

## CMTL 2016 SNAPSHOTS

### **From: *On the Spiritual Significance of Sandwiches***

. . . the study of Torah can't be **all** about making G-d laugh when his children defeat Him.

### **From: *Are Adam and Eve Modern Orthodox Role Models?***

A healthy religious culture teaches its foundational stories to its children with confidence and without embarrassment. This is a problem for Modern Orthodoxy, which has discomfort teaching the story of Creation. The most immediate and important reason for this is gender. We do not have a shared communal interpretation of the story that squares with how we want our boys and girls to think of themselves, to relate to each other, and to grow up as men and women.

### **From: *Understanding the Work and Words of Shemot***

If children intuitively draw Mosheh Rabbeinu wearing a black hat instead of a kippah, we should not criticize their ahistoricism, but rather investigate why their image of spiritual greatness is *chareidi* rather than Modern Orthodox, and make whatever changes – pedagogic or substantive – are needed to change that. For example, we should ask why they fail to immediately connect Mosheh with Zionism.

### **From: *How and Why We Must Teach Our Children Well***

The core assumptions of a society are instilled not by the rote repetition of propositional statements but rather by the transparent demonstration of values in action. For this purpose, Talmud Torah is an action, perhaps the quintessential action. We need not just to teach our values, but to teach our texts in a manner that demonstrates our values.

Here is an example. When the “Shimshon” song is sung, (as we must acknowledge it is at Dati Leumi events, including Bnei Akiva gatherings, albeit generally without waving weapons), there is a tendency to replace the “*Plishtim*” of the verse with “*Palestinim*.” . . . This is not exclusively an Israeli problem. For example, there is a children’s song in America that translated Amalek as Germans and Ishmaelites as Arabs, and before my wife and I protested, it was taught to our children in both a Chabad and a Modern Orthodox day school.

The impulse behind these identifications is obvious; they create apparent relevance. But in a world where Jews have genuine, although secular, power over others, we cannot afford the indulgence of immediate but misleading relevance.

### **From: *Did the Medean Empire Have an Obligation to Prevent a Jewish Genocide?***

Emperor Achashverosh signed a decree authorizing the killing and despoiling of all Jews in the Persian Empire. After Esther exposes Haman, author of the decree, as an egomaniac who aspired to the throne, Achashverosh issues a new decree authorizing Jewish self-defense. He promises that imperial forces will not interfere on either side, and even imposes a no-fly zone over Shushan to prevent local militia from using their helicopters against the Jews. However, he does not open the borders to mass Jewish emigration.

Unfortunately, the Jews are still badly outnumbered and poorly armed in comparison to the anti-Semites. The small Jewish community in the Medean Republic engages in mass public fasting and other desperate measures to build support for armed intervention in Persia, at least via the creation of a “safe-zone” to which Jews can flee. Opponents suggest that such intervention will fail to save the Jews, that intervention will cause tens of millions of casualties in the chaos and anarchy that will inevitably follow the Persian Empire’s collapse into civil war, that Medean forces will suffer significant casualties, and that Medea’s overall geopolitical position will be damaged by its identification with the generally unpopular Jews. Finally, they suggest that even a perfectly successful intervention will simply lead to a mirror-image massacre of anti-Semites by Jews.

Does the Medean empire have an obligation to intervene?

### **From: *Spirituality, Sexuality and the Science of Desire***

We have no biochemical or neurological understanding of the difference between love and lust, and limited if any capacity to demonstrate the objective existence of that difference.

Recognizing the limits of our knowledge, as opposed to our descriptions and commitments, has significant implications for the religious treatment of sexuality.

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### **From: *Feminism, Anti-Feminism and the Halakhic Process: Parashat Zakhor as a Case Study***

The discipline of legal interpretation has political value only so long as it can surprise. When judges are merely lawyers for client ideologies or classes, their predictable rulings have power but no influence, and courts lose the capacity to bridge over troubled waters.

This often generates a vicious paradox. Critics will argue that the existing legal structures embody the values of the powerful, e.g. males, rather than of the full community. But since their arguments are framed as advocacy for a particular subgroup, they often kill the golden goose they are attempting to capture. Law's authority depends on the perception it has legitimacy beyond power; why else would the powerful submit to its authority?

The Torah acknowledges this paradox when it bans judges from favoring the poor over the wealthy. Such favoritism is shortsighted, and leads to the wealthy buying the courts or else evading them. Courts that apply law evenhandedly are the best hope of the poor, unless the law is so corrupt that anarchy or revolution seem justified.

All the above applies to the discipline of halakhic interpretation and its role in the Orthodox community. To the extent that asking a *sh'eilah* is an assertion of power—I get to choose who decides for you—rather than a submission to the authority of Torah, *psak* becomes a tool of oppression. But *Halakhah* can enable a divided community to creatively address religious challenges. Relating to halakhic decisionmaking as nothing more than an assertion of power is a self-fulfilling prophecy that undermines the best hope of the marginalized to live as full members of a society governed by religious law.

### **From: *Maimonides and Women's Leadership: Part 1***

Elements of the halakhic tradition at least seem to clash head-on with fundamental feminist critiques. That is to say, they can easily be read as silencing, denying credibility, fetishizing, or as entrenching patriarchy.

One possible mode of response is to celebrate the clash and see *halakhah* and feminism as fundamentally opposed. This response unites the rejectionist halakhists with the rejectionist feminists, but with opposite results. By their very existence they reinforce each other's preconceptions.

### **From: *Wicked Savants and Pious Fools: Thoughts On the Use of Kavod HaBeriyot in Halakhic Discourse***

I hope that we can still find a middle ground between the pretense that ultimate issues can be handled without recourse to underlying values, and the illusion that nothing is lost when law is discarded in the name of underlying values. Otherwise our halakhic public square will soon be reserved exclusively for conversations between wicked savants and pious fools.

### **From: *Halakhic Flight Simulators? The Need for Laboratories of Law***

A fundamental misunderstanding that plagues Modern Orthodoxy is the notion that the existence of an intellectual possibility in Torah constitutes a sufficient basis for action, and that the choice among these possibilities is simply a matter of taste. This makes it very hard to keep even the unstated implications of halakhic conversations purely theoretical. But Modern Orthodoxy desperately needs to create forums which allow for radical ideas to be floated and examined without being immediately seized on as the basis for radical practice.

### **From: *Halakhic Laboratory #1: Crossdressing***

In a genuinely communist society, such as the classic kibbutz, is the mitzvah of *tzedakah* totally fulfilled, or totally eliminated?

### **From: *AUTHORITY OR ANARCHY?***

Bottom line: We need a much deeper and more sophisticated conversation about rabbinic and halakhic authority. We need to recognize that granting authority always involves agreeing to follow rulings we disagree with, and that denying authority always involves letting people do things we disagree with. We need to develop ways of denying the *l'maaseh* legitimacy of a *psak* without denying the Orthodoxy or learning of the posek. We need to acknowledge that *halakhah* legitimately has its own politics, and that if we persist in shallow or scorched-earth tactics, Orthodox society will soon resemble the US Congress or worse.