



# Kashrut, Halachah, and Conservative Jews

The ShefaNetwork Journal 5768:2

*The mission of the Shefa Network is two-fold:  
To bring together dreamers from within the  
Conservative Movement, and to give their  
Dreams an audible voice.*

## Welcome.

The ShefaNetwork was founded in December of 2004 as a grassroots conversation for engaged and hopeful Conservative Jews. As of September 2008, there have been over 40,000 hits to the ShefaNetwork website and over 2100 messages posted to the listserv. The envisioned conversation has continued, and grown in scope, depth, and purpose. We are all invested in a dynamic future for Conservative Jews and the movement we share.

This fourth journal is an edited compilation of the recent ShefaNetwork conversation about “**Kashrut, Halachah, and Conservative Jews**” sparked by a post by Rabbi Barry (Baruch) Leff in preparation of his forthcoming presentation of a Teshuva on the topic of Eating Out in Restaurants to the CJLS. Messages 2109-2164 on the Shefa listserv, edited into this journal format, represent a wide variety of voices, including rabbis, journalists, lay leaders, rabbinical students, and others.

Chancellor Arnie Eisen has written regarding Kashrut:

“...selectivity is typical... Resolving differences over kashrut took center stage in our conversations with several respondents on the matter of how, in general, they dealt with different approaches to Judaism with their spouses. Their stories are filled with clear references to both affection and conflict... Kashrut takes on such significance that failure to harmonize [differing] approaches could have led to severe [relational] problems. It takes on added significance in the context of children and parenting, where the issue is not merely a particular practice, or the identity it maintains and signals, but transmission of that identity to the next generation. (*The Jew Within*, p. 60-61)”

It is precisely a *relational* issue we are discussing. Who do we see as our primary partners in Jewish journeying? It is also a matter of transmission of identity, not only a pattern of actions. Who do we see ourselves as called to be in this world?

This conversation is emblematic of resurgence within in Conservative Judaism, not of awards and frameworks for excellence, but of deep personal and communal decisions. Hechsher Tzedek marks this. The ShefaNetwork conversation recorded herein marks this. Our dreams chart the course.

The two-fold mission of the Shefa Network, to bring together dreamers from within the Conservative Movement, and to give their Dreams an audible voice, is one we invite you to join by sending a blank email to [shefa-subscribe@yahoogleroups.com](mailto:shefa-subscribe@yahoogleroups.com). Share your dreams!

Rabbi Menachem Creditor  
Elul 5768 / September, 2008  
Berkeley, CA

## ***The Invitation from Rabbi Leff***

Dear Chevre,

Next week I will be presenting a teshuvah to the CJLS on the subject of eating dairy meals in restaurants lacking rabbinic supervision. I expect it to be a rather controversial discussion.

Since Shefa represents members of our movement who are really committed to our movement, and who have all sorts of great ideas on things we should do to revitalize the movement, in many ways people on this list represent the kinds of people for whom rabbis write teshuvot – dedicated Conservative Jews.

My paper takes a lenient view – in essence, I argue that since the vast majority of observant, dedicated Conservative Jews eat hot dairy meals in unsupervised restaurants, it makes sense for us to bring halachah into line with practice, and have a teshuvah which sanctions behavior that is very common among both lay people and Conservative rabbis. The fundamental argument I use is that most of the barriers to eating dairy meals in non-supervised restaurants are “fences,” and the people have rejected those fences, and in essence nullified them. My teacher Rabbi Elliot Dorff has written that occasionally the law must be brought into line with practice, or it becomes irrelevant; my teshuvah was written much in that spirit.

The question I pose to this group – and I truly want to hear from a cross section of people, not just those who agree with me (or for that matter, just those who disagree with me!) is whether a teshuvah like this is a good idea or not.

There are three major alternatives I see:

- 1) Yes, a teshuvah like this is a good idea because people will have greater respect for the halachic process if it seems relevant and responsive
- 2) No, a teshuvah like this is a bad idea, because anyone who really is committed to halachah will be appalled that we drift so far away from accepted norms; it’s OK for people who eat dairy meals out to be aware they are violating halachah, and maybe they will move in the direction of more observance; or,
- 3) It doesn’t matter because no one really cares what the rabbis on the Law Committee do anyway.

I’d be interested in your thoughts. If you have some other alternative I haven’t considered I’m certainly interested in that as well!

Thanks in advance,

Rabbi Barry Leff  
Jerusalem

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Dear Rabbi Leff,

I want to propose another alternative, which I think you hint at in your e-mail.

We assume that our fellow committed Conservative Jews wish to act in accordance with halachah. If, in fact, there is a halachic avenue according to which eating dairy out is mutar, and you have found it, you are merely following in a long tradition of limud zchut, giving other Jews the benefit of the doubt. It is not just that you are innovating halachah (which I would not find problematic in itself, merely an alternative that you have already addressed), but

you are finding reasons to judge fellow Conservative Jews leniently.

I find this alternative personally attractive because, a priori, I would have a very high bar to any teshuvah telling me eating out in non-supervised restaurants is mutar. I think the main reason for this is that halachah is beautiful. Fences have their own dignity and purpose, and (absent moral challenges, e.g. egalitarianism, or the non-immorality of homosexuality) taking them down is not my first choice. But if you want to take them down in the service of limud-zchut, I think this is valuable.

I don't know whether this is the stance you take in your teshuvah. I doubt it; you seem more active in your approach.

I look forward to reading the teshuvah. Any chance of an advance copy on Shefa (he asks with *milchig* tongue in cheek)?

Zack Berger

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Rabbi Leff:

I'm one of those folks who will eat hot dairy and Parve (cooked fish) meals in unsupervised restaurants.

In doing so, I make two assumptions:

1. The teshuvah on non-Hekshered cheese is valid - any rennet that may be in such cheese has been transformed sufficiently so that it is no longer a meat product.
2. Any incidental contact between the dairy products that I consume (mostly eggplant parmesan sandwiches) and Basari is less than 1 part in 60.

I think that the second issue may be problematic. Except for strictly vegetarian restaurants (anything eaten at a vegan restaurant will be Parve, even without rabbinic supervision), there always the chance that utensils used for preparing dairy and Parve dishes are also used in the preparation of meat dishes. Presumably, your teshuvah addresses these issues.

I've never seen a non-Kosher, dairy restaurant. Do they exist, or is your teshuvah aimed only towards meals taken at vegetarian restaurants where cooked dairy dishes may be served? Also, are Parve dishes such as cooked fish addressed?

Is this really a case where the norm should be tempered to meet the current practice of the laity? The majority of Conservative Jews ignore Kashrut, either outside the home (if they maintain Kosher households) or entirely. If your logic is to make Halakah consistent with normative practice, then one might argue (and I'm not) the teshuvah should be to abrogate the laws of Kashrut entirely. Without studying your teshuvah I can't speculate on the line of logic or Halakic precedent that supports tempering the Laws of Kashrut to embrace the eating of dairy or Parve foods that are cooked alongside Basari foods. It's one thing for individuals to recognize that they are bending the rules - it's a mindful activity. My unwillingness to eat only uncooked Parve and dairy food while travelling probably shouldn't be endorsed by lowering the standard. Better that I should recognize that my observance of Kashrut still has room for improvement.

In specific response to your three alternative philosophies:

Option 1: Is there really a significant constituency with CJ that feels that the CJLS would gain credibility by passing this teshuvah?

Option 2: I think that this is more on the mark. Unless the teshuvah addresses only those cases in which the cooked dairy food is unlikely to come into contact with meat products, I think it's referable for people

to be aware that they are violating Halakah when they eat cooked dairy or Parve foods in non-supervised restaurants.

Option 3: Sadly, the constituency that would consider this to be a significant issue is small. Too many dues paying Conservative Jews don't see Kashrut as relevant. Before modifying the Halakah of Kashrut, we need to do a better job of inspiring the CJ community to embrace Kashrut in the first place.

I am looking forward to reading the Shefa discussion on this issue.

Bididut,  
Fred Passman

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Dear Chevreh,

Does anyone believe that there are Jews who don't presently keep Kosher and would view this leniency as something that would move them towards Kashruth? I think not. Rather it would open the door to sanctioning official meals in treif arenas on the grounds that dairy is no longer traif.

Why bother hiring a Kosher caterer for a shul when the cheaper treif caterer can supply dairy at a cheaper price. Why open a dairy Kosher restaurant when all dairy dishes in all restaurants are Kosher? Why have a Kosher bakery? This would also mean that those of us who don't accept the new leniency would be left out!

Even worse if this change can be claimed to be halachic, it would weaken all of the other halachic changes made be Conservative Judaism --- i.e. if we can say what is rather clearly treif is Kosher, then anything that we say is Kosher becomes tarnished e.g. women leading services, gay clergy etc. I would suspect that we would lose more committed young Conservative Jews who see this as another example of the disappearance of halachic standards in CJ, and gain nothing in return. I think CJ needs to strengthen support for committed Conservative Jews and preserve goals that we can strive to achieve by maintaining standards such as kashrut and giving those not yet ready things to strive for.

R.L. Smith

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Shalom

I think this teshuvah is a bad idea. C Judaism spent most of the 20<sup>th</sup> century making observance easier in order to retain Jews, and it has always resulted in a further decline in observance. Apparently, given the choice between (C) Reform Judaism and Reform Judaism, people pick the latter.

As a kosher keeping Jew, the reasons I would support eating out in non-supervised restaurants have to do with the degree not doing so isolates me from the greater community, both Jewish and non-Jewish. But if social isolation is the cause, I think it is better to eat out without claiming that we are keeping kosher while doing so. This would continue to provide a reason to increase one's kashrut observance when they moved to a community with easier access to kosher restaurants, or to support a kosher restaurant when it opens near them. It is easier for people to assume obligations they are presently avoiding than to get them to accept a new chumrah. If you make eating in a supervised restaurant a chumrah than you place a stumbling block before their progress.

