

# *The Reconstructionist*

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## FROM THE EDITOR

Jewish tradition has had a somewhat ambivalent relationship with the concept of sacred space. The Torah narrative makes the change of place a motivating factor in the call of Abraham, who is told to leave his native land for a destination yet unknown. The anxiety expressed by Jacob with regard to having to leave the land of Canaan for the descent into Egypt is reciprocated by the anxiety of Joseph that his bones and his bier be borne back to the land of Israel when the future redemption arrives.

Moses finds the commonplace turned into sacred space at the burning bush, and leads the Israelite people to the sacred space of Sinai to witness the revelation of God. While he himself does not make contact with the Land of Israel, he brings the children of the Exodus generation to its threshold.

Jerusalem has long been held to be sacred space in Jewish tradition, notwithstanding the fact that it remained outside of Israelite control until the rise of King David; within Jerusalem, the first and second Temples were considered to partake of an elevated level of sanctity, and within the Temples, the “Holy of Holies” was the apex of the sacred.

With the destruction of Jerusalem in 586 BCE and the exile of many Judeans to Babylonia, the sense of sacred space underwent a transformation. From that time forward, while the land of Israel retained its sanctity, the places where Jews regularly gathered gradually took on their own aura of the sacred. When the second Temple was destroyed in 70 CE, the synagogue began to emerge as the (interim?) sacred space of Judaism, the place where in “real time” the sacred could be encountered, and where prayers and hopes for a “future time” of restoration in the Land of Israel could be expressed.

The rise of the Zionist movement, of course, revived the earlier imagery of the Land of Israel (if not always the religious symbol of “Zion”) as sacred, but as often as not because of the historic association of the Jewish people with the Land, rather than because of the imagined encounters between God and earlier generations. Sacred space from this perspective became space that the historic experience of the Jewish people had sanctified, notwithstanding the “Theme from Exodus”—“This land is mine, God gave this land to me. . . .”

Jumping ahead to the modern period, we see the rise of the contemporary “Temple” of the 19th and 20th centuries—elaborate, impressive and expansive buildings that sought to inspire awe and reverence. The architectural emphasis of these synagogues, and the use of “Temple” in so many of their names, often declared that these structures were modern Judaism’s sacred space.

The late 20th century rebellion against such “cathedral synagogues” in favor of intimate communities of prayer and study (*havurot*, *minyanim* and their various offspring) saw the relocation of sacred space to any number of places where Jews could gather—living rooms, open fields, lakesides, and shared communal

living quarters (the *bayit*) such as Havurat Shalom in Boston.

As we move into the 21st century, debates about sacred space continue to excite as well as to agitate. The contemporary interest in the life of the spirit motivates us to think about ways to create sacred space that can facilitate encounters with the holy, and facilitate holy encounters among members of a community. The revival in many communities of long-abandoned centers of earlier Jewish activity, such as in Washington, D.C., and the establishment of new centers of Jewish life, such as on the upper west side of Manhattan, are indications that the need to create sacred space has not abated. Perhaps in what has so often been termed our “rootless cosmopolitan society,” the need to find places of stability, and to create places of holiness (in the root sense of the Hebrew, that is, “to be set apart in a positive way”) have become more imperative.

We are indebted to the writers in this issue who have contributed to the explorations of issues associated with sacred space, as well as to those who have offered their viewpoint on other topics of interest. We are also pleased to offer a number of book reviews on subjects of contemporary concern.

## Letters

Although *The Reconstructionist* does not often receive letters, we want to remind our readers that reactions and responses are welcome, and we would be pleased to see a regular “Letters” section develop in future issues. Please do take the time to share your thoughts. (Submissions by e-mail are preferred — [info@therra.org](mailto:info@therra.org))

## *The Reconstructionist Online*

We are pleased to announce that all of the issues of *The Reconstructionist* since Spring 1994 (when the current journal format was adopted) are now available online at [www.therra.org](http://www.therra.org) and soon at [www.rrc.edu](http://www.rrc.edu) as well.

## Future Issues

The Spring 2005 issue will focus on issues of ethics. The Fall 2005 issue (Volume 70, number 1) will celebrate the 70th anniversary of *The Reconstructionist*, with essays and reflections on the past, present and future of Reconstructionist Judaism.

—Richard Hirsh

# Knowing Our Place

BY LESTER BRONSTEIN

*“Makom she-libi ohev, sham raglai molikhot oti.”*

“The place that my heart holds dear, there my feet will bring me near.”

— Mishnah, Tractate *Sukkah*

**I**n August, we shlepped the kids to London. They wanted to see Westminster Abbey. Why? Because in one of their best-known episodes, the cast of the television show “Friends” had visited Westminster Abbey. The characters had posed for a photograph in front of the abbey while standing on their tour map. So we had to do the same; I guess this is what constitutes “visiting a holy site.”

We spent several enriching hours in the abbey, seeing all the dead kings that our kids had learned about in Shakespeare’s plays. I got most excited by the Poets’ section, but except for Dickens, nothing interested the kids so much as the dead kings and the armor.

Then, after a few hours of looking around, my son Avi unexpectedly announced: “This place is not my religion. Let’s go and do something else.”

## *Makom Kadosh*

*“Makom she-libi ohev, sham raglai molikhot oti.”*

“The place that my heart holds dear, there my feet will bring me near.”

The Hebrew word *makom* has as its root the letters *kuf-vav-mem*, generally meaning “to exist,” or, more precisely, “to stand upright.” By extension, to exist, or to stand up, suggests in ancient Hebrew the idea of “location” or “place,” as of a stele or stanchion. So *makom* means “place.”

The ancient rabbis, who were fascinated with the crossover between time and space, came up with the term *makom kadosh*. By this they meant “holy place,” but having to do not so much with any specific place as with any place regularly used for holy activity, *i.e.*, activity determined by time, by a schedule or by a commanded calendar. You make a place *kadosh* by doing *kadosh* things there at *kadosh* times and seasons. Time trumps place.

Yes, we know that for nearly a millennium there was a central *makom* place in Israelite religion. It was the *bet hamikdash*, the temple that was built — and then rebuilt — on the famous Jerusalem promontory. That is the *makom* that later tradition asserts Abraham sees from afar in the ominous Torah reading for Rosh Hashanah (Genesis 22). Nonetheless, the Torah refers

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not to any specific temple mount but consistently to “the place where I [the Lord] will cause my name to be called.” In other words, the closest the Torah ever gets to naming a *makom kadosh*/sacred place is when it outlines the vague, general borders of *Eretz Yisrael*, which are bigger in some descriptions and smaller in others.

Rabbi Akiva liked to say that the holiest *makom* in the world was *Eretz Yisrael*, and that the holiest *makom* in *Eretz Yisrael* was the *har habayit* (the temple mount), and that the holiest *makom* on the *har habayit* was the Temple itself, and that the holiest *makom* in the Temple was the *kodesh kodashim*, the inner sanctum, or holy of holies. But Rabbi Akiva was also known to say that the real *kodesh kodashim* was not the one on the hill. Rather, it was *Shir hashirim*, the Song of Songs, a mystical, sexy book of the Bible. So again: Time and activity are real, and space is less real.

Rabbi Abraham Joshua Heschel, the great Jewish teacher of the 20th century, makes much of his assertion that Judaism is about time and not space. His landmark work, *The Sabbath*, celebrates Shabbat as a “palace in time” or “cathedral in time.” The Jewish way, says Heschel, is to sanctify time, and not worry so much about place.

### Focus on the Eternal

As far as it goes, that is a good rhetorical technique. It shifts our focus off of the material and onto the eternal. It pushes us to worry less about acquisitions and losses, and to think more

about giving profound meaning to the fleeting moments of our lives. It teaches us not to be anxious over where we celebrate the holy days of the year or the holy events of our lives, but how we celebrate them: not in space, but in time.

This is the Hasidic tradition, too, from which Heschel is descended. In Hasidic teaching, the *Kol Nidrei* declaration is not about disavowing our vows; it is about disavowing our spatial-tangible existence (*bittul hayesh*). The canceling out of the ego is the canceling of that part of the human creature that wants things in space — that part of the human creature that strives to possess *mekomot*, places in space. *Kol nidrei sh’viti sh’viki um’vutali*: All claims to our physical selfhood are hereby done away with.

On Yom Kippur, we celebrate only our temporal selves. We are no where in space at all: We do not eat, drink, bathe, anoint or engage in sex. We are only creatures of time; we are eternal. On the GPS, the Global Positioning System, our location is “Yom Kippur,” the day that is like eternity. Temple mount? A *shtibl* in Poland? A big tent that becomes our shul for the High Holidays? The county basketball arena? What’s the difference — it is Yom Kippur. That is our *makom*; that is our “location, location, location.”

### Fire Breaks Out

I love Heschel’s idea about time and space; but as a rabbi who is stuck trying to run a sizeable congregation from a trailer, I see it a bit differently.

On September 9, 2003, an electri-

cal fire ripped through our beloved synagogue building in White Plains, New York. Seventy-five firefighters battled the blaze for the entire day. Fortunately, no one was hurt.

The live-in custodian and his family were left homeless, but the congregation quickly rented a lovely apartment for them, and members contributed a houseful of new furniture and baby things. The custodian's year-old daughter seemed unshaken. His pregnant wife delivered a healthy son three months later. Gratitude abounded.

That being said, the soul of the congregation suffered a deep wound. Our beautiful stone mansion had been the site of five decades of holy activity. Whole families had celebrated every moment of their Jewish lives in that space: the weddings, the brises, the *b'nai mitzvah*, the children's weddings, the grandchildren's brises, the funerals and the year of saying kaddish.

This was the space purchased in the 1950s by a tiny young group of idealists, enflamed by Rabbi Mordecai Kaplan's vision of a people-based, hands-on Jewish future. Kaplan himself came to the dedication, and he spoke there several times thereafter. The woman who found the mansion and pursued its acquisition had, in 1922, been the second bat mitzvah at Kaplan's Society for the Advancement of Judaism.

### **Building a Home**

Amid the roof leaks and asbestos outcroppings, the little congregation transformed the old bedrooms and par-

lors into the classrooms and prayer spaces they would need to grow the organic Kaplanian community of their dreams. They grew indeed. They outgrew. They added on. They began to use a billowing circus tent on the lawn for High Holidays. The tent grew. The congregation grew around it. More than four hundred Jewish households came to see that old stone mansion as their second home. Our children — my own children — literally grew up there, fully believing it to be an extension of their own house.

By fall of 2003, plans were well underway to add on again. Money had been pledged, and architects had already translated our new dreams into working blueprints. Exactly two years had passed since 9/11, when one of our officers had miraculously survived the severe burns he sustained in the North Tower of the World Trade Center when the first plane hit. This was an exhilarating time for the congregation, and September 9 was a gorgeous postcard of a day. Rosh Hashanah, the New Year, was less than two weeks away. We could not have been happier.

### **Solace and Solidarity**

The fire broke out as the work day began. News teams from every local radio and TV network descended on us. Helicopters swarmed overhead. Reporters from the *New York Times* came, along with those from the local papers. They all assumed (hoped?) that this was the work either of vandals, or of Al Qaeda. Scooping the other reporters was first and foremost on their minds.

What the media found was quite a different story. The cause of the fire was prosaic in the extreme, but the scene was profound, and they could not take their camera eyes off of it. Hundreds of people, clearly from every race and religion, had come to comfort the congregation. They did not stand and gawk; People were busy embracing us, consoling us, bringing us food and water, promising physical space for whatever we needed and handing us checks for the emergency fire fund we had yet to set up.

The president of the African-American ministers' group came to hug me and offer help. The Congregational pastor came, as did the Reform rabbis and the Conservative rabbis. The Young Israel rabbi, who never even allowed himself to join our Talmud study group, came, saying: "I hope no one risked his life to save the Torahs. Torahs can be replaced. Thank God no one was hurt. That's all that matters." The members of the Evangelical church next door opened their classrooms and sanctuary as an emergency Red Cross station. A week later, they would invite us to celebrate Selihot and the eve of Rosh Hashanah there. It would be the first time most of our respective members had ever talked to one another.

The fire scene was duly recorded by the eyes and ears of the modern media. What they projected across the globe that day was a picture of a latter-day *makom kadosh*, a place made "holy," not by virtue of its function or symbolism, but by the outpouring of human communal love that had expressed itself there.

## Aftermath

And the aftermath? The fire had gutted the entire mansion. Water from the firefight had rendered the new wing unusable. All that remained was the noble stone façade, begging for mercy. The place reeked of burnt wood, and then of foul mildew. Older members would drive by and weep. Young parents would bring their children to stare in reverent silence.

It was easy in the next days to speechify about the congregation as being "the people and not the building," but in truth, we were in trouble. Perhaps a havurah or a minyan can be footloose and fancy free, but we are a big operation. We have a Hebrew school running five days a week. We have thirty *b'nai mitzvah* a year. We have three hundred worshippers every Shabbat. We are available for a congregant's funeral at a moment's notice. We handle a hundred difficult phone calls a day. We desperately needed that facility — however materialistic that may sound — in order to do all of the things that defy the limitations of space. Perhaps, in the end, a "holy space" is one that seems to disappear in the wake of the holy time we spend there. It only seems to disappear. But when it actually does, heaven forbid, it renders holy time moot.

## Regrouping

But we survived. The Conservative synagogue around the corner invited us to use its gymnasium. For over a year, we have held Shabbat services there, in full sight of the scoreboard and

the basketball hoops. When the service ends, we stack the chairs and pull out the tables stacked full of bagels and tuna. The kids shoot baskets throughout the kiddush. I'm sure they hope we never return home.

Likewise, the local Solomon Schechter day school has allowed us to use its classrooms. Every afternoon they clear out as we move in. By the time we return to our rebuilt facility, we will have spent two full years educating our kids in borrowed space, and many of the children will remember nothing prior. For them, as for most of us adults, "fire mode" will have become the norm.

The first High Holidays after the fire were spent in a local college auditorium. This year, we rented the county field house. (Again, hoops and a scoreboard.) My Talmud class meets in a Reform shul's library. Still another Reform congregation gives us a function room for monthly board meetings. An Orthodox shul hosts us for adult education and miscellaneous functions. When Kaplan scholar Mel Scult came to lecture to us, the venue was the Unitarian church. And so it goes.

