

RABBI IN THE HEADLIGHTS

Part 1 - Beginning the chain: Moses and Joshua.



THE STORY

Text 1: Numbers 27:15–20ⁱ

וַיְדַבֵּר מֹשֶׁה אֶל־יְהוָה לֵאמֹר:
יִפְקֹד יְהוָה אֱלֹהֵי הָרוּחַת לְכָל־
בָּשָׂר אִישׁ עַל־הָעֵדָה: אֲשֶׁר־יֵצֵא
לִפְנֵיהֶם וְאֲשֶׁר יָבֹא לִפְנֵיהֶם
וְאֲשֶׁר יוֹצִיאֵם וְאֲשֶׁר יָבִיאֵם וְלֹא
תִהְיֶה עֵדֶת יְהוָה כְּצֹאן אֲשֶׁר
אֵין־לָהֶם רֹעֶה: וַיֹּאמֶר יְהוָה
אֶל־מֹשֶׁה קַח־לְךָ אֶת־יְהוֹשֻׁעַ
בֶּן־נֹון אִישׁ אֲשֶׁר־רוּחַ בּוֹ
וְסָמַכְתָּ אֹת־יָדְךָ עָלָיו: וְהֶעַמְדָּתָ
אוֹתוֹ לִפְנֵי אֱלֶעָזָר הַכֹּהֵן וְלִפְנֵי
כָל־הָעֵדָה וְצִוִּיתָה אוֹתוֹ
לְעִינֵיהֶם: וְנָתַתָּה מִהוֹדְךָ עָלָיו
לְמַעַן יִשְׁמְעוּ כָל־עֵדֶת בְּנֵי
יִשְׂרָאֵל:

Then Moses spoke to the Eternal One, saying: “*Let the Holy One, the God of the spirits of all flesh, make accountable a man over the community who will go out before them, who will come back before them, who will lead them out, who will bring them back, so that the community of God will not be like a flock that has no shepherd.*”

The Eternal said to Moses: “*Take yourself Joshua bin-Nun, a man in whom the spirit is, and lean your hand upon him. You are to have him stand before Elazar the priest and before the entire community, and you are to commission him before their eyes. You are to put some of your majesty upon him, in order that they may hearken, the entire community of the Children of Israel.*”

ⁱ Adapted from Fox translation

Text 2: Deuteronomy 34:7–9ⁱⁱ

וּמֹשֶׁה בֶּן־מֵאָה וְעֶשְׂרִים שָׁנָה
בָּמָתוֹ לֹא־כָהָתָה עֵינָיו וְלֹא־נָס
לָחָה: וַיִּבְכוּ בְנֵי יִשְׂרָאֵל אֶת־
מֹשֶׁה בְּעֶרְבַת מוֹאָב שְׁלֹשִׁים
יּוֹם וַיִּתְּמוּ יָמֵי בְּכִי אֲבֵל מֹשֶׁה:
וַיְהִי שֶׁעַ בֶּן־נוּן מָלֵא רוּחַ
חֲכָמָה כִּי־סָמַךְ מֹשֶׁה אֶת־יָדָיו
עָלָיו וַיִּשְׁמְעוּ אֵלָיו בְּנֵי־יִשְׂרָאֵל
וַיַּעֲשׂוּ כְּאֲשֶׁר צֻוָּה יְהוָה אֶת־
מֹשֶׁה:

Now Moses was 120 years old at his death; his eye had not grown dim, his vigour had not fled. And the Children of Israel wept for Moses in the Plains of Mo'av for 30 days; then the days of weeping in mourning for Moses were ended. Now Joshua bin-Nun was filled with the spirit of wisdom, for Moses had leaned his hands upon him, and the Children of Israel hearkened to him and did as the Eternal had commanded Moses.

THE MIDRASH

Text 3: Petirat Mosheⁱⁱⁱ

הלכו ישראל אצל משה פתחו
ללמוד תורה ושאלו משה רבנו היכן
הוא, אמרו להם השכים לפתחו של
יהושע, הלכו ומצאוהו שם בפתחו
והיה יושב יהושע ודורש ומשה
עמד על רגליו, אמרו לו ליהושע
מה עלתה בך כך, שמשה רבנו
עומד ברגליו ואתה יושב ... מיד
אמרו ישראל למשה, משה רבנו
למדנו תורה, אמר להם אין לי

Some of the Israelites went to Moses's tent to learn Torah, and asked: "*Where is Moses, our teacher?*" They were told: "*He got up early and went to Joshua's tent.*" So they went to Joshua's tent, and found Joshua sitting down and teaching, while Moses stood on his feet like a student! And they said to Joshua: "*Why have you elevated yourself, that Moses should stand while you sit?!*" Then they said to Moses: "*Teach us Torah!*" But Moses replied: "*I no longer*

ⁱⁱ Adapted from Fox translation

ⁱⁱⁱ Adapted from Sirkman translation

רשות, אמרו לו אין אנו מניחין
אותך, יצאה בת קול ואמרה להם
למדו מיהושע ... באותה שעה עשה
משה ליהושע כבוד גדול ופאר רב
בפני בני ישראל, והיה כרוז יוצא
מלפניו בכל מחנה ישראל לאמר
בואו ושמעו דברי הנביא החדש
שיקום עלינו היום, עלו כל ישראל
לכבודו של יהושע, ואח"כ צוה
משה להביא כסא של זהב ... ודרשו
שניהם כאחד בפני כל ישראל,
ונדמה להם פני משה כפני חמה
ופני יהושע כפני לבנה.

THE SIGNIFICANCE

Text 4: m.Avot 1:1

משה קבל תורה מסיני
ומסרה ליהושע ויהושע
לזקנים וזקנים לנביאים
ונביאים מסרו לאנשי
כנסת הגדולה.

have the authority.” “*We will not let you go!*” they said. But a Divine Voice emerged and said: “*Learn from Joshua.*”

From this point on, Moses began to show Joshua enormous respect, and lauded him greatly before all the Israelites. And Moses sent out a proclamation to everyone saying: “*Come and hear the words of the new prophet who will lead you from today!*” All Israel came to honour Joshua, and Moses had him dressed in a gold robe. And the two of them taught Torah together, with one voice. Moses’s face was like the sun, and Joshua’s like the moon.

Moses received the Torah at Mount Sinai. He transmitted it to Joshua. Joshua in turn passed it to the elders, and the elders to the prophets. The prophets transmitted the Torah to the Sages of the Great Assembly.

Text 5: Rabbi Rinat Safania^{iv}

מרים קבלה תורה מסיני
ומסרתה לבנות צלפחד. ובנות
צלפחד לדבורה ודבורה לרות
ורות סרתה לברוריה. הן אמרו
שלושה דברים: השמיעו את
קולכן, והעמידו תלמידות
הרבה, ועשו דרש לתורה.

Miriam received the Torah at Mount Sinai and transmitted it to the Daughters of Zelophechad. The Daughters of Zelophechad in turn passed it to Deborah, Deborah to Ruth, and Ruth transmitted it to Beruriah. They said three things: make your voice heard, raise up many disciples and interpret the Torah.

THE CONSEQUENCES

Text 6: Rabbi Matthew Beaumont Carlyle Shapiro^v

Moses's ordination of Joshua is regarded as the original basis for the ritual of ordination in later times. The traditional view is that all subsequent ordinations of rabbis throughout history are part of an unbroken chain beginning with the Moses and Joshua incident.

^{iv} Rabbi Rinat Safania, trans Rabbi Lior Nevo, from *Tefillat ha-Adam* (Jerusalem: Israel Movement for Progressive Judaism, 2020): 103.

^v Matthew Beaumont Carlyle Shapiro, "Semikhah: a historical analysis of rabbinic ordination", Hebrew Union College (2011), <<https://perma.cc/5T27-84WL>>: 9.

Text 7: Rabbi Julius Newman^{vi}

I conclude that semichah ceased in the year 1062. But whenever it ceased, and whatever the reason, it seems to be beyond doubt that the Jewish people have always been troubled by the fact that ordination was no longer in practice. Now, it must be borne in mind that the Talmud knew and recognised only one form of lawful semichah: namely, that ordination which had been transmitted from generation to generation, each successive musmach forming a further link in the long, unbroken chain of semichah.

Text 8: Aruch ha-Shulchan, Choshen Mishpat 1:14

... אין סמוכים בזמה"ז ...
הא גם עדיין נוהג סמיכות
הרבנות ... היא רק מתקנת
רבותינו זכר לסמיכה.

Nobody who has been truly ordained exists today. Nonetheless, the concept of the ordination of rabbis does still exist, but it is merely a recent enactment in memory of the original semichah.

Text 9: Nachalat Avot 6:1

אחרי בואי באיטאליאה מצאתי
שנתפשט המנהג לסמוך אלו
לא לו ... לא ידעתי מאין בא להם
ההתר הזה אם לא שקנאו מדרכי
הגוים העושים דוקטורי ויעשו
גם הם.

When I arrived in Italy, I found that a custom had spread of people ordaining each other. I don't know where they got permission to do this. They must have simply been jealous of the ways of the non-Jews, who confer doctorates, and decided to copy them.

^{vi} Julius Newman, *Semikhah (ordination): a study of its origin, history, and function in rabbinic literature* (Manchester: University of Manchester Press, 1950): 152, 155.

THE PRESENT


Text 10: Debra Rubin^{vii}

What's the difference between investiture and ordination? Plenty, say officials at the Reform movement's Hebrew Union College, which has announced that for the first time since establishing its cantorial school in 1948, it will ordain rather than invest its graduating class of cantors. The change has been several years in the making. Reform movement officials say it both recognises the elevated role that cantors have in modern times and eliminates some barriers they have faced in their clergy work. For example, one cantor in California could not visit a congregant in prison because prison officials did not recognise her as a *bona fide* member of the clergy.