I grew up keeping a strictly kosher home and eating non-kosher out. My concern is that if eating out without supervision become licit, the effect will not be to turn people who presently eat meat out to dairy eaters, but rather that more people who keep some kind of kosher in the home won't bother to do so.

The teshuva references the principle that a rabbinic decree that is not accepted by the people has no force. The

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chiddush (new ruling) is that that rule can apply even after such a decree is accepted. From my reading of Jewish history, little of halacha would remain if we took that principle to its logical endpoint. Most of the laws of Shabbat are rabbinic - are they now nullified?

The Conservative movement has decided that when its ethical sense is in irreconcilable conflict with existing halacha, existing halacha must yield. But this teshuvah seems to me to say that when C Jews convenience conflicts with halacha, halacha must yield. I don't think that is a good idea.

Lastly, Rabbi Leff's site includes the famous quote "religion exists to comfort the afflicted and afflict the comfortable." It seems to me that this teshuvah seeks to comfort the comfortable, and I don't believe that is a good idea. Better to seek to raise people to the heights than to tell them the depths are a nice place too.

Kol Tuv  
Larry Lennhoff

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As someone in the camp who eats hot dairy or cooked fish out, I recognize that this is not satisfying the halakhah, and leaves me room to continue to improve my observance. At the same time, as characterized by Larry, it keeps me from being too isolated from the larger world which, professionally, would be almost impossible for me or my spouse.

I'll be interested to see how the opinions shake out geographically. I know that Fred and I share the same USCJ region, separated only by a county line. I suspect that Larry also lives in my general neighborhood, one where several kosher restaurants are available, too.

So we have the option of eating out in a kosher meat place, too. I recognize that those without such options may have a different sense of the issue.

Steve

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## ***A Response from Rabbi Leff***

Chevre,

Thanks to all who have responded, I hope to have time to send people individual replies soon. This discussion is exactly what I was hoping for.

I guess my take is that there are enough people who feel that the teshuvah is a good idea, and who are grateful for it, that it is worth having, even if those opposed to it have some good points as well. As a pluralistic movement, I believe we should have room for a variety of approaches to our ritual lives, and it is good to frame those approaches within the broad framework of halachah. Perhaps the "arba amot" of halachah can allow a little more breathing room.

I don't want to share the current version of the teshuvah as it has not yet been discussed by the CJLS, and one thing I am certain of is that after the meeting I will be doing a update and revision. It won't be voted on until December at the earliest. However, you can see an earlier version of the teshuvah posted on my blog at <http://www.tek-law.com/neshamah/dairyteshuva%20v3.htm> . The ikar hasn't changed all that much.

Kol tuv and thanks again, you guys are great!

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Rav Barry

I am glad Rabbi Leff is bringing discussion on his proposed teshuva to Shefa. These core topics represent the heart and soul of Conservative Judaism's future and must be discussed by the laity in this Web 2.0 world.

I have to admit some personal ambivalence about a new teshuva sanctioning eating out in non-kosher restaurants (and, presumably also, non-vegetarian restaurants, although that also requires a certain amount of discussion). My prime area of ambivalence is that, among observant Conservative Jews, there already is this idea that it is permissible to eat hot dairy out. I'm not clear where this idea came from – technically the CJLS has never passed such a teshuva. The closest teshuva is that a 1920s CJLS teshuva that permitted could have cooked fish in non-kosher restaurants – provided that it was double wrapped and prepared in disposable containers. This was before widespread kosher restaurants were available in the US and does not reflect today's food preparation practices, however. Nevertheless, given that there has been a wide-spread idea that it permissible to eat hot dairy out, and it's a common practice among many observant Conservative Jews, there are halachic problems with telling people that what was once permitted is now prohibited – particularly if they will continue to do what they were always taught to do. On the other hand, we've seen in the Orthodox community that what was common in the 1950s (which have much in common with today's observant Conservative practices) are not so common today, and so it is possible that by setting high standards and helping people reach these goals, that greater observance can be achieved.

In terms of the specific questions Rabbi Leff asked, others have already responded better than me. We have seen that the Conservative model of consistent leniencies and consistently "trying to make observance easier" has not led to a more observant laity. It has only encouraged the observant Conservative Jews to find refuge in Orthodox synagogues (even as they philosophically remain committed to Conservative Judaism) and the non-observant Jews don't raise their observance – they only demand even lower standards or move to Reform congregations. I should add that, as a movement committed to social science and with the ascent of demographers like Prof. Arnold Eisen as Chancellor of JTS, we should also consider in the future of the movement that in America, religious observance is increasing and churches that make demands of their constituents are gaining popularity throughout America, whereas liberal Protestant denominations are on the decline.

In addition, Robert Smith points out that this has the potential to alienate those whose observance levels are higher than the lenient position. Just as a personal example, the large and popular Conservative synagogue I grew up in Maryland has recently had Sisterhood and Men's Clubs meetings in non-kosher restaurants (I'll give them the benefit of the doubt that they all chose the vegetarian option – but I'm sure quite a few people didn't). This means that the Conservative Jew who follows the opinions that it is not OK to do so is not welcome in these Conservative congregations. As an aside, they also raffled a preferred parking pass for the High Holidays! No wonder I left!

From the technical perspective, and I hope Rabbi Leff's teshuva discusses this, the food preparation industry is quite complex. Even ignoring serious halachic issues like bishul akum (food cooked by a non-Jew) or insects (major issues that also relate to the permissibility of eating in vegetarian restaurants); you would be surprised by how many foods have non-kosher ingredients and/or meat in them. I've been a vegetarian since I was a pre-teen, and became aware of this then – and look at a lot of vegetarian discussion groups that will explain about how soups often have meat stock, that the veggie burger was cooked on the same grill as the meat hamburger, the tomato sauce in the pasta may have meat ingredients, your split pea soup may have meat even though it's not listed on the menu. Pizza is EXTREMELY problematic because it's cooked directly on the pizza oven (ignoring issues of rennet, which the Conservative movement has long permitted). These are real issues. Even if there are technical possibilities to allow these foods, provided the right questions, and given bediavad halachic leniencies, we do the halachic process a great disservice by permitting lechatchila what is only allowed bediavad. More so, the amount of questioning that needs to be done – and to be ensured that you're going to get accurate answers from overworked servers, make even a technical possibility an unreasonable burden, even on many committed Conservative Jews.

While I would welcome some guidance for what one can do in the case of business lunches and the like, recognizing that it's a mitzvah to embrace the world and not shun it, this must be done in a way that does not turn convenience into the norm.

Now, to be clear, I do eat out in vegan restaurants, although even then, I want to see a discussion of issues like bishul akum, spices, microscopic insects, nonkashered utensils and appliances (e.g., purchased from a previous restaurant). There may be answers to these questions, but the questions must be asked in a serious and intensive manner.

All the more so, I should add, when I don't think this will increase observance of kashrut and when, I think, a strong stand of standards would lead to more kosher restaurants. If those few Conservative Jews insisted on hechshered restaurants, I guarantee you there would be more quality kosher restaurants even in areas that don't yet have any kosher restaurants! Now that would increase observance!

I do, however, look forward to the debate and hope to hear some of what is going on both with Rabbi Leff's teshuva and also Rabbi Paul Plotkin's proposed teshuva which will take the opposing view.

- Avi Hein

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Avi Hein <avihein> wrote:

- > From the technical perspective, and I hope Rabbi Leff's
- > teshuva discusses this, the food preparation industry is quite
- > complex...

Perhaps in a similar light I've always wondered if anyone wrote a halachic guide to for driving on Shabbat. What can one carry, what happens if the car stalls, what if one is stopped and receives a traffic ticket? What about flat tires? When leaving shul, can one drive to another home for Shabbat lunch and then on to one's own home? What if one doesn't go to shul but is invited for Shabbat lunch can you drive there -- would having a minyan there make driving more acceptable, etc etc. I would suspect that this guide was not written (I'd love to be proven wrong on this) because those interested in detailed halachic approaches didn't accept the driving tshuva to begin with and most of those who were driving didn't care about these halachic issues.

Perhaps similarly, in our shule last Friday night we were scheduled for musical instruments though Lecha Dodi, since it was still over an hour before sundown and Shabbat presumably would be officially beginning with Mizmor Shir – at least that was the explanation I heard and that's when, for example, mourners enter the service. I was told that apparently no one educated the musicians (congregational members) as the this halachic nuance and they kept playing for a while. I'm glad I wasn't there.

I apologize for being so negative but I just had a (another) long discussion with an Orthodox ba'al tshuva who challenged me on the validity of Conservative Judaism and I found myself on the defensive for too many things to honestly refute his overall claim that the movement was being dishonest -- that we should be Reform or Orthodox and stop making pretenses of being halachic. I've had this discussion many times over the years but the movement is getting harder and harder to justify in my opinion.

R. L. Smith

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Dear Chevreh,

I'm grateful to Rabbi Leff for beginning this conversation, and am thrilled that Shefa has provided a forum for thoughtful dialogue leading up to a conversation at the CJLS. On this topic it is clear that we bring much life-

experience and engagement-with-halacha to the table. Here's what I'm hoping, and what has defined (and will continue to define) the ShefaNetwork as a place of positive purposeful dreaming:

We have seen fruit already, with gatherings of Shefaniks at various Conservative Movement conventions, with a surge in subscription to the email list (currently around 450 college students, USY'ers, professors, rabbis, cantors, FJMC/WLCJ leadership, shul leaders, USCJ professionals, JTS/Ziegler/Machon Schechter rabbinical students, early childhood educators, Israeli Masorti members, potential Jews undergoing conversion in Europe, etc...). There have been over 40,000 hits on Shefanetwork.org! We have been featured in the Jewish Week and in Movemental publications. The Shefa Learning Mission to Israel two years ago is preparing for a sequel in the Winter of 2009. So much building to do - so many connections brimming to the surface!

