generated by the “spirit of the age.” Only from within is reform possible, issuing out of the organic growth of the spirit in the domain of holiness.

Thus, mysticism as a living experience, a communicable mood and a popular attitude functions as a potent brake upon the process of ritualistic reformation and modernization.

**THE CONTRIBUTION OF RATIONALISM**

The predominant position of Halachah or law in the Jewish pattern of piety was cited by Christian theologians in both ancient and modern
times as proof of the "inferiority" of Judaism. Is not the "inwardness" of feeling far superior to the concern of the Pharisee with the exactitude of ritual performance and the casuistries of the Law? By the same token, Jewish scholars are wont to point to the rationality and sober balance of a faith that is firmly raftered by the pillars and joints of a God-given law. Doubtless, the most closely reasoned exposition of the virtue of reverence for law is contained in the massive volumes of Hermann Cohen, the greatest philosopher that German Jewry has produced.

Continuing along Kant's pathway of "critical idealism," Cohen declared the quality of lawfulness to be the ultimate goal of all "pure" directions of the spirit. In the labors of pure reason for the comprehension of the nature of Being, we must not expect to stop at any point and say, "that much is given to us from without as our ineluctable starting-point." As we probe deeper and deeper into the nature of the universe, we find that every material substance inevitably dissolves into a mathematical formula, and the elements of this formula may in turn be analyzed and further resolved into more ultimate elements. Hasn't this process been revealed in the evolution of modern science during the past century, as molecules gave way to atoms, atoms to electrons and protons, while these in turn are even now steadily being decomposed into mesons, waves, curvatures of space, foci of electromagnetic waves and what not? This process is necessarily endless for the human mind can rest only in the stable groove of a formula describing the laws of change.

Even so, in the domains of ethics and esthetics, the productions of the human spirit take on more and more the quality of lawfulness as they attain progressive refinement through the ages. "Pure" ethics is not a matter of "feeling" kind or charitable, but of acting in accord with an inwardly acknowledged law of action. Cohen envisaged the course of history as leading to a progressive unfolding and expansion of "culture-consciousness," which consists in its turn of the three basic quests of the human personality for truth, for rightness and for beauty. Each one of these quests is fulfilled in the discovery of immutable laws governing the fundamental areas of being.

In Cohen's system, religion constitutes at once the source, the apex and the unifying factor of the unfolding "culture-consciousness." The culture of our age is not the creation of saints, scientists and artists, but their collective discovery. All true discoverers share in common the
capacity to overcome selfish concerns and private prejudices so as to apprehend reality as a whole and see it truly. Thus, it is the self-transcending impulse of religion that impels the builders of culture in all domains, though, in their pursuit of a partial goal, they sometimes forget to take account of the fundamental craving for truth which is the stirring of God within their soul.

The God-idea rises out of the hunger for purity, which takes these forms—the assurance of the thinker that reason corresponds to reality and is not merely a human delusion, the faith of the ethical personality that its laws of human action are true to the fundamental nature of things and the intuition of the artist that beauty of all types is a reflection of the inner harmony of the universe. Inner truthfulness is the ultimate premise and validation of our emergent "culture-conscience," and this quality of truthfulness is the source of the quest for beauty, righteousness and truth. Thus, religion, like the God-idea, is twofold in nature. It is a quest for the laws of true being and faith in their validity.

It follows that the virtue of reverence for law should be fundamental in our religious consciousness. Indeed, in Judaism, the believer is trained to be law-abiding, and hence perpetually hungry for the "purity" of conscience and the "purity" of the understanding. Cohen did not believe in a sudden, one-time revelation of the Law at Sinai, but he regarded the central insight of Judaism that piety must be molded through the forms of law as being of decisive importance. It is through mind and conscience that God is revealed in our "culture-conscience," while the Law of Judaism is intended to fortify our reverence for the basic laws of being. The pious man does not seek to attain mystical oneness with God, but he aspires to make his personal existence count for the attainment of the Divine goals of perfection. To be concerned with the fate of one's soul in this life or in the hereafter is to succumb to the spell of the pagan mentality. Judaism, or the "religion of reason," trains its devotees to labor, not for personal salvation, but for the building of the ideal society. The Jew asks, not "how do I find salvation for my soul?" but "what is my vocation?" or better still, "how can I best serve the goals implied in the eternal laws of thought, ethics and esthetics?" Piety, then, consists in the inner acceptance of the laws of being as the basis of a code of personal behavior.

Manifestly, Cohen's elaborately developed philosophy served to fortify the Conservative position, especially its insistence on the need of retaining the legal molds of Jewish piety and legislating new standards
whenever necessary, in order to cultivate the sense of reverence for the Law.

