

TO BE A
JEW

*A Guide to Jewish Observance
in Contemporary Life*

SELECTED AND COMPILED
FROM THE *SHULHAN ARUKH*
AND *RESPONSA* LITERATURE
AND PROVIDING A RATIONALE
FOR THE LAWS AND
THE TRADITIONS

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CHAPTER

2

*Halakha: The Jewish
Way*

ALTHOUGH an effort has been made to summarize some of the ideas which Jews have always believed deeply and which constitute the basic principles of faith that have characterized Judaism through the ages, I have made no effort to delve deeper into Jewish theology or to explicate the philosophical-religious insights into the nature of man, of life, of good and of evil, that emanate from Jewish teachings and permeate its entire view of the world. To have done so would have been to go beyond the scope and the purpose of this book. But the chief reason I will restrain myself from delving deeply into theology here is perhaps best summed up in the words of Samuel Belkin, President of Yeshiva University:

Many attempts have been made to formulate a coherent and systematic approach to Jewish theology. All such attempts, however, have proved unsuccessful, for Judaism was never overly concerned with logical doctrines. It desired rather to evolve a corpus of practices, a code of religious acts, which would establish a mode of religious living. True, these acts and practices stem from basic theological and moral concepts, but most significantly, these theological theories of Judaism always remain invisible, apprehensible only through the religious practices to which they gave birth. Great rabbinic scholars—philosophers, therefore, found a greater

measure of agreement among themselves in their *minyan hamitzvot*, the classification of the 613 religious duties which the Torah places upon the Jew, than in their attempts to present basic Jewish dogma in the forms of articles of faith. . . . In Judaism, articles of faith and religious theories cannot be divorced from particular practices . . . the theology of Judaism is contained largely in the Halakha—in the Jewish judicial system—which concerns itself not with theory but primarily with practice. . . . (If Judaism can be said to rest) upon the twin principles, the sovereignty of God and the sacredness of the individual . . . this philosophy (as all its philosophic foundations) is clearly reflected in the Halakha.¹

Halakha is the overall term for Jewish law; it refers also to the final authoritative decision on any specific question. It rests first and foremost upon the Biblical statutes and commandments in the Written and the Oral Torah, then upon all the rabbinic legislation and enactments, including the religious-judicial decisions that were handed down through the ages in the form of Responsa and Commentaries by great rabbinic scholars. All of this serves as the authoritative basis and provides legal precedents for the ever-continuing process of religious-legal decision making in our own day. The word halakha itself means “the way on which one goes.” Halakha is practical, not theoretical. Halakha is legal, not philosophical. Although faith is the basis out of which the halakha develops, its major emphasis is on deed. Halakha is concerned with the proper application of the commandments (*mitzvot*) to every situation and circumstance. (The *mitzvot* which are of Biblical origin are in essence unchangeable. Those of rabbinic origin may be under certain circumstances and conditions modified by authoritative and ordained scholars.) Halakha asks for a commitment in behavior. It deals with ethical *obligations* and religious *duties*.

As the Jewish judicial system, halakha covers every aspect and relationship of life, whether it be between man and man or between man and God. Thus the halakha concerns itself not only with those areas that are generally regarded as being in the realm of ritual and religion, but also with those areas that are generally assigned by non-Jewish scholars to the spheres of morality and ethics, or to civil and criminal law.

As the halakha is all-encompassing, so might it be said that the Jewish religion is all-encompassing. There are no areas in the realm of human behavior with which it does not deal or offer guidance. To the extent that every aspect of life is regarded as subject to the

guidelines established by the halakha, one cannot regard the Jewish religion—when properly observed—as filling up but one of life’s many compartments, or that it is separate and distinct from other areas of one’s life and concern. A person’s eating habits, his sex life, his business ethics, his social activities, his entertainment, his artistic expression are all under the umbrella of religious law, of the religious values and the spiritual guidelines of Judaism. Jewish religion does not disassociate itself from any aspect of life, and does not confine its concern only to ritual acts that have a mystical significance within a supernatural world. Fully and properly observed, the Jewish religion is life itself, and provides values to guide all of life.

This is the nature of the religious tradition handed down to the Jew. That is why the Prophets of Israel spoke and fought with as much fervor for social justice and for the elimination of poverty as they did for the sanctity of the Sabbath and the abolition of idolatrous worship. Indeed, all books about Judaism emphasize the fact that Judaism is *a way of life*, that it is deed, not just faith. While there is no minimizing the central role that doctrine plays, the emphasis is assuredly on the deed. The essence of the Jewish faith was cultivated not in doctrinal assumptions or dogmatic declarations, but in the practical implementation of Torah, *mitzvot maasiyot*.

The conceptual truths of Judaism and its values mean little unless they are translated into a way of life. The halakha is the means by which the concepts and values are applied to everyday living. Halakha prescribes the ways for the *concretization* of theory, of principles, of creed.