The question of eating out in non-kosher establishments is one very much alive in the daily choices of Conservative Jews. I myself have a policy of eating out "cold-dairy", asking questions when relevant about food preparation and proximity in storage. Rabbi Leff's forthcoming teshuvah is an opportunity to effect a more widespread conversation with those who see their current eating practices as 'treif' and a capitulation to convenience. If we can, as halacha has always striven, talk about elevating mundane acts, then we aren't condoning treif practice. ***We are engaging on a campaign of mindful halachic engagement***, true to the historical commitments of Conservative Judaism.

There are some who, when they navigate tradition while eating in non-kosher establishments, take off their kippah. This is a long-standing practice tied to the halachic concept of "*marit ayin*", or a "*deceiving eye*", which means that one should never, through personal choices, lead others to believe that a questionable practice is kosher. So, for instance, when my family and I ate at the cafe of the incredible San Francisco Contemporary Jewish Museum just last month, someone saw my kippah and asked me if the food was kosher. I responded that the food was kosher in its preparation, but that no rabbi had supervised its production. In effect, I said, it was kosher because I trusted the descriptions as published and the food preparer's testimony. (the food also happened to be vegetarian, with only acceptable fish being served). *This conversation only occurred because I was wearing my kippah*. And I was not misleading someone into misguided practice - ***I was demonstrating that it's possible to keep kosher in the world.***

To the question of "who needs kosher bakeries/restaurants then?" I believe the advocacy falls primarily on synagogues - and Conservative/Masorti shuls should, as some have, "take back kashrut" from the Orthodox establishment which was handed, through recent decades of Conservative Movemental neglect, a virtual monopoly on the claim to general authenticity and kosher supervision in particular.

Why should there be kosher establishments if you can keep kosher in non-kosher ones? Because the navigation of the world through tradition Jewish eyes cannot compare to the creation/sustaining/celebration of a Jewish home. If you can be holy without being Jewish, why be Jewish? Because it's your home. And other people have special homes, but it's not the same. The rhythm of a Jewish eatery is particular - would you hear Israeli folk music or Mattisyahu or Moshav playing in the speakers at a Starbucks? Do Jewish professional/volunteer meetings suddenly contain more pride when the menu affirms their identity and commitments? Is the "schlokiest" falafel joint an opportunity to affirm a relationship with Israel because it carries both "Mitzli" and Snapple, both Ha'aretz and the New York Times?

We need Kosher establishments because they embody the affirmation of a shared Jewish authenticity, the opportunity to have Jewish community where everyone (strict and lenient) can have a common meeting place. This is why I'm hoping that, though the Conservative Movement (in a teshuvah by Rabbi Elliot Dorff) has allowed wine both *hechshered* (certified) and not, we should support kosher wineries through shul policy - because in today's day and age, you have to try to not buy kosher wine. It's easy - online in in stores. This is a matter of convenience and flavor-preference as opposed to commitment.

When kosher choices are called for because the menu includes non-kosher choices, Rabbi Leff's teshuvah is important as a "how-to." And yes, let's create (maybe as another dreamful 'Shefadik' conversation?) a "how-to-drive-to-shul-on-Shabbat" with a clear ideal of living close enough to shul to make it irrelevant. This doesn't stigmatize those who drive - it channels the necessary choice, based on legitimate factors, into a path of kedusha/holiness - **within the Halacha as already validated by the Conservative Movement**. When we call into question the Conservative Movement's decisions, we are actually denying our own legitimacy and demonstrating radical, harmful, envy for whichever form of Judaism we claim has it "right" where we don't.

Orthodoxy is based largely on the concept of "*yeridat hadorot*", that every generation since Sinai has less authority due to the forward march of time. Reform is based on Sacred Autonomy coupled with prioritizing the prophetic (moral) voice of Judaism over rabbinic halachic norms. We are called, I believe, as Conservative/Masorti Jews, to bring Sinai and Torah with us everywhere we go. We stand on the shoulders of giants **and are called to be giants of yiddishkeit ourselves**, mitzvah heroes (including the Social Justice innovators of Danny Siegel's former Ziv-network) who care about Torah with open eyes and actual decisions. We challenge the inherited halacha and embrace the tension of holding onto ideals without rejecting new authentic possibilities. We retranslate the triumphalist Aleinu's "literal" meaning and still sing it. I'm not worried about being judged authentic by my Orthodox friends - and they aren't worried about being judged as authentic by me. We have work to do, and each community must follow its own authentic path, guided by genuine established commitments (Halacha & Social Justice being the Conservative Movement's, I believe).

I believe we are called to be a Kosher Movement, and that this conversation is about increasing the Kashrut in many people's lives. May the conversations we are so blessed to share on the ShefaNetwork become contagious - throughout our Movement and beyond.

Kol Tuv,  
Rabbi Menachem Creditor  
Berkeley, CA

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## ***A Response from Rabbi Leff***

I clearly state in the teshuvah that it is not to be applied at home (or by extension, in Jewish communal settings), one reason being in order not to exclude those who hold with a more stringent position. I also maintain that even if two sets of dishes are not strictly necessary to avoid violating the essence of kashrut -- with the relatively non-absorbent materials we use nowadays and high temperature dishwashers, I don't think anyone would claim you get tastes of meat from eating on a plate that had been used to serve meat -- two sets of dishes should still be maintained at home because it has symbolic value.

Personally I am troubled by the idea of saying "I'm not there yet" therefore it's OK to violate halachah. If you believe mitzvah means commandment, you shouldn't break a commandment. I would no more violate a commandment than a Chabad rabbi would -- we just have different understandings of what we are commanded to do. Which makes defining just what we are commanded to do, and what is optional a question of critical importance. If I didn't believe the answer in my teshuvah was correct, I would not eat dairy meals out.

I would not say that making observance easier has led to a further decline in observance. Those two things both happened, I don't know that I would make a cause and effect relationship in either direction. Most heroin addicts at vanilla ice cream when they were children, it does not mean eating vanilla ice cream leads to heroin addiction. One of the things that attracts me to Conservative Judaism is our willingness to interpret halachah in light of the world we live in.

Zack presents an interesting idea; unfortunately, it might be a stretch to say the teshuvah is simply limud zchut. As a matter of halachah, there is no doubt that the fences are there in halachah. What I would argue is that what Solomon Schechter calls "Catholic Israel," which for my purposes I'm addressing as "observant Conservative Jews" are the ones who have removed the fence, some time ago.

Many people who observe the Sabbath and keep kosher homes eat dairy meals out. All my teshuvah is doing is documenting the fact that the people removed the fence. If the people had not in fact already taken the fence down, there would not be a strong argument in favor of taking it down proactively.

Rabbi Barry

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*Dear Chevre, I sent this personally to Rabbi Leff but as I read all of the very educated and articulate responses, I thought I would share the response of an untrained, uneducated, halachically ignorant lay person who cares passionately about living a passionate, sacred, holy Conservative Jewish life. -Fran*

Dear Rabbi Leff,

THANK YOU, THANK YOU, THANK YOU! I know that when I eat "hot dairy out" I am not within the accepted strict halachic norms of kashrut YET I know that I am engaged in an internal process that puts consciousness of the act of eating at the center of the act of eating and that, in my uneducated lay person's opinion is what the laws of kashrut are intended to be.

As I understand kashrut, there is no rationale that we mortals can truly understand - all we mere mortals did, through our sages, is figure out the rules and more rules and yet more rules that perhaps once made sense to some authority figures to help us achieve that consciousness. But with modernity and post-modernity and the realities of our demographics and the monopoly on hashkafa and all of that, those rules have so gotten in the way of living a "normal" life that allows us to enjoy the benefits of living where we live and how we live that is consistent with the strict laws of kashrut. So again, I say THANK YOU, THANK YOU, THANK YOU!

Of course, in my ideal world, every Jewish community would have an Emek Refaim nearby.....

With appreciation and respect,  
Fran Immerman

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Reading the various posts, I think there are two specific questions and one larger question that I think must be answered before a T'shuva is written.

*1. Who needs guidance about eating out?*

1. The people who need guidance may not know all the details, but they know there are halachic issues in eating out. They have decided to do it anyway; what they want now is a principled way to work within a problematic situation. I respect that; I think there are many areas where a protocol or a hierarchy of decision making would be helpful. In this case, a sort of "Restaurant Survival Guide" would fit the bill.

*2. Is a T'shuva the best way to help these people?*

2. Does this rise to the level of a T'shuva? No. Writing a T'shuva unnecessarily concretizes and grants immortality (in legal literature) to what is basically a "survivor's guide." I recommend leaving this on the level of "advice" or "thoughts on...". I'm not as worried about what the Orthodox world would say. I'm more concerned that a T'shuva would have the effect of lowering the bar and then standing on it with both feet.

3. *Who is Catholic Israel now?*

3. The bigger issue: I believe that Schechter's concept of "Catholic Israel" does not apply to the vast majority of Jews who are involved in Conservative congregations. We are all Jews by Choice these days. There is no external compulsion to observe anything, so we choose to do what we want based on a variety of goals and principles. What has been lost is a sense of being "metzuveh" (Commanded) as well as a commitment to the common, halachic practices of the community. Who is Catholic Israel today?

We need to know the target audience better, or perhaps reshape the current audience, or even choose a different target audience, before we publish yet another pronouncement that will confuse more than clarify.

While the Conservative Movement is a wide, open tent one should be careful about opening too many doors.

Rabbi Jim Rogozen, Headmaster  
Gross Schechter Day School  
Cleveland, OH

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Jim asks about Rabbi Leff's definition of "Catholic Israel". If you read Rabbi Leff's teshuvah he defines Catholic Israel as the observant laity, not all the affiliated people. Here is an excerpt:

Solomon Schechter presented the idea of "Catholic Israel," his translation for c'lal Yisrael, as the living body which is the center of authority. Schechter said that "This living body, however is not represented by any section of the nation, or any corporate priesthood, or Rabbihood, but by the collective conscience of Catholic Israel as embodied in the Universal Synagogue." [13] This teshuvah follows the reinterpretation of Robert Gordis, as quoted by Dorff—that we consider "only the practices of Jews who try to observe Jewish law in making our decisions." [14]

It is not only un-observant people who have taken up the custom of eating out: it is a very substantial percentage of our most committed and dedicated people, including many rabbis. The danger that accepting the leniencies in this responsa will lead people to becoming more lax in observing other mitzvot seems small compared with the benefit that will accrue from our committed people seeing that halachah can adapt to the changing times and practices.