THE EMERGENCE OF EXISTENTIALISM

The genius of Franz Rosenzweig is felt as a living influence in the intellectual circles that incline toward the impassioned decisiveness of existentialism. Starting out with the insistence that man cannot relate himself to God by the sheer process of objective thought, Rosenzweig declared that the human individual, in his inward being, continuously rebels against the abstractions of philosophy that deny the worth of individual existence. At the same time, our soul is unhappy when left alone in isolation from the universe. It finds the meaning of its life and destiny in the message of love that is directed to it from Him who dwells behind the veil of existence. Thereafter, the soul seeks to unfold the infinite implications of the assurance of Divine love that has come to it. True philosophy, then, begins with an act which is prior to thought, an act which transpires in the space-time world, between two ultimate beings, the individual and God, who endure in the realm of eternity.

In Rosenzweig’s view, the Jewish people as a whole owes its unique character and destiny to such an act of Divine Love—an act of revelation, which the collective consciousness of the Jewish people has translated into a host of sacred books and a Law. It is through the Law that the Jewish people have been lifted out of the stream of history and removed from the ceaseless battle of nations for the goods of this world. The Law became for Israel a substitute for land, language, culture and government. Yet, Judaism is more than Law, consisting in that deposit of Divine energy that had been placed by God in the historic memory of the Jewish people.

The bold sweep of Rosenzweig’s thought may be captured in a few sentences, but the full import can only be gained from a close study of his writings. Behind the veil of phenomena in the visible universe, Rosenzweig recognizes three ultimate elements—the world as it is in itself, subsisting behind all appearances; the human soul in its deepest reality, apart from the ideas, notions and sentiments floating on the surface of consciousness; God, as He is in Himself, apart from all ideas and arguments concerning Him. Each one of these elements can only be pointed to, but not grasped in thought. Yet, there are contacts
between these ultimate elements. The contact between God and men is revelation, the contact between God and the world is creation, the contact between man and the world is redemption.

How do we know that such contacts do indeed take place? The emergence of ever higher forms of life in the cosmic surge of evolution is one answer, demonstrating the continuance of Divine creation. And this argument has been elaborated in such philosophies as those of Henri Bergson and S. H. Alexander. Rosenzweig is interested more in the testimony of the human soul and in the evidence provided by the history of mankind. Out of the travail of his own soul, he had learned that currents of Divine love come to us in blessed moments, like healing rays from the sun, transforming our nature and stamping it with the seal of eternity. These sudden bursts of love from above he describes as acts of revelation, and the experience of Divine revelation he accounts to be the source of piety, and the final foundation of true philosophy.

"Whoever has not yet been reached by the voice of revelation has no right to accept the thought of creation as if it were a scientific hypothesis."

All philosophers, who derived their inspiration from Aristotle, shied away from attributing love to God. Does not love imply needing someone else for self-fulfillment, whereas God is self-sufficient and perfect? Rosenzweig finds in love the one key to the ultimate processes of being. "Love is like language itself, sensual-suprasensual." Love, he points out, comes in two phases—the love of the lover and the beloved. God's love or revelation is the love of the lover, a "momentary self-transformation," shifting from eternity into time, from the absolute stillness of His Being into contact with a particular person or people.

Love is essentially a give and take proposition. Hence, it is experienced in the flow of speech and the rapture of song, while it eludes forever the static mesh of mathematical logic. God's healing Grace, and the receptive humble human soul meet on the fleeting borderline of time and eternity, in an event so utterly unique as to be indescribable. A dialogue between two people in love, who find in each other the fulfillment of their life, furnishes the closest analogy to the event of revelation.

"Does God take the first step, or does man? Is it possible for man to take it? This is a real question. . . . The whole matter continues in the form of an unending dialogue. . . ." 35

While the love of the lover is arbitrary and momentary, the awakened
love of the human soul is as that of the beloved, expressed in a yearning to disseminate love to one's fellowmen and in a humble waiting or solitary prayer for the repetition of the miracle of revelation and the final consummation of its promise. As the wordless glow of the blessed moment yields to the coolness and clarity of speech, God's parting message is phrased as a command to live in love. "Thou shalt love the Lord, Thy God," and "thou shalt love thy neighbor as thyself." Also, the human soul touched by the Divine ray of revelation knows itself to be "chosen" as an instrument of redemption—"I have called thee by thy name; you are mine."

The Holy Scriptures and the sacred literature of Judaism are divinely revealed in the sense that the creative elan which projected them into existence was the genuine reflection of Divine love. This fact may be seen in the congruence of the Bible with this philosophy of love and in the historical effect of the Bible. For human history is the actual record of the process of redemption.

