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"IT IS TIME TO ACT FOR THE LORD". Toward a Hermeneutic for Progressive Halakhah

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**"IT IS TIME TO ACT FOR THE LORD"**  
**Toward a Hermeneutic for Progressive *Halakhah***

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This paper<sup>1</sup> addresses three questions.

- 1) Is there a theoretical place within the *halakhah* for progressive *halakhah*?<sup>2</sup>
- 2) What are the principles within the *halakhah* that permit or prohibit changes in established norms?<sup>3</sup>
- 3) What is the role of *halakhah* or halakhic thinking in a movement that essentially defines itself as non-halakhic?<sup>4</sup>

Professor Menachem Fisch, in his book *Rational Rabbis* and in lectures delivered to the Beth Emet Israel Kallah, has argued that within the Talmud and therefore within rabbinic tradition as a whole there are two tendencies (1) traditionalist and (2) antitraditionalist. The traditionalist stance is characterized by a static understanding of Judaism. The new is permitted only where there are lacunae in what has been handed down. The antitraditionalist stance is characterized by an open understanding of Judaism. What has been handed down must be studied and taken seriously, but evaluation and decision making are the responsibility of the current generation. *Talmud torah* in Fisch's view should be analogized to scientific inquiry. The theories of the past are constantly being tested against new data. When the old theories do not adequately account for the data, then new theories are tested to discover if they more adequately account for the data. Nothing is ever considered finally settled. It is always open to revision. Fisch conceives of *talmud torah* as consisting of two phases, (1) the undergraduate education where the student acquires the knowledge of the past, and (2) graduate education, where the student submits the knowledge of the past to a process of testing. *Talmud torah* is not merely the rote repetition of the past but the constant

reexamination in light of new circumstances.

In the following text from *Bamidbar Rabbah*, Moses corrects God and God acknowledges that Moses is not only correct but that he has taught God something. Fisch sees this as a classic example of the antitraditionalist attitude. It is especially important as a warrant for Progressive *halakhah* because, as in the case of the "Oven of Aknai,"<sup>5</sup> human interpretation trumps divine will and as a result becomes divine will.

Another exposition of the text, "Then Israel sang" (Num. 21:17). This is one of the three things said by Moses to the Holy One, blessed be He, to which the latter replied: "You have taught Me something."

(1) He said to Him (when interceding for Israel on the occasion of the making of the golden calf). "Sovereign of the Universe! How can Israel realize what they have done? Were they not reared up in Egypt? And are not all the Egyptians worshipers of idols? Moreover, when You gave the Torah You did not give it to them! They were not even standing near by: as it says, And the people stood afar off (Ex. 20:18)! You gave it only to me; as it says, And unto Moses He said: Come up unto the Lord (Ex. 24:1). When You gave the commandments You did not give it to them! You did not say, 'I am the Lord your God,' but 'I am the Lord your God'<sup>6</sup> (Ex. 20:1). You did say it to me! Have I sinned?" By your life,' said the Holy One, blessed be He, to him, 'you have spoken well! You have taught Me something! From now onward I shall use the expression, "I am the Lord your God."<sup>7</sup>

(2) ' The second occasion was when the Holy One, blessed be He, said to him, "Visiting the iniquity of the fathers upon the children" (Ibid. 5). Moses said to him: "Sovereign of the Universe! Many are the wicked who have begotten righteous men. Shall the latter bear some of the iniquities of their fathers? Terah worshiped images, yet Abraham his son was a righteous man. Similarly, Hezekiah was a righteous man, though Ahaz his father was wicked. So also Josiah was righteous, yet Amon his father was wicked. Is this proper, that the righteous should be punished for the iniquity of their fathers?" The Holy One, blessed be He, said to him: "You have taught Me something! By your life, I shall cancel My words and confirm yours;" as it says, "The fathers shall not be put to death for the children, neither shall the children be put to death for the fathers" (Deut. 24:16). "And by your life, I shall record these words in your name;" as it says, According to that which is written in the book of the law of Moses, as the Lord commanded, saying: The fathers shall not, etc. (2 Kings 14:6).