Kol Tuv  
Larry Lennhoff

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Teshuvot are complicated. They are not written primarily to shape Jewish public life. The job of the Committee on Jewish Law and Standards is not to mold us into a monolithic observant community in the mold of the Orthodox. (Thank God that the Conservative movement is not monolithic.)

Nor are they written only to tell us what is permitted or forbidden. They try to illuminate a small corner of our world and let us know what is halachically possible. They are halachah's version of scientific or artistic experimentation. If you modify a variable, what would happen? Or: what is possible now that Jews have changed their behavior in a certain way?

It is an oversimplification to see lenient teshuvot as uncommitted. By the same token, strict teshuvot do not produce a more committed Conservative Jewish community.

Zack Berger  
New York

## ***From a New Member of the CJLS***

This is a fabulous thread. A few thoughts:

Next Wednesday will be my first meeting as a member of the CJLS, and as I began to wade through the papers for and against, I've struggled with the "relevancy" question. Does this teshuvah matter? Do any CJLS teshuvot matter? But it occurs to me that we may be thinking about this wrong. Traditional Teshuvot were typically written in response to the needs of a particular questioner, in a particular place in time. Pages of argumentation may only have been written for a single individual. The fact that later readers and authors draw from there was a bonus. There is a population (perhaps the majority of them are on this list) who care about the CJLS, and that might be enough. I would note that the answer to the question might not be the same for someone living in "The Five Towns" or Teaneck, as it might be for someone living in Mobile, AL.

My experience growing up as the son (and grandson) of JTS-ordained rabbis was that the "eating non-fleishigs out in non-hekshered restaurants" was part of "Masoret Avoteinu B'yadeinu."(ancestral traditions in our hands)- my grandfather was a friend of Rabbi Max Arzt, who wrote the broiled fish teshuvah that started all this. And at the time was very common among those who considered themselves observant, and not just in the Conservative world, by the way. I would hypothesize that it is still the case, for example, that of the Jews who walk to Conservative synagogues, and presumably keep kosher as well, the majority "eat out."

I had been thinking about this in the context of the "driving teshuva" which is often portrayed as the granddaddy of all teshuvot that went awry. Now I wonder if maybe this case isn't more like "Niddah D'oraita"- going to the mikvah after seven days, rather than 12. It's something that many of the Conservative Jews who observed the Mitzvah were doing, in some cases on the informal advice of their rabbis who were doing the same, but nobody was willing to speak up publicly.

Rabbi Josh Heller  
Atlanta, GA

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I like Josh's analysis (best to the family Rabbi Heller!) particularly because his comment at the end reminds us that usually our movement has been characterized by its willingness to be open, bold and unapologetic about dealing with changing social conditions within halacha. Sometimes this does not work out so well, or that is my view of the driving teshuva anyway. But it seems to remain a distinct characteristic of our movement, which should be considered in the broader context of the history of halachic decision making, as Josh did in the first paragraph. One thing worth noting is that the early CJLS teshuvot were directed at rabbis who then might guide congregants accordingly; they were not available to congregants. The fact that they are widely available now should change the way we think about these teshuvot.

I also think it is worth considering the extent to which not eating out would become a strain under current social conditions. In Arzt's teshuva, the context, if I recall, was someone who needed to travel for business. Today, we might want to consider two other factors: 1) interactions with non-Jews and non-observant Jews and 2) eating out as replacing the family meal coupled with the entrance of women into the workforce on a large scale. Much as one might lament the decline of the family home-cooked meal and the increased amount of time that BOTH men and women work, these are very salient realities when we consider why people eat out. None of these make eating out an absolute necessity; but they are part of the fabric of American life at all economic levels.

I have to say personally, as someone who grew up in a family that did not keep kosher, this ancestral tradition of CJ made the transition to observant life much easier than if I had to tell my parents that I could not eat from the dishes and join them at their (and my) favorite restaurants. A good deal of sh'lom bayit was served this way. I still

have strong halachic doubts about my actions, and I have learned to be careful about it, but I think these things need to be taken into consideration in the way we guide congregants.

Rabbi Bill Plevan

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*Rabbi Joshua Heller <jzheller@...> wrote: Now I wonder if maybe this case isn't more like "Niddah D'oraita"- going to the mikvah after seven days, rather than 12. It's something that many of the Conservative Jews who observed the Mitzvah were doing, in some cases on the informal advice of their rabbis who were doing the same, but nobody was willing to speak up publicly.*

...until Rabbi Susan Grossman's teshuvah?

I may have more to say on this later, but just wanted to mention how pleased I was when I heard that the CJLS had passed this teshuvah -- along with two others, which might not be in tune with my approaches to the matter but which I was certainly not sorry to see representing a range of halachic opinion within the Conservative movement.

The standing-on-one-foot upshot? Until her teshuvah, I was quite hostile about the state of Conservative halacha on niddah and mikvah, and didn't want anything to do with it. Since her teshuvah, I've been a regular mikvah-goer: presented with a halachic option that seemed reasonable, I was happy to venture into increasing my observance in this way -- *na'aseh v'nishmah* -- as I had done with so many other aspects of traditional Jewish life (Shabbat, chagim, kashrut) in the past dozen years. But without this kind of public halachic change -- not just "informal advice of ... rabbis who were doing the same" (which didn't reach me, and can't necessarily be relied on to reach those who might benefit from or be sympathetic to it) -- that individual change would never have happened.

B'shalom,  
Rebecca Boggs

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Chevre,

I've hesitated to weigh in on this topic, mostly because I feel so conflicted about it.

A couple of years ago, when I applied to rabbinical school, the rumor mill had it that the CJLS was about to come out with a teshuva that would have "banned" the practice of eating "hot dairy out" in a non-kosher restaurant. My point of view on that, then and now, was that the CJLS should stay away from the issue. Perhaps oddly, I find myself thinking the same about Rabbi Leff's proposal.

Certainly, it is unrealistic to expect that those living where there are no kosher options to prepare every meal at home, or to expect that people will restrict themselves to a most romantic plain garden salad, dressing on the side. (Although definitely, a vegetarian restaurant has got to be the best way to go.)

All the same, I wish we could be having a different conversation. I wish the conversation could be about how we could pull together in our various communities to support some kind of kosher option - even if it's a simple pizza place. In what ways do we need to grow to build and support an infrastructure of Jewish life? Does being Conservative mean that such things are to be left up to the Orthodox? Does the advantage of living as part of the larger (gentile) society overshadow, to the vanishing point, the importance of things like kashrut and Shabbat to Jewish identity (which most of us are extremely worried about transmitting)? Orthodoxy is smaller than the Conservative movement, but can manage to support institutions of Jewish living because Orthodox Jews, on the whole, choose put a high priority on it. We can choose priorities also. I wish we could have more of a

discussion among a wider range of us about our priorities. And yes, with more joy!

Kol tuv,  
Anne Pettit  
JTS Rabbinical Student

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## ***A Response from Rabbi Leff***

One of the things that often gets left out of discussions of halachah is “what’s the point?” The issue I have with the legal formalistic approach to halachah – which views halachah as a system completely divorced from God – is that for me the main reason I follow halachah is because it is my path for devekut, for cleaving to God. Is the teshuvah compatible with what God wants from us? Does it somehow further our relationship with God?

When I was a congregational rabbi, I often had congregants say to me, “rabbi, what’s the Torah say? I don’t care what a bunch of rabbis came up with.” I have some really great sermons about how we are rabbinic Jews, not just “Torah” Jews – after all, why else would we say the brachah “who has commanded us to light Chanukah candles” – but I don’t believe that piling chumrah on top of chumrah furthers my relationship with God. “Es shvar tzu zein a yid,” it’s tough enough to be a Jew, we don’t have to make it tougher!

But those are not arguments I advance in my teshuvah, because, sadly, in line with the Talmudic story of the tanur of Achnai, we don’t listen to God anymore. Maybe God wasn’t smiling. Maybe he was grimacing.

If you have no idea what I’m talking about with this tanur business, you can read the story at <http://tinyurl.com/5l6tan> . Scroll about half way down. It’s actually in a sermon I gave that related to the gays/lesbians teshuvah.

Shabbat shalom,  
Rabbi Barry

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Hevraya

I don't know whether "eating out" needs to be in the form of a tshuva or not, but I have an interesting take on the question. I am a pulpit rabbi, currently living right near Teaneck, NJ, where there are quite a few kosher restaurants.

But my wife likes different cuisines (she learned to like them in the days before she married me and promised to keep kosher) and wants us to eat various foods even in non-hashgacha restaurants.

Since we met in a place with only two kosher restaurants and lived for 5 years in a city with no kosher restaurants, we learned to pick and choose our foods and ask questions before choosing foods.

I will tell you, that is quite a different life than throwing up our hands and saying "no restaurants under kosher supervision, so we don't have to eat kosher!" That was the position of many of my former congregants, and I used the bulletin, sermons and classes to teach people that kashrut is an obligation, and they CAN keep kosher - they just have to learn how to approach the topic with determination and intelligence.

I stand by those lessons I taught. And I continue to stand by the position that "kosher" is not narrowly defined by "what is under rabbinic supervision", but rather that rabbinic supervision helps us to keep kosher.

Hashgacha does not ESTABLISH the status of something as kosher, but rather AFFIRMS it for those who trust the certifying rabbi and his/her mashgichim.