"The Bible is not the most beautiful book in the world, not the deepest, the truest, the wisest, the most fascinating and whatever other superlatives there may be—at least no one can be convinced of these advantages who is not already prejudiced in its favor. But the Bible is the most important book. This one can prove, and even the most enraged Bible-hater has to admit this at least for the past, and through his inveterate hatred, he admits it also for the present. For here there is no question of personal taste or of disposition of the soul or of spiritual direction, but only a question of the hitherto transpired events of world history."

Naturally, Rosenzweig does not accept the doctrine of literal revelation, since the content of revelation is simply the Divine mystery of love. Thus, he wrote to an exponent of neo-Orthodoxy:

"Our difference from Orthodoxy consists in the circumstance that we cannot draw any conclusions concerning the literary process of the composition of the Bible and the philological value of the traditional text out of our belief in the sacredness and the peculiar value of Torah. If Wellhausen and all his theories were indeed right, and if the Samaritans really possessed a better text, that would not touch our belief in the slightest."

Rosenzweig's reverence for history led him to esteem every facet of Jewish life and to stigmatize as "little Jews" the Zionists who reduced Judaism to ethnicism and the Orthodox who froze it into the neat
package of what they called Torah. He saw the focal center of Jewish loyalty in the inner acknowledgment of being part of the Jewish people. The sense of blood-unity cannot but lead to the feeling of oneness with the fateful destiny of the Jewish people, and the living community in turn is but the expression in history of the "chosenness" of the Jewish people, by an act of Divine love. Dramatized in the Holy Scriptures in the majestic imagery of the Covenant at Sinai, the "chosenness" of Israel makes of its ethnic base and its spiritual message an unbreakable entity, so that any identification with Jewish life, be it ever so tenuous in the beginning, cannot but lead to the full acceptance of Judaism in the richness of its totality—unless this process is artificially blocked by false concepts of the nature of Jewish life.

The richly suggestive quality of Rosenzweig's thought can hardly be conveyed in any summary. Hegelian to the core, he was empirical in approach, thoroughly undogmatic and self-critical, gentle and saintly—a homo religiosus in every fiber of his being. In the past decade, the vogue of Rosenzweig has been growing steadily among American intellectuals. Yet, the German idiom of his thought sets a definite limit to his influence.

Recently Will Herberg assayed to expound the philosophy of existentialism in the dramatic and popular manner of an American journalist. The unhappy dependence of philosophy upon temperament is demonstrated in the transformation of the gentle piety of the Frankfurt saint into the ebullient buoyancy of the "leap of faith" by the impulsive and impetuous Herberg.

In "Judaism and the Modern Man," Will Herberg asserts first the utter meaninglessness and frustration of life when a man takes himself to be the "measure of all things." The individual cannot find meaning in his own existence, and, in his despair, he looks to a collective entity for the sustenance of his spirit. Thus, the proletariat, the nation or the racial blood-stream becomes the false surrogate for God.

Since then man cannot live without faith in something, the only true alternative before us is the idolatry of our self, individual or collective, or the worship of God. A "leap of faith" is called for, whereby the self emerges out of the imaginary shell which encloses it and finds itself to be suspended from a Divine thread. But, so paradoxical is the nature of faith, that, when once acquired, it appears to have been inescapable.

"We must dare the leap if the gulf is ever to be crossed; but once the decision of faith has been made, it is seen that the leap was possible only
because the gulf had already been bridged for us from the other side." 38

In other words, faith is at once a human, subjective act and a Divine objective fact. Thus, God is not the passive and hidden Ground of Being, but an active Spirit that is somehow akin to our deepest self.

"The ascription of personality to God is thus an affirmation of the fact that in the encounter of faith God meets us as person to person." 39

It is the Grace of God that makes human rightness possible, not only in the act of faith but in all the spheres of human life.

"The weakness and evil in man operate out of the freedom of his own nature; his capacity for good, though grounded in his nature, needs the Grace of God for its realization." 40

In this sense, Herberg accepts the reality of "original sin," balancing it by the belief in man's "original perfection" that is due to the unfailing availability of Divine Grace. Human life is perpetually in danger of relapsing from God and into the frustration of sin. Hence, the drama of salvation.

"The salvation we crave is salvation from the fears, the futilities, the frustrations of existence. . . .

"Estranged from God, we are torn out of the very texture of being and left a mere fragment, cut off from the only real source of security available to us. Is it any wonder that thus isolated from what is real within and without, our existence loses its foundation and we are compelled to live out our lives in restless frustration, forever trembling at the brink of chaos and dissolution?" 41

Up to this point, Herberg developed the general ideology of existentialism, which sees the entire panorama of life from the viewpoint of man facing God in the moment of decision. Proceeding to the analysis of Jewish life and destiny, the author insists on the "uniqueness" of the phenomenon of the Jew, resulting from the covenant between God and Israel that had been effected by an enduring "existential" relationship.

