Halakhah in Stereo: Teaching Praxis Pluralistically

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I'm not a halakhic Jew. This may seem like a strange statement coming from an officer of the Cantors Assembly, a rabbi-cantor within a Conservative/Masorti synagogue, and moreover, someone who sits on the Committee for Jewish Laws and Standards (CJLS). Yet most of my congregants at Temple Emeth in Chestnut Hill, Massachusetts are not halakhic Jews, either. Very few observe Shabbat by refraining from the thirty-nine categories of labor delineated in the Mishnah and so voluminously elaborated and interpreted by our Talmuds, Geonic literature, and legal codes.

However, I am *in relationship* with halakhah, as are all Jews and Jew-adjacents, whether we live within the "four cubits" or not; whether we accept or reject it, renew it, mitigate it; whether we are "Sinai" or "uprooters of mountains." We are compelled or inspired (or something in between) to wrestle with questions of peoplehood like Who is Jewish? With whom and what can we eat? Who prepared the food, and were they treated fairly? How do the particular and universal play into our marriage choices, and what are the benefits, challenges, and consequences of our preference in partners? We are likewise presented with more universal halakhic queries such as Who is included within the category of "loving our neighbor as ourselves"? What is our obligation to the stranger in our midst? and Must we love our enemies and, if so, to what degree?

As my colleague, Aaron Alexander, who sits with me on the CJLS, teaches: Each morning, as we prepare to depart our homes, perhaps drop off kids at school, get coffee, and negotiate traffic, we are making hundreds of halakhic decisions, whether consciously or not. My goal as a rabbi, *ḥazzan*, and educator is to be and empower others to be conscious and mindful about such choices.

In fact, scholars of the ancient Near East like the late Tikva Freymer-Kensky point to the Babylonian origins of both halakhah and *torah*, (in Akkadian, *alaktu* and *lamadu*, respectively) as reflective of spiritual attunement.

Both of these terms relate to roots that mean "to go" and have their origins in oracular activity, the former through consulting astrological omens and the latter through extispicy, consulting the liver or other entrails of an animal for omens. The Hebrew root of the word *torah*, *yod-resh-heh*, also carries the meaning of "to aim or shoot arrows." In other words, there is or *should be* something inherently gutsy and dynamic about *torah*, cutting straight to the heart, impelling us to move. *Alaktu*, the antecedent of halakhah describes not only the astrological path of the deity but, more important to our concern, the arc of the deity's ethics and justice. Both terms imply *imitatio Dei*, a desire to draw near to God through walking in God's paths and internalizing God's teachings.[1]

Halakhah, as I teach it and strive to embody it, is, to quote Frymer-Kensky, "mapped but not forced." The Torah reveals, to my mind, our ancestors' striving to build an awareness of a transcendent dimension within a community of former slaves. Through legislation, or proto-halakhah, our ancestors aimed to help the people embody this kind of holiness in their actions and relations, finding a sense of sovereignty and agency, as people of the King of King of Kings. What a formidable and awesome challenge this was for them and is for us!

The question that animates me as rabbi, educator, *ḥazzan*, and pastor, is how to bring the halakhah, or halakhic values, into conversation with the challenges of our particular time. Enlivening each *siman* or mishnah within a halakhic code is a talmudic sugya or a series of sugyot, and these sugyot are vivified by implicit principles and/or values that are accessible to the sensitive reader and sometimes in conflict with one another. The delicious challenge for me is empowering students to be able to discern these values and envision the conversations and concerns beneath the surface of the text.

For example, two years ago, for the *siyum bekhorin*, I taught about the ritual of the *'eglah 'arufah* as envisioned not only by the biblical text, but also by the two Talmuds. When zooming out, we discovered the sages grappling with the tension between "law and order" and "social welfare." These texts compel us to ask: what best creates a safe society wherein vulnerable people are not found dead in the public square, whether George Floyd or Yaron Lichinsky and Sarah Milgrim? Moreover, we considered these talmudic sugyot and classic commentators in light of rhetoric about "law and order" that has been utilized to justify racism, marginalization, and dehumanization from

[1] Tikva Frymer-Kensky, *Studies in Bible and Feminist Criticism* (Jewish Publication Society, 2006).

the time of Richard Nixon to the era of current president Donald Trump.

Similarly, during the COVID-19 epidemic, in the context of a course on Digital Presence from Jewish Perspectives, we did a deep dive into halakhic sources on what comprises community and being together. Our study, discussion, and debate ultimately guided us as a community to choose to continue Zoom rather than YouTube Live for our hybrid services due to the possibilities for greater interactivity and engagement in the former.