(3) The third occasion was when the Holy One, blessed be He, said to him:

"Make war with Sihon. Even though he does not seek to interfere with you, you must open hostilities against him"; as it says, Rise ye up, take your journey, and pass over the valley of Arnon. . . and contend with him [Sihon] in battle (Deut. 2:24). Moses, however, did not do so but, in accordance with what is written lower down, sent messengers (Deut. 2: 26). The Holy One, blessed be He, said to him: "By your life, I shall cancel My own words and confirm yours;" as it says, "When You draw near unto a city to fight against it, then proclaim peace unto it" (Ibid. 20:10).<sup>8</sup>

An even more dramatic and more directly relevant example is the Oven of Aknai. Professor Fisch sees this famous passage as a dramatic confrontation between R. Eliezer, whom he identifies as a traditionalist, and the antitraditionalists. The excommunication of a sage of R. Eliezer's prominence is unprecedented.<sup>9</sup>

This was the oven of 'Aknai. Why [the oven of] 'Aknai? – Said Rab Judah in Samuel's name: [It means] that they encompassed it with arguments as a snake, and proved it unclean. It has been taught: On that day R. Eliezer brought forward every imaginable argument, but they did not accept them. Said he to them: "If the *halakhah* agrees with me, let this carob-tree prove it!" Thereupon the carob-tree was torn a hundred cubits out of its place – others affirm, four hundred cubits. "No proof can be brought from a carob-tree," they retorted. Again he said to them: "If the *halakhah* agrees with me, let the stream of water prove it!" Whereupon the stream of water flowed backwards – "No proof can be brought from a stream of water," they rejoined. Again he urged: "If the *halakhah* agrees with me, let the walls of the schoolhouse prove it," whereupon the walls inclined to fall. But R. Joshua rebuked them, saying: "When scholars are engaged in a halahkic dispute, what have ye to interfere?" Hence they did not fall, in honor of R. Joshua, nor did they resume the upright, in honor of R. Eliezer; and they are still standing thus inclined. Again he said to them: "If the *halakhah* agrees with me, let it be proved from Heaven!" Whereupon a Heavenly Voice cried out: "Why do ye dispute with R. Eliezer, seeing that in all matters the *halakhah* agrees with him!" But R. Joshua arose and exclaimed: "It is not in heaven." (Deut. 30:12) What did he mean by this? – Said R. Jeremiah: "That the Torah had already been given at Mount Sinai; we pay no attention to a heavenly voice, because Thou hast long since written in the Torah at Mount Sinai, 'After the majority must one incline.'"

R. Nathan met Elijah and asked him: "What did the Holy One, Blessed be He, do in that hour? – He laughed [with joy], he replied, saying, 'My sons have defeated Me, My sons have defeated Me.'" It was said: "On that day all

objects which R. Eliezer had declared clean were brought and burnt in fire." Then they took a vote and excommunicated him.<sup>10</sup>

Reform thinkers have long used this passage almost exclusively to justify openness in the rabbinic system. Fisch, who offers a detailed and sustained argument in support of the existence of the antitraditionalist element in talmudic writings, utilizes this passage as only one example. It is important to note that Fisch is addressing his argument not to Progressives, although his work is relevant for us. He is concerned to demonstrate that this view is legitimate for those who would identify themselves as Orthodox.

The Rashi to Hag. 3b makes clear that the *halakhah* is fixed by an assessment of the quality of the argument rather than by an appeal to tradition. The one important caveat is that those who are engaged in the argument are fully committed both to the process and to the theological principle underlying the process that they are trying to discern the divine will.

"Make your ear like the hopper" For since the hearts of all the disputants are prudently directed to the heavens, therefore acquire an attentive ear, study [their words] and acquaint yourself with each of their [conflicting] opinions, when you are capable of discerning which of them is best suited [to the situation at hand], declare the *halakhah* to be as he says.<sup>11</sup>

This Rashi furthers the argument in asserting that differ times may require different answers.

... For when two dispute the views of one another, one of them claiming he said this and the other claiming that he said that, [at least] one them is lying [i.e., misrepresenting the truth]. But if two amoraim disagree on a matter of law, on which should be permitted and what should be forbidden, no lying is involved. Each of them is [merely] presenting his own opinion. One of them finds reason to permit, while the other finds reason to prohibit, one argues one way and the other argues differently. And in [such cases as these] we say "both are the word of the living God." For at times one particular line of reasoning may apply while at [other] times a different line of reasoning may apply. Indeed any reason could be wholly reverse at the slightest change of circumstance.<sup>12</sup>

If Fisch is correct, then openness to testing and verification is already built into the rabbinic concept of *Talmud Torah*.<sup>13</sup>