Steering a middle course between fundamentalism and modernism, Herberg accepts the Holy Bible as Divine Revelation, insofar as it tells of the perennial encounter between God and man. Yet, more, Scripture tells of "the self-disclosure of God in his dealings with the world." Revelation is an event in history, Divine in substance but human in expression. As the medieval, rationalistic expounders of the Bible found the philosophy of Aristotle in the words of Scripture, so Herberg insists that Scripture is true, but only as interpreted in existential fashion.

"The views of Abraham on the nature of things and even on the
‘nature’ of the divine were presumably far more ‘primitive’ than those of Isaiah so many centuries later, but their faith was the same, for they stood in the same crisis of confrontation with God, shared the same ultimate covenantal commitment, and recognized the same Lord and His absolute claim.”

Are all works reflecting the same faith equally revealed? Herberg hedges away from this conclusion, declaring that “revelation” at Sinai was for Jews “einmalig,” once and for all, “not in the sense of course that God thereafter no longer reveals Himself in his contact with men but in the sense that all other ‘visitations’ of God, both before and after, yield their meaning only when seen with the eyes of faith from the perspective of this central event.”

The circularity of this argument is manifest. Scriptures are read with “the eyes of faith,” as faith is contemporaneously understood, and then it becomes the standard of judgment of all other revelation. From a modernist viewpoint, there is no harm in this continuous interaction, Scripture being accepted by collective consent and convention as the text and context of organized religion. But, Herberg takes pains to deny “general” revelation as being a “possibility in fact.” He insists that “though God is everywhere to be discerned in his person, activity and works, the mind of sinful man is incapable of finding him through his own unaided powers.”

If then we cannot trust our modern world-view to be the adequate basis for the separation of the true core of “revelation” from the human and relative myths with which it is encrusted, how can we look to Scripture for guidance? For the Orthodox, the word of God is clearly spelled out in literal truth, and for the liberals, who trust the insight and values of humanity, there is a solid enough base for the interpretation of “revelation,” distinguishing between the life-giving, eternal grain and the tasteless chaff. But, to accept Scriptures in “essence” only while denying the validity of our human power to discriminate between the shadow and the substance of faith is to maintain a logically indefensible position. “Existentially,” of course, the solid basis is the psychological experience of faith, as a felt, immediate awareness of Divine love, containing its own illumination and validation.

The same paradoxical notion is entertained by the author in regard to the concept of Israel. While he does not accept the fundamentalist interpretation of the doctrine of the “chosen people,” he insists that “the history of Israel” constitutes a mode of self-revelation of God. It is
through the life of Israel, in all its particularity, that God reveals His message to mankind.

"If God is a Living God, operative in and through the particularities of history, then it no longer seems so strange that he should effect His purposes through particular groups of people or even that he should 'create' particular groups for his special purposes." 45

Herberg maintains, then, that "salvation is of the Jews," in conscious defiance of the entire sweep of modernity and the broad tolerance of liberalism. The very being of Israel is a mysterious anomaly, which can not be understood in the mundane terms of sociology. We are a "unique" people, unclassifiable with other groups and incomprehensible by ordinary human standards.

"It is a supernatural community, called into being by God to serve his eternal purposes in history. It is a community created by God's special act of covenant, first with Abraham, whom he 'called' out of the heathen world, and then supremely, with Israel corporately at Sinai." 46

This "super-historical" community is charged with the mission of bringing "salvation" to the world. The Jew lives his life "authentically" when he responds affirmatively to the demands and duties that are implied in "Jewish covenant-existence." It is through the laws of the Torah that the Jew takes his "authentic" place in the cosmic scheme of things. But, Torah for the existentialist does not mean simply the rigid precepts of the "Shulhan Aruch." Since it is upon the personal experience of faith that his piety is founded, the author insists on the need of taking account of the human and historical elements in the ritual of Judaism. As a blend of the historical and the "super-historical," the Torah must not be frozen into a rigid set of unvarying laws. "It is the historical belief and practice of the community of Israel—Kelal Yisroel—that provides us with the contents of 'halakah.' " 47

In sum, Jewish existentialism begins with that double phased experience, which is an act of Grace on the part of God and a "leap of faith" on the part of man at one and the same time. In the light of this total commitment of the soul, the biblical-rabbinic faith emerges as a satisfying exposition of the meaning of human life and the Divine Imperative. The people of Israel emerged through a similar collective "existential" experience, and its entire being is forever caught in the tension between the historical and the "super-historical." The "authentic" response of the individual to the Divine call is to live the life of holiness, and for the Jew, this authentic response implies the wholehearted accep-
The Conservative Movement

tance of the Law, insofar as it is a living reality to the conscience of "Catholic Israel."