### Trailer Life

The Federation loaned us office space for five months. Finally, we hauled two office trailers onto the site of the burned-out building. In the dead of winter, we moved in. We began calling it "trailer-gogue." Just going back to the site of the synagogue every day began to feel "normal." People seem to love coming to our "office suite" for business, for counseling, for no particu-

lar reason. They drive in through the mud and trucks and construction supplies. They get a glimpse of the new roof rafters spreading across the frame of old stones. They enter the trailer. They look at the secretarial staff at their computer terminals. "Boy," we hear, "you guys aren't letting anything stop you!" And they're right. "Well," we hear, "it's the people that make the congregation, not the building. Right?" "Right," we say.

We don't really need to talk to them about cabin fever, claustrophobia, allergenic dust, zero storage space, zero privacy, minimal work space, the cacophony of machines and phone conversations. (I can't shut the door to my "private" office without cutting off the air circulation in the entire trailer!) To borrow an image from Apollo 13, we're flying in the lander. We're surviving on Plan B. We're making it work. We're not letting anything stop us. For the seven of us working there, as well as for the many lay leaders and regular congregants and prospective members and UPS drivers and delivery people who visit us every day, those trailers are the synagogue. They are the shul in microcosm, a *mikdash me'at*, a tiny replica of the great sanctuary, somehow containing all of the sacred shrine's essence in a little package.

### Praying on the Road

In the third folio of the Talmud, we read this story:

Rabbi Yossi said: I was once traveling on the road, and I entered one



of the ruins of Jerusalem to pray. Elijah the prophet, may he be remembered for good, came and waited for me at the entrance of the ruin until I finished my praying. After I finished, he said to me: "Peace unto you (*Shalom Aleichem*), my rabbi." And I responded: "*Shalom Aleichem*, my rabbi and master."

Then he said to me: "My son, why did you enter this ruin?" I said to him, "To pray." And he said to me, "You should have prayed on the road." And I said to him, "But I was afraid that passersby might interrupt me." And he said, "But you could have prayed a shorter prayer."

At that time, I, Rabbi Yossi, learned three things from Elijah the prophet: 1) I learned that one should not enter a ruin; and 2) I learned that one may pray on the road; and 3) I learned that one who prays on the road may pray a shorter version of the prayer.

Then Elijah said to me: "What voice did you hear in this ruin?" I responded, "I heard a *bat kol*, a heavenly voice, cooing like a dove and saying, 'Woe to the children because of whose sins I destroyed my house, and burned my temple, and exiled my children among the nations of the world.'"

Then Elijah said to me, "By your life, it is not only at this moment that the heavenly voice says this.

Each and every day it says it three times. And not only this, but whenever the people of Israel (wherever they are in the world) enter their synagogues and houses of study, and say in the words of the *Kaddish* 'May God's great name be blessed for ever and for all time, *y'hey sh'mey rabba m'varach l'alam ul'almey almaya.*' Then the Blessed Holy One shakes his head and says, 'How happy and fortunate is this sovereign who is praised this way in his own house . . .'"

### A New Holy Place

Do you see what the rabbis are trying to achieve with this story? The *makom kadosh*, the specific holy place, is in ruins. Not only is it unadvisable to go there; it is downright dangerous. But may we pray "on the road," *i.e.*, in exile from the designated sacred spot? Of course, say the rabbis. You may pray "on the road." But what if the conditions "out there" make it cumbersome, or difficult, or dangerous, to pray in the way we are accustomed? Then, say the rabbis, change the prayer. Adapt it. Make it work in the new place where you find yourselves. Make "out there" a new holy place.

But does it count? Isn't it a pale substitute for the real thing, for the offerings of blood and fat on the designated altar? No, say the rabbis. No matter where the Jewish people find themselves, the Blessed Holy One rejoices in the fact that they have constructed synagogues and houses of study for themselves, and that they have used

these institutions to transform the space they occupy and the time they inhabit. Indeed, they have learned how to pray and study “on the road,” and they have fulfilled the ancient prophecy, “The whole world is full of God’s glory.” How is it full of God’s glory? Because the students of God’s glory have spread that glory far and wide, both in time and in space, by means of their sacred acts.

### Beyond the Idolatry of Place

Our White Plains community has certainly learned how to pray “on the road.” If our existential choice was to adapt or die, then we affirmed our vitality to the hilt. My role as rabbi in all this was twofold. On the one hand, I had to urge us to trudge on as normal, to make sure that we continued to serve one another as if nothing had happened. Otherwise, the idea of “caring community” would become place-linked, and thus meaningless. (It didn’t hurt my cause that my own son’s bar mitzvah was celebrated in the same musty gym as everyone else’s. “See? Place is irrelevant. It’s the people that matter!”) On the other hand, I had to keep conjuring up a virtual image of the congregation as a wandering group who would indeed go home some day. Our return to a permanent space would be a gratification delayed, but not destroyed. I had to convey hope even when I felt nearly hopeless.

Before the fire, I used to think that space was nearly irrelevant to our experience of holiness. I no longer feel that way. Of course I agree that space

is not the major factor in determining the power or effectiveness of the experience of, say, the High Holidays, or a bar mitzvah. No space can substitute for thoughtfulness or for good will or even for artistic execution of a beautiful service “on the road.”

### Holy Ground

But the fire has made me yearn for sacred space in general, and our own sacred space in particular. I now believe that we bring our sacred expectations and our holy selves to a given neutral place, and when we get it “right,” we transform that place into holy ground. Sacred space is not everywhere, but potentially, it can be anywhere. We make the place sacred; or, we desecrate the place. But once we’ve done our transformative work, our impression of the place is set. It becomes — at least for us, if for no one else — a *makom kadosh*. And it matters to us.

Still, that virtual *makom kadosh* needs a sacred purpose beyond itself, lest it become a place of idolatry. At Yom Kippur, a full year after the fire that forced us to pray “an adapted prayer on the road,” I put these questions to the congregation:

Why are we rebuilding that old house down the road? What are we going to do with that “space?” Is it purely for memory’s sake? Is it only because we need a physical address, or an adequate space for bar mitzvah receptions?

I’ll tell you why I hope we’re building it. I hope it is so that we

will have a place to raise an entire generation yet unborn, to raise them into the world-view that a life of Torah and *mitzvot* and *tikkun olam* (the repair of God's world) is the most worthy way to spend one's time on earth. That's what I think we're building over there: a *makom kadosh*, a place that we will fill with sacred learning and sacred doing. That building will be a place where we position ourselves right in the center of the "G-Mem-S" — the Global *Makom* System.

Then I shared something I had heard from our beloved teacher, Rabbi Arthur Green. Art taught that he once heard the great Rav Joseph Soloveitchik give a talk to a Yiddish-speaking group in Boston. This was forty years ago, when the *Shoah* was still a recent memory. The Rav told the group that for him, the most important moment in all of Yom Kippur was the *Shehecheyanu* after *Kol Nidrei* — because we look around at *Kol Nidrei* and realize that somehow we have all lived to this moment. Many are lost to us. (And for those survivors,

their entire "place" in the world had vanished.) But we are still here, still singing our glorious liturgy, still pushing ourselves to transcend our shortcomings, still modeling a bright Jewish future for our children and grandchildren, still striving to articulate a vision of a just and righteous world "out there." We are the *makom* (as in "*v'kiyemanu*"). We are the "place" that our heart holds dear.

I closed my Yom Kippur talk with this *berakah*, which I now share with you, the reader. It contains the sense of blessing that I feel after having gone through the experience of being uprooted, of loss, recovery and of gratitude with this community that truly transcends place, and even time.

*Baruch atah Adonai Eloheinu melech ha-olam*, Blessed are you, Master of time and space, *shehecheyanu* — who has kept us alive; *v'kiyemanu* — who has kept us propped up like the marker for a sacred place; *v'higiyanu laz'man hazeh*, *la-makom hazeh* — and who (through miracle after miracle) has brought us to this holy time, this holy place.

# “And I Shall Dwell Among Them”

BY TOBA SPITZER

If the story related in the book of Exodus is the foundational narrative of the Jewish people, then what are the peak moments of that story? Each Passover, we retell the redemption from Egypt, the miraculous rescue of the Israelite slaves. Each Shavuot, we relive the moment of the revelation of the Torah at Sinai. Freedom from slavery, receiving of Torah — these are the dramatic and theological high points of our religious narrative.

Yet there is another event of major significance that occupies these chapters of the Torah — an event that is unparalleled in the Torah for its attention to, and repetition of, minute detail. This event is the construction of the *mishkan*, the portable sanctuary that the Israelites are commanded to build in the wilderness. The book of Exodus culminates with Moses erecting the *mishkan* on the first anniversary of the beginning of the departure from Egypt — the first day of the first month, a new cosmic beginning.

What are we to make of this event? Why does it occupy such a central place in the narrative? And perhaps most importantly, how do we incorporate

the deeper meaning of this piece of the narrative into our Jewish commitments today, just as we have incorporated those other peak moments of the Exodus story?

## “Make Me a Holy Place”

The story of the *mishkan* begins in chapter 25 of the book of Exodus. At the end of chapter 24 we are told that Moses ascends Mount Sinai and spends forty days and nights there. On the mountaintop, God says to him:

Say to the Israelites: You shall take for Me gifts from each person whose heart makes him willing; take My gift. And this is the gift you shall take from them: gold, silver and copper; blue, purple and crimson yarns, fine linen and goat hair; ram skins, dolphin skins and acacia wood; oil for lighting, spices for the anointing oil and for the aromatic incense; lapis lazuli and other stones for setting, for the ephod and the breastpiece. *And they shall make Me a holy place, and I shall dwell among them.* Exactly as I show you — the pattern of the

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*mishkan* and the pattern of all its vessels — so shall you make it (Exodus 25:2-9; emphasis mine).<sup>1</sup>

What follows are five chapters of instructions describing in exquisite detail each aspect of this holy sanctuary and how it is to be constructed. The most obvious reason for this level of narrative detail is the central role that the *mishkan's* successor, the Temple in Jerusalem, played in Israelite religion. For the priests who contributed to the creation of the Torah, the Temple was the focal point — the center of their religious duties, their authority, their connection to God and to community. By making the wilderness sanctuary (whether it was an actual creation or a mythic precursor to the first Temple) central to the Exodus narrative, the priestly authors affirmed the centrality of the Temple to Israelite religion and culture.

Whatever the historical reality of the *mishkan* in the wilderness, it clearly came to play a significant role in the Jewish “master story” — the Israelite journey from degradation and enslavement to becoming a free, covenantal community.<sup>2</sup> The sanctuary was conceived, as indicated in the verses above, as a structure that allowed God’s Presence to dwell among the people. Equally significantly, the construction of the *mishkan* called upon the resources of the Israelites in new ways. The sanctuary in the wilderness is the first thing that the newly-freed slaves are asked to build of their own free will, and it is the first thing they are asked to contribute to from their own possessions.

## *Mishkan and Society*

This construction process holds teachings that continue to resonate. What does it mean to create a “structure” that allows God’s Presence to dwell among us? What can we learn from our ancestors’ experience of building the *mishkan* if we seek to build such a structure today? What does the building of the *mishkan* add to the mythic moments of redemption and revelation in our national narrative?

“And they shall make Me a holy place, and I shall dwell among them.” To make deeper sense of this statement, it helps if (following Mordecai Kaplan) we conceptualize God not as a supernatural Being or Person, but as a power or creative process that makes for “salvation” — that is, for the ultimate wholeness of every human being. We can then interpret this verse as talking not about a literal “dwelling place” for the divine spirit, but rather a holy structure in which or through which that power — or perhaps more accurately, the effects of that power — can be felt among us. If God, as the Power that Makes for Salvation, is the ultimate Source of *tzedek* (justice) and *hesed* (covenantal love), then I would suggest that we can understand the *mishkan* as a social structure (or structures) that allows those Godly qualities of love and justice to become manifest.

The *mishkan*, in this understanding, is the end towards which the rest of the Exodus narrative leads. Freed from slavery by the Godly “Power of liberation,” the Israelites receive at Sinai instructions for the creation of a social

structure — a kind of community — through which God’s power and presence will be able to dwell in and among human beings. The ritual and ethical laws contained in the Torah provide one set of instructions for what such a project entails. At the same time, the *mishkan* serves as the symbolic representation of this communal structure. By exploring the narrative of its construction, we can learn something about what it means to create a Godly society.

More specifically, the narrative of the building of the *mishkan* deals with two of the fundamental elements of any social-economic system: work and wealth. By examining more closely the first real communal endeavor of the newly freed Israelites, we can gain insight into what it means to labor and to pool resources in holy ways.

### Oppressive Work, Holy Work

The book of Exodus gives us two contrasting pictures of work: the experience of slavery in Egypt, and the building of the *mishkan*. The creation of the *mishkan* is the first real work that the Israelites are called upon to do after they are redeemed from slavery, and it may be more than coincidence that both of these work experiences involve construction.<sup>3</sup> In their Egyptian enslavement, the Israelites are coerced, brutalized and forced to build without the proper supplies. Israelite is set against Israelite; some are placed in the position of being foremen, charged with making their kinspeople fulfill unrealistic production quotas, and

beaten when they fail. Ultimately, the work is not only physically exhausting, but spiritually degrading as well. When Moses comes with a message of liberation to his people, “they were not able to listen to [him], out of narrowness of spirit and hard servitude” (Exodus 6:9).

Rabbinic *midrashim* and later commentaries add additional layers of oppression to the biblical picture. In one, the Israelites are forced to do meaningless tasks, never allowed to experience a sense of completion or satisfaction in their work. In another, the building project is not only rigorous but murderous: Israelite infants are immured within the bricks.<sup>4</sup> All told, the experience of slavery in Egypt epitomizes oppressive labor. It is work that embitters the worker’s life, work that causes physical and/or mental anguish and degrades the spirit of both the individual and the community.