^{vii} Debra Rubin, "What's in a word? For 'ordained' rather than 'invested' cantors, a lot", Jewish Telegraphic Agency (21 May 2012): <<https://perma.cc/7Q5C-XS3K>>

Text 11: Leo Baeck College

בית המדרש ע"ש ליאו בק



Leo Baeck College
AT THE HEART OF PROGRESSIVE JUDAISM

<p>We, the undersigned, being Rabbis and Teachers of the Leo Baeck College, hereby testify that our student</p> <p>Gabriel Sam Kanter-Webber</p> <p>has satisfactorily completed at this College the required course of study in Scripture, Rabbinic Literature, Theology, Liturgy, Jewish History and Literature, Pastoral Care and Rabbinic Practice</p> <p>Accordingly we have agreed and decided to ordain him and confer on him the title of</p> <p>Rabbi and Teacher in Israel</p> <p>May the Eternal One be with him, and establish the work of his hands, that he may bring honour to the Torah, enhance the name of Israel, and increase peace in the world</p> <p>Given under our hand in London this third day of July in the year two thousand and twenty two</p>	<p>אנו החתומים מטה, רבנים ומורים של בית המדרש לרבנים שע"ש ליאו בק, מעידים בזה שתלמידינו</p> <p>גבריאל בן הרשל ושרה</p> <p>למד בבית מדרשנו וסיים את לימודיו בתנ"ך והלכה תלמוד ואגדה, מדרש וחכמת הרבנות</p> <p>לכן נמנינו וגמרנו לסמכו בסמיכת רבנים ולהכתירו בכתר תורה לשמש</p> <p>רב ומורה בישראל</p> <p>יהי ה' עמו ויכוונן מעשה ידיו, להגדיל תורה ולהאדירה, להרים קרן ישראל, ולהרבות שלום בעולם</p> <p>ועל זה באנו על החתום פה בלונדון ביום ראשון ד' בתמוז שנת חמשת אלפים שבע מאות שמונים ושתיים</p>
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[Signatures]

מנחם פרידמאן (Chaim Fritzman)

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RABBI IN THE HEADLIGHTS

Part 2 - Two, two the Talmuds: Tannaim and Amoraim



TANNAIM

Text 1: m.Berachot 1:1ⁱ

מאימתי קורין את שמע
בערבית משעה שהכהנים
נכנסים לאכול בתרומתן עד
סוף האשמורה הראשונה דברי
ר' אליעזר וחכמים אומרים עד
חצות רבן גמליאל אומר עד
שיעלה עמוד השחר מעשה
שבאו בניו מבית המשתה
אמרו לו לא קרינו את שמע
אמר להם אם לא עלה עמוד
השחר חייבין אתם לקרות.

From what time may one recite the Shema in the evening?
From the time that the priests enter their houses to eat their
offerings until the end of the first watch – these are the
words of Rabbi Eliezer. The sages say: until midnight.
Rabban Gamaliel says: until dawn.

Once it happened that his sons came home late from a
wedding feast and they said to him: “*We have not yet recited
the evening Shema.*” He said to them: “*If it is not yet dawn you
are still obligated to recite.*”

ⁱ Kulp translation

Text 2: t.Berachot 1:1-2

מאמתי קורין את שמע
בערבין משעה שבני אדן
נכנסין לוכל פיתן בלילי
שבתות דברי ר' מאיר
וחכמים אומ' משעה
שהכהנים זכאין לוכל
תרומתן סימן לדבר צאת
הכוכבים אע"פ שאין ראיה
לדבר זכר לדבר וחצים
מחזיקים ברמחים מעלות
השחר עד צאת הכוכבים.

From what time may one recite the Shema in the evening? From the time that people enter their houses to eat their Friday night dinner – these are the words of Rabbi Mei'ir. The sages say: from the time that the priests enter their houses to eat their offerings.

A sign of the appropriate moment is when a star emerges. Although there is no scriptural proof of this, there is a hint of it in the verse: *And so we worked on, while half were holding lances, from the break of day until the stars appeared (Nechemiah 4:15).*

Text 3: Professor Judith Hauptmanⁱⁱ

Even the most cursory glance at the Tosefta reveals how similar it is to the Mishnah. The Tosefta's statements are authored by the same spokesmen, in the same language, on the same topics, and are presented in roughly the same order. Because of these similarities, many scholars have long thought that the Tosefta emerged later than the Mishnah and that it was the Mishnah's first commentary. A few have regarded it as a collection of material that remained after the redactor of Mishnah made his 'cut'. But there is another possibility: the Tosefta existed as an ordered collection prior to the time of the Mishnah; many of its paragraphs served as building blocks of the Mishnah. That is, the redactor of Mishnah rewrites, reconceptualises and reorders the Tosefta collection, and other old materials, to produce his own work.

Text 4: t.Keilim Bava Metzia 1:6ⁱⁱⁱ

קלוסטרא ר' טרפון מטמא
וחכמים מטהרין וברוריא
אומרת שומטה מן הפסח זה
ותולה בחברו בשבת כשנאמרו
דברים לפני ר' יהודה אמר
יפה אמרה ברוריא:

A door bolt: Rabbi Tarfon declares unclean. The sages declare clean. And Beruria says: "*One removes it from this door and hangs it on another on Shabbat.*" When these things were reported before Rabbi Judah, he said: "*Beruriah has ruled beautifully.*"

ⁱⁱ Judith Hauptman, *Rereading the Mishnah: a new approach to ancient Jewish texts* (Tübingen: Mohr Siebeck, 2005): 1-2.

ⁱⁱⁱ Adapted from Neusner translation

Text 5: Rabbi Elli Tikvah Sarah^{iv}

Beruriah is the only woman whose learned teachings are recorded in rabbinic literature, as if she, too, had been part of the scholarly debates. She is an anomaly, a token, an exceptional case which proves the rule.

Rabbinic literature designates Beruriah as the wife of Rabbi Mei'ir, but makes no mention of her teachers and pupils. So how did she learn? And how is it that her teachings were recorded? Professor Rabbi Rachel Adler suggests that Beruriah was a replacement for a worthless son who neither learned nor taught well, and who came out a bad end. That's how she managed to get herself included: Beruriah 'stood in' for her brother.

In the Tosefta, the sages say that a door bolt is clean. Beruriah's opinion is in accord with that of the sages, but more than this, she provides an explanation for their view. But if this looks like startling evidence of Beruriah's place in the chain of tradition, look again. Beruriah's teaching is recorded in the Tosefta. A parallel passage in the Mishnah makes no mention of her – indeed, her teaching is given in the name of another scholar two generations earlier. And of course, Beruriah has disappeared from the debate. Perhaps the misattribution was an attempt to strike this anomaly off the record, and find a more appropriate 'spokesman' for the sages? We don't know.

^{iv} Rabbi Elli Tikvah Sarah, *Trouble-making Judaism* (London: David Paul, 2012): 87, 91-94. Internal citations omitted.

AMORAIM

Text 6: b.Bava Metzia 59a-b^v

תנן התם: חתכו חוליות
ונתן חול בין חוליא
לחוליא, רבי אליעזר
מטהר וחכמים מטמאין.
וזה הוא תנור של עכנאי
... תנא: באותו היום
השיב רבי אליעזר כל
תשובות שבעולם ולא
קיבלו הימנו. אמר להם:
אם הלכה כמותי - חרוב
זה יוכיח. נעקר חרוב
ממקומו מאה אמה,
ואמרי לה: ארבע מאות
אמה. אמרו לו: אין
מביאין ראיה מן החרוב.
חזר ואמר להם: אם
הלכה כמותי אמת המים
יוכיחו. חזרו אמת המים
לאחוריהם. אמרו לו: אין
מביאין ראיה מאמת
המים. חזר ואמר להם:
אם הלכה כמותי כותלי
בית המדרש יוכיחו. הטו

The rabbis taught: if one cuts an earthenware oven into horizontal segments, and placed sand between each and each one, Rabbi Eliezer deems it ritually pure, and the Rabbis deem it ritually impure. It was known as the Oven of Achnai. The sages taught: on that day, when they discussed this matter, Rabbi Eliezer made all conceivable arguments to support his opinion, but the rabbis did not accept his explanations.

After failing to convince the Rabbis logically, Rabbi Eliezer said to them: *“If the law is in accordance with my opinion, this carob tree will prove it.”* The carob tree was uprooted from its place one hundred cubits, and some say four hundred cubits. The rabbis said to him: *“One does not learn the law from carob trees.”*

Rabbi Eliezer then said to them: *“If the law is in accordance with my opinion, the stream will prove it.”* The water in the stream began flowing in the opposite direction. They said to him: *“One does not learn the law from streams.”*

^v Adapted from Steinsaltz translation

כותלי בית המדרש
ליפול. גער בהם רבי
יהושע, אמר להם: אם
תלמידי חכמים מנצחים
זה את זה בהלכה אתם
מה טיבכם? לא נפלו
מפני כבודו של רבי
יהושע, ולא זקפו מפני
כבודו של רבי אליעזר,
ועדין מטין ועומדין. חזר
ואמר להם: אם הלכה
כמותי מן השמים יוכיחו.
יצאתה בת קול ואמרה:
מה לכם אצל רבי אליעזר
שהלכה כמותו בכל
מקום! עמד רבי יהושע
על רגליו ואמר: לא
בשמים היא. אשכחיה
רבי נתן לאליהו, אמר
ליה: מאי עביד קודשא
ברוך הוא בההיא שעתא?
אמר ליה: קא חייך ואמר
נצחוני בני, נצחוני בני.

Rabbi Eliezer then said to them: *“If the law is in accordance with my opinion, the walls of the study hall will prove it.”* The walls of the study hall leaned inward and began to fall. Rabbi Yehoshua scolded the walls, saying to them: *“If Torah scholars are debating the law, it is not your place to get involved!”* In deference to Rabbi Yehoshua, the walls did not fall, but nor did they straighten – out of deference to Rabbi Eliezer. And they still remain leaning.

Rabbi Eliezer then said to them: *“If the law is in accordance with my opinion, Heaven will prove it.”* A Divine Voice emerged from Heaven and said: *“Why are you differing with Rabbi Eliezer, as the law is always in accordance with his opinion?”* Rabbi Yehoshua stood on his feet and said: *“It is written, It is not in heaven (Deuteronomy 30:12).”*

Years after, Rabbi Natan encountered Elijah the prophet and said to him: *“How did the Holy One, ever to be blessed, react when Rabbi Yehoshua issued his declaration?”* Elijah said to him: *“The Holy One smiled and said, ‘My children have defeated Me; My children have defeated Me.’”*

Text 7: Maharsha, Chiddushei Aggadot to b.Bava Metzia 59b^{vi}

...שאמר ג"כ נצחוני בני
נצחוני בני בלשון כפל אמר כן
על ב' הצדדין הן המטמאין הן
המטהרין שכ"א היה בידו
תשובות ונצחון לדבריו.

When God said, “*My children have defeated Me*,” twice, the doubling-up of language indicates that both sides – that which declared the oven impure and that which declared the oven pure – both had valid arguments.

^{vi} Sv ‘Charuv zeh yochiach’

RABBI IN THE HEADLIGHTS

Part 3 - By the rivers of Babylon: G'onim



PERIODISATION

200BCE-0	Zuggot	<i>Pairs</i>
0-200CE	Tannaim	<i>Repeaters</i>
200CE-500CE	Amoraim	<i>Spokespeople</i>
500CE-600CE	Stammaim	<i>Unattributed ones</i>
600CE-1100	G'onim	<i>Their Excellencies</i>
1100-1563	Rishonim	<i>First ones</i>
1563-present	Acharonim	<i>Later ones</i>

OXFORD AND CAMBRIDGE

Text 2: Rabbi Louis Ginzbergⁱ

Any Talmudic treatise selected at random will reveal dozens of authorities on every folio, who were neither presidents of academies nor connected with the academies in any official way. Scarcely a dozen names of heads of academies can be mustered, though the number of Amoraim runs up to hundreds. On the other hand, if we examine the g'onic responsa for a period of about 400 years, we shall find that the name of hardly a single authority who is not a head of academy has come down to us. A phenomenon that speaks volumes!