THE "RECONSTRUCTIONIST" MOVEMENT

The "left" wing of the Conservative movement consists of the disciples and followers of Prof. Mordecai M. Kaplan, for many years the leading member of the faculty of the Jewish Theological Seminary. For seventeen years now, this intra-Conservative group has been loosely organized in a Reconstructionist fellowship, which has its headquarters in the Society for the Advancement of Judaism. "The Reconstructionist," a brilliantly edited and exceedingly stimulating bi-weekly, is the official organ of this group. In addition, a number of pamphlets and books have been published by The Reconstructionist Society in furtherance of its views.

In some of its projects, The Reconstructionist Fellowship transcends the lines of denominational differences, especially in its advocacy of varied programs for the Jewish community as a whole. Also, some Reform rabbis have joined the fellowship, which remains however predominantly Conservative in orientation and practice.

In general, the Reconstructionist trend might be described as pragmatic in philosophy, liberal in theology and nationalist in emphasis. The awkward name chosen by the group reflects the central plank of its platform—to reconstruct the chaotic conglomeration that is contemporaneous American Jewry after the pattern of the "organic community." In place of the crazy-quilt jumble of organizations, the Reconstructionists contend, there should be formed in each city an all-inclusive communal organization that would provide for every legitimate need and ideal of its members. The rise of the Welfare Funds and Community Councils is a welcome development in this direction, but, even if this process is consummated in every city, the result will still fall short of the goal of an "organic community." For, while these communal agencies undertake to provide for the philanthropic and recreational needs of the people, they rarely assume full responsibility for the task of Jewish education and they do not ever undertake to minister to the religious needs of the community. In the "organic community," the synagogue and school should occupy the "nuclear" position, since religion constitutes the main expression of Jewish group life.

In effect, then, the Reconstructionists advocate that American Jewry
give up the congregational form of organization, which is indigenous on the American scene, and return instead to the “Kehillah” pattern of Central and Eastern Europe. As to the difficulty of reconciling conflicting interpretations of Judaism, Dr. Kaplan maintains that the Jewish community might well follow the example of any modern nation, which fosters the principle of “unity in diversity.” The “organic community” should not find it an insuperable task to work out an equitable arrangement whereby all interpretations of Judaism would be treated with equal consideration and its constituent members would attend the synagogues of their choice.

In addition to its religious and educational functions, the community-organization would provide through designated committees for Zionist work, public-relations, philanthropic and recreational activities, so that there would be no need for any independent or supplementary organization. Also, those activities which are now neglected, such as new creations in art and music, would be assiduously cultivated by the “organic community,” which would envision Jewish life as a whole and lovingly care for its every phase and expression. The separate “organic communities” would be organized into a national community and ultimately into a world-community that would take its place beside the great national states of the world.

“World Jewry should unite as a people, and apply to the United Nations for recognition of its claim to peoplehood.”

This plan for the reorganization of American Jewish life is not suggested simply on the ground of neatness of structure or efficiency in operation. For Dr. Kaplan, the “organic community” is an expression in organizational terms of the essential character of the Jewish people. If the pattern of organization does not correspond to the dynamic forces that are operative in any group, then the group disintegrates in frustration and despair. For organizational structure is to the living ideology of a group, as the body is to the soul. In every phase of its organized life, American Jewry should express its character as an ethnic-cultural group, its enduring “peoplehood,” so as to articulate and keep alive the “we” feeling of the individual Jew. By his membership in the “organic community,” the individual expresses his sense of belonging to the Jewish people, and it is this sense of sharing in the life and destiny of a people that is the matrix of all its cultural creations and values.

In the Reconstructionist ideology, the Conservative emphasis on the
living people in the triad of people, God and Torah is carried to its outermost limit. Judaism is defined as the evolving religious civilization of the Jewish people. In his magnum opus, "Judaism as a Civilization," Dr. Kaplan omitted the adjective, "religious," which The Reconstructionist Fellowship now uses invariably. Even so, the factor of faith is conceived as only one of the elements of Jewish civilization, though historically the dominant one. It is conceivable that religion in the future might be expressed through forms of cooperative living that have nothing in common with the rites and even the ideas of traditional Judaism. Also, it is quite possible that the creative genius of the people will be unfolded in cultural directions other than those of faith and ethics—such as art, for example. The high esteem for creative expression, among the Reconstructionists, leads them to accord to the domain of art a supreme rank among the shining constellations of the Jewish spirit. Writes Dr. Kaplan in his latest major work, "We can be sure of a Jewish future only when Jewish art is so developed as to reconcile the Jew to his lot in life." As if the art of the ancient Greeks, superb as it undoubtedly was, availed to maintain the Greek people, once they exchanged the gods of Olympus for the Savior from Nazareth!