### Redemptive Labor

The building of the *mishkan* (also referred to as the *mikdash*, holy place, and as *ohel mo’ed*, the Tent of Meeting) comes as a kind of redemptive corrective to this oppressive experience. The Torah describes this sacred construction project in elaborately beautiful terms:

And the whole community of Israel went out from Moses’ presence. And everyone whose heart lifted him up came, and everyone of generous spirit brought God’s offering for the work of the Tent of Meeting, and for all its service and the

holy garments. Men and women, everyone of generous heart, brought brooches, earrings, rings and pendants, every kind of gold object for an elevation offering to Adonai . . . And every woman of wise heart, with their hands they spun and brought their spinning, in blue, purple and crimson yarns, and in fine linen, and all the women whose hearts uplifted them in wisdom spun the goats' hair. And the chieftains brought lapis lazuli and the stones for setting, for the ephod and the breast-piece, and spices and oil for lighting, for the anointing oil, and for the aromatic incense. Every man and woman whose heart was moved to bring for all the work that Adonai (through Moses) had commanded them to make, the Israelites brought it, a freewill offering to Adonai (Exodus 35:20-29).

The project begins with this incredible scene of the entire Israelite community, men and women, bringing together in a spirit of *nediv lev* (which I have translated here as both “generous heart” and “whose heart was moved”) all of the materials needed for the construction of the sanctuary. While this building project is commanded by God, it is not forced labor. The Torah emphasizes over and over again the aspect of willingness — of heart, mind and spirit. The Israelites give of themselves, of their possessions and of their own handicraft.

The inclusive nature of the endeavor is emphasized by the repetition of “men

and women” and by the singling out of the women’s gifts — a rare note in a text in which women are generally invisible. While there is some debate in the commentaries over whether all of the Israelites were involved in this outpouring, or only those whose “spirits moved them,” I read these verses as describing an entirely engaged community, one in which every person is empowered to bring the gift, the piece of the project, unique to him or her.<sup>5</sup>

### Hearts and Minds

Chapter 35 continues with a description of the work done by the various skilled craftspeople among the Israelites:

Now Moses said to the Israelites: See, Adonai has called by name Betzalel, son of Uri, of the tribe of Judah, and has filled him with a Godly spirit in wisdom, understanding and knowledge and in all kinds of workmanship, and has given him wisdom to create with gold and silver and copper, to cut stones for setting and to carve wood—to create in all skilled work. And [the ability] to teach others has been placed in his heart...Moses then called Betzalel and Oholiav, and every wise-hearted person in whose heart God had placed wisdom, everyone whose heart uplifted them, came near to the work, to make it (Exodus 35:30-34, 36:1).

The theme that flows throughout the narrative of the building process,

from the collecting of the materials through the work itself, is the emphasis on the people's hearts and minds. The *lev* — translated here as “heart,” but connoting a fuller sense of self, what we might call “heart-and-mind” — is the site of the people's motivation and skill. The building of the *mishkan* is not only a communal duty, although it is that as well. It becomes an opportunity for an expansion of the capacities of each individual.

Ramban offers an interesting insight into this process of manual slave laborers becoming skilled craftspeople:

The phrase “everyone whose heart lifted him up” (Exodus 35:21) refers to the wise people who did the work . . . and the meaning of “whose heart lifted him up” is to be brought close to the work, for there was none among them who had learned this skilled work before from any teacher, or who had trained his hands in it at all. But each one found within his nature that he knew how to do it, and “his heart was lifted up in the ways of Adonai” (II Chronicles 17:6) to come before Moses and say to him: “I will do all that my lord speaks.”<sup>6</sup>

According to Ramban, the process of building the *mishkan* led otherwise untrained people to discover latent capacities within themselves, and the communal outpouring gave them the confidence to step forward to share this new talent. Something that was distant — a skilled craft — is “brought close,” becomes possible, in the context of this

holy endeavor. As Nehama Leibowitz and others have noted, the creation of the *mishkan* parallels God's creation of the universe in the book of Genesis, and so the Israelites' work echoes and embodies that fundamentally Godly act of workmanship.<sup>7</sup>

Here we have a mirror image of the oppressive work of Egypt: work that is lovingly commanded, versus work that is brutally imposed; a construction effort that brings the people together, versus one that splits the community apart; and finally, work that nourishes and uplifts the soul, versus work that crushes it.

### Bringing More Than Is Needed

The construction of the *mishkan* not only gives us a glimpse of a Godly model of labor, but also of a communal pooling of resources to achieve a shared goal. The people's contributions to the *mishkan* are often cited as the first (and best!) Jewish effort at fundraising. As cited earlier in the verses from Exodus 35, the Israelites responded to Moses' call for contributions with an outpouring of willing gifts of all sorts. The flow of materials is so great that the artisans finally call out to Moses:

“The people are bringing more than enough for the service of the work that Adonai commanded to be done.” So Moses commanded and had a call go throughout the camp, saying, “Let no man or woman make any more effort toward gifts for the sanctuary,” and



so the people were stopped from bringing; their effort was more than enough for all the work, to make it (Exodus 36:5-7).

In addition to this outpouring of freewill offerings, we are also told of another method of collecting resources for the construction of the *mishkan*. In Exodus 30, in the midst of receiving instructions for the building of the sanctuary, Moses is told to take a census of the (male) adults, and to collect from each one a half-shekel as they are counted:

This is what each one who is counted shall give: . . . a half-shekel, an offering to Adonai. Everyone who is counted, from the age of twenty years up, shall give the offering of Adonai. The rich shall not pay more, and the poor shall not pay less than half a shekel when giving the offering of Adonai to atone for yourselves. You shall take the atonement money from the Israelites and give it to the construction-service of the Tent of Meeting (Exodus 30:13-15).

Here, each does not give according to his ability. Rather, a fixed contribution is set — an amount, presumably, that was well within the reach of the poor as well as the rich. This act of equal giving also seems to have had some sort of ritual power, for as each person contributed his half-shekel to the holy project of building the *mishkan* (and was thus “counted” as a full member of the community), he also

participated in effecting atonement for himself and the entire people. And while the Torah account includes only adult males in this particular census, I believe we can interpret this as an assertion of full citizenship, and so would extrapolate the half-shekel model to mean the inclusion of every full adult citizen of a community or society.

Taken together, these two texts about giving — the half-shekel in chapter 30, and the outpouring of *nediv lev* gifts in chapter 35 — are complementary pieces in a Godly system of pooling economic resources for shared communal purposes. These texts teach us about how to handle abundance, how to create cultures of giving, and what type of reciprocal relationship can and should be created between the individual and the community

### Complementary Values

The collection of the half-shekel embodies a number of different values. On the one hand, it affirms individual obligation to the community. This is not a freewill contribution, but a set amount that each person must pay in order to be counted as a full member of the group. There is no mention here of “uplifted” hearts and spirits — the willingness (or lack thereof) of the giver is not relevant to each community member’s responsibility for the support and maintenance of the collective structure.

At the same time, that responsibility must be accessible to all, no matter their means. The half-shekel promotes a value of inclusiveness by setting an

amount that is accessible to everyone in the community. Because the half-shekel is affordable to the poor, and also restricts the rich from giving more, it makes clear that each member of the community is equally counted, regardless of economic status.

The *nediv lev* aspect of giving, with its emphasis on a willingness/generosity of heart, speaks of both an individual and a communal process. We can see in these verses a consciousness-of-abundance, an experience of giving in which no one hoards special treasures, but each responds to a call to share freely and bounteously with others. There is a sense here of obligation, just as with the half-shekel, but what is being called upon in the people is their own power of abundant generosity and creativity. Each person is encouraged to give what is uniquely his or hers toward a collective endeavor in which each and every gift has a special role to play. In this process, members of the community discover within themselves unexpected resources and talents, coming together to create something that none — not even Moses — can accomplish alone.

### Building Our *Mishkan*

If, as I suggested earlier, we expand the notion of *mishkan* to mean a community or social structure (potentially, even an entire nation) in which the Godly qualities of love and justice can become manifest, what does the biblical narrative teach us about building such structures? What can it tell us about building religious communities,

or larger socio-economic systems?

The first teaching is about work. Any community or society has to organize the labor that it needs to build and sustain itself. The book of Exodus seems to offer us a stark choice: we can promote work that is built on fear and compulsion, that destroys communities and individual spirits, or we can promote work that is as Godly as the acts of Creation — work that enhances the individual, that expresses creativity and generosity.

We can ask ourselves: What is my relationship to my work in the world? Do I feel I am a slave to it? How is labor organized at my workplace — are the workers nourished, physically and spiritually, or are they/we diminished in some way? We can ask the same questions of our congregations, of our schools or of any structures in our communities. And we can ask: What is at the center of my work, my community's work, our society's work? Are we striving to create something with holiness at its center, or are we serving the needs of a new Pharaoh? Are we building *mishkenot*, garrison cities, or *mishkanot*, holy communal structures?

### Inclusion and Democracy

The second teaching is about inclusion and democracy. A Godly society requires the full participation of all of its members — rich and poor, male and female, skilled and unskilled. Every person must truly “count,” and everyone's contribution must be equally valued. Individuality must be respected and nurtured, and each person given

an opportunity to contribute his/her unique gifts.

While these values may be given a good deal of lip service, in reality they are difficult to live up to. Whether we are members of a congregation trying to decide how to acknowledge unequal material contributions toward the building fund, or a nation that exalts a very few over the many in terms of wealth and public recognition, we are challenged by the *mishkan* narrative to come up with new models of affirming and celebrating the gifts of every individual.

We are also called to take seriously the challenge of financial accessibility and the reality of class barriers to participation in our various communities. What would it take to create communal structures to which the “have-nots” have equal access along with the “haves”?

### Cooperative Effort

A third teaching is about the nature of communal endeavor. In American society, the individual is often held up against the community, as if communal obligation necessitates a complete erosion of individual freedom. This translates as well to the economic realm, where economic entities — *i.e.*, corporations — take the place of the individual. The dominant economic paradigm in this political moment is one of unfettering — liberating the market and the players in the market from all bonds of communal obligation in the form of regulations, taxation and related issues.

What the narrative of the *mishkan*

offers is quite a different picture. Here, cooperative endeavor becomes the condition of individual creativity and empowerment, not its enemy. In being called, as a community, to create a holy structure, the Israelites discover both economic abundance and innate individual skills. In this model, communal obligations and responsibilities are fundamental to what Mordecai Kaplan would have called the “salvation” of the individual.

This is a powerful challenge to us as we strive to create Godly communities and societies. How do we structure our communal lives so that the life of the individual is enhanced, not diminished? What is the balance of individual autonomy and communal obligation needed to create healthy social and economic systems? When is “freedom” not freedom at all, but a fundamental assault on the very possibility of human cooperation and mutuality?

### What Is at the Center?

Finally, the *mishkan* narrative challenges us to think about what is at the center of our own communal building activities. At the center of the biblical *mishkan*, in the Holy of Holies, the tablets of the covenant — instructions for creating holy community — were kept. The tablets were encased within a golden ark, and on top of the ark were two keruvim, sculptured creatures that faced each other above the ark cover. There, in the space between them, God’s presence would descend, and Moses would encounter and speak with this presence. Essentially, the center of

the *mishkan* held words of Torah and an empty space for holy encounter.

This, perhaps, is the *mishkan* narrative's greatest challenge to us. What would it mean to create communities, a society, a world, where our collective efforts had at their center instructions for holy and ethical living, and an open space where we could listen and respond to the Godliness in our midst?

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1. Translations of Torah text are my own, based on the translations in the *Etz Hayim humash* and Everett Fox's *The Five Books of Moses*.

2. See *Theology & Narrative: A Critical Introduction*, by Michael Goldberg (Philadelphia: Trinity Press International, 1991) for

a discussion of the role of religious "master stories" in shaping the fundamental beliefs and understandings of their adherents.

3. It is interesting to note the alliterative play of *miskenot* — the garrison cities that the enslaved Hebrews built — and the word *mishkan*, with the *samech* of *miskenot* replaced by the *shin* of *mishkan*.

4. *Haketav v'Hakabbalah* on Exodus 1:13; *Tanhuma* (Buber), *Be-haalotekha* #23.

5. In this, I am following the reading of Ramban, who holds that the entire community was involved — see his comment to Exodus 35:1.

6. Ramban on Exodus 35:21.

7. See Nehama Leibowitz, *Studies in Shemot, Terumah 2* (Jerusalem: World Zionist Organization, 1981), 475-482.

# It's About Time: Uncovering a Jewish Approach to Space Making

BY SARAH O'LEARY

“Sacred space” — what does the term call to mind? A synagogue’s sanctuary? The Kotel plaza? A forest clearing or a mountaintop? Perhaps a gothic cathedral? What makes a space sacred, and what makes a sacred space Jewish? What is a Jewish space anyway? Or as a recent *Architecture* magazine article asks, “Can a Building be Jewish?”<sup>1</sup> It is probably a little hard to fix an image in one’s mind. Our ideas about sacred space are shifting, idiosyncratic, inchoate. Our ideas about what constitutes Jewish space may be non-existent.

But in contrast, consider sacred time. Jews are familiar with that concept, and it is quite precise. With ritual we usher in Shabbat precisely at eighteen minutes before sunset. We mark its going out precisely twenty-five hours and two minutes later. We have the High Holy Days, and we mark each month’s new beginning. Our entire holiday year draws our attention to both cyclical seasonal time and significant historic moments. We may not fully engage in keeping sacred time, but we know it is there. In minutes, hours,

days, weeks and years, we are keeping an eye on the time.

If Jews have a hard time defining Jewish sacred space, and are more comfortable dwelling in and engaging sacred time, what does this mean for the spaces we create for our congregations? What are we to do about the way we dwell in our communities? In this article, I will examine Jewish thought about time and space through theology and history. We will see how this has been interpreted within architectural theory, and I will suggest ways that it is manifest in design and how it can inform the way we use space.

## Centrality of Time

In his book *The Sabbath*, Abraham Joshua Heschel poetically and persuasively argues for the centrality of time in Jewish thought. He defines the sacredness of time in contrast to the secular sphere of space. “Time is the heart of existence,” he says, and he goes on to show that time is the heart of a particularly Jewish cosmology.<sup>2</sup> The Torah, in Heschel’s view, is a work of history,

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not geography. Throughout, more attention is given to ages, generations and events than to places, countries or things.<sup>3</sup> In contrast to other deities that reside in places and things, the God of Israel is a God of events.

The Creation story illustrates the importance of time in Jewish cosmology. The world as we know it is not created before, but specifically simultaneously with the creation of time. Light (and darkness), the first creation, gives rise to the first day. The world is created through an action, not an act.<sup>4</sup> It is not that God speaks and the world instantly comes into being; creation is a time-consuming process. It takes time to make the world and the time it takes gives rise to perhaps the most significant Jewish creation — the first workweek and the first weekend.