Although I tend to interpret halachot strictly when I do hashgacha so that everybody should feel welcome and safe to eat the food I supervise, that does not mean that other foods are NOT kosher.

For instance, I had a congregant's daughter who babysat the local ChaBaD rabbi's kids. Once, when we had a shul barbecue, she told me the potato chips were not kosher. Really? I asked. Yes, she said. They have a Triangle K, which means that it's NOT KOSHER.

Actually, I explained to her, that symbol means the food IS kosher. Maybe your Chabad guy doesn't accept the trustworthiness or intelligence of the certifying Jews, but they definitely mean that this product is kosher.

Most recently, as my family eats in non-certified restaurants, people we don't know have been approaching me and telling me that the restaurant we're sitting in is not kosher, so people might be misled into thinking that the restaurant IS certified.

I don't know who taught them Torah, but why are they all Hosheid bi-k'sheirim (why are they suspicious of someone who's doing the right thing)? That is a Jewish value as much as mar'it ayin (NOBODY in the frum community would eat in any restaurant under my say-so, so why do they object to my wearing a kippa?) Life is tough. I try to do my little bit to teach real Judaism to people.

R' David Bockman  
formerly of Kansas City

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Chevre,

While I've enjoyed following the conversation here, I have to wonder whose lives would actually be changed by this teshuva. Seems to me that those who don't eat out in non-certified restaurants will think it's ridiculous to water-down halacha and those who are already eating out anyway are already eating out. Call me naive, but I don't think it's because they've studied the halacha and decided against it.

Most of em probably don't care. Is there a small minority of CJ whose lives will be transformed by this ruling? I'd be shocked.

Then again, this will give all the hard-working Rabbis and educators of America good sermon-fodder, so maybe that'll be a good thing. And clearly it has gotten this list up and running again, so it's clearly a good thing to talk about. I'm not convinced it's teshuva worthy, but that's just my two shekels.

For me, however, the question is not whether or not we need a teshuva to legitimize eating out. Eating out is already happening - we don't need a teshuva for that and I am more than happy to let CJers decide on their own, truth be told.

For me the real question is given that Jews all over are eating out, how do we turn their eating out into a holy meal? I would much rather see Rabbis and teachers coming up with kavannot to be said before and after eating, and educating our people about the blessings before and after eating. Food and sharing meals are vitally important to Jewish life, and if we can reholylize eating, regardless of where we're eating, that would seem to go a lot further towards inspiring the yidn. How do we make eating holy again? A blanket teshuva permitting hot dairy will have zero effect on that question. Let's put sacredness back into food, and into our relationship with our

bodies, and use that as a vehicle towards encountering G!d again.

What say y'all about that?

Ilan Glazer  
JTS List College 03  
Aleph Rabbinical student

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Ilan,

The other halacha lema'aseh is that if someone is eating at such a restaurant, they can still eat a meal sanctified by the practice of kashrut, rather than just seeing themselves as outside the bounds. I think this is the reason for the notion that we don't adopt humrot people won't abide by--halacha becomes something we don't do, except in shul.

An interesting incident: I was encouraging vegetarian potlucks at my synagogue, and suggested ways of ding it without affecting the kashrut of the kitchen. People had the feeling, however, that it would somehow treyf the synagogue (even if eaten on paper), even though any of them eat such food. Kashrut has become about the building & the rabbi, rather than about the community.

My perception, by the way, of the failure of the driving teshuvah is that it is not just that relaxing standards doesn't work. It is that there never was an emphasis on what was still forbidden--i.e. on teaching those things we haven't changed. Go into an average synagogue library and look for a shulchan aruch.

If you ask an average hebrew school student about the laws of shabbat, they "know" they can't drive or use electricity; the 39 melachot have never made it into many Hebrew school curricula, and the halachic expectations of Conservative Jews are often not consistently communicated. (My synagogue president, lifelong member etc., honestly thought halacha was optional according to Conservative Judaism)

This could be a way not just of relaxing standards, but to actually talk about what is the way of life we believe in and advocate.

Rabbi David Siff

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## ***A Response from Rabbi Leff***

In my discussions with the law committee – and in future possible revisions of the eating out teshuvah – I may choose to quote some of the emails that have been shared on this subject on Shefa.

I believe this should be OK since Shefa is an open email list – anyone with access to the internet can click on the shefanetwork web site and read any of the emails we have traded. That being said, even though they are publicly available, if you would NOT want me quoting something from an email you posted to the list, please let me know. And of course I would not quote something from an email sent to me privately without the permission of the author.

Actually, at the CJLS meeting next week they will be considering two teshuvot: mine, and one that is stricter. I'm inclined to think that either both should pass, or neither should pass.

If mine passes, those who are more stringent in their views on this issue also need some guidance on what is and what isn't permissible, and I believe the other teshuvah would provide that. It would allow Jews of all sorts of eating habits to find their comfort zone, which should be a strength of a pluralistic movement.

On the other hand, if mine is defeated, I would hope the other one would be defeated as well, because to pass a teshuvah that is more stringent than current common practice – which would label the vast majority of observant Conservative Jews intentional sinners – would be a mistake.

There are times when it is better to remain silent, and let me people continue in their mistaken behavior as unintentional sinners, rather than confront them.

Clearly, I personally don't believe this is one of those situations: what we eat is too important and too "front and center" in people's identification with halachah.

Rabbi Barry

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Rabbi Leff and Chevre,

I would like to share with you something that a friend of mine, a first-year cantorial student, brought up in a discussion last night with a number of Conservative Yeshiva students: We (in this case, early- and mid-20-somethings) are the first generation in the history of American Jewry who are, on the whole, more observant than our parents.

In the midst of these discussions, not knowing the age demographics of all of the participants here, I always wonder how many people here consider those of us who are not looking for ways to make observance easier, but who are rather looking for authentic authoritative halachic answers, and finding ourselves more and more suspicious of what the leaders of our movement (mostly folks of a generation or two prior to ours) tell us is permissible. More and more of us, I believe, are turned off by our rabbis who, when we go to them for answers, try to accommodate us rather than guiding us.

I personally believe that it is a mistake to view the bringing of halacha in line with common practice as generally a good idea. General practice is more often than not informed by ignorance and I don't see value in legitimizing mistaken practice based on ignorance. I understand the position that many of the stringencies of kashrut are fences that not all see as necessary, and that their removal does not necessarily in and of itself constitute the violation of a negative mitzvah, but I don't think that the institutionalization of the fences' removal is a good idea. Most Conservative Jews I know seem to think that The Conservative Movement permits driving on Shabbat. This is what I grew up believing. They don't know that the ruling specified only driving to and from shul and only if they couldn't get to \*A SHUL\* otherwise. And while I am not, chas v'chalila, suggesting that Rabbi Leff's proposed teshuva, as I understand it, is along similar lines halachically to the driving teshuva (I agree that it is closer to nidda d'oraita) I fear that the result might be the same: that it will validate ignorant conclusions on the part of the less observant and alienate the more observant. The former point is not my primary concern in and of itself, but rather an exacerbating factor of the second. We young frum Conservative Jews fighting for recognition and legitimacy of our position in the world both within our movement and among our Modern Orthodox peers with whom we often feel we have more in common, wish not to be associated with the (we hope) mistaken notions of the mass of Conservative laity as regards the Conservative approach to halacha. What will come of this is that it will be said among the laity that it is fine to eat hot dairy out.

Inquiry into ingredients and especially preparation will go out the window. Those of us who observe strictly will feel more and more pressure either to cave to leniency or to leave the movement. I have heard that there are even congregations who, as part of the interview process, take their prospective rabbis out for a hot dairy/fish meal in a

treif restaurant, and will not hire them if they do not eat.

The fact that Conservative rabbis and chazanim are not observant today is a problem that needs to be addressed in the schools (from what I've seen the cantorial program is horrendous in this regard), not evidence to be cited that we can be lax in our observance as laypeople of the movement. Given the apparent bent of the new generation of folks entering rabbinical school, and especially with the advent of The Conservative Yeshiva and the influx of students from this institution into the rabbinate, this trend might be on its way to being reversed. I think that as a movement we should be helping this process along rather than assuming the continuation of the trend of the previous generations.

Thank you Rabbi Leff for inviting this discussion!

Shabbat Shalom  
Gella Solomon

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I am a bit disappointed and very conflicted about this discussion about eating non-kosher out. I've been disappointed, because there hasn't been a discussion of some of the key issues I raised such as bishul akum, insects, and – most importantly – the fact that many foods in non-certified and non-vegetarian restaurants may contain trayf foods and we may eat them unknowingly (meat stock in soups are just one common problem) even after 20 questions to waitstaff. I trust that the rabbis who responded to this list know what questions to ask, but I don't see it as realistic to insist that even the educated laity ask 20 questions to waitstaff, who, it must be pointed out, don't always give or know the correct answer. Look at vegetarian boards or cases in which Hindu groups, for example, have sued because their French fries and other seemingly vegetarian food contained meat. And that's without the added details and complexities of kashrut.