The halakha, with its focus on the implementation and fulfillment of the commandments (*mitzvot*), serves to *make concrete that which is otherwise in the realm of the abstract, while serving to sanctify that which is otherwise in the realm of the mundane*.

Ernst Simon of the Hebrew University in Jerusalem offers a balanced rationale for the observance of the halakha by the modern Jew. He explains that:

there is a relative identity between the faith and the people, and this relative identity can be established and maintained only by a sanctified way of life. *Halakha* is our only means to establish and maintain this sanctified way of life.

Above all, says Simon:

... *halakha* can have profound relevance for the modern Jew because it embodies and represents an attitude towards life which emphasizes the

need for the restitution of the intellect in a partly anti-intellectual society, for discipline in a partly libertarian world, for orientation and a sense of direction in a chaos of over-information, and for a rational religion in the face of inroads of mysticism and obscurantisms.²

As Louis Ginzberg put it: “It is only in the *halakha* that we find the mind and the character of the Jewish people exactly and adequately expressed.”³

Seymour Siegel said it well:

We remain Jews not because we are members of a philosophical society with superior principles (although it is a source of pride and a challenge to perpetuate and to deepen the heritage of ideas and concepts we have inherited). We remain Jews because we are part of the community of Israel, which has agreed to live its life as a separate community, for all time, in obedience to God. To be sure, certain ideas flow from this premise. But our existence is defined by the fact of the covenant (with its necessary implication of Torah and *halakha*, or Law); it is not defined merely by ideas.⁴

The fear is expressed in some circles that strict adherence to the halakha, unaccompanied by deep spiritual faith and feeling, becomes reduced to a form of behaviorism lacking all spiritual quality and dimension. Yet such fears do not justify the elimination of the halakhik obligation; on the contrary, it emphasizes the need to keep stressing the spiritual quality of all acts. The rabbis long ago recognized the problem and sought to deal with it when they taught, for example: “Do not make your prayers routine . . .” (Ethics of the Fathers 2:18). Because an act may be carried to an undesirable extreme does not justify its abrogation. The abuse should be checked without eliminating the essence of the act.

Even Abraham Joshua Heschel, a foremost exponent of the view which stresses man’s inner spirit (he calls this the realm of the *agada*), who objects strenuously to any view which confines Judaism exclusively to its halakha, insists that:

Indeed the surest way to forfeit *agada* (faith, inwardness) is to abolish *halakha*. Without *halakha*, *agada* loses its substance, its character, its source of inspiration, its security against becoming secularized. By inwardness alone we do not come close to God. The purest intentions, the finest of devotion, the noblest spiritual aspirations are fatuous when not realized in action.⁵

Like all legal systems based upon a “constitution” or some other body of law, it is true that the halakha itself often allows for differences of opinion and for differences in behavior, particularly in areas

where Divine Torah Law is not affected. But all different religious decisions by authoritative, ordained scholars must be capable of justification and defense under the halakhik rules of interpretation. It must be based on sound religious scholarship. It is of such differences of opinion that our religious sources say "These and these are the words of the living God," because they both emerge out of faith in that God and out of a sincere desire to perform the will of that God. There is a great difference between disagreeing over what it is that the Torah and the traditions require of us where questions must be resolved, and renouncing outright the authority and the jurisdiction of the Torah and its halakha. The latter attitude removes one from within the legitimate boundaries of Judaism.

The halakha is the Jewish way for securing and perpetuating the Jewish way of life. Disregard the halakha or reject it, and slowly the way of life also disappears; and with its disappearance, the distinctive and cherished values of Judaism fade away. It doesn't happen all at once; it may take a generation or two, but it happens. This is the process known as assimilation. It begins when Jews discard the binding character of the halakha and it ends with the disappearance of Judaism. This is not speculation or polemic, but historical fact which, sadly, has repeated itself over and over again under many different conditions and circumstances. For where all the distinctive observances of Judaism have disappeared, the only thing that has retarded the total physical assimilation of the Jewish people has been some threatening crisis of anti-Semitism.

CHAPTER

3

*The Reasons for the
Commandments*

THE reasons for the mitzvot (*taamei hamitzvot*) occupied the attention of all the great scholars and rabbis of Israel. A great body of literature was built up whose purpose was to explain the reasons for all the laws of the Torah, as well as for the many regulations and customs that have grown up in the course of Jewish history. The Torah itself does not offer specific reasons for most of the commandments. While reasons were often suggested by the Earlier and Later Authorities, their views were not regarded as necessarily correct or valid. The greater the rabbi and scholar, the more his explanations and reasoning carried weight, but in no instance did they assume the level of imposed doctrine. Sages who lived in different ages and under different conditions would often see different purposes, different reasons for the observance of this or that particular law. Rather than detracting from the validity of that law, such variety of explanation only provided added testimony that the Torah was indeed a law for all times, "throughout your generations, a statute forever." Despite changing conditions and circumstances, it was ever meaningful and relevant to those who delved into it and sought to understand it.

The only reason that a devout Jew needs for the observance of any