

Rabbi Steve Gutow and Rabbi Dr. Rachel Sabath Beit-Halachmi  
in conversation with Dan Cedarbaum

“Is Jewish Life Meaningless Without Jewish Law?”

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## JEWISH LIFE MEANINGLESS WITHOUT JEWISH LAW

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But what possibility is there for Jewish law to function in a country such as ours, where church and state are separate, and where the government refuses to interfere in the internal affairs of any religious group? No law can function without sanctions; but sanctions can be applied only by a society from which it is impossible, or extremely disadvantageous, for the individual to withdraw. In American life, Jews and Gentiles do not live in mutually exclusive communities. Theoretically, at least, one does not have to become a Christian in order to be accepted in non-Jewish society and to derive the benefits of business, professional and cultural association with Gentiles. It is not even necessary to relinquish membership in the Jewish community. A Jew may at present disregard every one of the distinctively Jewish ordinances, without fear that his right to membership in any important Jewish agency or organization might be challenged. ...

... Ever since the Jewish community abdicated its autonomous jurisdiction over the civil relations of Jews to one another, Jews have lost the status of a people, and their law has lost the status of law. That is one of the reasons why Jewish law has become defunct.

*No Jew who experiences in his own being anything of his people's will to live should accept with equanimity this defunct state of Jewish law.* He himself should do something, or persuade others to do something about it. But what he should not do is to resort to self-deluding, compensatory reasoning. Such reasoning is indulged in by those who maintain that the validity of a law has no relation whatever to the number of persons who obey it. According to this view, even if all Jews disregarded their traditional code of law, it would remain just as valid as if every Jew obeyed it, since it derives its authority from God and not from man. This does not square with the general assumption that the law exists for man and not man for the law, an assumption implied in the Rabbinic statement: “The Sabbath is delivered to you, and not you are delivered to the Sabbath.”\*

\*citing *Mekhilta de-Rabbi Yishmael*, Tractate *Shabbata*, Chapter 1, on Exodus 31:14 --

ושמרתם את השבת כי קדש היא לכם. זה הוא שהיה ר' שמעון בן מנסיא אומר, לכם שבת מסורה, ואי אתם מסורין לשבת.

[Mordecai Kaplan, *The Future of the American Jew* (1948), pp. 389-391]

... [F]ew Jews even among those who are loyal to their people and their tradition, realize the vital connection between Judaism and the social structure of Jewish life. To most Jews anything that has to do with organization smacks of the secular or profane. It is at best an instrument which is serviceable as long as it raises no questions. But as soon as it exposes us to the charge of trying to segregate ourselves from the civic community, it ought to be dispensed with. This dualism between the spirit and the body of Jewish life has to be unlearned. *Without an enduring social structure, such as only a well-organized community can provide, being a Jew is like trying to live as a disembodied soul.*

The main reason, however, for the failure to come to grips with the problem of Jewish communal solidarity is, no doubt, the fact that it is not possible, as it was in the past, to build the community around the synagogue. It is, therefore, necessary to evolve a new conception of communal cohesion. This is by no means easy, especially for those Jews who are identified with the synagogue, and who believe that it is the only logical instrument of cohesiveness among Jews. Most of us are loath to have our striving to survive as an identifiable group regarded as arbitrary or unreasonable. We are, indeed, eager for it to be recognized as a normal means to the attainment of our salvation. Since the synagogue is dedicated to the task of reminding us where our true salvation lies, it should naturally serve as the rallying point of the Jewish community.

But the ineluctable fact is that, in the very process of expounding the meaning of salvation and indicating the means to its attainment, the synagogue has become a divisive instead of a uniting influence. The Reform movement was the first to introduce drastic changes in Jewish belief and practice. This has made it necessary for those who conform strictly to tradition to label themselves as Orthodox. Others again prefer a middle course, between strict conformity to tradition and what seems to be like a complete break with it ... . Each religious group develops its own organizations, institutions, commitments and loyalties, and tends to concentrate on itself the interest that should be given to Jewish life as a whole.

It is thus unavoidable that the synagogue should fragmentize Jewry into sects and denominations. As matters stand at present, these sects and denominations find it difficult to overcome their mutual antagonisms, even when common action is most urgent. If any action for the common good is taken, as on occasions it must be, it is outside, and in spite of, the various synagogue groupings.

That dilemma is pointed out here not with the intention of deprecating, or deploring, the numerous divisions that exist in the religious life of our people. On the contrary, if we want freedom of thought, then we must expect differences in religious belief and practice. This is the *novum* in contemporary Jewish life. *The*

*more earnestly and persistently we endeavor to clarify our own religious views, and the more we try to stabilize our religious practice, the more certain are we to sharpen the theological differences among ourselves.* If we are prepared to accept this outcome as inevitable, we should at least prevent it from so fragmentizing us as to place us beyond all possibility of feeling and acting as one people.

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The main issue now is not what kind of Judaism we would like to have in this country, but whether we shall have any kind of Judaism at all. Those who are affiliated with the synagogue are expected to be most concerned that Judaism shall have a future. They should, therefore, look beyond the synagogue for ways and means of maintaining unbroken the organic character of Jewish life in the face of the overwhelming assimilative power of the environment.

[Mordecai Kaplan, *The Future of the American Jew* (1948), pp. 110-113]