In addition, despite all the claims that we must operate in the real world, the fact that in the Modern Orthodox world, people manage to work, engage in serious business, and yet maintain kashrut means that it is possible. I don't look to them for legitimacy but rather as proof that Conservative Jews can do the same. In doing so, most importantly, it will lead to more kosher restaurants and restaurants of a higher quality (there is nothing inherent in a kosher restaurant that it should (necessarily) play "Israeli folk music or Mattisyahu or Moshav" or be shlocky.) Israel and also New York show that there is the potential for high quality, gourmet kosher dining. If Conservative Jews demanded it, you would also see it throughout America! Rabbi Bockman's statement that "Hashgacha does not ESTABLISH the status of something as kosher, but rather AFFIRMS it for those who trust the certifying rabbi and his/her mashgichim" is absolutely something I agree with. But can I trust the waiter that there is no meat stock in my soup? Can I trust that when I order my French fries that it wasn't cooked in lard or contain meat (as McDonalds fries, for example, do or have in the past)? Can I trust that when I order my fries, it won't come with a side of shrimp (as happened to a friend of mine in JTS's rabbinical school. When that happened, she immediately stopped eating out in non-certified restaurants because she needed that affirmation that hashgacha provides)? Unfortunately, and I have seen this in my own personal life and search vegetarian discussion groups for proof, the waiter may not know or give the correct information. The menu may not be accurate. While hashgacha does not ESTABLISH kashrut, that AFFIRMATION (which is based also on trust and differing interpretations of law, which is why it may be legitimate to accept certain hechshers and reject others) is often necessary unless you are prepared to personally watch your food being made from start to finish in a restaurant kitchen and can attest to the dishes, utensils, and everything your food comes into contact with. What about utensils and dishes that can't be kashered? Perhaps there may be some exceptions and perhaps a standard of cold dairy and vegetarian restaurants are permissible, but how many even hold to that? If so, I hope Rabbi Leff's teshuva can lay out these guidelines but it must also be realistic of the food production process and the fact that your waiter may not – and does not, as has been proven -- give you the correct answer in 100% of cases.

I am also extremely disappointed (and hope for some insight) that Rabbi Paul Plotkin's proposed teshuva (which I hope to hear more about) is not being discussed. According to an article in the NY Jewish Week (2/9/07) last year,

he will be writing a teshuva that insists that eating out (I presume in meat restaurants -- I do think that a distinction must be made between vegetarian restaurants and eating hot dairy in restaurants that serve meat must be made) in non-kosher meat restaurants is not kosher. Rabbi Plotkin is quoted on saying "there is a misconception in the Conservative movement that Conservative Jews are permitted to eat hot food in non-kosher restaurants." I hope that he, or someone familiar with his position, has his view both expressed and respected as a legitimate position in Conservative Judaism and for Conservative Jews.

On that note, too, I must express great confusion with Rabbi Creditor writing that "When we call into question the Conservative Movement's decisions, we are actually denying our own legitimacy." If I don't hold by Rabbi Leff but hold by Rabbi Plotkin, how does that call into question the Conservative Movement's legitimacy? Is Rabbi Plotkin less of a Conservative rabbi or posek? I don't think that is what Rabbi Creditor intended. The Conservative movement has been known throughout the decades for passing conflicting opinions. If I accept Rabbi Radin's teshuva on wine (as the great posek Rabbi Isaac Klein did) and not Rabbi Silverman's or Rabbi Dorff's (although I should add that, on this, I am conflicted, and look forward to the day that a new teshuva is written on wine that reflects new knowledge and changed circumstances, including the growth in non-certified wine made in Israel), am I less of a Conservative Jew?

What happened to the pluralism that was inherent in the Conservative movement's past?

By the way, this must be understood as a disagreement over philosophy – not practice. I, too, eat out in vegan restaurants in America and accept the principle of cold dairy in restaurants that don't have a hechsher. Personally, I am uncomfortable wearing a kippah in these moments because there are real issues of *marit ayin* that actually exist in the pews. I have seen people try to serve vegetarian unhechshered food to those who do not hold by this permissibility (and with valid halachic sources no less than those like myself or Rabbi Creditor or many of us) and who do not hold that it is permissible and do hold by those fences that Rabbi Leff is trying to tear down. I am strongly uncomfortable with the fact that *marit ayin* is not being taken seriously by some.

I should add that, after reading some of Rabbi Leff's 2004 teshuva, I think he does a good job at discussing some of the important issues. By recognizing that realities of how pizza is made, and not just looking for a blanket heter – but ignoring the realities of how food is made – that is commendable and part of why I am proud to be an adherent of Conservative Judaism. I just hope that other issues are dealt with with a true eye for fact and a reality of food preparations. I do look forward to seeing both his teshuva and Rabbi Plotkin's opposing view.

However, I am uncomfortable with Rabbi Leff's stated philosophy. We are rabbinic Jews. The Oven of Aknai IS the parable that explains how we make halachic decisions. *Lo BaShamayim Hee* IS a part of Conservative Judaism! Have we forgotten *Bava Metzia 59b*? [ed. Note: Google *Achnai's Oven* for more info on this.]

We must also be aware of how CJLS rules have been understood and, yes, misinterpreted. Fences have a role in ensuring that the halacha doesn't get misunderstood. We've seen that time and time again in the Conservative movement that when the CJLS rules that "X is permitted but not Y" the fact that Y is not permitted gets ignored and it is misread as "both X and Y are permitted." Sometimes, because of this history, we should not permit X because it WILL be interpreted as legitimating Y. Other times we must do a better job in teaching that halacha is required and it is not merely a set of disparate rituals but is binding, both when it strengthens us and leads us to God and spirituality and also when it makes our life more difficult or is uncomfortable.

The Talmud states that it is neither appropriate to always rule stringently or to always rule leniently. There are appropriate times to rule stringently, other times to rule leniently. I fear that the Conservative movement has forgotten that we are a Centrist movement. This is not what the Talmud instructs us to do! This is not what *avoteinu* (and hopefully *imotenu*, also) in the Conservative movement and in the authentic chain of rabbinic Judaism (which, I hope, CJ is a part of) have done.

In closing, I want to add that I affirm Anne Pettit's last comment that "I wish the conversation could be about how we could pull together in our various communities to support some kind of kosher option." I believe that – even if it is permissible, and in some cases, I think it is – if Conservative Jews insisted on hashgachot and insisted on eating out only in vegan and certified restaurants, there could be a renewal and renaissance of kosher restaurants, including some incredibly high quality ones.

Shabbat Shalom with lots of yummy and high quality kosher food and wine.

-Avi Hein

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Friends,

I am very sympathetic to the concerns Avi and Gella raise about the implications of this teshuva for our movement, although in a much more conflicted way. I am personally pretty lax about how I eat hot dairy out, without many qualms. But I am not sure I would want my practice written into law. Part of my concern here, and I direct this to Barry and to the members of the law committee who are listening, is that I think the movement and the Jewish public at large (through the press, which is not the best venue for teaching halacha) will only hear the conclusions, and not the restrictive details, which are critical in this case. In this vein, let me make a constructive suggestion to Barry and CJLS which is to change the format of the paper from a conclusive teshuva to an instructive letter. Such a letter would recognize that eating hot dairy out is a common practice that has questionable halachic legitimacy but that is not likely to subside among many otherwise highly observant Jews. Then you could enter into a discussion of warnings about particular issues surrounding eat out. This way you could actually RAISE THE BAR for those folks among the more observant, even rabbis, who do eat HD out, without pronouncing a heter for others. I think this kind of approach would strike the right balance: it would not seek to absolutely forbid what is widely practiced, but it would seek to warn people about the greatest halachic pitfalls of eating out. I don't know how this would work in terms of CJLS process, but I think it is worth exploring.

Likewise, I think Ilan, Anne and David Siff all make beautiful points about all the things we could be teaching to increase kashrut observance in particular and holiness in eating in general. Thanks for the discussion to you all.

Rabbi Bill Plevan

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As an outsider (my official denomination is "poor excuse for Orthodox") I have hesitated to comment. But something that Avi Hein said got me: "In the Modern Orthodox world, people manage to work, engage in serious business, and yet maintain kashrut."

Perhaps. But many, many, many people who identify as Orthodox eat "hot vegetarian" and lie about it. They lie, plain and simple. Many more people eat salads, tuna, things that have just as many problems al pi halacha [according to the halacha] (sheratzim[bugs found in food] get a mention in the Bible, as I recall).

Teshuva or no teshuva, it would be wonderful to live in a community where those who "aren't on that level" wouldn't feel pressured to lie.

Kol tuv, shabbat shalom,  
Rachel

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Dear Avi, Gella, and Chevre

These recent posts by Gella and Avi have, I believe, hit some very important points. In many ways, there may be a generational element. It is also an example of how language can obscure the essence of the debate. For example,

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Avi writes: "I am a bit disappointed and very conflicted about this discussion about eating non-kosher out." Of course the teshuvah has nothing whatever to do with eating non-kosher out, rather it posits (I assume, not having read it) that cooked dairy or vegetarian food in unsupervised restaurants is permitted, i.e. kosher. You may disagree with the arguments raised or even with the wisdom of writing the teshuvah, but it is not about eating non-kosher food. I am reminded of the time a friend who was coming to dinner called to ask if I drank non-kosher wine. I responded that I do not, and added that I do not consider wine without a hechsher non-kosher. I believe observing kashrut is about having a Jewish religious consciousness about eating. A raw food vegan would surely not be violating any prohibitions even according to the strictest understanding of kashrut. But if there is no Jewish consciousness to the decision to adopt this diet, it is hard for me to equate this with kashrut observance. Rather than speaking about humrot and kulot, I think in general we focus too much on the negatives (i.e. prohibitions) and not enough on the positives. If kashrut observance is only about what I may not eat or where I may not eat it, what's the point. Not that those are unimportant, but they are not enough IMHO. Another question that I have not seen addressed is that if eating cooked dairy food in a non-supervised setting were really to become the standard, it would apply not only to restaurants, but to a large number of my friends. It would mean that I (and I suspect others) would not be able to have a Shabbat or even a weekday meal at the home of friends, or perhaps children or parents, who did not keep a kosher home but were willing to accommodate us by preparing pareve or dairy food. That would be very sad indeed. I agree with Bill and others that it might have been better if the issues addressed by Rabbi Leff's teshuvah had been left quiescent, but the bringing of a teshuvah taking the opposite position by Rabbi Plotkin, makes it necessary to have this as an official position as well.

As to Gella's point, there are of course many reasons for the observations about kashrut observance or lack thereof among Conservative Jews. However, for those of us who care about halacha and religious observance, many of us who came of age during the Vietnam and Watergate eras and have an inherent mistrust of traditional authority. Perhaps the pendulum swung too far in the direction of faith in personal autonomy, what Arnie Eisen refers to as the Sovereign Self, and the younger generation is expressing a need for rules, boundaries, and limits, and is not bothered by layers of fences. Let's hope that as pendulums do, this one will settle somewhere between the extremes.