ⁱ Louis Ginzberg, *Geonica* (New York: Theological Seminary of America, 1909): v 1 pp 6–7.

Text 3: *Encyclopedia Judaica*ⁱⁱ

‘Ga’on’ (plural, ‘g’onim’) was the formal title of the heads of the academies of Sura and Pumbedita in Babylonia. The geonim were recognised by the Jews as the highest authority of instruction.

Traditionally, the ga’on had multiple roles. First and foremost, the ga’on was the head of the academy, teaching privately and publicly. In addition, he served as judge and the head of the equivalent of a supreme court. The leading geonim also wrote numerous responsa, ie correspondence from near and from far answering questions of Jewish law. As an arbiter of the law, the ga’on was also responsible for legal innovation when the situation warranted it. Numerous g’onim were authors of commentaries, legal codes and works of theology. Finally, some of the geonim were involved in politics beyond the Jewish community. They represented the community to the local and state Muslim governments.

There were cases when the community could not agree on the appointment of the ga’on and each side appointed its own candidate. If the two sides did not reach a compromise as a result of the pressure of public opinion, the quarrel might last until the death of one of the candidates.

Since the g’onim’s knowledge of the Talmud was the result of an oral tradition, the text had a certain fluidity. The gaon would often quote from differing oral versions of the

ⁱⁱ Sv ‘Gaon’

Talmud, even without determining the 'correct' version. Since the g'onim spoke an Aramaic dialect very similar to that of the Babylonian amoraim, they had an added advantage of correctly understanding the Talmud.

All the ga'on's tasks required a large establishment; therefore, their academies employed scribes, directors of studies and other officials. Their expenditure was covered by taxes levied on districts which were directly subject to their authority. In addition, the communities which addressed their questions to the g'onim sent them contributions. In isolated instances the g'onim would turn to the communities in the diaspora with a request for financial support, and usually their request was answered. Real estate also served as a source of income for the academies. The candidates for the office of head of the academies had to be not only learned, but they also had to possess administrative talents. Descent was also a factor; six or seven families provided most of the geonim of Sura and Pumbedita.

STUDENT RABBIS

Text 4: Professor Robert Brodyⁱⁱⁱ

It was only during the so-called ‘kallah’ months of Adar (February/ March) and Elul (August/ September) that the academies functioned at full strength, in the sense that many students were in attendance. During the rest of the year they were occupied only by a nucleus of senior scholars and professional staff, while the majority of the students returned to their homes and studied on their own. This system, which in all probability dates back to the Amoraic period, allowed the students to earn their living while pursuing their studies; these particular months were probably chosen because there was no urgent agricultural work to be performed then.

Rabbi Nathan the Babylonian’s account explains:

In Adar the ga’on says: “We will study tractate so-and-so in Elul,” and similarly in Elul he says: “We will study tractate so-and-so in Adar.” And all the rows of students do not leave him until he announces the tractate with which each of them should busy himself at his home.

When the academy is in session, the ga’on sits at its head, facing seven rows of ten scholars each. Outside this charmed circle congregate the other students, numbering approximately four hundred, who have no fixed places.

Rabbi Nathan continues:

ⁱⁱⁱ Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven: Yale University Press, 1998): 43–46.

And when the head of the academy wants to examine them concerning their study texts, they gather around him, and he sits and the first row recites before him, and the other rows sit silently. And when they reach a point which is obscure to them, they discuss it between themselves and the head of the academy listens to them. Then he reads and they are silent, and they know that he has understood their dispute. And when he finishes his reading, he recites and expounds the tractate which each of them recited at home during the winter and explains in the course of his exposition the point which the students have debated. And sometimes he asks them the explanation of laws and expatiates to them on the meaning of each law, until all are clear to them. Thus they did all the days of the month.

And the head of the academy examines each of them and investigates them until he sees which one is of quicker intelligence than his fellow. And when he sees one of them whose Talmud is not well ordered in his mouth, he deals harshly with him and reduces his stipend and rebukes and reprimands him, and informs him of the places where he has been lazy and negligent and warns him that if he does so again and fails to pay attention to his Talmud, he will be given nothing.

And this was their custom regarding responsa to questions: on each day of Adar he brings out to them all the questions which have arrived and gives them permission to respond. Then each one speaks according to his understanding and wisdom, and they raise difficulties and resolve them and discuss each matter and analyse it thoroughly. And the head of the academy hears their words and analyses their words until the truth is clear to him and immediately orders the scribe to write in response. And at the end of the month they read the responsa and questions in the presence of the entire fellowship and the head of the academy signs them, and then they are sent to their addressees. And then he divides the money among them.

A RESPONSUM

Text 5: T'shuvot ha-G'onim, Sha'arei Tzedek 4:1:6

ששאלתם גזל הגוי במקום
שאין חילול השם מהו. כך
ראינו: לענין גזל לא
אמרינן חילול השם אלא
הלכה רווחת היא כל גזל
גוי אסור, ואבדתו מותרת,
אבל חילול השם לענין
אבידה הוא דאמור רבנן ...
כל מקום שיש חילול השם
אף אבדת הגוי אסורה וכן
הלכתא.

Regarding your question about whether it is permissible to steal from non-Jews so long as the theft does not bring the Jewish community into disrepute: we see clearly that theft from non-Jews is prohibited as a matter of law, regardless of whether or not it affects the standing of the Jewish community.

But taking lost property that formerly belonged to a non-Jew: this, our rabbis taught, it is forbidden when there is a risk to the standing of the Jewish community. That is the law.

Text 6: Professor Tikva Frymer-Kensky^{iv}

An acknowledgement of plural sources and multiple perspectives in the Jewish legal process also admits to a plurality of opinions. Norms and principles are a necessity for any group that wants to transform the world or at least its own existence. The difficulty arises when these rules are codified in such a way as to eliminate multiple options. The Mishnah usually records dissenting opinions, and the Gemara is as interested in the arguments as in the final decisions. It is not until the g'onic period that the idea develops that one must have only one authoritative answer, and it is even later that the impulse to codify takes over. The codes take Jewish law out of the context of process and thereby distance the statutes themselves from the goals of Torah. A more fluid approach to law is not contrary to Judaism and can, in fact, create the kind of legal excitement that entails a real commitment to the ideals of Torah.

^{iv} Tikva Frymer-Kensky, *Studies in Bible and Feminist Criticism* (Philadelphia: Jewish Publication Society, 2006): 261.

RABBI IN THE HEADLIGHTS

Part 4 - Rambam and thank you, ma'am: Rishonim



THE FIRST ONES

Text 1: b.Shabbat 112b

אמר רבי זירא אמר רבא בר
זימנא: אם ראשונים בני
מלאכים – אנו בני אנשים, ואם
ראשונים בני אנשים – אנו
כחמורים, ולא כחמורו של רבי
חנינא בן דוסא ושל רבי פנחס
בן יאיר, אלא כשאר חמורים.

Rabbi Zeira taught in the name of Rabba bar-Zimnunna: If the early generations were like the offspring of angels, we are mere humans. And if the early generations were mere humans, we are but donkeys. And not like the hyper-intelligentⁱ donkeys owned by Rabbi Chanina ben-Dosa or Rabbi Pinchas ben-Ya'ir, but ordinary donkeys!

Text 2: *Encyclopaedia Judaica*ⁱⁱ

From the point of view of literary history, the period of the rishonim is differentiated from that of the g'onim by a process of subdivision into separate literary genres: ethics and philosophy, tosafot, hassagot, haggahot, chiddushim, biblical exegesis etc. Works belonging to the period of the rishonim cover a much wider spectrum than was normal with the g'onim. They contain more extended discussions, an explicit reliance upon previous scholars, and a marked desire to preserve local traditions and customs.

ⁱ Per Rashi *ad loc* sv 'Chamoro d'Rabbi Pinchas'

ⁱⁱ Sv 'Rishonim'

THE REST IS COMMENTARY

Text 3: Exodus 23:19 and Rashi *ad loc*

לֹא תִבְשֹׁל גִּדִּי בְחֵלֶב אִמּוֹ:

רש"י: לא תבשל גדי – אף
עגל וכבש בכלל גדי, שאין
גדי אלא לשון ולד רך, ממה
שאתה מוצא בכמה
מקומות בתורה שכתוב
גדי, והוצרך לפרש אחריו
עזים ... ללמדך, שכל מקום
שנאמר גדי סתם, אף עגל
וכבש במשמע.

You are not to boil a kid in its mother's milk.

Rashi: *Do not boil a kid* – here, the word ‘kid’ includes a calf and a lamb. The word for ‘kid’, גִּדִּי, simply refers to a helpless young animal. Thus, we find in various places in the Torah that the word גִּדִּי is used but the author considered it necessary to specify a goat-kid. This teaches that everywhere that the word גִּדִּי appears alone, it is to be taken as including calves and lambs.

Text 4: b.Sanhedrin 17a and Rashi *ad loc*

אמר רבי יוחנן: אין מושיבין בסנהדרי
אלא בעלי קומה, ובעלי חכמה, ובעלי
מראה, ובעלי זקנה, ובעלי כשפים,
ויודעים בשבעים לשון, שלא תהא
סנהדרי שומעת מפי המתורגמן.

רש"י: בעלי קומה ומראה – שתהא
אימתן מוטלת על הבריות. ובעלי
כשפים – להמית מכשפים הבוטחים
בכשפיהם להנצל מידי בית דין,
ולגלות על המכשפין המסיתין
ומדיחין בכשפיהן, כגון המצרים
/השמטת הצנזורה: כגון ישו
הנוצרי./

Rabbi Yochanan says: we do not appoint people to be judges unless they are people of stature, people of wisdom, people of good reputation, people of suitable age, people familiar with sorcery, people who know 70 languages (so that the court will not need interpreters).

Rashi: *People of stature and good reputation* – so that they will cast fear upon the masses. *People familiar with sorcery* – so that they can condemn magicians to death, even if the magicians try to magic their way out of it, or to seduce others with their sorcery, such as {the Egyptians | Jesus the Nazarite}.

Text 5: Sefer ha-Ikkarim 3:1ⁱⁱⁱ

ימצאו ל[בעלי חיים] כלים פרטיים
ותחבולות פרטיות כפי השגותיהם
הפרטיות, כי ימצאו להם כלים פרטיים
להלחם בהם מין ממיני המלחמה,
כמלתעות לחזיר והקרנים לשור והקוצים
בעור הקפוד והמגן לחומט להגין עליו,
אבל האדם להיותו סוף כל ההיות
השפלות ונתקבצו בו כל השלמיות
הפרטיות שנמצאו בכל שאר הבעלי
חיים, היו השגותיו כלליות ושכלו כללי,
רצה לומר שהוא משיג השגות כל הבעלי
חיים ומשיג גם כן כללי הדברים ולא דבר
פרטי מיוחד, ועל כן היו כליו כלליים,
כמו הידים שהם בכח כל כלי המלחמה
להלחם בכל הבעלי חיים בכל מיני
המלחמות ולכבוש אותם תחתיו, כי יקח
בהם הרומח מקום הקרנים בבעלי
הקרנים והסייף מקום המלתעות בחזיר,
ויקח המגן בידו או ילבש השריון להגין
עליו מקום המגן בחומט, ולא נבראו עמו
כל כי המלחמה כמו שהוא בבעלי חיים,
כדי שלא יהיו לו למשא כבד לנשאם עליו
תמיד.