### **Awareness of Space**

Still, practically speaking, things of space dominate our lives and threaten to overwhelm our sensitivity to time. “We are all infatuated with the splendor of space, with the grandeur of things of space. ‘Thing’ is a category that lies heavy on our minds, tyrannizing all our thoughts,” says Heschel.<sup>5</sup> Space and the static nature of things permeate Western thought. So much so, Henri Bergson notes, that we even conceive of time spatially. Hence we speak of “spans of time,” of the future “lying before us, the past behind us,” and so on.<sup>6</sup> Heschel responds to this tendency in Western thought by translating his concepts into spatial terms. Jewish ritual is an “architecture of

time.” And within this metaphor, the “Sabbaths are our great cathedrals.”<sup>7</sup>

The Jews have been characterized both from within and without as being defined by the experience of exodus and exile. Our history has made us more kinetic than static, more flexible than fixed, and more time-focused than spatial. There is no great tradition of Jewish architecture. We wander. We throw up a tent here or there. We adapt to local building conditions. We design our synagogues from a grab bag of architectural styles. We might conclude that this space stuff does not really matter to us, that we can live with any old thing.

However, I would suggest that we can and do carefully craft our space not in spite of but through our fixed attention to time. We create Jewish space when we place time “in intimate relation with space.”<sup>8</sup> The very process of drawing our attention to time in space, of energizing space through movement and temporal processes creates sacred space. Jewish space is sacred space.

### **Jewish Uniqueness?**

Italian architectural critic and theorist Bruno Zevi spoke in 1974 to the Congress of the Italian Jewish Communities on “Hebraism and the space-time concept in art.” Taking cues from Jewish mysticism and theology on the one hand, and from arcane scientific theory on the other, Zevi attempts to define what is unique in Jewish contributions to art, architecture and culture in general. In a manner familiar to Reconstructionists, he pulls from all

facets of Jewish culture to draw forth his vision. Kafka, Schoenberg, Einstein, Freud and Chagall all exemplify for Zevi a fundamentally Jewish struggle with space and time.

Zevi was inspired by Einstein's Theory of Relativity and space-time concept as a means to "finally destroy the abstract . . . ideals of harmony, consonance and proportion" and the fixed Renaissance perspective. Relativity creates an opening allowing the Hebraic influence to be manifest. For Zevi, Jewish mysticism and Heschel's theology of time inspire what he sees as essential to the Hebraic approach: "Involved with God in a creative responsibility, not in the mere contemplation of the already-created, the Jew finds his lifestyle measured by time."<sup>10</sup>

Much of Zevi's argument draws from Thorleif Boman's classic *Hebrew Thought Compared with Greek*. In this book, Boman uses a linguistic approach to support what he sees as the essential differences: "Israelite thinking is . . . dynamic, vigorous, passionate, explosive," while Greek thinking is "static, peaceful, moderate and harmonious."<sup>11</sup> Boman goes on to analyze Greek and Hebrew verbs, descriptive language, and themes. Greek speech, he says, is thing-oriented and spatial, while Hebrew is action-oriented.

### Dynamic Space

Like Zevi, Boman concentrates on time and space as the locus where Greek and Hebraic thought play out very differently. In Hebrew even spatial states are expressed dynamically. It would be

common to say "The mountains raise their peaks high," rather than "The peak of the mountain was high." Boman illustrates the significance of the description of the *mishkan* (the portable desert sanctuary of the Exodus generation) not by its appearance but by the details of its construction process. He concludes that it should not be contemplated as a fixed and static edifice, but as a dynamic and living human accomplishment.<sup>12</sup>

What does this mean for the history of architecture? Zevi says that Jews "place growth and 'becoming' ahead of 'being,' formation ahead of form as a completed entity."<sup>13</sup> Perhaps because we Jews were too busy "becoming" to complete any entities, architecture as we know it is based on Greek thought, giving us object-architecture. All of those colonnades, axial symmetries and golden sections studied in architecture schools are based on a Greek conception of space as fixed, eternal and harmonious. A Hebraic approach would instead focus on the "object-as-used," an "organic architecture . . . adapted to the needs of those who dwell within, capable of growth and development."<sup>14</sup>

So what would this look like in a building or other space? Zevi cites the expressionistic work of the architect Erich Mendelsohn, especially the Potsdam Einstein Tower, a sensuous, curving concrete sculpture that houses a working astronomical laboratory. The building, Zevi says, is an "event" rather than an object. It "spring(s) free by telluric motion . . . propelled by its own force and caught in the instant of its dramatic self-making." But, he la-

ments, “most Jewish architects do not follow the time principle in the least.”

Frank Lloyd Wright is Zevi’s “most Hebraic architect.” The Guggenheim Museum’s helicoidal shape, which is indeed all passageway, “represent(s) the victory of time over space.”<sup>15</sup> It seems that for Zevi, “Hebraism” as an architectural impulse is not culturally or situationally motivated. It is more of a psychological condition or outlook, available to anyone who wishes to embrace all that is dynamic, passionate, and expressionistic.<sup>16</sup>

### Temporalized Space

Having looked at theology, history and architectural theory, we can see a Jewish emphasis on time and dynamism. But is there evidence of attention to creating temporalized space in Jewish building tradition? I would say yes, but, more importantly, I would say that drawing inspiration from this idea allows us actively and vigorously to shape our current spaces, and can make for great (and sacred) architecture.

Contemporary architect Stanley Saitowitz claims to draw inspiration from his Judaism for architectural design that is “expanded”: open-ended, sensitive to the movement of people and of the sun. He refers to the fifteen steps to the ancient Jerusalem Temple, built with varying widths to fit the fifteen Psalms of Ascent (*shir ha-maalot*). Whether or not those steps were built with that intention, the image remains powerful. Imagine the priests going up to the Temple, rhythmically starting and then pausing on each step to chant

the Psalms of Ascent, the space serving both to heighten the experience of that precise moment and build anticipation for what was to come.

### Ways of Experience

While this example may not be enough to support a historical paradigm of movement-based, time-sensitive design, it does give clues to what temporalized space can provide to us, and why we would call that space sacred. Certainly, there are many measures of time and ways that design can make us more aware of time. Our actions can bring time into intimate relation with space. We experience temporalized space in five principal ways.

First and most obvious are those spaces that are built to capture time and to contain history. Museums and memorials can be problematic because of their tendency to freeze and objectify a time period. They should make us aware of our place in history — both our distance from their subject, and how the passage of time changes our view of that subject.

In recent years, many Jewish architects have undertaken the design of these sites of memory. Both Stanley Saitowitz’s New England Holocaust Memorial in Boston and Lawrence Halprin’s Franklin Delano Roosevelt Memorial in Washington D.C are designed as ambulatory experiences in which the visitor participates in events arrayed along a path. Both have been criticized for their lack of focus and for attempting to layer too many tropes. What works at both memorials, how-



ever, is that one's movement through the space is an unfolding journey. These places allow for and encourage a movement-based meditation. At their best, these sites work not to collapse time, but to make its impact viscerally and immediately present.

### Changing Natural Phenomena

Second, there are buildings and spaces of all kinds designed to heighten our awareness of time through changing natural phenomena. Stanley Saitowitz's as-yet-unbuilt design for Congregation Beth Sholom in San Francisco uses both movement and light to create a sacred space in time.<sup>17</sup> The entry sequence is a passage of turning and rising. The arrival point of this sequence is not the sanctuary itself, but an outdoor courtyard. The light experienced in this space flows into the sanctuary through a slice of sky cut through the masonry roof. The light then pours down the eastern wall and is transformed into the *ner tamid*.

The natural play of light is further highlighted by a "shadow menorah." Even though the building is quite tight and enclosed, Saitowitz fixes your attention on the changing natural world through careful editing. Likewise, there are designed and undesigned outdoor spaces that function in the same way. Perhaps a forest clearing feels sacred to us not so much for the trees around as for the oculus they form, capturing the sun at a particular moment and then changing the play of light and shadow as it arcs overhead.

### Movement and Space

A third way we experience temporalized space is when such spaces are structured by our movement through them. Movement allows us to experience time not as an abstract or external phenomenon, but as an integral force that we participate in creating.

Lawrence Halprin is a landscape architect who organizes his spaces around movement. Using a system of "motation" he developed with his wife, who is a choreographer, Halprin looks at all of the forces of movement that are at play in a site and uses a "score" to deepen, dramatize and synchronize the experience. His designs for *Armon Hanatziv*, Jerusalem's *tayelet* (promenade)(continued by his student and colleague, Shlomo Aronson), were inspired by the ritual, shared by many cultures, of the *passigata*, or evening walk. The crisscrossing ramps and paths of the *tayelet* are cut through by dramatic stairways, allowing movement to proceed at different paces.

The *tayelet* is certainly not strictly about movement. It is a powerful space because of its location overlooking the Hinnom valley and the Old City. It is also remarkable because it lies in a former no-man's land, between East and West Jerusalem. Both of these facts of location are heightened by their relationship to time and movement. The *tayelet* is a place of daily pilgrimage. In the morning, when the hillside is still cool, and in the evening, when the air is pungent with sage and myrtle, Jews from West Jerusalem approaching from

above and Arabs from East Jerusalem approaching from the valley below meet in this space between. On the pathways of the *tayelet*, you can view the Old City from a moving perspective.

### The Role of Memory

Non-designers create a fourth type of temporalized space. When space is claimed for a specific purpose at a specific time through procession or gathering, that space is transformed not only in the moment, but also in the memory residue that is left on the space.

In 1999-2000, I traveled to Israel on a Fulbright research grant mapping Jerusalem's palimpsest of these memory paths. The Old City can seem like a confusing warren of indistinguishable streets, but when a Friday-afternoon prayer service during Ramadan empties out from the Haram al Sharif, the main arteries through the Muslim and Christian quarters throb into prominence. Even small alleyways that seemed unnoticeable before become prominent when they form part of the most direct route to one of the city's gates. The stepped bowl that leads down to Damascus gate really makes sense only at this time, when the space is filled with people and merchants and goods.

Similarly, the *Kotel* plaza often feels like just a broad, hot, unshaded void. But on Shavuot or *Pesah*, the space is completely transformed. It is not merely full of people, it is charged with the spirit of pilgrimage. Even the ill-considered or unconsidered scraggly

hillsides and chunks of wall are put to use, every inch suddenly seeming very purposeful. What is really interesting is returning to the plaza after seeing this event. Even when almost deserted, it can never again feel empty.

### *Sukkah* as Prototype

Temporary structures and changeable spaces are the final way that we experience temporalized space. The *sukkah* is the obvious prototype for how a temporary structure can be richly imbued with meaning. The *sukkah's* impermanence and open structure makes us acutely aware of time on many levels. Certainly, this moment on the season's cusp is heightened by our semi-exposure. We are aware of the shortness of eight days to enjoy *zeman simhatanu* (the season of our joy), and of our long memory in historic time of the period of wandering. The *sukkah* represents the fullest, most glorious, most meaningful manifestation of "time brought in intimate relation with space." And it is available to all of us.

"How lovely are your tents, O Israel." If Sukkot represents the zenith of our embrace of time in space, two weeks before can be the nadir. The High Holy Days present congregations with a very different spatial need than is experienced the rest of the year. Many synagogues are built for High Holiday capacity, leaving them feeling cavernous (not to mention wasteful) at other times. This spatial problem requires a shift to temporal thinking. Some congregations accept that their year-round home will not accommodate

them for the High Holy Days and the members make an annual pilgrimage to a church, meeting hall or tent. Still others try to address the problem by building expandable, flexible spaces. A sanctuary furnished with movable seats can expand or contract in feel in response to the size of the *minyan*. However it is met, the problem of the High Holy Day crowd really represents an opportunity to examine how we dwell in our spaces in time and how we choose to represent that.

### Further Considerations

Expanding our temporal thinking beyond High Holy Day problem-solving calls on us to integrate fully our actions in time with the spaces we inhabit. If we were to apply a Hebraic time-focused approach to the design or adaptation of a synagogue space, some questions we would need to address include: How do people arrive and how should that arrival prepare them for the service experience? How can we dramatize the moment of evening falling or of the particular light of morning shining? How should we choreograph the Torah procession? How can the space retain the memory of Sukkot's *hakafot* (processions), and Simhat Torah's dancing throughout the year?

When we think about Jewish sacred space, we simultaneously need to think about sacred time. When we do this, we not only draw upon Jewish theology and tradition — we make our spaces more responsive, more organic and more holy. We put time in intimate relation with space through em-

bodied history, and through attention to natural processes. We can choreograph space around movement, transforming space through procession, and allowing for change. Building and adapting our spaces with attention to time creates the heightened experience of living that we call sacred.

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1. David Serlin, "Can a Building be Jewish?" *Architecture* (Vol. 93: 7, July 2004) Serlin discusses recent interest in Jewish identity in architecture, citing recent books on American synagogues, a traveling exhibition by the Amsterdam Jewish Historical Museum, and a March 2004 Pennsylvania State University conference on "Architecture, Urbanism and the Jewish Subject." He concludes that this attention and the dialogue it stimulates will change how designers build and restore buildings.
  2. Abraham Joshua Heschel, *The Sabbath* (New York: Farrar, Straus and Giroux, 1951), 3.
  3. *Ibid.*, 6.
  4. "Action" and "act" are in many ways synonymous. Here, I draw the distinction between action — involving a time consuming process, and act — which focuses our attention on the effect or completion of the operation.
  5. Heschel, *op.cit.*, 5.
  6. Henri Bergson, "Time and Free Will: An Essay on the Immediate Data of Consciousness," as cited in Thorleif Boman's *Hebrew Thought Compared with Greek* (New York: Norton, 1970), 126.
  7. Heschel, *op.cit.*, 8.
  8. Bruno Zevi, "Hebraism and the Concept of Space-Time in Art" in Andrea Oppenheimer Dean, ed., *Bruno Zevi on Modern Architecture* (New York: Rizzoli, 1983), 158.
  9. Bruno Zevi, "Architecture and Einstein's

Space-Time,” in Andrea Oppenheimer Dean, ed., *Bruno Zevi on Modern Architecture* (New York: Rizzoli, 1983), 187.

10. Zevi, “Hebraism...” *op. cit.*, 165.

11. Thorleif Boman, *Hebrew Thought Compared with Greek* (New York: Norton, 1970), 27.

12. *Ibid.*, 76.