Shabbat shalom,  
Rabbi Len Sharzer

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Chevre --

I, too, am eager to see the t'shuvah -- not the least reason being that, given my field of endeavor, I'm always eager to see how a halachic question is approached and addressed.

I'll confess I haven't carefully read every word of this important discussion, but it seems to me that while this forum has addressed the concept of "puk chazei" ("go see [what the people are doing]") in a general way, it has not necessarily given the reality of the landscape its due.

To wit -- a lot of Conservative (and other) Jews live in places where if you didn't eat hot dairy and vegetarian out, you never have a hot meal in a restaurant.

For example, here in Orlando there are at least 20,000 Jews and two restaurants under hashgah.ah -- one b'sari (meat) and one h.alavi (dairy). My family is vegetarian, which cuts out the b'sari one most of the time. The h.alavi one is, frankly, not very good.

The h.alavi restaurant makes pizza, but (again, frankly) not very well, nor does it have the facilities to produce in quantity. When we want to have a pizza dinner for our teens, our options are (a) don't and (b) order plain cheese or cheese and vegetable pizzas from the local Poppa John's.

I prefer not to presume to know what people will or won't do or not do, once they are given information, motivation, and a role model. As vegetarians, we are well-trained in the "What's in the soup stock?" routine, even in kosher (b'sari) restaurants. You'd be surprised how many times your server doesn't actually know that the vegetable soup is in a beef or chicken stock, or that the pareve marshmallows in the desert are made with fish oil.

Consider it an educational issue as much (if not more than) a halachic one. Kashrut, like the system of b'rachot, is meant to make us mindful of what we're doing (or specifically, in the case of Kashrut, what we're eating) and both its proximal and ultimate source.

I believe ba'alei batim in the Conservative movement (and those who are unaffiliated but searching) WANT to engage in spiritual practices which are both meaningful and authentically Jewish. Exploring the boundaries of halachah is an important part of providing them.

Bididut,

Rabbi David Kay

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## ***A Response from Rabbi Leff***

Len, you have captured my point exactly. The teshuva is NOT, chas v'shalom, about eating non-kosher food. I would never eat food that I did not consider kosher. It's about defining what's kosher.

The more I've heard of the debates, the more I'm convinced that it is imperative that this teshuvah go forward in the form of a teshuvah. It's way too important an issue for us to be silent on.

This is a teshuvah written not just for our congregants, but davka for our rabbis. If it is NOT OK to eat dairy meals out, we should stop doing it. If it is OK, we don't need to be embarrassed about it.

To refrain from making that decision because of what the newspapers will say, or what the Orthodox will think, or because of a concern that people will not follow the advice about being careful, is a cop-out. I am opposed to being ambivalent about our halacha. I may offend a lot of my colleagues with this statement, but I don't have a lot of respect for people who do it, but think it's wrong. If it's wrong, don't do it. That's exactly why the Orthodox could say they are more committed to halacha than we are. My view is that we need to be just as committed to following our halacha as Orthodox Jews are to following theirs. We can differ on how we define kosher: we should not differ in the fact that we would never eat something that we did not consider kosher.

Shavua tov,

Rabbi Barry

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Barry,

I think you have some major hurdles in creating halachic guidelines for eating out because so much of what's served in restaurants involves ingredients the consumer doesn't know about.

Waiters and counter people in restaurants are often ignorant of actual food ingredients and will often tell the customer what they want to hear. They are "nogeah b'davar" - they have an interest in making the customer happy so he or she will stay for a meal. In some places, foods come partially prepared from an outside source and the food preparers don't even know what's in them. Suppliers and their sales reps also have limited knowledge

about ingredients or changes to the products they sell (I supervise the kitchen in my school, so I know a little something about the food business).

It's one thing to "not worry" about the pots and pans and dishes, and you may decide you can live with a food that's been "chemicalized" into seeming non-existence (e.g. the rennet in cheese), but what about the places that use a meat base for pizza sauce, or additives to the dough that are problematic, or the Chinese restaurants that use chicken broth in their sauces, or the Mexican restaurants that use lard, etc.? Chefs in fancier restaurants use lots of things that you'd never even know to ask about (just watch Iron Chef!).

Though it's a safer bet, even vegetarian and health food places are not free from worry as they don't always thoroughly investigate the products they buy.

We can endlessly debate how and why certain actions are more or less infused with kedusha, and I know we're talking about a very diverse group of people, but eating out requires decision making that is based on information that is often incomplete, misleading or simply withheld from the consumer.

If I take a deep breath and pray that I'm not eating something I shouldn't, though I know it could still be "in there" - is this Kedusha?

Rabbi Jim Rogozen

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*Rabbi Barry Leff writes: If it is NOT OK to eat dairy meals out, we should stop doing it. If it is OK, we don't need to be embarrassed about it.*

There is certainly something to this argument. But allow me to move to a different question.

There is an Isur on carrying on Shabbat and on Yom Kippur. Yet, many of our shuls require one to bring a ticket to get in on the Yamim Nora'im. Now we would never say that the cost of entry to our shul on the High Holidays is to eat a ham and cheese sandwich (L'Havdil) but we do, more or less, demand that people carry a ticket (a problem on Yom Kippur and RH that falls on Shabbat). Is this not demanding that one commit a transgression to gain entry on a holy day?

I am embarrassed about this. So do we create a Tshuva to allow it? Do we put a stop to it? Do we live with the embarrassment? Or do we assume that nobody really cares and it is only an issue if one makes it into an issue?

I suspect that our pedantic approach to halacha began with the discussion over woman's ordination and grew ever more fierce regarding Gay ordination. Many (especially in the older generations of rabbis) said that we can not do these things as the Halacha is clear in its prohibition.

Where were these rabbis in the 30's, 40's, 50's through today regarding carrying the tickets?

My answer: In the past we took a Zecharia Frankel/sort of democratic approach, rather than a strictly positivist halachic approach. We were OK with what our observant traditional community did.

This may be so regarding eating out too. Just a thought.

Rabbi Andy Sacks

All this discussion has helped me formulate my "dream" (actually "fantasy"). I wish that so many "traditionalists" had not left over the issue of women's role. Then perhaps they would have provided a stabilizing force for maintaining a credible approach to halacha in which both women and men could fully participate in halachic Judaism. Now I look both to Conservative and Orthodox sources and actions to get a sense of what my version of catholic Israel defines as halachically correct. I thank Conservative Judaism for sensitizing and educating me to the need to try to live according to halacha and am thankful that it happened to me 35 years ago. I should note that as has been stated I am prepared to live in a "not yet" mode and believe we need to maintain to the extent possible consistent standards. If it's halachically okay to eat unsupervised dairy out, under whatever conditions, then it seems to me that it will be okay to eat similar unsupervised dairy in synagogues at communal events, etc etc. I don't believe in one standard inside a synagogue and another outside, even if it becomes harder to achieve outside.

As an aside there seem to read hints of a "halachic" movement binding together a new generation of both Conservative and Orthodox and folks (young adults) in separate but equal mehitza minyons where women can participate to a significant if not egalitarian extent. Perhaps these groups will form the nucleus of the future of a relatively inclusive halachic Judaism. I look forward to seeing them grow so that those who continue to feel dis-satisfied by CJ will have a home. I think declaring eating out halachically acceptable will strengthen the attraction of such movements.

R I Smith

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I am deeply troubled at the prospect of the Conservative Movement attempting to try to render people's [non-halachic] behavior somehow "kosher" - not only b'di'avad, but mi-l'chatchilah.

For so many years, the Conservative Movement has seen itself as competing with the Reform movement. For so many years in Jewish educational circles, a parallel kind of discussion has been going on - i.e. how to compete with the neighboring Reform shuls to get more kids into 'our' Hebrew school. And the answer has always been "Oh. Let's offer fewer hours, too!".

Hebrew school used to be 6 hours a week. But in how many places has this dwindled to 5 and 4 and possibly less? I want to say this: "Less is NOT more," Less learning will not produce more knowledgeable Conservative Jewish kids, teens, and adults. Less focus on basic Jewish knowledge will not produce more committed Jews. It would appear that it will lead to more Jews committed to less!!

And the bulk of the discussion I have read since R Leff's first post, has focused on "social pressure" and the like - personal 'druthers'. Like other Conservative Movement discussions and decisions, this issue has not been primarily about what God demands from us, but rather how we can satisfy our demands by bending God's requirements to meet our current social needs.

A few years back (when I was still living in the U.S.) I heard Chancellor Ismar Schorsch say that the 1950's decision to permit people (in the US) to drive on Shabbat [ahem - only to shul] was, in retrospect, a mistake. The hope at the time was that more people would come to shul and people would pray in a minyan (or social environment as it turns out). I would like to suggest that we have failed educationally (at all age levels) to communicate what halachah is and isn't. What obligation is, and isn't. People (many, though not all, obviously) don't feel themselves obligated.

In Parshat Re'eh (last week) we read 12:8 'You may not do [once you enter the land] "ish kol ha-yashar b'einav" - - each person doing what he thinks is right [that which is right in his eyes]." And then in chapter 13:1 "... carefully observe everything that I am prescribing to you. Do not add to it and do not subtract from it. [ ... lo tosef alav v'lot

tigra mimenu.]"

What ARE we doing? To what end?

Where is the consideration in the other direction (i.e. not what WE want, but what God wants from us)?

You know, in Israel, most Israelis have no idea what the difference is between Masorti Judaism and Reform Judaism. Often I encounter things like this: "Oh, at Reformit!". And then I try to explain. No. not Reform, Masortit/Conservative. "Well what's the difference?" they ask. And so I explain that Conservative Judasim is halachic ----- with an interpretation of halachah in light of modern times; Reform Judaism isn't halachic - even has rejected halachah.