Animals have particular physical capabilities with which to fight in a specific way: the boar with tusks, the ox with horns, the porcupine with quills, the turtle using its shell as a protection. But we, who are above all the lower existences, and in whom are combined all the particular perfections of the other animals, are endowed with general comprehension and intelligence. We comprehend all that the other animals do, and besides understands the general and not merely a particular thing. Therefore our organs are general, like the hands which are potentially every kind of weapon to fight against all kinds of animals in all possible ways and to subdue them. The spear takes the place of horns, the sword represents the tusks of the boar, the shield or the coat of mail protects us as the shell protects the turtle. All these weapons and arms are not born with the human being as is the case with the animals, so that we might not have to carry a heavy burden with us all the time.

ⁱⁱⁱ Adapted from JPS translation

Text 6: introduction to the Mishneh Torah

...אין צריך לומר הגמרא עצמה
הבבלית והירושלמית וספרא
וספרי והתוספתא שהם צריכין
דעת רחבה ונפש חכמה וזמן
ארוך ואחר כך יודע מהם הדרך
הנכוחה בדברים האסורים
והמותרים ושאר דיני התורה
היאך הוא. ומפני זה נערת
חצני אני משה בן מיימון
הספרדי ונשענתי על הצור
ברוך הוא ובינותי בכל אלו
הספרים וראיתי לחבר דברים
המתבררים מכל אלו החיבורים
בענין האסור והמותר הטמא
והטהור עם שאר דיני התורה.
כולם בלשון ברורה ודרך קצרה
עד שתהא תורה שבעל פה
כולה סדורה בפי הכל בלא
קושיא ולא פירוק. לא זה אומר
בכה וזה בכה. אלא דברים
ברורים קרובים נכונים על פי
המשפט אשר יתבאר מכל אלו
החיבורים והפירושים
הנמצאים מימות רבינו הקדוש
ועד עכשיו. עד שיהיו כל

It goes without saying that the Talmud itself, both the Babylonian and the Jerusalem, along with other rabbinic texts, require broad knowledge, a wise mind, and an extensive amount of time. Only after such study can one discern the correct path regarding matters of prohibition and permission and the other laws of the Torah.

Because of this, I, Moses son of Maimon the Spaniard, roused myself and relied on my Rock, ever to be blessed. I reflected upon all these works and resolved to compile their conclusions regarding matters of prohibition and permission, impurity and purity, along with the other laws of the Torah. I chose to present all this in clear language and in a concise manner so that the entirety of Jewish law would be organised and accessible to everyone without ambiguity or contradiction – without one scholar saying one thing and another saying something else.

Rather, the matters are presented clearly, accessibly, and correctly, according to the outcomes of all of the earlier discussions. This ensures that all laws are apparent to both young and old alike, regarding the laws of each

הדינין גלויין לקטן ולגדול בדין
כל מצוה ומצוה ובדין כל
הדברים שתיקנו חכמים
ונביאים. כללו של דבר כדי
שלא יהא אדם צריך לחיבור
אחר בעולם בדין מדיני ישראל
אלא יהא חיבור זה.

commandment and the rulings concerning all matters
instituted by the sages and prophets.

In summary, this work aims to ensure that no person will
need any other book in order to learn the laws of Israel, as
this book will suffice.

CONTROVERSY

Text 7: Professor Sarah Strousma^{iv}

Maimonides's major halachic work, the *Mishneh Torah*, was sharply criticised as soon as it was published. The sharpest criticism was levelled against Maimonides's method: his failure to mention his sources for each law, they said, would result in having the names of the Tannaim and Amoraim fall into oblivion; and his omission of the disagreements between the sages would encourage people to neglect the study of the Talmud.

Maimonides himself, while vehemently rejecting such criticism, admitted to introducing stark innovations. But he denied the accusation that he intended to demote the study of the Talmud, and offered several explanations for composing the *Mishneh Torah* in this form. He said that he meant it to serve only as a digest for those who cannot fathom the Talmudic discussion; he also said that he omitted the names of individual scholars in order to stress the universal agreement on final rulings. He even mentioned his wish to prepare an aide-mémoire for his old age. There can be no doubt, however, that these were only excuses (and some of them, rather feeble excuses at that).

^{iv} Sarah Strousma, *Maimonides in his World: portrait of a Mediterranean thinker* (Princeton: Princeton University Press, 2009): 62.

RABBI IN THE HEADLIGHTS

Part 5 - Code makers, code breakers: Acharonim



END/ START OF AN ERA

Text 1: Beit Yosef, introduction

שלשת עמודי ההוראה אשר הבית
בית ישראל נשען עליהם ... הלא
המה הרי"ף והרמב"ם והרא"ש ז"ל
אמרתי אל לבי שבמקום ששנים
מהם מסכימים לדעת אחת נפסוק
הלכה כמותם אם לא במקצת
מקומות שכל חכמי ישראל או רובם
חולקין על הדעת ההוא ולכן פשוט
המנהג בהיפך: ומקום שאחד מן
הג' העמודים הנזכרים לא גילה
דעתו בדין ההוא והשני עמודים
הנשארים חולקין בדבר הנה
הרמב"ן והרשב"א והר"ן והמרדכי
וסמ"ג ז"ל לפנינו אל מקום אשר
יהיה שמה הרוח רוח אלהי"ן
קדישין ללכת נלך כי אל הדעת
אשר יטו רובן כן נפסוק הלכה:
ובמקום שלא גילה דעתו שום אחד
מן הג' עמודים הנזכרים נפסוק
כדברי החכמים המפורסמים
שכתבו דעתם בדין ההוא. ודרך זו
דרך המלך נכונה וקרובה אל הדעת
להרים מכשול.

The three pillars of legal wisdom upon which the House of Israel relies are the Rif, the Rambam and the Rosh, of blessed memory. I resolved that in any place where two of them agree on one opinion, we shall rule according to them – except in some cases where all the sages of Israel, or most of them, disagree with that opinion, and therefore the common custom has evolved to follow the opposite view. And in cases where one of these three pillars has not expressed his opinion on that particular law, and the remaining two disagree on the matter, then we have before us the Ramban, the Rashba, the Ran, the Mordechai and the Smag, of blessed memory; we shall go in the direction where the spirit of these holy sages leans, for we shall rule in accordance with the majority of their opinions. And where none of our three pillars has expressed an opinion, we shall rule according to the words of the renowned sages who have written their views on that particular law. This method is a clear and straightforward path to remove any stumbling blocks.

WHY NOT JUST WRITE THE TORAH CLEARLY?

Text 2: Yam shel Shlomo, Bava Kamma, introductionⁱ

משה למה לא כתב ... באר
הטיב כפי אשר ראוי. מבלי
שיפול בו שום ספק ... על
זה השיב החכם על
תמיהתם, עשות ספרים
אין קץ. כלומר שאינו מן
האפשרי לעשות ספרים
בעניין זה. כי ... אם כל
רקיעי השמים גוילים, וכל
הימים דיו. לא יספיקו
לכדי פרשה אחת. עם כל
הספיקות שיפולו בה. ומה
שיחודש ויוצא ממנה, לרוב
תועלותיה. עם כל מה
שיכולים חכמים מישראל
להעמיק בשכל העיון,
להעמיק ולשנות ולהוסיף
עליו. ועוד אדרבה, אם כל
זה היה כתוב בתורה. ק"ו
שהיה עליו יותר הוספה.
ר"ל הוספה על הוספה.
ר"ל שאי אפשר שלא יפול

You should ponder why Moses did not write everything in an unambiguous manner so that no doubts would arise regarding the law.

And the response of the wise one to this question is, *Of making books there is no end (Ecclesiastes 12:12)*: that is, it is impossible to write books that achieve complete clarity, because even were the heavens parchment and all the seas ink, nevertheless, because of the Torah's richness, they would not suffice for even one chapter, with all of its uncertainties and all the inferences that can be drawn from it, in addition to all that the scholars of Israel, by dint of their profound study, can deepen, change and augment it with.

Furthermore, even were all this written in the Torah, how much more so would it still have required supplementation; there would be additions to the additions. What I mean to say is that it is impossible that there would be no uncertainties, changes and yet profounder insights resulting from the study of the

ⁱ Translation from Hanina ben-Menahem, Neil S Hecht and Shai Wosner (eds), *Controversy and Dialogue in the Jewish Tradition: a reader* (Oxford: Routledge, 2005): 128-129.

ספיקות ושינוים ועומק
הדעת בהוספה ראשונה ...
על כן מסר התורה
לחכמים השתולים בכל
דור, כל אחד ואחד לפי
חוצב מקור שכלו
...להוסיף, כפי מה שיראו
לו מן השמים, ואם בא
לטהר יסייעו לו. בריך
רחמנא דיהיב חכמתא
לחכימין.

first round of additions, until this second round of additions would be a thousand thousand times more numerous than the first.

Therefore the Torah was given to the scholars who are embedded in every generation, each according to their own intellect, to add whatever they are shown by heaven. And if they think it correct to render a thing pure, they receive Divine assistance in doing so. Blessed be the Merciful One who bestows wisdom on the wise.

Text 3: Aruch ha-Shulchan, Choshen Mishpat, introductionⁱⁱ

וכל מחלוקת התנאים והאמוראים
והגאונים והפוסקים, באמת למבין
דברלאשורו, דברי אלחים חיים
המה, ולכולם יש פנים בהלכה.
ואדרבא, זוהי תפארת תורתנו
הקדושה והטהורה וכל התורה כולה
נקראת שירה, ותפארתה שיר היא
כשהקולות משונים זה מזה, וזהו
עיקר הנעימות. ומי שמשוטט בים
התלמוד יראה נעימות משונות בכל
הקולות המשונות זה מזה.

Truly, for one who understands things properly, all the controversies among the Tannaim, Amoraim, the G'onim and the decisors, are the words of the living God, and all are grounded in the law. And furthermore, this is the glory of our pure and holy Torah, all of which is called a melody. And the glory of the melody, the essence of its delight, is that the tones differ from each other. And one who sails the sea of the Talmud will experience the diverse delights of all these distinct voices.

ⁱⁱ Translation adapted from *Controversy and Dialogue*: 9–10.

Text 4: Pachad Yitzchak, Channukah 3ⁱⁱⁱ

מלחמתה של תורה היא מדרגת
יצירה חדשהנוספת על מדרגת דברי
תורה סתם, הרי בהירות זו תלמדנו
לדעת שאין ... שהאהבה לבסוף באה
היא למרות המחלוקת הקודמת,
אלאשכך הוא דרך גידולה של אהבה
זו' שהיא נולדת ומתגדלת דוקא על
קרקע המחלוקת הקודמת. מפני שכל
אהבה מגיעה למרום פסגתה בשעה
ששניהצדדים יש להם שותפות של
יצירה, ושני הצדדים המתנגחים
בהלכה הרי הם שותפים ליצור של
ערך תורה חדש.