13. Zevi, “Hebraism...” *op. cit.*, 156

14. *Ibid.*, 165.

15. *Ibid.*, 164-5. Erich Mendelsohn, a highly original, expressionist architect, does not fit seamlessly into the cannon of modern architecture. Born in East Prussia and educated in Germany, he fled in 1933, going on to design the Hadassah-Hebrew University medical complex and the Ang-

lo-Palestine Bank (Bank Leumi on Jaffa Road) in Jerusalem.

16. There are problems inherent in Zevi’s argument. He takes what is basically an essentialist position, saying that Jews make kinetic, dynamic, organic architecture because of Jews’ dynamic nature. But he has a hard time finding examples. Apparently, Hebraic thinking was so repressed by Greek classicism that it took a non-Jew, Frank Lloyd Wright, to liberate it. Here, Zevi springs from essentialism to universalism.

17. Designed in 2001 for a Conservative congregation in San Francisco. The project is well documented and illustrated on the Stanley Saitowitz Office website.

# From “Journey” to “Home”

BY NINA BETH CARDIN

“Journey” is the image that underlies spiritual discourse today. Life, we are told, is a journey. The birth of human history — as told by the Bible — is told through journey, when Adam and Eve were banished from the garden and sent on their way. The Torah uses both verbs, as if one were not enough, to stress both the sense of moving out and moving on.

This first couple found a new place and put down roots, seeking to reinvent what they could from the old place that was lost. Their oldest son, Cain, became “a tiller of soil,” *oved adamah* (Genesis 4:2), a calling that requires constancy and dedication to place, and recalls the original task of the original man in the original place. For Adam too tilled the soil (*ovdah*) and cared for it as God had commanded (Genesis 2:15). But this new place is neither the point nor the focus of the story, for the text yields neither location nor name. And soon, Cain would lose even this modest gift of home in this first exile, and be punished with “ceaseless wandering” for killing his brother (the shepherd, the wanderer). It is all the more notable, then, that even when Cain is permitted to settle again, it is in a land called Nod, a land of wandering.<sup>1</sup>

## Limitations of Home

At first blush, this reading of the necessity of journey would have us conclude that home, while being many things, is not the incubator or expression of spirituality. It is not the place of discovery and growth, not the place of God and inspiration. Abraham had to be called away from home (and idolatry) to find God and to become the patriarch of his people. Jacob had to leave home (and danger and deception) to save himself, and then find himself. Joseph, too, had to “leave” home (and coddling and hubris) to learn life’s hard lessons before he could assume the prophecy he foresaw as a child.

Home is depicted as the place of temptation (of the forbidden fruit, if not also deceptive partners), danger (sibling rivalry) and stunted growth. (This need for home-leaving is reframed in the case of Isaac. While Isaac did not technically leave home, home, as it were, left Isaac. It was only and immediately after Sarah — the image of old home — dies, that Rebecca — the image of new home — is called. It is this duality of mother dying and wife journeying from afar that stands in for Isaac’s own journey.)

This way of reading journey, however unwittingly, often contributes to

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a diminishing or dismissal of home. People do not necessarily say so, and indeed might even protest that this is not the case. But if we listen to the language, that is what we hear. Today we speak of journey with little reference to the places we left, and almost no clear picture of the destination we seek. But in the Bible, the identity of both is clear: Home. We leave our first home to return to, or create, a better home.

### Home-Bound Journeys

Abraham starts in a false home and is called to travel to his true home. Jacob lives much of his life away from home but returns, twice, for his final redemption. Joseph is also brought home, after 400 years of exile. The nation of Israel, which came into existence away from home, was fashioned into a people through the journey Home.

The spiritual journey of the Jewish people is bounded by the release and lure of home. We leave Eden, Ur and Egypt to find our way home. At the very end of Deuteronomy (34:1-4) we read: “Moses went up from the steppes of Moab to Mount Nebo, to the summit of Pisgah, opposite Jericho, and the Lord showed him all the land . . . and said to him: This is the land of which I swore to Abraham, Isaac and Jacob.” The end of the journey is in sight, says the text — here is the place called Home.

The concluding verses of the *Tanakh* likewise speak of home. At the end of the Bible, we read: “Thus said King Cyrus of Persia: . . . the Lord has charged me with building him a house in Jerusalem, which is in Judah. Any

one of you of all His people, the Lord his God be with him, and let him go up” (II Chronicles 36:22-23). Both Torah and *Ketuvim* end with the vision of returning home.

### Beyond Reach

And yet, somewhat chillingly, at the end of both Deuteronomy and II Chronicles, home is just (and always?) beyond reach. Not only does Moses not enter the land, no one does. The book ends with the children of Israel east of the Jordan. Just as our history begins east of Eden, II Chronicles ends with a call to home, not the re-entry into the land that is our home.

One could reasonably ask: Why? Why do these books end in this way? Why not extend the ending a bit so that the Torah concludes with Joshua and the Israelite people entering the land? Or have six books of the Torah instead of five, and end the sacred text with coming and settling home? Why not have one more verse in II Chronicles, stating that the people packed their belongings, shed tears of gladness and traveled home?

### Realities Collide

I imagine it is for the same reason we could not sustain our first home in Eden. The ideal of home and the reality of home collide. Home is something we continually seek, and something that continually eludes us. Every night, we bed down and make a home. Be it a cardboard hovel, a shelter, an apartment, a condominium, a simple house

or a place in a gated community, we all have something we treat as home, something that provides constancy and familiarity, something that helps evoke a sense of peace and well-being.

We need a place we can call our own, a place we can say: this is mine and not yours, a place we can put our head and our things, that declares to us and to others: This is my place in the universe. Home is a place of grand discovery, if we but know how to mine it.

The problem is that home is the place of the mundane as well as the sacred, the routine as well as the exceptional, of sin as well as of holiness. No other place is as fraught with contradiction. So when we set up home, we continually ask: Which kind of place will this be? Have we returned to Eden, better and wiser and able to stay? Or is this a land of Nod?

### Eden and Exile

The series of blessings recited at Jewish weddings renews for the couple, as well as for all who celebrate with them, this hope for ultimate return. Blessings three and four of the *Sheva Berachot* recall the first couple of creation, when the world was new and exile did not exist. "(3) Blessed are you, Adonai our God, creator of *adam*, the first couple. (4) Blessed are you, Adonai our God, who created *adam* in the divine image, in the image of the likeness of the divine attributes, and took a bit from Adam to craft a structure that lasts forever. Blessed are you, Lord our God, who forms *adam*."

The couple standing under the

*huppah* becomes, as it were, Adam and Eve, made in the image of God, called to live in a garden bedecked with holiness, full of beauty, free of worry.

But then blessings five, six and seven hint at exile, and the yearning to recreate the perfect home. "(5) Make happy and bring gladness to the barren woman, bringing her children home to her in joy . . . (6) Bring joy to this loving couple, like you did to your creation in Eden." Memories of personal and national sorrow hover here. The pain of barrenness and exile is recalled. Weariness, loss and mourning breathe on the gathering.

But the ultimate call is all redemption. In the seventh blessing, the sound of the rejoicing of the bride and groom signals the return from exile, our re-entry into Eden. "You, God, who created joy and mirth and love and peace, let the voices of bride and groom be heard once again in the cities of Judah and the streets of Jerusalem."

### Absent Images

The push and pull of Eden and exile, the wandering and return, the presence and absence of God, are all played out in the district of home. It is astonishing to me, then, that we have almost no interior scenes of home in the Bible, no spirituality scenes played out in front of the hearth, or just about none. We have Sarah peeking around the tent flap; Joseph's altercation with Potiphar's wife; and Rachel's deception of her father. But such scenes are rare and fleeting, and do not rise to the level of spirituality.

So the question is: Why is the home abandoned or ignored as a place of lived holiness, and a place to discover holiness? The answer seems sadly familiar: because home is the domain of women. The Bible depicts scenes in the home only in relation to women. Or to put it more precisely: the Bible depicts scenes of home in relation to women only when they are doing something deemed significant in relation to men. Women acting at home in the absence of men, or doing acts that are not deemed notable by men, are never noted. So if home is the domain of women, and, in the biblical mind, women are not the domain of the holy, then home is not the domain of the holy. The domain of the holy is outside. Outside is where journeys happen.

But holiness is too great, too important and too demanding to be relegated to the medium of journey alone. Certainly the concept of journey should remain a mainstay of spirituality. Our spirits do need to travel, to explore. We need time away from the familiar, from routine, from where we are complacent. But our spirits also need time in front of the hearth, stirring a warm bowl of soup, listening to the chatter of loved ones around us. We need a place where we know where the bread is kept, where the extra key is stored and which chair is ours.

### **Exotic and Mundane**

It is true there is something irresistible about the call to journey. Finding God seems more exotic that way, more adventurous, more heroic, more wor-

thy for all the effort we put into it. It is a source of pride, a task for the stout-hearted. Being on a journey conjures up danger, sacrifice, purpose and achievement. No wonder it is celebrated with tales of revelation and self-discovery.

How much more riveting is a story of discovering God in a burning bush than in a linen closet? How much more fascinating, and trustworthy, to hear the word of God in thunder upon the mountain, than while weeding in the garden? And yet, is retrieving a stray lamb any more worthy than remembering that one child likes his scrambled eggs well done and one child likes hers moist? Why is it more worthy to seek God in a private (selfish? self-centered? self-indulgent?) quest than to seek God while preparing the dinner table, where every plate represents and anticipates the presence of a friend or a loved one

### **Sacred Shopping**

So too with the Temple and its successor, the synagogue. The priests had their rituals for the sacrifices, and the rabbis their rules for prayer, but why is it easier, or considered better, to seek God amidst such details than while making up a shopping list. For in truth, a household shopping list is a document of ritual, awareness, awe, devotion, culture and hope, every bit as much as prayer and cultic sacrifice. Just as the rules of cultic sacrifice and of prayer embody underlying values of their systems, shopping lists reinforce and reflect the values of the home. Is our home kosher or not? Are we buy-



ing fatty foods or healthy ones, pre-packaged meals or ingredients to make dinner from scratch?

Shopping lists reflect the rhythm of the year, and record those who flow in and out of our lives. Are we shopping for foods that celebrate birthdays, holidays, graduations, homecomings? Are we shopping so that we can make meals for a *shiva* house, for our friend who is sick, or so we take an extra can for the food drive at school?

Each written-out shopping list also assumes an oral Torah: “Peppers.” But what color? How many? Are they for your daughter’s tuna fish or for Friday night stir fry? How many loaves of bread? What kind? “Rye.” With seeds, or without? The reader of the list must read through the *peshat* (plain meaning) to the *drash* (interpretation), informed by their intimate knowledge of home, of its members and visitors, of their appetites and allergies, even as the rabbis read through the *peshat* of our sacred texts.

To make a shopping list, therefore, is to take note of the individuals who have an impact on the household, to care for and to show concern for them, as well as other members of the community whose lives we touch. Was that not Moses’ greatest attribute? Was that

not why God chose Abraham? Is that not what Judaism seeks to teach us – the acknowledgement of and response to the sacredness of each individual embedded in the web of community?

### Sanctifying Home

But in truth, who thinks of Home this way? And yet, if we created prayers for these home-based acts, if our tradition marked these moments as carefully and powerfully as it does others, then truly Home would be acknowledged as the sacred place it is, both reflecting and recalling the wonders of our relationship with God, others and the world.

Journey is powerful as a way to the knowledge of God and self. But so is the creation and maintenance of home. It is time we turned our attention to recapturing and reinvigorating that search, and to remember that all journeys begin and ultimately return to the direction of Home.

If we remember this, and recreate Home as a place of spiritual discovery and expression, then perhaps we will come closer to writing the new last lines of Torah for the messianic world: “And the people rose and traveled, and settled in the promised land. Home at last, home to stay.”

# The World as Sacred Space

BY FRED SCHERLINDER DOBB

In a recent class on Jewish environmental ethics, one participant asked: “If our tradition sees the world as sacred enough to deserve our utmost protection, then why haven’t I heard this before — and how did we let things get so out of whack?” She was right: Judaism’s record, while mostly teaching concern for the Earth, is mixed. The world’s holiness, though present in Jewish teachings, is often hard to discern.

The question reminds us that today, amid mounting concern about what we are doing to the Earth, we need to reconsider our tradition’s position on Godliness-in-the-world — and at the same time, (re-)emphasize those elements in Judaism that see the world as holy. We need to re-sacralize the world.

## Personal Experience

Connection with nature is not just an academic question, since the more we come to know Creation and see it as holy, the likelier we are to take ecological action — and as the alpha (dominant) species on Earth, our actions shape nature’s future, which in turn becomes our own. Thankfully, Judaism’s evolution has long incorporated first-hand experience of the world’s holiness.

The Bible describes a world holy to God, created for its own sake (Psalm 104). Here the animate heavens and Earth bear vocal witness to Divine glory (Psalms 96, 148), and *kol haneshamah t’halel Yah* — all that breathes should join the hallelujah chorus (Psalm 150). The prophets similarly ascribed holiness to the land, holding it in covenant (Jeremiah 32) and seeing the whole world as full of God’s glory (Isaiah 6). Even earlier, Abraham had to “walk himself through the land” (Genesis 13:17), the “good land,” to know it. And such “earthen” holiness could not have been more personal for Job (Job 38-42), who learned out of the whirlwind that the world exists as God wants it to exist.<sup>1</sup>

## Finding the Center

Neither nature nor humanity is at the center of the ancient Jewish worldview; God is. Still, the world’s holiness was tangible and direct. The rabbis of the Talmud, many of whom themselves worked the land, could say things like “nothing in the Divine plan is superfluous” (*Exodus Rabbah* 10:1); they knew whereof they spoke.

In the medieval and modern periods, a sad history placed limits on most Jews’ access to land. As our connection

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with nature became less personal, teachings became detached from their landed origins. Jews were “alienated” from nature. Even now, as so many Jews are at home in the city rather than the country, some consider us an “unnatural”<sup>2</sup> people.