Before turning to an analysis of the principles and circumstances under which a rabbinic authority can abrogate matters, a topic to which Joel Roth devotes an entire chapter,<sup>14</sup> I want to share with you what I believe is at stake for the Reform movement in its attempt to revitalize halakhic thinking as a methodology of Reform Jewish decision making. At the beginning of its history in Europe, Reform Judaism sought to link its proposed changes to precedents found in the classical texts. Some of the early responsa and essays make interesting reading.<sup>15</sup> Reform in North America has come to understand itself as a non-halakhic movement. We often hear Mordecai Kaplan's famous statement quoted as follows: "The *halakhah* (the tradition, the past) has a vote but not a veto." This has encouraged the neglect of a serious examination of the sources as means of contemporary decision making. I know that my education at Hebrew Union College–Jewish Institute of Religion did not anticipate that I would need more than a cursory exposure to Talmud and codes. The responsa literature was ignored completely. I am told that rabbinic education has changed greatly since I was a student. The late Solomon B. Freehof, Walter Jacob, W. Gunther Plaut, Moshe Zemer, and Mark Washofsky and an active Central Conference of American Rabbis Responsa Committee deserve our gratitude for preserving and renewing halakhic thinking. While in recent years many responsa have been written, we are still at the beginning of efforts to explicate the theory behind our methodology.

Among the important questions that must be answered are: What distinguishes our methodology from that of the Orthodox? From that of the Conservative? Clarity on these questions will aid us to better understand the role of textual analysis as a source for decision making and enhance our ability to articulate the authority of Torah as an expression of the Divine will. The theological underpinnings of *halakhah* require explication. The lack of serious theological work on the meaning of revelation tends to reduce textual discussions to a semantic game. Text analysis is therefore taken

seriously only by the Orthodox who have a commitment to a strong concept of revelation. Conservative Judaism, in spite of its commitment to *halakhah*, has also failed to make a sufficiently cogent theological case for the authority of the *halakhah*.

Primarily, I understand our work in progressive *halakhah* as a commitment to rigorous text-based thinking and reasoning, which means that we do not invent our Judaism out of whole cloth. We, however, are not merely inheritors, we are also innovators. Our purpose is ultimately to seek the "divine" as a source for action. Theologically we accept the rabbinic concept that being created in the divine image is the capacity of the human mind and heart to perceive or at least glance at the mind of God through an engagement with sacred texts.<sup>16</sup> In addition, halakhic reasoning will not be the only mode of reasoning which will influence serious Reform decision making.

In a community where the authority of the Torah and the *halakhah* in general is well established, there is a need to provide a method for amendment and/or abrogation. In a community like ours in which halakhic authority is practically nil, principles for abrogation and/or amendment can easily be misused to justify the establishment of any practice or to eliminate any practice. Historically we have often just made changes without necessarily engaging in rigorous systematic analysis. In addition, the emphasis upon individual autonomy divorced from some communally recognized authority or structure has limited the perceived need for a process. One colleague when asked why he agreed to perform same sex marriages said, "It just seemed right."<sup>17</sup>

In works that seek to establish Reform ethical practice, we frequently used theological concepts such as *b'tzelem elohim* (in the image of God), *mishpat* (justice), and *yetziat mitzraim* (exodus from Egypt) as the sole justification for a particular stance. How we utilize texts to create an authentic position requires the creation of a set of exegetical norms. Reform halakhic thinking can and should utilize aggadic texts in conversation with halakhic texts. If Bialik is correct

that the *halakhah* is the crystallization of the *aggadah*, then it is time to reopen *halakhah* by the restoration of a primary role to *aggadah*. What renders a position Jewish is not the conclusion, but the fact that it is derived from a serious engagement with sacred texts. Joel Roth reminds us that "there are two theological assumptions entailed in a commitment to the halakhic process, and they are: (1) that the *grundnorm* is a reflection of the word and will of God; and that (2) the sages of the Torah are the sole legitimate interpreters of the *grundnorm*."<sup>18</sup> It does not commit us to a particular view of revelation nor does it limit who may be considered a sage. It does commit us to the concept that we are seeking to comprehend, however imperfectly, the Divine will through Judaic experts committed to this theological task. Progressive halakhic work places our practice, whether ritual or ethical, within the historical framework of Jewish decision making, whether it is accepted by our own community or other Jewish religious communities. It also becomes a resource for future decision making. Both Progressive responsa and Progressive reflections on methodology allow others to enter into the historical conversation. Professor Mark Washofsky's brilliant responsum "On Homosexual Marriage,"<sup>19</sup> with whose conclusion I strongly disagree, has permitted us to understand what is at stake. Allowing both majority and minority positions a full hearing enabled the CCAR to better determine how to take a position that upholds Torah. It is possible for us to consider whether resisting change or abrogating a previously established position upholds the will of God.