The war of the Torah constitutes a level of creativity surpassing that of plain Torah study. This insight teaches us to appreciate how it is not that friendship ultimately ensues despite the prior controversy, but rather, that this is the very means by which such friendship grows, as it was planted and cultivated precisely in the soil of the prior controversy. For all love reaches its zenith when the two sides are partners in creation, and the two contending sides in the dispute over Jewish law are partners in creating a new Torah value.

ⁱⁱⁱ Translation adapted from *Controversy and Dialogue*: 160.

THE SEARCH FOR TRUTH

Text 5: Dr Chaya T Halberstam^{iv}

The rabbis, unable to access direct divine communication, turned to the letters of scripture as the source of new divine insight. But rather than offering the simple commandment, the letters and words of scripture yielded a vast and multivocal sea of irreducible utterances.

Though the rabbis did appeal claim Divine authority for their own decisions, the fact that they seemed to hold fast nonetheless to the notion of one correct decision that could be seen in the light of Divine absolutes implies a different hermeneutical stance. From this position, rabbinic judgment does not affirm polysemy and multivocality but rather the presence of a singular truth which limited human interpreters may approximate but perhaps never fully uncover.

^{iv} Chaya T Halberstam, *Law and Truth in Biblical and Rabbinic Literature* (Bloomington, Indiana: Indiana University Press, 2010): 5-6.

THERE IS NO TRUTH

Text 6: Recanti on Exodus 20:10

כל זה הוא כי בדיבור אשר נאמר
עליו בדברים, "קול גדול ולא
יסף," היו בו כל הפנים המשתנים
והמתהפכים לטמא וטהור לאסור
ומותר לפסול וכשר, כי לא יתכן
להאמין שהיה הקול ההוא חסר
כלום, ולכך בגודל הקול היו הדברים
מתהפכין מכל צד זה לעומת זה, וכל
אחד ואחד מן החכמים קבל את
שלו, כי לא הנביאים בלבד קבלו
מהר סיני אלא אף כל החכמים
העומדים בכל דור ודור, כי כל אחד
קבל את שלו ... כי אם היה אחד מהם
טועה בקבלתו לא היה אומר כך.

Within the Word are many facets that change and contradict each other: pure and impure, forbidden and permitted, unclean and kosher. For it is impossible to believe that the voice omitted anything, and thus the Great Voice contained contradictory faces – one side against the other – and each of the sages received their own understanding of it. And it was not just the prophet who received the Torah on Mount Sinai, but rather all the sages who stand in every generation: each of them received their own understanding. If one of the sages had erred in their understanding of the Torah they received, they would not have spoken thusly.

Text 7: K'tzot ha-Choshen, introduction^v

לא נתנה התורה למלאכי
השרת ואל האדם נתנה אשר
לו שכל האנושי ונתן לנו
הקב"ה התורה ברוב רחמיו
וחסדיו כפי הכרעת שכל
האנושי גם כי אינו אמת
בערך השכלים הנבדלים.

The Torah was not given to angels. Rather, it was given to humankind, which has human intelligence. The Holy One gave us the Torah, in great mercy and lovingkindness, to be decided according to the human intelligence – even though that may not correspond to the ‘truth’ according to the wisdom of the upper spheres.

^v Adapted from Roth translation

Text 8: Shi'urei Da'at, Darcha shel Torah 5^{vi}

...כשנתנה התורה לישראל,
נמסרו חקי עניני' לחכמי
התורה, שמחשבתם, אם היא
רק מכוונת לטעמה וסודה,
קובעת את מציאותה ומציאות
הבריאה התלוי' בה. ולכן שונה
היא משאר החכמות,
שהחוקרים בהן לא יקבעו את
מציאותן, אלא ימצאוה. כי
במחשבתם והחלטתם לא
תשתנה המציאות לעולם לא כן
היא דעת התורה שמציאות
טומאה וטהרה, איסור והיתר,
חיוב ופטור נקבעים בהחלטת
חכמי התורה.

When the Torah was given to Israel, the laws on matters having to do with Israel were delegated to the Torah sages, so that, if only they fathomed the Torah's rationale and secrets, their thoughts would determine its reality and the reality of creation, which was contingent upon it. Therefore it is different from the other realms of wisdom, in which the investigators do not determine their reality, but discover it, as their thoughts and decisions can never change reality. It is not so with respect to knowledge of the Torah, in which the reality of impurity and purity, prohibition and permission, liability and exemption, is determined by the decisions of Torah scholars.

^{vi} Translation adapted from *Controversy and Dialogue*: 158.

THERE IS TRUTH BUT WE DON'T KNOW WHAT IT IS

Text 9: Igg'rot Moshe, Orach Chayyim, introduction^{vii}

...יש ודאי לחוש אולי לא כיוונו
אמיתות הדין כפי שהוא האמת
כלפי שמיא אבל האמת להוראה
כבר נאמר לא בשמים היא אלא
כפי שנראה להחכם אחרי שעיין
כראוי לברר ההלכה בש"ס
ובפוסקים כפי כחו בכובד ראש
וביראה מהשי"ת ונראה לו שכן
הוא פסק הדין הוא האמת
להוראה ומחוייב להורות כן אף
אם בעצם גליא כלפי שמיא שאינו
כן הפירוש, ועל כזה נאמר שגם
דבריו דברי אלקים חיים מאחר
שלו נראה הפירוש כמו שפסק ולא
היה סתירה לדבריו. ויקבל שכר
על הוראתו אף שהאמת אינו
כפירוש.

One certainly ought to be apprehensive that they may not be able to reach the true legal conclusions: those that are identical to the truth as known by heaven. But regarding truth in the context of legal rulings, it has already been declared that *it is not in heaven (Deuteronomy 30:12)*. Rather, the truth is what seems correct to the scholar after they have studied the law properly, to determine how it is explicated in the Talmud and the legal literature, according to their ability, with due solemnity and fear of God, ever to be blessed. If it then seems to the scholar that a certain conclusion is the law, this is indeed the true ruling, and they are required to proclaim it, even if in heaven it is really known that the true interpretation is otherwise.

^{vii} Translation adapted from *Controversy and Dialogue*: 161.

IS IT ALL FUTILE?

Text 10: Ma'asei Adonai: Ma'asei Torah 31 (Parashat Balak)

...בשגם בהיותנו חוקרים
ודורשים בסתרי התורה
ובאהבתה נשגה ... לא לחטאת
יחשב, כאשר כוונתנו לשם
שמים, אבל אשמים אנחנו
כאשר נתרשל מלחקור בסתרי
תורתנו באמרנו כבר אריות
גברו, ונקבל דבריהם כפי מה
שהם, ואפילו שהם חלוקים
בדבריהם, על כל אחד נאמר מי
יחלוק על הארי הזה ... אבל
נאות לנו לחקור ולעיין בעין
שכלנו ולכתוב דעתנו לתועלת
לבאים אחרינו, אם שיסכימו
לדעתנו, ואם שיסלקוהו ולא
יבחרו בו, לטעם נכון אצלם לא
נתגלה אלינו, הרי לעולם יקבל
תועלת בהודעת דעתנו ... אבל
התאמץ לעלות ולהבין סתרי
תורתנו ... ואל יבהילוך שמות
הגדולים אשר בארץ כאשר
תמצאם חלוקים באמונה ההיא,
וחקור ובחר כי לכך נוצרת
וניתן לך השכל ממרומים וזה

When we investigate and delve into the secrets of the Torah, in our zeal, we will likely err. This should not be considered a transgression, so long as our intent is for the sake of Heaven. But we are indeed guilty if we grow negligent in studying the secrets of our Torah, if we say, "*The mighty lions have already prevailed,*" and blindly accept their words, even when they disagree among themselves. We might say, "*Who would dare challenge this lion?*"

Yet it is entirely proper for us to examine and scrutinise with the intellect granted to us, and to record our insights for the benefit of those who come after us. Perhaps they will agree with our views; perhaps they will dismiss them, finding a reason that remains concealed from us. In any case, there will always be benefit in the transmission of our thoughts.

Therefore, strive to ascend and comprehend the mysteries of our Torah and do not let the great names of the land alarm you when you find them in disagreement regarding a certain belief. Investigate and choose, for this is why you were

יועיל לעצמך, ואם תרצה
להועיל גם הבאים אחריך
תבחר דעותיך ותכתבם על ספר
בדיו, כי בין אם תשיג השגה
מתקבלת ותבחין, או בלתי
מתקבלת, לעולם יהיה תועלת
למשכיל, ואם יהיה נזק לבלתי
משכיל לא תחוש לו שאין לך
אשם בזה אחרי היות כוונתך
לשם שמים.

created and why intellect was granted to you from on high.
This will be to your benefit, and if you also wish to benefit
those who come after you, have some opinions and write
them down in ink. For whether you express a view that is
widely adopted or one that is not, there will always be
benefit for the discerning. And if there be harm to the
undiscerning, have no concern for it, for you bear no guilt in
this, so long as your intent is for the sake of Heaven.

Text 11: Sh'ridei Aish 1:113^{viii}

אם אינם מאמינים בחכמים, אז
עוברים על דבריהם בקלות דעת
וביהירות של שטות, לומר
בזיחות הדעת: הם לא הבינו,
ונמצא שאין אדם יגע כלל
להתעמק ולהעמיד דבריהם ז"ל,
וסוף הדבר מתברר שאנחנו
טעינו ולא הם. ולכן מדרכי
החכמה הוא להאמין שהם לא
טעו, ח"ו, ורק אנחנו קצרי ראות
ומעוטי דעת. אבל להאמין סתם
ולא להוגיע את המוח בעיון
ובמחשבה, אלא לומר סתם: הם
ידעו ויכולים אנחנו לסמוך
עליהם בלא מחשבה – ג"כ לא
נכון, אלא צריך לפלפל בסתירה
ובספיקות כאלו היו אנשים
משלנו, ועי"ז באים להעמקה
יתירה ולחדירה עיונית. נמצא
ששתי המידות יחד, אמונת
חכמים ופלפול עד קצה האחרון,
מביאים לקנין התורה.

If you do not trust in the sages of old, frivolously dismiss their views with foolish insolence, superciliously claiming that they failed to understand, the result is that you do not trouble to delve into and confirm the sages' opinions, and in the end it turns out that it is we who have erred, and not the sages. It is thus prudent to assume that they have not, heaven forbid, erred, but rather, that we are shortsighted and of limited intelligence. But simply to believe, without taxing the mind with study and reflection, but merely to say that they knew the law and we can rely on them without thinking, is equally mistaken. We must devise trenchant arguments, raising doubts and contradictions, as if the sages were our peers, for this leads to a deeper and more penetrating theoretical understanding of the issues. Together, therefore, these two virtues – trust in the sages and unrelenting study – lead to acquisition of the Torah. And the Holy One, ever to be blessed, rejoices over trenchant analysis of the Torah.