The Reconstructionists do not minimize the role of religion in the "religious civilization" that is Judaism, especially for Diaspora Jewry, but they maintain that religion itself derives its vital power from the "we"-feeling of the people. The Jewish religion lost its hold upon the masses of our people, when the sense of ethnic loyalty was weakened by outside attractions and inner disorganization. The substitution in America of fragmentary congregational and denominational loyalties for the massive loyalty to the Jewish community as a whole served to weaken the purely religious sentiments of our people.

"It is significant that in past ages, when Jews led an autonomous communal life, this particular complaint that the individual could not experience God in the worship of the synagogue was unheard of." This assertion is manifestly belied by the sad decline of the Jewish faith in the communities of Poland and Germany that were organized on a Kehillah-basis. Yet, it derives necessarily from the Reconstructionist conception of religion as the sublimation of group-feeling.

On this view, religion springs out of the life of the people, its social function being to hallow and to fortify the institutions, things, events and memories that the people require for their collective existence.
Hence, a religion is woefully weakened when it is abstracted into a system of salvation and separated from the ethnic aspirations and concerns of the people among whom it has arisen. Dr. Kaplan asserts this claim in spite of the magnificent historical triumph of the Christian faith, maintaining that “national creeds” will in time replace the unitary Christian faith, which has arisen through the impetus of “religious imperialism.” Like the titans of mythology, a religion is powerful only when it retains contact with the soil of national life, in all its varied and earthy ambitions.

“The Jewish people has demonstrated the validity of the principle, which has been repeatedly verified by the experience of mankind, that a folk religion retains its relevance and vitality so long as it confines itself to those who have evolved it.”

It follows that the Jewish religion can only be regenerated if it is put back into the total complex of Jewish life, the individual congregation yielding to the all-inclusive community as the basic unit of identification, and the rites of religion surrendering their claim to the exclusive loyalty of the Jew in favor of all other forms of cultural expression.

“Paradoxical as it may sound, the spiritual regeneration of the Jewish people demands that religion cease to be its sole preoccupation.”

The will to live as a Jew is the fundamental source and motivation of Jewish existence, but, to be deserving of our highest loyalty, the life we seek must be conceived in the loftiest spiritual terms. Hence, the emphasis on the creation of new values and the construction of social instruments to serve the high ends of prophetic idealism. “All this effort at reconstruction and reinterpretation must come entirely from the urge of an inward creative life.”

The supernaturalist motivations of the traditional Jewish faith should be replaced by a this-worldly interpretation of salvation—i.e., the individual fulfills his highest potentialities through the disciplines of the spirit in general and the Jewish way of life in particular. In turn, the Jewish people justifies its existence and survival, by transforming itself into an instrument for the elicitation of the greatest spiritual potential from the Jewish individual.

As to the idea of God, the Reconstructionists are hopelessly pragmatic. The conception of God as the ideal Personality they reject, preferring to think of Him as a “process that makes for salvation.”

“It is paradoxical,” they maintain, “for a person not to be associated
with a physical body," thus dismissing out of hand the long philosophical tradition dating from Plato and Philo and represented in modern philosophy by Lotze in Germany and Bowne in America. The term, "process," reflects the view of modern physics that all existents are not static things, but events in time, or processes. As to how this particular process operates either in nature or in human nature, they are unwilling to speculate provided this "belief in God" results in a commitment to live life on a high spiritual plane. In the words of Kaplan, "when we believe in God, we believe that reality—the world of inner and outer being, the world of society and of nature—is so constituted as to enable man to achieve salvation.*" Or in still simpler, pragmatic terms, "God is what the world means to the man who believes in the possibility of maximum life and strives for it."

Defined thus generally as an implication of man's striving for the life abundant, the choice between religious faith and atheism is seen to depend more on the glandular makeup of a person than on intellectual arguments. Atheism, on this view, is either a semantic error or a complex of the sickly and the frustrated. The intellectual assent to abstract truths that is implied in faith is reduced to the barest minimum. After the fashion of the behaviorists, who did not believe that mental processes were truly causative factors in the determination of human conduct, Dr. Kaplan writes, "The belief in God is not logically inferred from the will to live. It is the psychic manifestation of the will to live." By the same token, the practice of worship is described as an implication of the same "will to live."

"The need for communing with that Power is part of our very will to live as human beings."