But every time the Conservative movement hacks away at the halachic underpinnings of Judaism, I again feel myself caught in a lie. In the end, the movement will have eroded - one by one - any distinctions that may exist between us and Reform Judaism. And for what? To be popular? To get more members? What kind of members? What do we stand for? Why aren't we distinguishing ourselves?

Rabbi Dr. Ilana Rosansky

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Gella:

Thank you for a very thoughtful addition to this discussion string. It's not very different from the perspective that i had when i first posted a response to Rabbi Leff's proposed Teshuvah.

Two concepts have become more clear to me as the discussion string has lengthened.

1. Kashrut does not compel us to dine only at establishments with Hashgiach. We general choose to do so, because we have a certain level of trust in Mashgiach who provides supervision. That trust saves us from the litany of questions that we would otherwise need to ask about how the food was prepared, etc.
2. As Rabbi Leff has pointed out, eating cooked dairy and fish that is not otherwise tainted with treiff is Halachically permissible. The real issue is the extent to which we can trust the restaurateur to be knowledgeable and honest in responding questions that we may pose, in order to ascertain whether we are likely to order treiff by ordering cooked dairy or fish at that proprietor's establishment. It may be possible to violate Kashrut at a vegan restaurant, but just how one might do that, I'm, not certain. Similarly, it's difficult to violate Kashrut at an ovo-lacto vegetarian restaurant, as long as you subscribe to the Teshuvah on un-Hekshered cheese.

Over the course of the past week, I've come to understand that unlike the driving Teshuvah, which permitted something which represented a clear variance from previous practice, Rabbi Leff's Teshuvah proposes to clarify that which is already understood by many of our rabbis, but hasn't been articulated in an accepted Teshuvah: our focus must be on Kashrut, not the Hashgiach. However, as he has recently posted, Rabbi Leff recognizes the need for a balancing Teshuvah that states that it is also within the pale of CJ to choose to eat cooked dairy or fish (or poached fish in a cream sauce) at restaurants that are under Kosher supervision.

Shavuah tov,  
Fred P.

## ***A Response from Rabbi Leff***

I don't think declaring it is OK to eat dairy out will drive people to the more egalitarian Orthodox minyans. People who go to those minyans go because they like the community and they like the ruach -- the energy at Shira Chadasha in Jerusalem on Friday nights is truly impressive. If we had places with that kind of singing, harmony, energy, and community, they would be equally packed. The reason we fail to attract committed, dedicated young people is not because we are too permissive. It is because we are not sufficiently engaged, passionate, and enthusiastic. Our davening is not enthusiastic enough and our learning is not serious enough.

I am very pluralistic: I belong to two shuls, one Conservative, one Orthodox. On Friday nights I go to the Orthodox shul I belong to because I love the energy of the Friday night service, and I consider the fact that I'm NOT the last one to finish the Amidah an indication of other people's passion about prayer. I go to the Conservative shul on Shabbos morning because it's a wonderful community, filled with friends and rabbinic colleagues, and my kids' friends all go there. The halachic perspective of the institution is not that relevant to most people.

Also, I would mention the Orthodox shul has a FAR more active adult education program -- they asked me to teach a regular class, something my Conservative shul hasn't. It's a much smaller shul, they don't even have their own building, but they have daily shiurim and several weekly classes. It's not the fault of our rabbis -- they'd love to give more classes. For whatever reason we have trouble getting that same level of critical mass of learners.

Rabbi Barry

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At the December 2007 USCJ Biennial Convention, we had a plenary session during which we heard from the KOACH interns who were in attendance. They asked: How many people over the age of 25, who were wearing Kippot during the convention would still be wearing them after they left the convention venue?

They also asked how many of the post-collegiate adults present observed Kashrut (I suspect - but didn't perform a survey - that among Convention attendees, the percentages are dramatically higher than in the median congregation).

R.L.'s comment is spot on, relative to what we were hearing from our college-aged young adults. They are looking for engaging Jewish community. They aren't entranced by Bimah aria's or orations as much as they are about impassioned communal worship and demanding explorations of the Parashat Ha'Shuvah. Fundraisers to support synagogue infrastructure and gala's to "celebrate community" mean much less than regular Shabbat pot luck dinners and luncheons.

They wanted to know where they could find Conservative communities where members integrated Jewish living into their lives, rather than simply attended services, courses, etc.

That we are having an thoughtful and thought-provoking discussion about a particular Halachic issue reflects the existence of a core community that does care about living Jewishly. The beauty and challenge of this community is that it is dispersed around the world, not in a single neighborhood. One one hand, it's wonderful that we have committed CJ in Toledo and Tel Aviv; Allentown and Akko. The challenge is that except for a few small communities, there are very few congregations in which we have a critical mass of people who really care about the details of Halachah. What's a critical mass? Enough members to make integrated Jewish living the norm for that community.

I think that this is the undercurrent informing much of our discussion about eating dairy and fish at non-Kosher restaurants. Perhaps I'm just projecting my own community's issues into this conversation, but I thought I'd throw it out there anyway. I have occasionally advocated setting minimal observance standards for our congregation, taking the 70% membership loss up front and then building a spiritually engaged community of people who are already living integrated Jewish lives or who would like to. One of our greatest challenges is the compartmentalization of Judaism that even many of our frequent service attendees practice. The attend services on Friday night or Shabbat morning, perhaps even both. They may even have a Shabbat Seder at home, but the other six days a week they are primarily secular. This is what I get out of R.L.'s comment. How do we create a norm with CJ, regardless of where a congregation is within the CJ Tent, such that all congregations are peopled by members who live integrated Jewish lives. Which Teshuvot a particular congregation embraces is not the issue. It's that all congregations adapt Halachic living as the norm. The issue with the driving Teshuvah isn't in the Teshuvah as much as it is with the general disregard of what it DID NOT permit.

Bididut,  
Fred P

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## ***A Closing Reflection on this Conversation***

Rabbi Menachem Creditor

There is much in these conversations. Some of it might be generation, though I don't believe so. Is keeping kosher something defined by ingredients? Trust? We are blessed with tension felt by any living spiritual community: how to remain both religiously authentic and honestly responsive to the world in which we live.

There are those in every faith tradition who would depict responsive traditionalists as "manipulators of [Religious Law] to justify their abandonment of whatever elements of Jewish religious law frustrate some of their congregants' wishes or clash with contemporary societal mores." These were the words of Rabbi Avi Shafran, in the sequel to his now-infamous "The Conservative Lie (Moment, Feb. 2001)," in which he claimed that "while proclaiming fealty to halachah [Jewish Law], the movement's leaders have brazenly trampled the very concept."

Charles Taylor argued in his classic *The Ethics of Authenticity* (1992) that "we are only individuals in so far as we are social... [and that] being authentic, being faithful to ourselves, is being faithful to something which was produced in collaboration with a lot of other people." Taylor points out that the concept of "authenticity, of self-fulfillment... seems to render ineffective the whole tradition of common values and social commitment." Whereas Taylor carefully pointed out the perils connected to modernity's inclination towards self-realization, he was not as quick as others to dismiss it, calling for a "freeze on cultural pessimism."

Some words from the masterful new book by Rabbi Elliot Dorff, *For the Love of God and People: A Philosophy of Jewish Law* (2007) are useful here. In rejecting the theory of Legal Positivism Dorff writes:

"[Legal Positivism is] the doctrine that the law is totally encompassed by what the legislators say it is in the the law they posit. They may have had all kinds of reasons to enact a particular law - moral, social, economic, political, or simply the pressure of time - but none of that matters in interpreting and applying the law; what counts is what the law says (49). ...Roth gives less weight to [external] factors than to the stated law itself, evidenced by the very term he uses: by describing such factors [as moral, social, economic, etc...] as extralegal, he clearly asserts that for him their are, literally, outside the law (50). ...This immediately identifies the law with the received, written tradition. Other theorists of the Law [including Dorff] would disagree with him completely, pointing to the oral nature of most of the tradition from its very origins and the immense role that custom, morality, economics, politics, and even style have played in the history of Jewish law, especially as Jews spread all over the world. As a result, despite Roth's

conscientious effort to demonstrate the role of such extralegal elements in the law in the past, his theory seems to limit the scope and the methods of the law far too much to be historically accurate, and many would find his definition of Jewish law too narrow to form a wide basis for making Jewish legal decisions in our own time (52). ...Finally, with Roth's understanding of the nature of the law, there can be no serious moral or social critique of the law. Instead either the law is accepted forever as the criterion of what it means to be moral or it loses any claim to morality. ... This was clearly in evidence, for example, in [Roth's] method for justifying the ordination of women [in the Conservative Movement], by which he based his argument solely on what he could find in precedents without mentioning morality as even one of several motivating factors for the change (57). ...[The] continuing interaction between received Jewish law with both internal and external factors is the reason that Joel Roth's claim that law must be 'the dog wagging the tail of theology' cannot be right. It is rather that Jewish law, theology, morality, and political, social, technological, scientific, and economic developments in the Jewish community and in the larger communities within which Jews live are all intertwined, and each affects each other in critical ways in an ongoing basis (68)."

There are important balances to this philosophy of responsive traditionalism, including deliberately maintaining the integrity of the system while celebrating every advance. But the claim that introducing change into religious tradition is corrosive presumes a limited legal approach which, I believe, is damaging to both the relevance and the authenticity of a modern traditional Judaism.

The presumption of modern powerlessness in the face of imperfect inherited tradition is not the philosophy of Conservative Judaism. Older Jewish codes which are challenged by new questions were themselves, so many times, challenges to earlier articulations of tradition, none of which were infinite in their future vision or authority.

The authenticity of each generation's religious voice and the parameters by which they are commanded must include the wisdom gained by their own experience and an expansive and textured love for the God who has yearned along with every generation of spiritual seekers.

Rabbi Leff's invitation to the conversation of the CJLS – in advance! – is a step forward for our movement, where rabbis and members, all striving for holiness, have more in common than we were once told.