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Center for Modern Torah Leadership



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WHY WE NEED MORE AKEIDAH CONVERSATIONS

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Should Modern Orthodox Jews be at peace with the current state of halakhah? No. Does this mean that we should choose against halakhah when it conflicts with the assumptions of the culture(s) we embed ourselves in? No. Does that mean we should seek out and celebrate such conflicts? No.

There are not difficult questions. Just about all of us understand that halakhah *as practiced by the overall halakhic community* is necessarily imperfect; that halakhah must *at least on occasion* be able to stand against the moral tide; and that it would be ridiculous to choose to live in Sodom in order to maximize the conflict between halakhah and social norms.

These propositions are not right or left wing. The meaningful ideological arguments are about **what** the imperfections are (e.g., are you bothered more by our casual resort to civil courts rather than batei din, or by our inability to call corrupt batei din to account?); **when** we must resist an external moral consensus; and **how** we can teach that necessary resistance without breeding indecent disrespect for the opinions of humankind and the *tzelem Elokim* of many individual human beings.

The process of engaging with a moral critique often leads to recognizing imperfections. This is so whether one ends up resisting or rather accepting the critique. Recognizing imperfections leads to pressure for change. Fear of change therefore leads to fear of engaging with critiques.

Harvard leadership expert Professor Ron Heifetz teaches that a key art of leadership is "managing disequilibrium". As I understand it, the idea is that unless people feel dissatisfied with the status quo, they'll be unwilling to deal with the loss of comfort that is definitionally part of change. But making people too uncomfortable, too aware of the tenuousness of the present, carries terrors that can also be paralyzing or destabilizing. It's hard to make mature risk-benefit calculations when the possibility of losing everything is constantly before your eyes.

Leaders have to find a way to make people just uncomfortable enough to be productive. They also have to be honest. This makes leadership extremely difficult when the game is really being played for existential stakes.

Modern Orthodoxy is playing for existential stakes these days. There are two ways in which the conversation about ethics and halakhah can lead to our community's dissolution. The first is if we deny halakhah the right to make demands that are morally repugnant to the other cultures we participate in. The second is if we insist that halakhah is impervious to and uninterested in being morally critiqued.

I take these positions on internal Torah grounds. Verses like "for (the Torah) is your wisdom and discernment in the eyes of the nations, who will hear all these statutes and say: None but a wise and discerning nation, this great people", and the concepts of sanctifying and desecrating G-d's Name, demonstrate that Judaism values the good opinion of humanity, indeed sees the development of a shining reputation as a goal. But the very same obligation of sanctifying G-d's Name teaches that sometimes we must carry out halakhah even though others "kill us for it all day long".

Here's the thing. In America, until recently, we were able to claim that our conflicts with the dominant cultures were about theology, not morality or ethics. Take the "Big Three", the specific mitzvot that Jews must die before transgressing. Idolatry? Theology (and besides, no major American religion admitted belief in fetishistic idolatry). Bloodshedding? Surely we're all against that. Adultery? Even the secular movie code banned that. There always were, and always will be, countertendencies and transgressors, but the weight of the culture was clearly on our side.

None of that is true anymore. Idolatry? Pluralism is a more important value than any theological claim. Bloodshedding? Well yes, we're all against that, but only if no one considers the possibility that it extends to abortion, assisted suicide, braindead patients, or even euthanasia. Adultery? No longer a public concern, and certainly the category *gilui arayot* is out if it includes any form of homosexual activity.

I don't mean to sound like a crotchety old man bemoaning the good old days: "Do not say: 'What has happened? Because the earlier days were better than these', because you have not asked this from a place of wisdom". Furthermore, the culture shifts have been multidirectional; some of us are afraid that Christian worship

will be established, or that abortion to save the life of the mother will be prohibited, or of backlash against sexual minorities. Polarization in America may generate two cultures each of which are less compatible with our morals than the previous default.