Rabbi Simeon Maslin in *Gates of the Season* declares that the burden of proof is upon those who wish to abandon a practice, not those who wish to maintain.<sup>20</sup> Like any legal system, the *halakhah* has inherent conservatism. Therefore, the purpose of amendment or abrogation should be undertaken only when necessary to make the whole Torah more authoritative.

The thrust of my current thinking may be summarized as follows: Our task is the recovery of a halakhic mode of thinking in



which *aggadah* (narrative, theology, and ethics) is a primary hermeneutic tool rather than the recovery of *halakhah* per se. Fundamental to this is an examination of the authority and qualifications of the decisors and the principles that in the past were used to determine when amendment and abrogation were necessary and when it was appropriate to resist change.

The qualification of those engaged in halakhic decision making will perhaps be the most difficult and controversial aspect of any Progressive approach. Joel Roth posits three scenarios:

- (1) It is possible for two potential authorities engaged in identical behavior, the one of the reflecting a commitment to the halakhic system and that of the other reflecting an absence of commitment . . . the . . . The former qualifies as an authority but the latter does not.
- (2) It is possible for two potential authorities to engage in contradictory behaviors and for both kinds of behaviors to reflect commitment to the system . . . they both qualify as authorities.
- (3) It is possible for the behavior of a potential authority to reflect an ostensible commitment to the halakhic process while he lacks such a commitment. If he affirms, for example, that the *halakhah* is not normative and that its observance is dependent entirely on its meaningfulness to the individual, but that he, personally, finds almost all of *halakhah* meaningful, he would not qualify as an authority of the system.<sup>21</sup>

To raise the question of the qualifications of the authorities at this juncture may be counterproductive. However, the credibility of a process depends in part on the qualifications of the individuals who engage in it. Textual expertise is an obvious criterion. Institutional recognition, such as being a faculty member at a Progressive rabbinical school or being appointed to the CCAR Responsa Committee, is another obvious criterion. These are academic or institutional qualifications. Roth identifies a separate theological criterion *yirat hashem*, a behavioral commitment, which demonstrates that one is committed to living a life in response to the divine will.<sup>22</sup> While it is beyond the scope of this paper, it would be interesting to explore what role personal piety might have in making a Progressive *halakhah* creditable.

In chapter 7 of his book *Halakhic Process*, Roth examines in

detail the right of sages to amend or abrogate norms that are considered *de-oraita* (toraitic). The authority of the decisor is extensive: in the most extreme instance, the principle *pe'amim she bitulah shel Torah zehu yesodah*— sometimes the abrogation of Torah, which is its foundation.

When the ultimate goals of the Torah would be better served by its abrogation, even in its entirety, it is within the purview of the sages to take that step. The circumstances that might warrant such action are never defined. In the final analysis, the determination of the need for such action lies with the sages themselves. As Moses rendered the decision on his own, so too must the sages make the decision on their own.<sup>23</sup>

The Sages used medical and scientific sources to change the law. What counts is the specialist's expertise.

It is a matter of record that the number of matters of law in the first sense stipulated in the talmudic sources and contradicted either by the expert scientific opinion of later ages or by the personal observation of later sages has produced many problems. How could it be that the talmudic sages had been mistaken? Surely it was not reasonable to suppose that the talmudic sages had misperceived their own reality. It was more reasonable to surmise that the reality had changed and once it became acceptable to make such a claim, medical/scientific sources that might result in the abrogation of previously held legal norms could be introduced without impugning the reliability or integrity of the talmudic sages. A new systemic principle referred to as *shinnui ha-itim*— change reality— became the vehicle that enabled later sages to make use of new medical/scientific knowledge without vitiating the smooth functioning of the halakhic system.<sup>24</sup>

Roth further writes:

If new medical/scientific evidence indicates that a norm no longer applies to a majority of cases, and the norm itself was ground in earlier medical/scientific evidence that it did apply to a majority of cases, the extralegal sources allow the reopening of the question of the factual basis upon which the norm was predicated. In such a case, the extralegal sources allow the norm to be overturned by the claim of *shinnui ha-itim* if the evidence is strong enough.<sup>25</sup>