Yet in the past two centuries, many Jews have rediscovered the world’s sacredness. Examples include Aaron David Gordon’s insistence on having bits of earth under Jewish fingernails; his kibbutz-mate Rachel Blaustein’s poetic odes to the land, along with Saul Tschernokovsky’s neo-pagan Zionism; Mordecai Kaplan’s *piyyut* “God the Life of Nature;” Marge Piercy’s brilliant gardening poems; and the growth of the modern Jewish environmental movement. Cognizance of the world’s holiness has reappeared with vigor.<sup>3</sup>

Today we inherit ancient agricultural wisdom, medieval distance from nature, and contemporary reconnection with the Earth. We must ask ourselves where we fit into this scheme. What will we prioritize within our rich heritage? We can emphasize those strands of tradition that advocate a bookish, indoor life of piety;<sup>4</sup> or we can “read” nature as God’s open holy book.

### Theology of the Whole

This enormous choice lies before us. We can locate divinity squarely within the world, lending credence to efforts to protect it, or identify God as “otherworldly,” paving the way for paving over the world without theological consequence. Fealty to the tradition demands a sober assessment of its teach-

ings: how much is God within, and/or beyond, the world? Yet real respect for us, for others, for our descendants and for all Creation must also enter the mix, demanding real engagement with the world, and efforts to re-sacralize it.

What doubts surround such an approach? One is simply the God-centeredness of Jewish tradition, along with its hints of anthropocentrism.<sup>5</sup> We respond that God, the Creator and Sustainer of all, called everything “good,” and the interconnected whole “very good” (Genesis 1:31). Nature’s complexity is God’s handiwork, worth protecting for God’s sake and ours, as well as for nature’s own survival. We should act like Noah, saving what we can of what the Creator made.

### Pantheism and Panentheism

Pantheism, the view that all of Creation is sacred because God is in everything, has been a major concern over the generations. Where earlier Mesopotamian myths saw gods (such as Tiamat) as the stuff of existence, the God of Genesis is above the fray, the Actor Whose mere Word brings about existence. Yet even here, nature plays a key role: Earth and sea bring forth life (Genesis 1:11; 1:21), and God does nothing without counsel from heaven and earth (*Genesis Rabbah* to 1:26).

As Judaism’s great “naturalist” theologian, Mordecai Kaplan was often mistaken for a pantheist. Yet his conception of God as the “Power that Makes for Salvation,” while operating through and experienced through the world, is not limited to it. This theol-

ogy, often termed panentheism, comes with a strong Jewish pedigree.<sup>6</sup> Panentheism gives us permission to re-sacralize the world, so long as we never ignore that Whole which is greater than the sum of its parts.

A related theological issue is God's presence within the world (immanence) versus God's distance above and beyond it (transcendence). Immanence comes easily to our Christian friends, with God-incarnate; we can learn much from theologians like Jürgen Moltmann and Sallie McFague who link immanence with redemption. But Judaism also balances the two, even lending subtle priority — from Psalms to Hasidism — to Divine presence in our world.<sup>7</sup>

### Isn't Nature Amoral?

The dualism between amoral nature (Creation) and moral law (Revelation, Torah) is perhaps Judaism's greatest obstacle to seeing nature as holy. Where Greek and other systems upheld nature as ideal, classical Judaism demanded a morality that transcends "base" human or animal nature. Social Darwinism, which lets people ape nature's amorality,<sup>8</sup> flies in the face of Jewish conceptions of human behavior. But this need not make us write off nature altogether.

Nature can be instructive, even sacred, without causing immorality. Proverbs walks this thin line, bidding lazy people to "go to the ant, study its ways, and wise up" (Proverbs 6:6). So does Job, who suggests we "ask the animals . . . and the birds," and "converse with the land...or the fish;" they will

teach us (Job 12:7-8). Even Amos' famous call for justice to roll down like water (Amos 5:24) is an apt use of natural images to motivate righteous human behavior.

In each case, we become better people by learning from nature. While primarily concerned with human behavior, the world is the necessary setting for these sacred scriptural lessons. If we destroy the ants' habitat, we lose the lesson of industriousness. If we kill the animals or poison the fish, we lose Torah. If we dam or channel the river, we lose a measure of passion for justice.

This understanding privileges creation, without knocking revelation. It locates and strengthens human morality within the natural world, but does not reduce ethics to naturalism. This preserves Creation's vital importance within Judaism, leaving the door open for the many reasons why even "amoral" nature should be considered holy — one of which is that humans, while bearing the divine image, remain part and parcel of nature.

### Circles of Holiness

"If I am not for myself, who will be for me; but if I am [only] for myself, what am I?" asked Hillel (*Pirke Avot* 1:14). Hillel brilliantly begins with the self, as humans are wont to do, but compensates by upping the ante, making us less-than-human ("what" rather than "who") if we miss the second half of the equation.

The same idea applies to group identity — we must certainly stand up for those with whom we share key affini-

ties, yet if we only concern ourselves with Jews/Americans/people-like-us, we fail the higher test. And so also with species — we must stand up for humanity, and for the tens of millions of other creations. We no longer have the luxury of either/or thinking.

### Many Layers

Consider the world as concentric spheres, like layers of an onion or nested Russian *matryoshka* dolls, with us at the center. We are keenly aware of the smallest, innermost layers, where our sensitivity and sense of sacredness are most attuned. Only occasionally do we glimpse the larger layers surrounding us, yet all of it is our world. Rot in any ring may spread, infecting the whole. Martin Luther King said, “Injustice anywhere is a threat to justice everywhere.” And as in society, so in Creation.

Even as we focus on what is nearest, Hillel and King remind us to look up and out, beyond ourselves and “our crowd.” They insist that we enlarge our circles of concern and compassion. Judaism offers an ongoing tension between universal and particular impulses, even as the tradition generally gives precedence to the universal. The time has come to universalize one more notch, encompassing now the entire created order.

### Holy Holograms, Fractal Foundations

Every nested doll within a set shares one common shape — each, though

different, reflects all the others. Creation is much the same. Martin Buber rightly saw I-Thou potential not just between two humans but also with trees and cats and rocks,<sup>9</sup> since each created thing is like a hologram. Each of us is a part, containing the secret of the whole.

If we despise or waste something in this hologrammatic material realm then we are actually destroying a piece of ourselves. The German Orthodox rabbi, Samson Raphael Hirsch, called *bal tashbit* (the “eco-mitzvah” of not wasting) the “first and most general call of God.” His hasidic counterpart, Shneur Zalman of Liadi, saw all visible creation as God’s outer-garments. Either way, Creation is sacred.<sup>10</sup>

Modern science goes beyond holograms to fractals, where seemingly unpredictable patterns actually replicate themselves at different levels of magnification.<sup>11</sup> Fractals remind us that all is connected, and that we differ in degree, not in kind, from the rest of Creation. If God is holy, and we-made-in-the-Image are holy, then the world too must exhibit that holiness. Phyllis Tribble calls the human in Genesis 1-3 “both a part of, and apart from,” the rest of the created order. Yet because we share 80 percent of our DNA with mice and 99 percent with chimpanzees,<sup>12</sup> Tribble agrees with Kohelet (Ecclesiastes 3:19) that we are more “a part of” than “apart from.”

### Nature Within Us

Nature’s wildness pervades our very being. *Avot d’Rabbi Natan* (section 31)

sees humanity and nature as twins: “Whatever the Holy Blessed One created in the world, God created in *adam*. God created forests in the world and forests in *adam*. God created a wind (*ruah*) in the world and a wind in *adam* . . .” Liberation theologian Leonardo Boff adds that “When reconciled with ourselves...we can, without coercion, live with our own kind (social ecology), and also with all other creatures (environmental ecology), as, indeed, brothers and sisters.”<sup>13</sup>

All the Earth is our home; we should not foul our own nest. Logic or survival alone would yield that inescapable conclusion, but we get there as well from a good look at the cosmos, or at our own tradition. *Kadosh, kadosh, kadosh, Adonai tzeva’ot, m’lo kol haaretz k’vodo*. “Holy, holy, holy, is God of Hosts; the whole world is filled with God’s glory” (Isaiah 6:3).

### Israel: An Exception?

The whole world may contain divine glory, but in many Jewish sources, one land is more glorious than others: *haaretz*, simply “the land,” a.k.a. *eretz yisrael*. The midrash exaggerates: “ten measures of beauty descended to the world: Jerusalem took nine, and the rest of the world, one.” Here Judaism easily made hierarchical distinctions: “The land of Israel is the holiest of all lands;” “nothing can be perfect, except in Israel.”<sup>14</sup>

How do we reconcile the world’s holiness with “the Holy Land,” especially when *eretz* or *adamah* sometimes connote Earth, and sometimes connote

Israel? We often expand the impact of our sacred text by reading “the” land as “all” lands — as with the second paragraph of the *Shema* (Deuteronomy 11:13-21), which warns us not to serve false gods lest we “speedily be evicted from the good land that God is giving us.” Broader interpretations raise environmental consciousness — but are they true to tradition?

Yes and no. Again, we encounter the creative tension between the particular and the universal. Just like humans within the council of all beings, *eretz yisrael* is both “a part of” the community of lands/nations, and “apart from” it. Israel is particularly holy from our vantage point, special to us (and to others, if differently so) — but this truth must not and cannot mean denigrating other lands.

We must reconstruct our understanding of *eretz yisrael*, just as we have reconstructed *am* (people) *yisrael*: from election to vocation, from being chosen to doing the choosing, from being objectively better to being better for us. Kaplan is not our only help here. Judith Plaskow usefully intensified the critique of chosenness from a feminist perspective, implicitly making it applicable to lands as well as peoples. A. D. Gordon, the great theoretician of labor Zionism, prescribed that “even in the lands of the diaspora, Jews must look to labor, to nature.”<sup>15</sup> We must see holiness in Tiberias and Toledo and Toronto, Dimona and Denver and Delhi alike.

### The Role of Humanity

Having hopefully established that

Jews (among others) should see the world as sacred, what next? What actions would help actualize this value? For starters, we must redouble our engagement in each layer of our global onion. The Kotzker Rebbe justified the odd name of the stork — *hasidab*, from ‘loving-kindness’, in Leviticus 11:19 — because it goes out of its way to feed other injured or ill storks. It is nonetheless *treif* (not kosher), since it only extends this *hesed* to fellow storks, not to other species. So, to be *hasidim* we must take care of our own; to be kosher we must take care of others. Though nearby layers may receive extra attention, no part of the onion can fall outside our circles of compassion and concern.<sup>16</sup>

*Tachlis*, brass-tacks — what can we do to reach these easily-missed outer layers? Environmentalists speak of “living lightly on the Earth,” or “limiting our ecological footprint.” Every action we take — where we live, what/when/if/how we drive, what we eat, for whom we vote, how we invest, and so on — has a clear environmental impact. We must be willing to ask tough questions regarding the impact of our daily choices, and then willing to heed the response. Our descendants, our fellow humans and the trillions of organisms with whom we share this Earth deserve no less.

And to the questioner who asked why she had not heard about Jewish sensitivity to the world’s holiness: better now than never! Newcomers to this eco-Jewish synthesis can start by visiting [www.coejl.org](http://www.coejl.org), the website of the Coalition on the Environment and

Jewish Life, in which all four major movements plus most national Jewish organizations are a part. Despite our fractiousness, Jews — and our non-Jewish neighbors, with whom we share the National Religious Partnership for the Environment ([www.nrpe.org](http://www.nrpe.org)) — can agree on protecting God’s good Creation.

### In the Liturgy

During a recent silent retreat I’d had difficulty calming my mind, but appreciated the stillness, which helped me to see more clearly the glory that is Creation. I kept reflecting on something I’d read about a Zen practitioner who reported: “No paranormal experiences that I can detect. But you wake up in the morning and the world seems so beautiful you can hardly stand it.”<sup>17</sup> Our group’s slow and sacred return to speech after four silent days began by contemplating and discussing biblical verses; by chance I was given Psalm 104:24, recycled in the weekday *yotzer* (creation) liturgy: *Mah rabu ma’asecha Adonai; kulam b’hochma asita, mal’ah haaretz kinyanecha*. “How great are Your works, O God; all of them You made in wisdom; the Earth is full of Your handiwork.” Enough said; the world is sacred space.

The *yotzer* prayer in which this line appears is the universal “creation” prayer, thanking God for the natural cycles that affect all people and species. This first blessing surrounding the *Shema* segues into *Ahavah Rabbah*, the particularistic “revelation” prayer, thanking God for our people and its

unique history, book/s, and path.<sup>18</sup> Again we encounter that timeless tension between the universal and the particular — only this time it is resolved, twice daily, by the *Shema*. Hear O Israel: the particularistic God of Jewish history whose Name (YHVH) appears at key moments in the life of Israel, and our universalistic God of nature whose Name (*Eloheinu*) dominates the creation story, are in fact One and the same God (YHVH *ehad*).

### Pick a Tablet

An impatient fellow once demanded the whole Torah, while standing on one foot. Perhaps he was saying “two feet/legs, two tablets — the first tablet, with commandments one to five, is basically ritualistic, the second tablet, six to ten, is ethical. If I had to choose, which should I stand on?” Where Shammai was dismissive, Hillel responded simply with the golden rule — as if to say, “Pick ethics, the Torah’s essence; but the rest is important too. Go and study it.”<sup>19</sup>

As with ethics over ritual, so it goes with universal/particular, immanent/transcendent, world as inherently sacred/mere matter. In each set, both are true, and still greater truths emerge through their creative tension, but in a pinch, we go with the former. We should practice ethics (and ritual) with a universal (and particular) orientation, knowing that God is in the world (and beyond it), and that the world is (mostly) sacred. Now let’s go and study and practice.

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1. See Bill McKibben, *The Comforting Whirlwind* (Grand Rapids: Erdmans, 1994); Stephen Geller, “Nature’s Answer,” in *Judaism and Ecology*, ed. Hava Tirosh-Samuelson (Harvard: 2003), pp. 123-29; and Arthur Green, *Seek My Face, Speak My Name* (NJ: Aaronson, 1992), pp. 69-70, for similar perspectives on Job.

2. Cf. Steven Schwarzschild, “The Unnatural Jew,” *Environmental Ethics* 6:4, 1984. Ironically today, city living is arguably the more ecologically sustainable choice; dense high-rise construction and excellent mass transit in places like Manhattan or Chicago’s Loop obviate much human environmental impact.