^{viii} Translation adapted from *Controversy and Dialogue*: 64.

RABBI IN THE HEADLIGHTS

Part 6 - Trev rav: becoming a rabbi



WHO CAN BE A RABBI?

Rabbi Dr Charles H Middleburghⁱ

What do we want in a 21st-century rabbi? A 21st-century rabbi will...

need to be very well trained and a committed auto-didact.

have reserves of energy and strength of will.

be collegial and honourable.

build relationships and bridges.

be a committed pastor and a courageous speaker.

be aware of both strengths and weaknesses.

be brave and cautious.

know when to speak, and when to keep silent.

need to be enormously patient.

need to be compassionate and forgiving.

need to be true to their beliefs and open-minded about the beliefs of others.

ⁱ "Prospectus", Leo Baeck College (2024-2025): <<https://perma.cc/84HD-4TX6>>

ACADEMIC MODULES

Year 1

Introduction to Aramaic
Grammar of biblical Hebrew
Reading and chanting the torah
Liturgy: life cycle and festival cycle
Introduction to the Hebrew bible
Rabbinic literature
Studying Jewish history
Themes in Jewish thought: Athens and Jerusalem

Year 2

Babylonian Aramaic
A survey of the liturgy of British progressive Judaism
The Hebrew bible and medieval commentaries
Pentateuch
The historical and early prophetic biblical books
Intermediate rabbinic literature
Rabbinic history
Approaches to rabbinic theology
Introduction to kabbalah and Hasidism
Understanding Jewish communities

Year 3

Introduction to Maimonides
Worlds of medieval Judaism
Traditional and progressive liturgy
Liturgy: history and structure
Topics in rabbinic literature
Midrash
Advanced rabbinic literature
Psalms
Prophets

Year 4

Comparative and creative liturgy
Megillot
Advanced topics in Talmud and Midrash
Progressive rabbinic decision-making
Readings in modern

Year 5

Jewish thought
Transition to the rabbinate
Leadership and management skills
Dissertation

VOCATIONAL MODULES

Reflective practice

Introduction to Jewish preaching

Listening skills

Jewish education

Service-leading boot camp

The Jewish life cycle

Teaching festivals as a congregational rabbi

Talking about Israel

Introduction to world religions

Personal theology

Between the testaments

The Sho'ah and its aftermath

Jewish responses to evil and suffering

Advanced guided text study

[Israel semester]

PLACEMENTS

Birmingham

Bloomsbury

Cardiff

Dublin

Finchley

Glasgow

Isle of Wight

Manchester

Northwood

Nottingham

Shenfield

Southampton

Southgate

Southport

St John's Wood

Wimbledon

York

IT'S ALL ABOUT THE MONEY, MONEY, MONEY

Liberal Judaism and the Movement for Reform Judaismⁱⁱ

Bursaries are usually awarded by Liberal Judaism and the Movement for Reform Judaism to Leo Baeck College students who are likely to make the most contribution to the Movements' congregations or affiliated organisations ('Movement candidates'). The bursaries may cover fees only, or fees and a significant contribution towards living expenses, for up to five years of the Rabbinic Programme. The number of scholarships will relate to the Movements' rabbinic requirements and will be reviewed and determined annually. Once a student has been awarded a bursary its level will not be reduced but may be increased.

The candidate must have been accepted by the Admissions Board of the LBC for the Rabbinic Programme.

The student must satisfactorily complete each year of studies, and complete annually the required 'Movement Sessions' as follows: first year 10; second year 10; third year 20; fourth year 80; fifth year 120. Movement sessions may include leading services, writing articles, teaching, leading training sessions at summer camps and conferences, helping lead synagogue and regional shabbatonim etc.

ⁱⁱ Bursaries agreement for rabbinic students (2017) (unpublished)

MRJ currently contributes to LBC's budget at a level twice that of LJ. Therefore, it is expected that the majority of students will spend twice as many Movement Sessions with MRJ. The designated Heads of LJ and RJ may vary this ratio at their discretion.

The Movements and students understand that rabbinic training involves a balance of academic and vocational, and classroom and field work, and no party wishes to make this balance unduly stressful. The Movements appreciate students as future rabbis and colleagues and will therefore seek to act reasonably and by consultation wherever possible. Students are encouraged to think carefully before accepting additional work outside the Movement Sessions that they have agreed to perform. Movement Sessions take priority over any additional work.

The bursary is given for a maximum of five years. Students who have not completed their course by the end of five will have to finance themselves for any subsequent time spent at LBC.

It is a condition of the granting of a sponsoring organisation scholarship that the candidate will, following ordination, serve for five years full time equivalent in a Movement synagogue (or the number of years commensurate with the number of years for which the bursary was paid) or a Movement-related organisation as a rabbi, academic, educator, youth worker or similar role, unless the designated Heads of the Movements certify that there is no suitable position available to the graduate. If the graduate serves Movement synagogues or Movement-related organisations for less

than the required number of years, then the student will repay the amount paid or credited pro-rata to the number of years not served, net of any amounts effectively paid to the student relating to work experience or student placements carried out.

The student shall repay the entire amount paid or credited (net of any amounts effectively paid to the student relating to work experience or student placements carried out) under the scholarship to the Movements if: the student voluntarily leaves the rabbinic course before ordination; the student's course is terminated as a consequence of a disciplinary procedure or a failure to comply with academic requirements; having been ordained, shall have failed to enter into service with Movement synagogue or a Movement-related organisation as indicated within one year of ordination (subject to such a position, certified as suitable by the Designated Heads of Movements, being available to the ordinand); or before the expiration of that year he or she decides not to work for any such body.

Recipients of a Movement bursary must abide by reasonable conditions of the bursary award (eg writing reports, attending Movement and LBC events etc) as notified to the student in writing from time to time.

RABBI IN THE HEADLIGHTS

Part 7 -

**To teach and adjudicate:
what does a rabbi do?**



A MUSICAL INTRODUCTION

Jeff Klepperⁱ

Whenever I go to synagogue, the rabbi's always there:
Standing on the bimah, and leading us in prayer.
I know the rabbi's special, shaking everybody's hand,
Answering their questions... but I still don't understand.

Then, one day in Hebrew school, the rabbi came to class,
Told us of our history, about the Jewish past.
The rabbi told us stories from a long, long time ago.
Then we said: *"But rabbi, what we really want to know is...*

*"What does a rabbi do? Are they really like me and you?
Or are they a special kind of Jew?
Tell me please: what does a rabbi do?
Tell me please: what does a rabbi do?"*

*"Oh, people call me every day with problems big and small.
And though I wish I had more time, I try to help them all,
Then of course our lovely synagogue must be smoothly run...
Some of the many things I do, and we've only just begun!"*

ⁱ Jeff Klepper, "The Rabbi", from Shiron L'gan: Jewish songs for children ages 2-5 (1997)

*“What does a rabbi do? Are they really like me and you?
Or are they a special kind of Jew?
Tell me please: what does a rabbi do?
Tell me please: what does a rabbi do?”*

If helping the Jewish people is what you’d like to do,
Then to become a rabbi might be the thing for you.
So if you work and study hard, a rabbi you might be:
That very special kind of Jew... just like you and me.

*“What does a rabbi do? Are they really like me and you?
Or are they a special kind of Jew?
Tell me please: what does a rabbi do?
Tell me please: what does a rabbi do?”*

WHAT DOES THIS RABBI DO?

BHPS rabbi: job descriptionⁱⁱ

This job description is intended to give a broad overview of the areas of work which we would like our rabbi to cover. It is not an exhaustive description of tasks; nor is it intended to place limits on our rabbi’s activities within the role. We recognise that a rabbi’s role in Liberal Judaism is one which can grow and change with time and experience, and with changes in the community for which our rabbi works. We

ⁱⁱ 28 January 2021 (unpublished and somewhat abridged)

encourage our rabbi to be creative, to take their own initiative and to adopt their own personal style, always working collaboratively with the synagogue council.

As spiritual leader the rabbi has the role of promoting Liberal Jewish values and engaging primarily with our diverse congregation as well as with the wider community.

Working with the synagogue council

Our synagogue council consists of up to eleven council members who collectively run the synagogue. Our rabbi and the council will work collaboratively and closely together in all aspects of synagogue life.

Services and lifecycle events

To conduct Shabbat and festival services, life-cycle ceremonies/ commemorative dates.

To liaise with congregants and congregational families re life cycle events, including the preparation and supervision of B'nei Mitzvah students.

To conduct B'nei Mitzvah ceremonies.

To participate in Avodat ha-Lev and provide guidance and advice in the planning of Shabbat and festival services, religious events and civic services.

To carry out any other work and activities that it is reasonable to expect a rabbi to carry out in terms of services and lifecycle events.

Education

To work with our education committee chair and its members and to provide guidance and advice in the planning of the cheder curriculum, and to support teachers, assistants and volunteers.

To offer teaching sessions to the cheder as required.

To support students and their tutors through B'nei Mitzvah.

To engage with and support adults who wish to explore and learn about Judaism.

To teach Hebrew.

To inspire and motivate members of our synagogue community to increase their Jewish knowledge.

To interview, supervise and support prospective proselytes and those seeking affirmation of their Jewish status.

To carry out any other educational activities that it is reasonable to expect a rabbi to carry out.

Pastoral care

To get to know members, listen to their concerns and offer support at challenging times and during illness and bereavement.

To work with our pastoral care group in their work to support our more elderly and vulnerable members and provide guidance and advice.

Communication with our congregation

To write sermons, contribute to our newsletter and communicate with our members and friends through email and other online media.

Volunteers

To work collaboratively with volunteers within the BHPS community and to support and encourage them in their endeavours.

Increasing our membership

To work collaboratively with the synagogue council with a view to increasing synagogue membership.

Community representation

To represent BHPS in the Jewish and wider community.

To prepare articles for local Jewish newsletters and other publications as required.

Eco-Judaism

To support the synagogue in its participation in Eco-Judaism, promoting environmental sustainability within the synagogue and across the Jewish community.

Administrative

To liaise regularly with the synagogue administrator/ co-ordinator. This person may be a volunteer.

To attend synagogue council meetings as required and to report to the synagogue council.

To prepare an annual report and attend the AGM.

To contribute to an online diary regarding work that is not confidential in nature.

To co-operate in the maintenance of regular criminal records checks.

Personal development

To attend regular supervision and feedback sessions with the chair of the synagogue council or other person nominated by the synagogue council.

To attend regular professional supervision as agreed with synagogue council.

To engage in continual professional development as agreed with the chair and the synagogue council.

Participation in Liberal Judaism

To attend the Liberal Judaism Biennial.

To attend the monthly Conference of Liberal Rabbis and Cantors and the annual Liberal rabbis' Kallah.

What's (arguably) missing from the job description?