New information can also alter the meaning of a text. Archaeological, historical, and philological research is utilized to analyze a text. Such an analysis can potentially reveal that the text has

been misunderstood. The most intriguing of the principles is *et la-asot ladonai heferu toratekha*.<sup>26</sup> Roth points out that the meaning of the final phrase of the verse *heferu toratekha* is clear: "they have violated [voided] Your Torah." The first phrase *et la-asot ladonai* can be understood in two ways: "It is time for the Lord to act" or "it is time to act for the Lord."<sup>27</sup>

Roth cites Ber. 63a: "Rava said, 'The verse may be explained both forward and backward. Forward: 'It is time for the Lord to act.' Why? 'Because they have violated Your Torah'. Backward: 'They have violated Your Torah.' Why? 'Because it is time to act for the Lord.'" Next Roth cites a text from *Sifrei Zuta* (ed. H. S. Horovitz) beginning of *parashat Pinchat*. It deals with the story of the request of the daughters of Zelophad to inherit their deceased father's property, in violation of the laws of inheritance, which stipulate that only sons inherit property.

When did they (i.e., the daughters) stand before Moses? At the time that Israel was saying to him, "Let us appoint a leader and return to Egypt." Moses said to them (i.e., the daughters): "All of Israel is requesting to return to Egypt and you are seeking an inheritance in the land as it says: 'it is time for the Lord to act, they have violated his Torah.'" Do not read the [verse] thus. Rather: They have violated Your Torah, it is time to act for the Lord.

In this *midrash* the verse is used in both ways. The first interpretation requires God to act by bringing the people into the land and they want what they believe is justly theirs. The second interpretation justifies violating the law in order to serve God.<sup>28</sup> The following text permits the writing down of oral Torah, which is a violation of the letter of the law in order to prevent the Torah from being forgotten.

Did not R. Abba the son of R. Hiyya b. Abba report in the name of R. Johanan: Those who write the traditional teachings [are punished] like those who burn the Torah, and he who learns from them [the writings] receives no reward. And R. Judah b. Nahman the Meturgeman of Resh Lakish gave the following [as exposition]: The verse says: Write thou these words and then says: For after the tenor of these words, thus teaching you that matters received as oral traditions you are not permitted to recite from writing and that written things [Biblical passages] you are not permitted to recite from

memory. And the Tanna of the School of R. Ishmael taught: Scripture says, "Write thou these words," implying that "these" words you may write but you may not write traditional laws! The answer was given: Perhaps the case is different in regard to a new interpretation. For R. Johanan and Resh Lakish used to peruse the book of *aggadah* on Sabbaths and explained [their attitude] in this manner: [Scripture says:] It is time for the Lord to work, they have made void thy law, explaining this as follows: It is better that one letter of the Torah should be uprooted than that the whole Torah should be forgotten.<sup>29</sup>

*Et la-asot* is both a radical and conservative principle. It can be viewed as supporting amendment or abrogation as well as preservation of Torah (i.e., what is essential to maintaining Judaism). When amendment or abrogation will call the system into question even if it might be justified on other grounds, then abrogation or amendment would be prohibited. I want to propose a thought experiment. Although the authors of the 1885 Pittsburgh Platform would not have understood themselves as violating the Torah in order to preserve it, it is possible to argue cogently that the history of Reform Judaism can be understood as the abrogation of major sections of *halakhah* sometimes on a temporary basis,<sup>30</sup> but often on what has been considered a permanent basis, to preserve Judaism and fulfill God's will.

If we return to Menachem Fisch's argument that there are traditionalist and antitraditionalist "parties" in the Talmud and that there is a twofold concept to Torah study, that is, as undergraduate education and graduate education, we discover that Torah is a potentially open system. One must master the fundamentals, and when those fundamentals are an adequate response to the world and seem to fulfill the divine will, there is no need for abrogation or amendment. In fact, preservation is the order of the day. However, when 'traditional' practice no longer is consonant with the divine will, it is time to act for the Lord by abrogating or amending the understanding of Torah. In current historical juncture, Progressive Judaism is an interim period.<sup>31</sup> The age that created classical Reform and its immediate successors has passed and the new era, which is sometimes

described as postmodernity, is just taking shape. One characteristic of this new age is the desire of Jews for authenticity and meaning, which they are increasingly finding in a return to an encounter with sacred texts. It is the responsibility of those who believe that God's will is manifest in a faithful and systematic approach to the study of sacred texts to demonstrate it in their writing and in their own lives.