With this concept of God and religion, it follows that rituals and ceremonies cannot be accepted as literally revealed precepts, nor as expressions of fundamental truths, but as socially evolved aids to the good life, or, more technically as "religious folkways." We cannot speak of "law" in Jewish religion, the Reconstructionists declare, since we have no sanctions for the enforcement of legal directives. Also, the Jewish community as a whole could legislate only in regard to those elements that are common to all the interpretations and trends that are current in Jewish life. Thus, it can formulate the rules that are to govern the relationship of committees and societies to the central community organization, and it can also deal with the domain of "public law," such
as marriage and divorce. In the sphere of rituals, each denominational
trend may formulate its own guiding principles and standards, imputing
no guilt to those who prefer other "folkways" for self-expression.

"The vocabulary of 'law,' 'sin,' 'pardon' is ideologically and pragmati-
cally unjustified as applied to ritual."

Rites and ceremonies are forms of collective art, which spring ideally
from the life of the people.

"But, the moment we get away from the legalistic approach, we
treat Jewish observances as religious folkways designed to ensure the
enhancement of the value of Jewish life, the affirmative injunctions
assume the more important role." 59

In keeping with this emphasis on the enrichment of Jewish practice
through creative expression, the Reconstructionists published a Passover
Haggadah, which added hymns and readings concerning the ideal of
freedom and the personality of Moses, while deleting passages which
they considered unworthy, such as the enumeration of the plagues, the
prayer for the punishment of Israel's enemies and the references to Israel
as the "chosen people." In their view, the doctrine of the "chosen
people" is an unworthy indulgence in self-glorification, no matter how
fancifully it is reinterpreted. In this spirit, they edited and published
a Prayer-Book, which was accepted for use, however, only in two
synagogues.

ISSUES AND PRACTICE IN THE CONSERVATIVE MOVEMENT

The ideology of Reconstructionism functions as one of the trends
within the Conservative movement—fairly influential in some direc-
tions, but falling short of predominance. The movement, for the most
part, insists on a personal conception of the Deity, the unique historical
position of Israel as the people of revelation, the recognition of the
totality of the tradition as the source of authority rather than the
folkways or practices of the people and the belief in the continued
validity of Jewish Law or Halachah, when it is interpreted as part of a
dynamic, life-oriented tradition.

For many years, the Law Committee of the Rabbinical Assembly
functioned in strict compliance with the letter and spirit of the "Shul-
han Aruch." Even the practice of mixed seating in the synagogue was
not approved but only condoned in the spirit of the historian Zunz,
who remarked that the spirit of peace and harmony in a community is
more important than the harmony or disharmony of organ-music. Thus, in practice, Conservative congregations deviated from Orthodoxy while, in theory, the Law was declared to be unchanged. At the Convention held in Chicago in 1948, a resolution to the effect of binding the movement to strict compliance with the “Shulhan Aruch” was proposed and defeated. The Law Committee was then reorganized so as to reflect all trends within the movement. At its first meeting, it assumed the designation, Committee on Jewish Law and Standards, in order to indicate that its scope is the application of the totality of the tradition to Jewish life, not merely the interpretation of the letter of the Law. Nor was the Committee to be confined to the task of writing responses to specific inquiries. Wherever new standards were to be set up, the Committee was to propose and to formulate resolutions for the movement.

To the majority of its members, the process of legislating standards of ritual observance is a direct implication of the character of Jewish piety. In Judaism, man’s response to the Divine challenge takes the form of a self-imposed “law” of action. While all men might concede the value of prayer and study, the religious Jew imposes upon himself the regular disciplines of prayer three times daily and the mitzvot of Torah-study at fixed times. This response of the individual is guided and molded by the collective “laws” of the people, so that the resolve of each Jew is reinforced and conditioned by the acceptance and the observance of the entire group.

The fruitfulness of this approach was demonstrated in the analysis of the problem of Sabbath observance. The Committee did not substitute for the Sabbath-halachah a general principle, such as the obligation to hallow the day by positive actions only, nor did it proceed to interpret the Law in blithe disregard of existing conditions. Firstly, it set the problem in a positive setting by launching a campaign for the Revitalization of the Sabbath, calling upon all congregants to pledge the acceptance of certain minimal standards of Sabbath-observance—to refrain from doing work on the Sabbath which is avoidable and which is not in keeping with the spirit of the day, and to hallow the Sabbath-day by positive practices, such as Kiddush and candle lighting, attendance at services, etc. These general rules were spelled out in detail in the course of the campaign, which is even now in progress.