3. Significantly, this is a global, interfaith phenomenon. Jews and others would benefit from reading such key Christian/American writers as poet and farmer Wendell Berry, on the sacredness of the land Berry and Piercy’s sacred environmental poetry appears — itself an important innovation! — in the Reconstructionist *Kol Haneshamah: Shabbat Vehagim* (Philadelphia: JRF, 1994), 232, 737, and 765; Kaplan’s *piyyut* is on 757 ff.

4. The best-known such text is *Pirke Avot* 3:7, which holds the person who stops studying to admire a tree or a field as forfeiting their share in the world to come. But Jeremy Benstein convincingly reframes this text as applying instead to those who would deem the tree or field unworthy as objects of sacred study — “Nature vs. Torah,” in Arthur Waskow, ed., *Torah of the Earth, Vol. I* (Woodstock VT: Jewish Lights, 2000).

5. Though for every Jewish example of human-centeredness, there is a Psalm 104 or an *Exodus Rabbah* 10:1, agreeing with Maimonides (Guide for the Perplexed 3:13) that “It should not be believed that



all beings exist for the sake of humanity's existence... [rather,] All the other beings too have been intended for their own sakes."

6. See the rabbinic maxim, *hu m'komo shel ha-olam, v'ein olamo m'komo* (*Genesis Rabbah* 68:1) – "God is the Place of the world, but God's world is not God's [sole] place." Through panentheism, Arthur Green reconciles Kaplan's largely (though not entirely) transcendent theology with the immanent neo-hasidic theology of Martin Buber and Abraham Joshua Heschel (*Ra'ayonot*, 1986).

7. See Jürgen Moltmann, *God in Creation* (Minneapolis: Fortress, 1985, throughout); Sallie McFague, *Models of God* (Philadelphia: Fortress, 1988, throughout); Martin Buber, *I and Thou* (NY: Scribner's, 1923/1958), p. 79; and below, for the balance of immanent references to "YHVH" with transcendent references to "Elohim."

8. The very term, "Social Darwinism," highlights this school's misreading of the good scientist, who saw as much cooperation as competition in evolution.

9. Martin Buber, *I and Thou* (NY: Scribner's, 1923/1958), 7, 97-98. His thought is widely emulated by spiritually sensitive environmentalists from Annie Dillard (*Pilgrim at Tinker Creek*, NY: Bantam, 1974, pp. 31, 202) to Sallie McFague (*Super, Natural Christians*, Minneapolis: Fortress, 1997, p. 100 ff).

10. S. R. Hirsch, Ben Uziel 4; Shneur Zalman, Tanya 42. The 13th century pietistic *Sefer Ha-binuch* prefigures these 19th century insights, saying of bal tashhit (529) that "righteous people of good deeds...do not waste in this world even a mustard seed. They become sorrowful with every wasteful and destructive act that they see... But the wicked are not thus; they are like demons. They rejoice in the destruction of the world, just as they destroy them-

selves."

11. Nature's fractals include broccoli, lungs, trees, ferns, and coastlines. For instance, consider the East Coast as seen from space. Larger peninsulas and islands (Florida, Gaspé, Cape Cod, Long) and smaller ones (Cape May, Hilton Head, Staten) are mixed with straight stretches. Zoom in now on one area, like southern Maryland on the Chesapeake, and the same general proportions will hold (Annapolis, Calvert County, Kent Island). Flying over one square mile we'd again see a similar mix of twists and turns, replicated even in one meter of rocky shore, or in the microscopic edges of a pebble. That progression, roughly, is "fractal."

12. Phyllis Tribble, "Ancient Priests and Modern Polluters," *Andover Newton Quarterly* 12:4, March 1972, p. 77; Morris Goodman, Lawrence Grossman, and Derek Wildman of Wayne State University in a 2003 National Academy of Sciences study, "Genomics in Humans & Chimpanzees." Kohelet (Ecclesiastes 3:19-21) prefigured them: humans and animals share "one spirit" and one destiny; "there is no advantage to the person over the beast."

13. Leonardo Boff, *Ecology and Liberation: A New Paradigm* (NY: Orbis, 1995), 78.

14. *Kiddushin* 49b; *Bereshit Rabbah* 96:5; and Yehuda HaLevi, *Kuzari* 5:23.

15. Mordecai M. Kaplan, especially in *Future of the American Jew* (NY: Macmillan, 1948), 211 ff; Judith Plaskow, *Standing Again at Sinai* (Harper San Francisco, 1990), 100-105; A. D. Gordon, "Labor," in *Collected Essays*, 79. See also Bradley Shavit Artson, "Our Covenant with Stones," *Conservative Judaism* 44:1, Fall 1991.

16. Tradition is, again, of two minds on the matter.. We should give *tzedaka* to non-Jews as well as Jews, and to non-relatives

as well as relatives, even as laws and customs clarify that “we take care of our own first.” This perhaps never-ending narrower task still does not exempt one from responsibility to the commonweal.

17. Huston Smith, *The World's Religions*

(Harper San Francisco, 1991),137.

18. The evening parallels are *Ma'ariv Aravim* and *Ahavat Olam*, respectively.

19. TB *Shabbat* 31a; this interpretation from Yeshiva University's Benjamin Blech, heard at a 1990 Hillel conference.

# What Rabbis Can Do to Help Protect Legal Rights in Same-Sex Relationships<sup>1</sup>

BY ARTHUR GROSS-SCHAEFER AND ROBERT DIXON<sup>2</sup>

In a place where no one behaves like a human being, you must strive to be human.

Hillel, quoted in *Pirke Avot* (2:6)

**I**n a period of thirty days last spring, San Francisco City Hall issued more than 4,000 marriage licenses to same-sex couples, and city officials performed more than 3,400 marriages for same-sex couples.<sup>3</sup> The country took notice, and President Bush called for a constitutional amendment defining marriage as a union between a man and a woman. Marriages for same-sex couples began to become the hot topic when the Massachusetts Supreme Court ruled that excluding same-sex couples from civil marriage violated the equality and liberty guarantees of the Massachusetts Constitution (*Goodridge vs. Department of Public Health*, 440 Mass. 30, 798 N.E.2d 941, 2003).<sup>4</sup>

The presiding officials in San Francisco were subsequently ordered to prove why they believed they had not

“exceeded their authority” (and in subsequent rulings, the San Francisco weddings were contested). It appears that the legal and political fight over marriage equality for same-sex couples will continue to be a war filled with minor skirmishes and major battles that will refuse to end until one side can declare absolute victory. It is likely that the debate over equal marriage for same-sex couples will not be resolved until sometime in the distant future.

## Reducing Hardships

In the meantime, situations of financial and emotional hardship that occur in some single gendered relationships could be greatly reduced with the creative use of existing legal agreements. Accordingly, this article is a practical guide for rabbis, outlining some of the avenues that are available today to help alleviate some of the legal nightmares that may arise with regard to same-sex relationships.

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We advocate that caring rabbis, who choose to perform same-sex commitment ceremonies, should strongly encourage or even demand that same-sex couples retain competent counsel to draft legal documents that will afford each person certain legal rights in case of separation, death or incapacity. Commitment ceremonies provide important ritual, religious and spiritual moments. However, in the absence of legal substance, such a relationship can lead to problematic, confusing and even appalling consequences.

As one example: In the case of *Goodridge vs. Department of Public Health*,<sup>5</sup> Hillary and Julie Goodridge alleged that when Julie gave birth to their daughter and the infant was transferred to a neonatal intensive care unit, Hillary “had difficulty gaining access to Julie and their newborn daughter at the hospital,” despite the fact that the couple had been in a committed relationship for thirteen years.

This article will provide information as to the legal structures and documents that will increase the rights of same-sex couples so that they might have some of the rights automatically given to heterosexual married couples.<sup>6</sup>

### **Rabbis, Not Lawyers**

We do not want rabbis to become lawyers or give legal advice. However, we do want rabbis to become familiar with the potential for legal abuses in the absence of the official protections that automatically follow a legally recognized marriage. Those abuses can be avoided in some circumstances with the execution of wills, advanced directives

and relationship and parenting agreements.

Moreover, in order to ensure that the creation and execution of such documents takes place, we advocate that rabbis require that these documents be executed at or before any religious ceremony. One may even consider making the execution of the legal documents by the couple a part of the commitment ceremony, perhaps taking place at the same time the ketubah is signed and witnessed.

As rabbis counsel gay and lesbian couples about the issues involved in strengthening their spiritual connection and creating their own commitment ceremonies, they have another responsibility as well. That responsibility is to advise such couples to educate themselves about the legal issues surrounding their union — property rights, medical decisions, child custody, funeral arrangements and inheritance issues.

Although a rabbi is not to give legal advice or act as the couple’s attorney, as a spiritual leader s/he can make sure to raise these issues, and be an important source for appropriate referrals. In requiring that certain minimal documents be drafted and signed prior to the ceremony, the rabbi is not practicing law but is rather acting as a responsible spiritual counselor who is helping to protect the couple’s future in terms of legal, emotional and financial security.

### **Four Primary Concerns**

There are, at a minimum, four basic areas that same-sex couples need to

consider in order to avoid some major problems down the road. (In more complex situations, additional areas of legal concern may exist and should be explored.) The four main problem areas are as follows:

- making medical and end-of-life decisions;
- ensuring the financial welfare of both parties;
- distribution of property in case of dissolution of the relationship or death; and
- securing parental rights for both adults.<sup>7</sup>

Each couple needs to find a legal advisor or advisors who will assist them as to their particular needs. It cannot be emphasized enough that each state, and in some cases each county or city, has its own rules, and thus it is imperative that rabbis become familiar with the rules in their area and find appropriate legal advisors so that they can be kept aware of the constantly changing legal landscape.

Before we discuss the legal mechanisms that can help to alleviate the problems that occur in the areas listed above, the following is a list of situations that will help to illustrate these four areas of concern.

### **Medical and End-of-Life Decisions**

Gay and lesbian couples do not have legal rights in most jurisdictions to make medical or funeral decisions. If a couple gets into a major auto accident or has a major medical emergency, the uninjured partner would have no right

to direct or be legally involved in the partner's medical care or even to be present in the emergency room. The partner would be completely excluded from making decisions regarding extraordinary life-saving measures such as life support. Moreover, the surviving partner would have no legal right to direct or to be involved in decisions about a funeral.

In most states, in the absence of written directives, health care professionals will turn to blood relatives to make those decisions, regardless of how long the couple has been together, and regardless of whether any real relationship has been maintained with the blood relatives. Accordingly, properly executed health care directives will allow one partner to make major medical decisions and to be allowed access into emergency rooms.

### **Financial Welfare of Both Parties**

If one partner is the major breadwinner and the other relies on that partner's income, the major wage earner, upon the dissolution of the relationship, may be able to claim all assets, thus leaving the former partner disenfranchised. The lesser-earning partner may have no legal claim to any assets not explicitly in his or her name. Moreover, if any of these assets appreciated during the relationship, the greater-earning partner may be able to claim most if not all of the appreciated value, leaving the other partner little if any equity. These realities underscore the need for written agreements about financial issues to

ensure that both partners understand and agree to whatever financial commitments they decide to make to one another. If properly done, these agreements are largely enforceable.

### **Distribution of Property**

If the property is under one partner's name and the couple separates, the other partner might not be entitled to any ownership rights. That partner could be forced out of the home without any share in the equity appreciation during their relationship. If the property-owning partner were to die suddenly, the surviving partner would have no legal right of inheritance unless the deceased partner had made out a will leaving the property to the other partner. In the absence of a legal agreement, the assets acquired during the term of the relationship do not automatically pass to the surviving partner. A properly executed will allows for the passing of property to one's partner upon death.

### **Securing Parental Rights**

As a general matter, legal parenthood is determined by biology (i.e., a genetic connection between parent and child) or adoption. When a same-sex partner brings a child into the family (through birth or adoption),<sup>8</sup> the other partner has no legal rights to the child, either while the relationship is intact or upon its dissolution. This includes the right to make medical decisions, the right to access school records, the right to secure custody of the child and the right

to have visitations. One partner may even be able to block future visitation rights of the other partner upon dissolution of the relationship.<sup>9</sup> Furthermore, the child lacks the protection of having a second legal parent through whom he or she can obtain health insurance, inherit upon the parent's death, etc. Co-parenting agreements can set forth the parties' expectations and form the basis for shared future parenting and visitation rights.

### **Legal Documents Needed**

Many of these issues for same-sex couples can be circumvented through the use of legal measures such as wills, property agreements, co-parenting agreements, and advanced directives or other mechanisms set forth by the legal system. These legal measures will entitle same-sex couples to a small sampling of the rights heterosexual married couples obtain automatically when they are married. These documents are by no means an equitable substitute for legally recognized marriages, but they do provide some benefits that current law would otherwise fail to grant these committed couples and their families.

With few exceptions, gay and lesbian couples currently cannot anticipate being able to rely on the state or the federal government to protect their rights, and to minimize the risk of, say, one partner being kept out of an emergency room, losing custody rights to a child, or being left homeless and penniless due to separation. When entering into a committed relationship, gay and lesbian couples can, however, ef-

fectively gain some of the benefits of marriage by filing certain documents or entering into lesser or different legal relationships.

### **Legal Relationships Short of Marriage**

While continuing to exclude gay and lesbian couples from marriage, some states have established legal relationships into which they may enter in order to obtain some of the protections of marriage. The most comprehensive of these efforts is Vermont's civil unions, which establish a spousal relationship for same-sex couples parallel to marriage for all purposes under state law.<sup>10</sup> Civil unions do not provide the full scope of protections of marriage, however, because a) civil-union spouses cannot access any of the nearly 1,300 protections federal law provides to married couples, and b) civil unions have largely not been respected outside of Vermont. As a result, even with a civil union, gay or lesbian couples should consider establishing the legal documentation discussed below.

Another legal relationship into which same-sex couples can enter in some jurisdictions is a domestic partnership. "Domestic partnership" is not a universal term, and has a variety of meanings.<sup>11</sup> In some states and municipalities, partners who register with the government as domestic partners can obtain a select number of protections, such as rights with regard to family crisis; children, work benefits and inheritance rights, although the scope of these protections ranges widely from

jurisdiction to jurisdiction.<sup>12</sup>

Sometimes, these benefits are available to all individuals when there is protection under a domestic partnership and sometimes these benefits are only bestowed state or country employees who file a domestic partnership affidavit to obtain limited employment benefits. Further, the requirements for entering into such a relationship are different from jurisdiction to jurisdiction.