All of these challenges are opportunities to examine whether we are in fact understanding the Torah and the halakhic tradition as G-d intended us to. To take one example from each category:

a) We have been challenged to consider how the category “*avodah zarah*” applies to religions whose intellectual elite clearly espouse philosophic monotheism, and who understand the apparent popular worship of a pantheon as the worship of a single G-d in multiple manifestations. This challenge is intensified when we identify morally more with the “idolaters” than with the monotheists (such as Isis) destroying their idols.

b) More (and more sophisticated) teshuvot and maamarim have been written about abortion in the past century than in all previous halakhic history. We know the range of positions; we have broken up the gestational period; and we are beginning to understand the risks and rewards of extending categories such as *pikuach nefesh* to mental illness.

c) The Orthodox community’s enthusiastic embrace of IVF and broad use of birth control has made much classical rhetoric about the necessary connection between sex and procreation tenuous (although Judaism has never linked them absolutely). This has led to an efflorescence of sex-positive Orthodox works and reconceptions of the basis of marriage.

I also don’t mean to endorse all arguments for change. I hold that even Meiri categorized medieval Christian religious practice as *avodah zarah*. The abortion *sh’eilot* I have been asked were relatively easy to permit, and yet they were soul-searing experiences. It seems very likely to me that American culture is hopelessly naïve about the extent to which we can undermine old rationales for sexual restrictions and still expect society to maintain any rules at all. I don’t think that requiring the highest standard of consent – even if we get exponentially better at achieving that - can do all the work. We may be Wile E. Coyote long since over the cliff but not yet willing to look down.

But I also don’t mean to rule specific outcomes out of bounds before hearing all arguments for them – which means, an outcome is only out of bounds until I hear a good enough argument for it to bring it in bounds. We need to explain why, as seems obvious to most of us, the Torah’s radical animus toward *avodah zarah* does not apply to many contemporary religions that seem to fall within the boundaries of the halakhic category *avodah zarah*. We need to ensure that nothing in our practice of halakhah reduces anyone to

existing merely for the sake of procreating, or to having their existence defined by their sexuality, rather than having holistic ontological significance. We cannot deny the reality that the link between sex and procreation is now a matter of volition rather than necessity, and that this will only become more true over time.

And to be clear – I don’t think all outcomes are equally likely before I hear the arguments for them. Some outcomes **seem** impossible to me, and it would take evidence of unprecedented probative weight to get me to accept them as sufficient even to be relied on in extremis when endorsed by great sages. Others are just waiting for a better argument to be made, or for existing arguments to be embraced by halakhists who have acceptable scholarship and judgment.

Modern Orthodoxy cannot avoid these conversations any longer. We need to engage moral critiques of halakhah, in the context of vigorous internal Torah conversations. These engagements will inevitably lead to changes in the way that halakhah is practiced and applied in our community. These changes will be uncomfortable, and some of them will generate very legitimate controversy. So we need to find a sufficient counterforce to make us engage.

Maybe we can find it in the text of this week’s parshah.

Akeidat Yitzchak is a deeply uncomfortable text. The profound discomforts it generates in us can lead to paralysis; to amoralism; to radical change that masquerades as continuity; or to abandonment of the halakhic project as a serious basis for living in the world.

In the hands of effective and serious leaders, though, perhaps reading the akeidah together can also lead to enormously productive halakhic and religious conversations that give us the courage, self-confidence, and humility needed to navigate our changed cultural position with integrity. And true courage, as Dumbledore said, is standing up both for and to our friends. Sometimes it involves both at the same time.

We need to have more “Akeidah conversations”. And we need to have them in full realization that Avraham’s moral struggle plays out on Yitzchak’s *chesbon*.

Not because child sacrifice is a live issue, thank G-d, but because unwillingness to have these conversations will sooner or later leave us religiously hollow. These conversations will be hard, and not everyone will be ready to engage in all of them. I know that I am not. But in the absence of such conversations, integrity vanishes, and the worst rule, and the best leave.