- Sitting on the beit din and doing other LJ-related stuff
- Personal study, research and writing
- Offering support to other rabbis
- Casework
- School visits
- Hospice consultancy
- University chaplaincy
- Being a keyholder
- Managing a discretionary fund
- Technology
- Generic admin (expenses, parking permits, train tickets)
- Initiative

A TYPICAL WEEK

Mon

Starting e-
bulletin
Report for
Council
Catch up
with
emails
BM pre-
meeting

Tue

Planning adult
education
Council?
BM rehearsal?
Calling or
visiting the
sick

Wed

‘Day off’
Emails
Funeral
logistics
(Prison
visiting)

Thu

Sermon
Pastoral care
group
Planning
Friday night
service
Visit campus
Teaching

Fri

Meeting with
Louise
Prospective
new
members
Service

Sat

Chats
Service
*Exploring
Judaism*

Sun

‘Day off’
Stonesetting?
Wedding?

RABBI IN THE HEADLIGHTS

Part 8 -
See you in court:
the beit din



MAY THEY JUDGE? THEY MAY JUDGE

Text 1: b.Sanhedrin 5aⁱ

כי הוה נחית
רבה בר חנה
לבבל, אמר ליה
רבי חייא לרבי:
בן אחי יורד
לבבל, יורה? –
יורה. ידין? –
ידין. יתיר.
בכורות? – יתיר.
כי הוה נחית רב
לבבל, אמר ליה
רבי חייא לרבי:
בן אחותי יורד
לבבל, יורה? –
יורה. – ידין? –
ידין. – יתיר.
בכורות? – אל
יתיר.

When Rabba bar Chana descended to Babylonia, his uncle Rabbi Chiyya said to Rabbi Yehuda ha-Nasi: “*My brother’s son is descending to Babylonia. May he teach?*” Rabbi Yehuda ha-Nasi said to him: “*He may teach.*” Rabbi Chiyya then asked: “*May he also adjudicate?*” Rabbi Yehuda ha-Nasi said to him: “*He may adjudicate.*” Rabbi Chiyya continued: “*May he declare a firstborn animal permitted?*” Rabbi Yehuda ha-Nasi said to him: “*He may declare a firstborn animal permitted.*”

Similarly, when Rav descended to Babylonia, Rabbi Chiyya said to Rabbi Yehuda ha-Nasi: “*My sister’s son is descending to Babylonia. May he teach?*” Rabbi Yehuda ha-Nasi said to him: “*He may teach.*” Rabbi Chiyya then asked: “*May he also adjudicate?*” Rabbi Yehuda ha-Nasi responded: “*He may adjudicate.*” Rabbi Chiyya continued: “*May he declare a firstborn animal permitted?*” Rabbi Yehuda ha-Nasi said to him: “*He may not declare a firstborn animal permitted.*”

ⁱ Adapted from Steinsaltz translation

ADJUDICATION TODAY

Text 2: The Beth Din of Americaⁱⁱ

A din torah is the Jewish substitute for going to a secular court. Jewish law does not allow one to be a plaintiff in a secular court without first obtaining permission from a Jewish court. In a din torah, people who have a dispute present their cases before a panel of three judges, generally rabbis. At the end, the judges issue a decision which is binding on the parties, both as a matter of secular and Jewish law.

Parties to a dispute may agree together that they will appear before a beth din to resolve their dispute. Alternatively, an individual with a dispute against someone else may also choose to summon the defendant to a beth din through the hazmana process. If someone wants to bring a case to the Jewish court, the person can request the beth din to send a summons, called a hazmana (literally ‘invitation’), to inform the person being summoned. A Jewish court generally sends three summonses prior to issuing a contempt decree. The court does so to make clear that the person being summoned is refusing to come, and is not merely negligent. Someone receiving a hazmana is required to respond and should not wait for additional hazmanas.

The recipient of a hazmana is not obligated to go to the beth din chosen by the claimant, although he or she is obligated to either settle the case or go to a beth din. If the person being summoned does not want to go to the summoning beth din, then he or

ⁱⁱ “Layman’s guide to dinei Torah (beth din arbitration proceedings)”, Beth Din of America (undated): <<https://perma.cc/7NA8-Y4UH>>

she must propose an alternative beth din. If the parties cannot find a mutually acceptable beth din, a 'joint bet din' is formed by a procedure called zabla. In zabla, each side picks one judge. The two judges that were picked select a third judge together, and the three judges together form the beth din that will decide the case. The judges are not lawyers for the side that picked them. A judge can decide against the litigant who chose him. However, a judge has a particular responsibility to make sure that beth din fully considers the case in favour of the side that picked him.

OTHER BEIT DIN ROLES

Text 3: Mr Justice Lightmanⁱⁱⁱ

The London Beth Din is the ecclesiastical body which rules on Jewish religious law and decides matters of Jewish practice and principle on behalf of the Chief Rabbi and for the Jewish Community. The kashrut division of the respondent is also responsible for the granting of kashrut licences upon application by manufacturers or purveyors of kosher foodstuffs. The grant of such a licence entitles the grantee to display the emblem of the Beth Din testifying to the kashrut standard of the food sold by him as guaranteed by the Beth Din.

Mr Bloom, who ran well-known kosher restaurants called Blooms in Whitechapel and Golders Green, applied to the respondent and was granted such a licence in respect of both restaurants.

ⁱⁱⁱ *R v London Beth Din (Court of the Chief Rabbi) ex p Bloom* (Queen's Bench Division, 18 November 1997; unreported)

On 27 November 1995, non-kosher meat was found at the Blooms restaurant in Whitechapel. The shomer (kashrut supervisor) notified the Beth Din and two inspectors immediately attended Blooms to investigate.

On 28 November 1995 an investigative hearing was conducted at the home of Dayan Ehrentreu (the presiding judge of the respondent), and was attended by two other Dayanim, Dayan Gelley and Dayan Liechtenstein. Mr Bloom gave an explanation for what had happened.

On 3 December 1995 Mr Mitchell, a driver employed by Blooms, told the two inspectors that he alone was responsible for bringing and leaving the non-kosher meat at Blooms and that he had acted in breach of the terms of his contract of employment and without the knowledge of Mr Bloom. He asked them to pass on this information to Dayan Ehrentreu and to offer to give evidence to this effect to Dayan Ehrentreu, but only on the basis that his identity should not be disclosed to the Dayanim and that what he said should not be disclosed to Mr Bloom. The reason for his insistence on these conditions was that he feared that he would be sacked if Mr Bloom knew what he had done. The inspectors passed this on to Dayan Ehrentreu. Dayan Ehrentreu took the view that under Jewish law such a confession proffered without identification of its maker and on terms that it should not be disclosed to Mr Bloom was not admissible in evidence. He therefore passed back to Mr Mitchell a message to this effect and that he would not see Mr Mitchell if he insisted on anonymity.

The hearing before the London Beth Din took place on 20 December 1995 before Dayanim Ehrentreu, Binstock and Gelley. Mr Bloom was represented, and he and the two inspectors gave evidence. No reference was made to the information provided by Mr Mitchell or to Dayan Ehrentreu's communication with him.

By letter dated 22 December 1995 the Beth Din notified Mr Bloom of its decision. This decision read as follows: *"The Beth Din concludes that it can no longer have confidence in you in matters of religious practice. The Beth Din accordingly finds, with regret, that your licence cannot be renewed in 1996 on the ground that you are not a fit and proper person to hold such a licence. The licence which you currently hold will cease with effect from close of business on Friday 5 January 1996 and the cessation of supervision of your premises by this Beth Din will take effect from that time and date. Public announcements to that effect will be published in the Jewish press."*

As a consequence, Mr Bloom has been rendered unemployed and unable to obtain fresh employment.

Mr Mitchell was given notice of redundancy, with the risk of any adverse consequence arising from disclosure removed, told his story to Mr Bloom. On 24 April 1996 Mr Bloom by letter informed the Beth Din of Mr Mitchell's evidence and requested a meeting, which took place on 3 June 1996. Dayan Ehrentreu stated at this meeting that the decision reached in December 1995 stood, but that the Dayanim would review the

matter in the light of Mr Mitchell's evidence if Mr Mitchell attended before them for questioning.

Mr Bloom however thereafter insisted that there should be a completely fresh hearing before a Beth Din which did not include Dayan Ehrentreu and that the inspectors should give their evidence afresh at this hearing: nothing less would do. The Beth Din refused to agree to these demands.

I fully recognise that Mr Bloom has grounds for a genuine sense of grievance that he was unable at the original hearing to present the defence which he could have done if Mr Mitchell's evidence had then been available to him. But his sense of grievance should be directed against Mr Mitchell, and not the Beth Din. According to his own evidence, Mr Mitchell, instead of publicly accepting responsibility for his actions, allowed Mr Bloom to be found at fault and punished for them. He deliberately created for the Beth Din the dilemma which led to these legal proceedings. Both the Beth Din and Mr Bloom are victims of his selfish and unprincipled behaviour. Mr Bloom has now the opportunity to put the evidence of Mr Mitchell before the respondent and re-establish his fitness to hold a licence from the Beth Din; and the Beth Din has the opportunity to decide the fitness of Mr Bloom on the full evidence. Justice can be done and be seen to be done.

IN LIBERAL JUDAISM

Text 4: the Conference of Liberal Rabbis and Cantors^{iv}

No rabbi should present a case to the Beit Din unless they are completely satisfied about the candidate's knowledge (to the best of the candidate's ability). Should the rabbi who is responsible for reading the papers of the candidate find themselves dissatisfied with the standard of the knowledge, then they should inform the chairperson of the Beit Din, then the sponsoring rabbi. If necessary the appointment to attend the Beit Din should be postponed.

Each Beit Din will consist of three colleagues (not usually the sponsoring rabbi, and ideally a mix of male and female rabbis). The purpose of the Beit Din is to: (i) review the relevant paperwork and ask questions based on the essays submitted; (ii) recognise any problems; (iii) hear the candidate's story; and (iv) validate, and help to make significant in a dignified manner, an important rite of passage.

Sponsoring rabbis are encouraged to attend the Beit Din with their candidate.

The Beit Din, at its discretion, may allow instructors who are not members of Colrac to be observers at the interview.

^{iv} Colrac's rules are contained in an unpublished document known as the *Madrich*.

RABBI IN THE HEADLIGHTS

Part 8 -

The one and only woman rabbi: diversity and new faces



WHY NOT HAVE WOMEN AS RABBIS?

Text 1: m.Kiddushin 1:7

...כל מצות עשה שהזמן גרמה
אנשים חייבין ונשים פטורות.

With regard to time-bound positive commandments, men are obligate and women are exempt.