### Notes

1. This paper is also designed to serve as a tribute to Rabbi Moshe Zemer, who along with Rabbi Walter Jacob established the Freehof Institute for Progressive *Halakhah*. Rabbi Zemer's contributions have been immense. His vast knowledge and writing have deeply influenced the Progressive movement in Israel, demonstrating that Orthodoxy is not the final word on *halakhah*, and his halakhic writing challenges all of us in the worldwide Progressive movement to consider seriously the role that *halakhah* should have in our decision-making process. I pray that God grants him many more productive years as a primary teacher for all of us who want to renew and revitalize Progressive Judaism in a rigorous way.

2. My answer to this question depends heavily on the thought of Menachem Fisch, especially his books *Rational Rabbis* (Bloomington: University of Indiana Press, 1997) and *Da-at Hokhmah* (Jerusalem: Van Leer Institute, 1994) as well as a series of lectures that he presented to the Beth Emet the Free Synagogue Israel Kallot.

3. For this discussion I rely heavily on Joel Roth's book *Halakhic Process: A Systemic Approach* (New York: Jewish Theological Seminary of America, 1986).

4. As I will later argue, it is the rigor of textual analysis that is so characteristic of halakhic discourse that is most relevant. In another place I have discussed the possibility of a pluralistic *halakhah* where the discourse results in a range of answers about what is permitted and prohibited. For example, the proper time for lighting candles to begin Shabbat might be determined by the astronomical considerations such as, the setting of the sun, or sociological considerations, such as when the family gathers for Shabbat dinner; both would be proper in such a system. This is in contrast to the traditional halakhic system which provides only a single proper way of lighting candles. In an as yet unpublished essay on Jewish bioethics I have argued for an aggadic or narrative approach to Reform decision, making this a variant of my concept of a pluralistic *halakhah*.

5. *B.M.* 59b.

6. The text reads *elohekha* —, your God, using the singular suffix rather than *eloheikhem* — using the plural suffix.

7. The plural form so that the people are included.
8. *Midrash Rabbah*, Num. 19:33.
9. Fisch, *Rational Rabbis*, pp. 79-88.
10. *B. M.* 59b.
11. Rashi to *Hag.* 3b.
12. Rashi to *Ket.* 57a.
13. The full argument is presented in *Rational Rabbis*.
14. Roth, *Halakhic Process*, pp. 153-204.
15. They raise a question which we constantly confront today in our work: have we begun with a conclusion that we seek to dress up with texts, or are we genuinely examining texts under new lenses that cause us to view them differently. In the same manner, when traditional *poskim* are faced with unprecedented situations, we will turn to texts whose values illuminate the current situation, but it is also clear that we will hold up certain texts as authoritative which others will not. It is the quality of the argument and not merely the use of the texts that will make the position we articulate acceptable.
16. Jacob Neusner, *The Glory of God Is Intelligence* (Provo, Utah: Brigham Young University, 1978). This analogy may not be too distant from the concept of the physicists who understand their enquiry into nature as an attempt to read the mind of God.
17. We have both de facto and de jure autonomy. This pluralism and freedom can be very healthy and creative. Its greatest limitation is that it does not encourage an intellectually serious process before change is introduced.
18. Roth, *Halakhic Process*, p. 151.
19. CCAR Responsa 5756.8 ([www.ccarnet.org](http://www.ccarnet.org)).
20. Simeon Maslein, *Gates of the Season*, p. vii.
21. Roth, *Halakhic Process*, pp. 149f.
22. *Ibid.*, p. 151.

23. *Ibid.*, p. 180.
24. *Ibid.*, p. 237.
25. *Ibid.*, p. 244.
26. Ps. 119:126.
27. For a more complete discussion see Roth, *Halakhic Process*, pp. 169-76.
28. *Ibid.*, p. 171.
29. *Ter.* 14 b; Roth, *Halakhic Process*, p. 179.
30. The current reexamination of certain practices and principles suggests that the conditions that required amendment or abrogation of those principles and practices have passed. In a similar manner, our reconsideration of *halakhah* may be understood as a necessary corrective to past excesses.
31. Michael Morgan, *Interim Judaism* (Indianapolis: Indiana University Press, 2001). This small but important book details the breakdown of the philosophical consensus that was the underpinning of Progressive Judaism and sets the stage for a rethinking of the underpinning and the consequences for belief and ultimately practice.