My partner and I were even moved to reflect upon our own practices a number of years ago when we taught a course on both classical and innovative Shabbat practices and, in it, reflected deeply upon the commandments and values animating Shabbat observance. How could we "walk in the ways of the Unconditional," embodying Shabbat praxis in a way that felt personal, meaningful, and authentic? We began by hosting guests nearly every Friday evening. With the joyous addition of our children and a lot more stuff and balagan, and inspired by the advice of a friend, I began the practice of a Friday morning deep clean of our house to help engender the relaxing atmosphere of Shabbat. As our children became a bit older, we added the purchase of pastries on Friday morning to enjoy on Saturday morning before attending synagogue.

All of these home practices inspired me to consider how we could bring this atmosphere of *'oneg Shabbat* into our congregation in order to create a more cohesive community, because one important truth about halakhah is that it creates a container for community. So, about eleven years ago, in that spirit we created our Shabbat K'ley Zemer program. It entails a service with a group of leaders utilizing both their voices and their instruments (violin, clarinet, piano, percussion, and guitar) to create an atmosphere of uplifting and transporting worship. Riding upon this emotional and spiritual high, our community joins together for an equally delightful meal prepared by our in-house Moroccan-Israeli caterer. This year, we added an additional monthly program, Shishi B'yachad, which is a simplified version of K'ley Zemer, simply a Shabbat dinner preceded by *Kiddush*, *Motsi*, and a few *zemirot* (Sabbath hymns). Our Hebrew school students, when asked about the highlights of their year, recently told us that celebrating Shabbat together with their family and friends at Temple Emeth was the greatest joy of their year!

In addition to serving as rabbi-cantor in my shul, I am honored to teach in the Jewish philosophy department at the Academy for Jewish Religion in Yonkers, New York, the institution wherein I received my ordination.

Currently, I am team-teaching a group of thirty or so students in a pluralism course, which is a requirement for cantorial and rabbinic students. Pluralism is an animating principle and practice that is integrated into all coursework and very much part of the active and democratic process of the school community.

One of the issues we have wrestled with this trimester is that of authority, asking questions such as Who wields it? and What substantiates it? One of the challenges that comes up again and again in our discussions is that of constitutive authority, which means that a judicial or legislative body itself constitutes or comprises authority. A positive characteristic of this kind of authority is that it empowers judges and legislators to interpret halakhah creatively and broadly, adapting it to the needs of the time. However, when the law-making body has a questionable agenda, emanating from a spirit of factionalism, this becomes a kind of tyranny. Our students wrestle with the implications of this model, particularly vis-à-vis decisions of the Israeli Ultra-Orthodox rabbinate regarding conversion, marriages, and the broader question of who is Jewish. Questions have been raised as well about our eroding faith in institutions when they command more than the people can bear. According to another model of authority, institutions and a corpus of law are given authority by their acceptance over time by the people. Our learners have engaged this question more specifically through the evolving stances of Conservative/Masorti Judaism toward marriage to gentiles. Finally, our future *ḥazzanim* and *rabbanim* have wrestled with the blessing and challenge of an epistemic model of authority vis-à-vis halakhah. They have discussed the kind of spiritual leaders they want to be, wielding authority through truth and knowledge but much more democratically, engaging and empowering many partners in our community to learn together and then make decisions. The greatest hurdle to this model is the high bar for literacy, let alone, fluency. This goal, although well worth it, really demands rabbi-educators and cantor-educators.

Most importantly, I envision, feel, and try to embody and teach halakhah as a polyphonic entity. "Words of the living God" demand a constant investment of vitality and life within each generation and a counterpoint of different voices, temperaments, views, expertise, and social and cultural backgrounds. You will not find this kind of counterpoint at asktherabbi.com or chabad.org, but I have found it in the halls of the Academy for Jewish Religion, teaching Talmud in my community, and in my own weekly *ḥevruta* study with my rabbi-cantor colleague Luis Cattan. In the words of Yehiel

Mikhl Epstein from the introduction to *Ḥoshen Mishpat* in his halakhic code *Arukh Hashulchan*,

> And, in truth, every dispute of the Tannaim, Amoraim, Geonim, and Poskim in order to understand the ultimate course of the matter, they are "words of the Living God," and to each of them belongs a facet of halakhah. And contrary [to the view that disputes are by necessity toxic], this is the beauty of our holy and pure Torah! And all of the Torah is called "song," and the "song's" beauty is when the voices are polyphonic and this is the essence of harmony. And whoever swims in the Sea of Talmud sees the harmony in all the diverse voices.

This is the essence of being in relationship with halakhah. Human beings are not meant to be bound or coerced, but *related to*. This is not a monistic approach to halakhah but a pluralistic one. It is halakhah not in mono but in stereo!

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