Text 2: Igrot Moshe, Orach Chayyim 4:49

סתם נשים בעולם אינם
עשירות ועליהן מוטל גידול
הילדים והילדות ... טבע
הנשים מסוגל יותר לגידול
הילדים שמצד זה הקל עליהן
שלא לחייבן בלמוד התורה,
ובמ"ע שהזמ"ג ... אף אם
ישתנה סדור החיים בעולם ...
ולעשירות בכל הזמנים ואף
כשאפשר למסור הגידול
לאיזה אינשי ונשי כבמדינתנו
לא נשתנה דין התורה ... ולא
תועיל שום מלחמה כי אין
שום כח לשנות אפילו בהסכם
כל העולם כולו שום דבר,
והנשים שמתעקשות ורוצות
ללחום ולשנות הן בחשיבות
כופרות בתורה.

The general reality is that women in the world are not wealthy, and upon them is placed the responsibility of raising the sons and daughters. The nature of women is more suited to raising children. It is for this reason that they were given relief by not being obligated in Torah study and in time-bound positive commandments.

Even if the structure of life in the world were to change – women all becoming wealthy and able to entrust child-rearing to other people, men or women, as in our country – the law of the Torah has not changed. And no battle will help, for there is no power to change anything – even with the agreement of the entire world. And the women who stubbornly insist on fighting and changing this are considered deniers of the Torah.

Text 3: m.Rosh Hashanah 3:8

זה הכלל כל שאינו מחויב
בדבר אינו מוציא את
הרבים ידי חובתן.

This is the general rule: anyone who is not obligated in a particular commandment, cannot perform it on others' behalf.

Text 4: b.Kiddushin 70a

קול באשה ערוה.

The voice of a woman is considered lewd.

Text 5: h.Eidut 9:2

נשים פסולות לעדות
מן התורה שנאמר
על פי שנים עדים
לשון זכר ולא לשון
נקבה.

Women are disqualified as witnesses according to the Torah, as it is written, *According to the testimony of two witnesses* (Deuteronomy 17:6), the word 'witnesses' being written in the masculine form rather than the feminine.

WHY HAVE WOMEN AS RABBIS?

Text 6: Kessef Mishnah *ad loc*

...איני יודע למה הניח רבינו
מלכתוב ראיה זו. והראיה
שהביא אינה נוחה לי שהרי
כל התורה בלשון זכר
נאמרה.

I have no idea what Maimonides was thinking when he came up with this argument. The 'proof' he brings is wholly unsatisfactory to me: after all, virtually the entire Torah is written in the masculine form!

Text 7: Rabbi Ben-Zion Abba Sha'ulⁱ

אשה המטופלת בילדים
ועסוקה בכך כל היום ואין לה
פנאי במשך היום להתפלל,
פטורה לגמרי מן התפילה ...
והוא הדין לאיש, שאם האשה
אינה בבית, כגון שהלכה
ללדת, והבעל צריך לטפל
בילדים ואינו מוצא זמן
להתפלל, שפטור מן התפילה.

A woman who is busy caring for her children all day long, and has no time in which to pray, is completely exempt from the obligation to pray.

And this is also the case for a man: if his wife is not at home, for example because she has gone to give birth elsewhere, and her husband is responsible for the childcare and cannot find time to pray, he is exempt from the obligation to pray.

Text 8: Fräulein Rabbiner Regina Jonasⁱⁱ

Just as both female doctors and teachers have in time become a necessity from a psychological standpoint, so has the female rabbi. Her experiences, her psychological observations are profoundly different from those of a man, therefore she has a different style. If Jewish culture is to be maintained, the woman must contribute particularly in this way, and both sexes must deliver their great service. God created the world with two sexes, and the world cannot continue to be supported by only one sex.

That women can and do work for others with tact, sympathy and a sense of sacrifice need not be demonstrated from the historical past and in the present. After all, the

ⁱ Or L'Tziyyon 2:7 fn 24

ⁱⁱ Fräulein Rabbiner Regina Jonas's dissertation, "Can women serve as rabbis?", reprinted in Elisa Klapheck (trans Toby Axelrod), *Fräulein Rabbiner Regina Jonas: the story of the first woman rabbi* (San Francisco: John Wiley, 2004): 161-162.

Talmud ascribes to her insight into human nature and gentleness, and armed with these abilities she is capable of easing the pains and fears and hardships of their lives.

Some may wish to object that it has not yet been the case that a female rabbi was working in the community. But that is not proof that she may not do this from a legal standpoint; for as it is written in the Mishnah, “*Absence of evidence is not evidence of absence.*”ⁱⁱⁱ This can only be a question of emotional reactions, for those who cannot bear to have a woman work rabbinically and in the pulpit; but the force of prejudice related to feelings should not dominate over understanding and logical argumentation.

PIONEERS

Text 9: Rabbi Elli Tikvah Sarah^{iv}

Ever since Sally Priesand received ordination from the Hebrew Union College in 1972, women have been ordained as rabbis in the United States and Britain and have been contributing to a transformation of Jewish life and thought in many parts of the Jewish world. Until recently, we women rabbis made sense of ourselves largely in the context of the women’s liberation movement which re-emerged in the late 1960s and has led to profound changes in the lives and expectations of women throughout the globe. In other words, we saw ourselves as a modern phenomenon.

ⁱⁱⁱ m.Eduyot 2:2 (my translation)

^{iv} Extracted from Elizabeth Sarah, “Rabbi Regina Jonas 1902–1944: missing link in a broken chain”, in Sybil Sheridan (ed), *Hear Our Voice: women in the British rabbinate* (Columbia, South Carolina: University of South Carolina Press, 1994), 2–9.

And then we heard about a German woman rabbi called Regina Jonas who worked as a pastor, preacher and teacher in the Berlin Jewish community and in the Terezin ghetto and died in Auschwitz in 1944.

Fräulein Rabbiner Regina Jonas worked with the old and with the young primarily as a pastor and teacher. However, she found that despite resistance to her rabbinic status on the part of some people, once Nazi violence and deportations began, she increasingly assumed an overt pulpit presence.

She was deported to Theresienstadt. But her rabbinic work did not end with deportation. In the ghetto, she continued functioning as a rabbi. Her particular task was to meet the transports at the railway station and help people to deal with their initial shock and disorientation.

In addition to her pastoral work, Regina Jonas also gave sermons and lectures. The amazingly full cultural life of Terezin is well documented, and she contributed to the programme of activities. A hand-written list of her lectures, entitled “*Lectures of the one and only woman rabbi, Regina Jonas*” has survived in the Terezin archives. Of the 23 different titles, five concern the position, meaning and history of Jewish women.

After two years of tireless work on behalf of her fellow prisoners in the ghetto, Fräulein Rabbiner Regina Jonas was despatched to Auschwitz.

Text 10: *The Times*^v

Mrs Jacqueline Tabick, aged 26, on Saturday became the first woman outside the United States to be ordained a rabbi. A thanksgiving ceremony was held yesterday at the Liberal Jewish Synagogue in St John's Wood, London, to celebrate the ordination of Mrs Tabick and five other rabbis. Mrs Tabick, a history graduate from Manchester University, is only the fourth woman in Jewish history to become a rabbi. The first was in Cincinnati, Ohio, in 1972, and the other two ordinations also took place in the United States.

Rabbi Dr Albert Friedlander, director of the Leo Baeck College, where Mrs Tabick studied, described her ordination as a *"huge step"*, of much greater significance than Mrs Golda Meir becoming the first Prime Minister of Israel. Orthodox rabbis would be horrified, he said, as there were rabbinical functions prescribed in Talmudic law which women could not perform. *"But progressive Judaism is aware that for much too long we have not taken advantage of the tremendous potential of half of the community."*

Mrs Tabick will become education officer at the West London Synagogue, undertaking pastoral and teaching work. Before the thanksgiving service yesterday, Mrs Tabick said: *"I am attracted by the teaching and the pastoral side of the work, but I never really wanted to be the first woman."*

^v "First woman rabbi in Britain", *The Times* (30 June 1975): 3.

Text 11: Rabbi Jackie Tabick^{vi}

There had always been women on the academic as well as the administrative staff of Leo Baeck College. There were also other women students, pursuing goals other than full rabbinic ordination.

The real test, however, came when the minutes of the Executive Committee of the College dated 29 March 1966 reported on the interviewing by the Students' Selection Committee of a woman. A member of the committee felt that she would have been better advised to take a Social Science Diploma or full-time Youth Leader's Course rather than to consider entering the rabbinate.

The decision had been to accept her, provided that certain academic qualifications be fulfilled (although she never actually made it into the College). This reflected an earlier decision made by the Union of Liberal and Progressive Synagogues as far back as 1954, when they had been trying to establish their own rabbinic college. At that point, when the subject of women students had arisen, they concluded that the college could not on principle deny the right of women to enter the college, as students or to be ordained, but that the college could not guarantee them a job.

It was in 1971 that I applied to the college. I was a little surprised to find that the answer to my first enquiry was framed: "*Dear Mr Acker*" (my maiden name!). My application must have caused some problems, for further correspondence was long

^{vi} Extracted from Jacqueline Tabick, "I never really wanted to be first", in Sheridan, *ibid*, 16-20.

delayed. I 'phoned the college and was told, in confidence, by one of the women secretaries that each day she placed my file on a desk for processing, and each day it was returned to her, untouched and unprocessed.

In due time, I became Chairman of the Students' Society and that year, the Board of Studies report on my progress read: *"Her attitude to the other students is rather like that of a mother hen, but she is very popular and an excellent influence. As a rabbinic student she will be fully entitled to ordination."*

But then the real pandemonium broke out: they had to organise a feminine form of the Ordination Certificate!

Text 12: Judy Maltz^{vii}

Barely three weeks after she was told she could no longer teach at a leading Orthodox institution in London because she had decided to pursue rabbinical studies, a prominent Orthodox feminist has been reinstated.

In a statement published Tuesday night, the London School of Jewish Studies stated that after considerable deliberation and consultation, it had decided that having Lindsey Taylor-Guthartz continue teaching at the institution did not compromise its basic position that women should not be allowed to serve as rabbis.

^{vii} Judy Maltz, "Following backlash, Orthodox female rabbi gets job back at top UK institution", *Ha'aretz* (7 July 2021): <<https://archive.ph/RW6AC>>

“We have concluded that our academic fellows are not religious appointments – and therefore should be made on the basis of academic merit. As such, we are delighted to restore Dr Taylor-Guthartz’s academic research fellowship,” it said.

Taylor-Guthartz, who has been teaching at LSJS for 17 years, graduated last month from Yeshivat Maharat in New York, where she received her rabbinical ordination. Maharat was the first Orthodox institution in North America to ordain women. Taylor-Guthartz has adopted the title ‘rabba’ (the feminine form for rabbi) since her ordination.

Last month’s decision by LSJS to end her teaching appointment drew outrage in the progressive Orthodox world, where women have been assuming more significant roles in religious life in recent years. Rabbi Michael Harris of Hampstead Synagogue resigned in protest from his academic position at LSJS.

LSJS, which provides adult education courses and rabbinical training, comes under the auspices of UK Chief Rabbi Ephraim Mirvis. Its statement noted that *“as the Chief Rabbi has made clear, the ordination of women remains outside the boundaries of mainstream Orthodox practice”*.