Secondly, the Committee affirmed the applicability of the principle of “takkanah”-legislation to our time and place. Jewish Law can be
made and modified today in the same manner as it was made and modified in the past. Accordingly, the Committee called upon the Rabbinical Assembly to permit the practice of riding to the synagogue on the Sabbath, as a new “takkanah” designed to “strengthen the faith,” a “takkanah” made necessary by the peculiar circumstances of American life. When it is difficult or impossible to walk, the Committee declared it to be a “mitzvah” to make use of motor transportation for the sake of attending public worship. This decision was approved by the majority-report of the Committee and accepted by the Rabbinical Assembly. The minority-report arrived at virtually the same conclusion.

Whether one “mitzvah” or another is to take precedence in the event of a conflict between their requirements is the kind of question that can only be weighed in the balance of contemporary needs and consequences. Which decision is likely to result in a more vital and meaningful faith for American Jews? In the light of this question only one answer was possible. Nor was it difficult for the Committee to cite specific precedents for the rule that a “great mitzvah” (mitzvah g’dolah) may set aside normal prohibitions (especially as an “horaath sha-ah,” a decision limited to a specific time and place). And regular attendance at Sabbath services is in the circumstances of American life today, a “great mitzvah,” essential for the vitality of our faith.

Thirdly, the Committee declared the use of electrical gadgets on the Sabbath to be permitted, if the use to which they are put is in consonance with the holiness of the day. Manifestly, electricity could not have been prohibited by Talmudic legislation, even as it could not have been specifically permitted. Therefore, the Committee proceeded to evaluate its use from the standpoint of its relation to contemporary needs, making use in its Responsum of technical distinctions in the Talmud for the purpose of overcoming technical difficulties.

At times, the Committee is stricter in the maintenance of religious standards than the bare letter of the Law. Thus, it makes use of its influence to dissuade Jewish organizations from holding business-meetings on the Sabbath, though traditionally Jewish problems were discussed on holy days in medieval times, care being taken in those days to avoid infringement of the ritualistic laws. It is recognized that in modern circumstances not a shred would be left of the traditional pattern of holiness if Jewish organizations were allowed to hold business-meetings on the Sabbath. Also, the Committee is even now combatting the suggestion to permit Gentile players on the Sabbath to play dance music
for the entertainment of dinner-guests at a Bar Mitzvah celebration in
the vestry-hall of the synagogue. Ample precedent for this practice
could be cited, from a strictly legalistic viewpoint, especially since the
movement sanctions the employment of the organ at the services. Also,
the Hassidim would dance on the Sabbath. But, in the opinion of the
Committee, the consequences of this practice in the circumstances of
American life would be deleterious to the dignity of the synagogue and
the holiness of the Sabbath. Accordingly, the Committee called upon
all Conservative synagogues to discontinue any such practice.

In the domain of Jewish Law, the main issue confronting the move-
ment at this writing is the so-called “Agunah” question, which really
includes a number of problems relating to marriage and divorce. Sup-
pose the husband refuses to give a “get” or “halitzah,” what recourse is
left to the woman? What if a Kohin desires to marry a divorcee or a
converted woman? What to do in the event of desertion when the
woman obtains a divorce from the civil court and the whereabouts
of the husband is unknown? What to do with the many cases that are
classified by the government first as “missing in action” and later de-
declared to be dead, without the testimony of living witness that is
required by Jewish Law?

Already, in 1937, the late Rabbi J. L. Epstein proposed an elaborate
plan involving the principle of conditioned marriage and making it
possible for the woman to write her own “get,” under the direction of
a rabbinic court, in certain cases. Owing to the frantic protests of the
Orthodox rabbis, this plan was never put into effect. The present plan
of the Committee is all-embracing in scope and radical in approach.
The principle of “takkanah”—legislation would be so employed as to
solve the above-mentioned problem without removing the rabbi, and
the Jewish faith he symbolizes, from the realm of divorce and remar-
riage. The details of this plan are even now under discussion, but there
is virtual agreement within the movement that Jewish law must be
preserved through a dynamic process of interpretation and continuous
legislation, reflecting the realities of our day.

NOTES

3. Ibid, p. 58.
12. Ibid, p. 78.
17. Ibid., p. 72.
21. Ibid.
27. Ibid, p. 15.
28. Ibid, p. 79.
29. Ibid, p. 82.
32. Ibid, p. 245.
33. Ibid, p. 270.
39. Ibid, p. 60.
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40. Ibid, p. 76.
41. Ibid, pp. 116, 117.
42. Ibid, p. 248.
43. Ibid, p. 251.
44. Ibid, p. 255.
45. Ibid, p. 264.
46. Ibid, p. 271.
47. Ibid, p. 299.
49. Ibid, p. 118.
52. Ibid, p. 343.