In California, for example, both partners must be present at the time of registration, must be at least 18 years of age, must reside together and be sharing the common necessities of life, must not be married or registered to any other person, must not be related by blood, and must intend on remaining each others sole partner and providing for the common welfare indefinitely.<sup>13</sup> California, Maine and New Jersey are the only states that have statewide domestic partnership registries, although several other states provide health insurance and other employment benefits to the partners of state employees who file a domestic-partnership affidavit.

Municipal registries also exist, but generally their protections are limited to visitation in municipal hospitals or jails, family memberships at municipal facilities, and other points of access to municipal programs. It is crucial to recognize that even at their most comprehensive, these registries grant a small handful of protections, and same-sex couples should consider other preventive measures to secure their relationship, such as those measures discussed below.

## Securing Decision-Making Control

There are a number of legal documents that should be executed in same-gender relationships.<sup>14</sup> Among the most important are directives for medical and financial decision making.<sup>15</sup> One of the scariest things in the world is to hear that a loved one is seriously ill and in the hospital. Possibly the most frustrating thing to hear is that one has no input over the type of care, because one is not legally part of the family, regardless of the length or seriousness of the relationship. This is the grim reality that many gay and lesbian couples face because their local and federal governments refuse to recognize them as a legally bonded couple. To avoid this outcome, gay and lesbian couples should execute documents that grant the uninjured partner the authority to make decisions about medical care as well as about finances should the other partner become incapacitated.

There are various terms used to denote documents that authorize a partner to make medical decisions. These documents can be known as advanced directives, health-care proxies, medical powers of attorney or durable powers of attorney. Whatever the term may be in each particular jurisdiction, these documents can be used to empower the partner to make the decisions typically granted to a spouse. The scope of the appointed person's power can be specific, such as being able to hire and fire medical personnel, and allowing visitation even when other visiting is restricted. By being able to designate each other as health-care proxies, gay and

lesbian partners can ensure that the person who knows their heart and desires best will be able to have the final say on the course of their medical care.

## Other Helpful Documents

Another document that provides protections is the living will, which sets forth an injured partner's expectations and desires with regard to life-prolonging measures as well as burial instructions. Although such instructions are often articulated in a will, it is not uncommon for wills to be found only after the funeral, when end-of-life and funeral decisions have already been made — at the direction of the next-of-kin (the biological family). Living wills can help to ensure that the decedent's wishes are carried out in the event that the family disregards the partner's input.

One may also consider a durable power of attorney for finances document, in which one names an individual who will handle his/her financial tasks, as one's "attorney-in-fact." This is a far reaching — and potentially dangerous — document, as it allows the named party almost absolute control over one's finances. However, one can limit the power through specific provisions.

For example, one person may want the sale of only certain items to help pay for hospital bills. Another may want cars and other luxury items to be sold to help defray the cost of the hospital stay. However, one may want to ensure that the home is not sold at any cost. A durable power of attorney for finances document can also be structured so that the power to make these



kinds of decisions is granted only in the instance of the designator's incapacity. This document can benefit the couple in case of a medical crisis in which one is unable to manage finances. It also allows the partner to take care of daily tasks, such as paying bills, making deposits and watching investments.

### **Wills<sup>16</sup>**

A will is one's last testament, and sets forth one's desires and expectations about what will happen to his or her property and children upon death. Except for civil-union spouses in Vermont and registered domestic partners in California and Maine, there is no right of inheritance for a surviving partner in same-sex relationships. The absence of a will means that property will be distributed based solely on state law, which will deny the surviving partner the right to any property or inheritance. These laws normally pass the property first to the surviving parents and then to the siblings. Personal property passes based on the laws of the state where the descendant resided, and the real property passes based on the laws of the state in which the property is located.<sup>17</sup>

To ensure that the surviving partner and/or children inherit property as desired, a will is required. A will also allows a parent to designate a guardian for his or her children upon death. A will is a formal agreement requiring witnesses, must follow the format and other requirements of each state, and should be drafted by an attorney. Because legal rules regarding wills differ, a new will may be required when one

moves to another location. Wills should be reviewed periodically.

Wills not only deal with issues of the transfer of property after one's death, but they also have major tax consequences and long-term implications. No matter how young or old an individual may be, death is never predictable, and both partners should have a will.

### **Cohabitation or "Living Together" Agreement<sup>18</sup>**

Cohabitation contracts protect both parties in case of a separation. This agreement is made between two individuals who are living together and who are not married. Similar in some ways to prenuptial agreements, these documents often help couples clarify their intentions and expectations regarding financial issues while they are getting along, and contain instructions on what will happen to joint property and comingled finances if the couple breaks up. This type of agreement can eliminate a variety of disputes (i.e., property and financial). In addition, this agreement can protect both individuals from unnecessary cost and litigation. This agreement allows a same-sex couple to specify assets and to predetermine what will happen to assets that have been purchased jointly in the event of separation.

When a couple begins to set up a household together, it may become apparent that certain expectations regarding financial obligations may be different for both parties. For instance, one partner may believe that he or she will retain separate property while the other

partner may have the opposite expectation. Should the relationship dissolve, these conflicting expectations can lead to a tremendous amount of pain and anguish.

For instance: A couple lives together in a home that they bought together, and one individual stays home while the other works. After ten years of partnership, the relationship begins to deteriorate and finally dissolves. The person who stayed home may be of the opinion that he or she is entitled to financial support due in part to his/her sacrifice for the betterment of the relationship.

However, his/her partner may have a different opinion. Without a cohabitation agreement that outlines post-separation support, one partner may be left by the wayside. In order to avoid misunderstandings, couples should discuss expectations regarding financial and property matters beforehand. This will ensure that each person is aware of her or his partner's expectations, and thus be able to create a mutual understanding about each individual's responsibility to the union. This document can be applied to mitigate a number of issues that can arise in a relationship.

### **Scenarios**

An example: Mary and Jill have been together for seven years. Five years ago they had a commitment ceremony where their friends and family witnessed them profess their love for one another. Mary owns and operates her own telecommunication business, while Jill is a stay-at-home mom. In the last few years, unknown to Jill, Mary

has been seeing her secretary romantically. One day, Mary informs Jill that she has fallen out of love with her, and that she has sold her company as well as the house and is moving to Hawaii with her secretary. Jill's world has been turned upside down and unfortunately, when Jill and Mary expressed their love for one another years before, they never drafted a cohabitation agreement. In the absence of any written agreement providing otherwise, Jill will be left with no home, no means of support and no legal remedy.

If Mary and Jill had had a cohabitation agreement, the situation could have been drastically different. For instance, in the cohabitation agreement Jill and Mary could have specified a separation agreement, stating that upon dissolution of the relationship, alimony would be paid to either party. This agreement could be set up similar to a prenuptial agreement, which indicates the specific monetary amount to which each party is entitled.

With regard to the house, Mary and Jill would have benefited from a cohabitation agreement that could have specified that both were joint owners. In addition, stipulations could have been included requiring both parties to place the house on the market, thus one individual would not have been able to sell the house without the knowledge of her partner.

### **Attorney Input**

The use of an attorney should be considered to ensure that problems do not arise in the future. If a couple wants

attorney input in the creation of a cohabitation agreement, it is important that each partner retain a separate attorney who would then be able to negotiate and draft an agreement that would be enforceable in the couple's jurisdiction. Even though two attorneys will be expensive, it will be beneficial in the end, because claims of unfairness or duress, which may arise if only one attorney is used, can be avoided. Furthermore, one attorney may cast doubt on the enforceability of the agreement.

An entire host of provisions can be outlined in the cohabitation agreement, including a living-expense provision that indicates how much both parties will contribute to the household each year and what percentage each month. It could specify how property or assets obtained after the execution of this agreement would be viewed (i.e., as joint title).<sup>19</sup>

### **Securing Protections for Non-Legal Parents<sup>20</sup>**

Without a legal parent-child relationship, the same-sex partner of a legal (biological or adoptive) parent — who may have acted as the child's parent-in-fact since the child became a part of the family — has no access to the protections and responsibilities the law attaches to parenthood. Laws differ greatly from state to state regarding ways to secure that legal relationship.

For example, second-parent or co-parent adoption allows the partner to become a full legal parent without in any way undermining the parental rights of the original legal parent. Sec-

ond-parent adoption has been recognized on a state-wide basis in nine states and the District of Columbia,<sup>21</sup> and at the trial court level in at least sixteen other states.<sup>22</sup> Short of full adoption, other grants of authority may be available through the appointment of a partner as a co-guardian, or through the execution of powers of attorney, health-care directives and other documentation similar to that discussed above. By securing these protections, the legal parent's partner can obtain varying measures of access to and responsibility for the children in their family. Without full adoption, however, those protections may be severely limited.

One of the most difficult areas in which these concerns arise is when the couple separates. As with all divorce cases involving children, questions are raised: Who is entitled to primary care? Who gets what time with the child? These questions and many more plague courtrooms. Yet, they become even more complex when only one member of the couple has a legal relationship to the child. The non-legal parent has no automatic right to visit or seek custody of the child in the event of a separation, and thus, in most circumstances, the parent who has legally adopted or birthed the child may restrict his or her former partner from seeing the child.

### **De Facto and Co-Parenting Agreements**

In some jurisdictions, courts have granted "de facto parent" status to the former partner of a legal parent who had established a parent-child relation-

ship in fact with the encouragement of the legal parent, and who had performed a large extent of the care-giving for the child. This status allows the de facto parent to seek parental rights and responsibilities to varying degrees in different jurisdictions. This is an evolving area of the law, however, and not necessarily available in most jurisdictions.<sup>23</sup>

One way same-sex couples can attempt to address some of these issues regarding their children is to create a co-parenting agreement. Although largely unenforceable, these agreements set forth the parties' understanding of their roles, obligations and authority regarding the child, and courts often look to such agreements as evidence of the parties' intent.

These agreements in and of themselves cannot grant legal status to a parent who does not have a legal relationship with the child, but they can set forth the parties' intent that they both are parents of the child in fact, and in their interactions with the child and with the world around them. This type of document should state both individuals' responsibilities regarding financial support, and the input of each into the child's religious, educational and medical well-being. It can provide that disputes be dealt with through mediation or arbitration. Having a written contract that specifically explains both parties' expectations about the non-legal parent's role in the child's life can also bolster an individual's claim of being a de facto parent.

If a breakup occurs and there has been joint adoption or second-parent

adoption, any child-related disputes would be dealt with just as if it were a divorce. The judge has the power to make all the decisions, and is supposed to make them with the child's best interests in mind. Both individuals will be on equal footing with regard to retaining legal custody of the child, which allows both parents to have equal input over the central decisions in the child's life and the responsibility of taking care of the child financially. Again, co-parenting agreements may be helpful to a judge in understanding the parents' intent on the resolution of some of these issues.

The co-parent agreement not only protects the parents; it also protects the child. Regardless of the circumstances of a break up, an innocent child is in the middle. This contract helps increase the likelihood that both parents will raise this child even if they are not living together, and may be useful in case of the untimely death of the non-legally adoptive parent and in the absence of a will proving intent to parent and or adopt.<sup>24</sup>

### Where Rabbis Can Help

It is recommended that rabbis who perform commitment ceremonies for gay and lesbian couples incorporate these legal measures into the commitment process to whatever extent possible. Without the establishment of the aforementioned measures, the ceremony will have important religious significance but be bereft of any legal protections. By incorporating the protections into the practice, rabbis will

give the ceremony a closer resemblance to a legal marriage ceremony.

It is noted that the recommendations of documents to file are merely general guidelines and are by no means exhaustive. The types of documents to be filed will vary from state to state, based upon the laws of the local governing body, be it state or local. Therefore, it is further recommended that both the rabbi and the couple check the local law to determine which documents should be filed. Additionally, seeking professional legal advice to guide a couple through this process will be beneficial to the rabbi involved as well as to the couple.

Gay men and lesbians need to take preemptive steps toward protecting their assets to be able to ensure their quality of life. Until the government recognizes that the union of same-sex couples is as legal as a heterosexual marriage, it is the job of the rabbi who provides or performs commitment ceremonies to raise concerns and provide information about legally binding contracts that will ensure that commitment ceremonies have weight in both the spiritual and the legal worlds.

Appendix: Online Resources:

- ACLU Lesbian & Gay Rights Project-212-549-2627, [www.aclu.org/LesbianGayRights/LesbianGayRights-main.cfm](http://www.aclu.org/LesbianGayRights/LesbianGayRights-main.cfm).
- Gay & Lesbian Advocates & Defenders — 617-426-1350, [www.glad.org](http://www.glad.org).
- Lambda Legal — 212-809-8585 (national headquarters), [www.lambdalegal.org](http://www.lambdalegal.org).
- National Center for Lesbian Rights-

415-392-6257, [www.nclrights.org](http://www.nclrights.org), [info@nclrights.org](mailto:info@nclrights.org).

- National Lesbian and Gay Law Association — (202) 607-0732, [www.nlgla.org](http://www.nlgla.org), [info@nlgla.org](mailto:info@nlgla.org). (This is a bar association with state affiliates.)

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1. In April of 2004, the Reconstructionist Rabbinical Association, Jewish Reconstructionist Federation and Reconstructionist Rabbinical College adopted a joint statement in support of same-sex civil marriage. See [www.rrc.edu](http://www.rrc.edu), [www.therra.org](http://www.therra.org) or [www.jrf.org](http://www.jrf.org).

2. Special thanks to Attorney Karen Loewy, who provided much editorial and legal assistance, to Rabbis Nancy Wiener, Denise Eger, Cindy Eger, and Debbie Pipe, and to student assistants Matthew Fernstrom Lauren Hemsley, Zabella Ortiz, Elisha Schaefer and Brian Schaefer..

3. [www.cnn.com](http://www.cnn.com) (load date March 12, 2004), "California court halts same-sex marriages."

4. As a practical matter, the decision in *Goodridge* in many ways began the current public debate over same-gender marriages. The case came down in November of 2003, was then followed by President Bush's January comments in his state of the Union and then, San Francisco started issuing licenses in February.

5. 440 Mass. 30, 798 N.E.2d 941 (2003)

6. It is important to note that the vast majority of the protections granted to state-sanctioned marriages cannot be obtained through the legal measures outlined in this paper. Only granting full marriage to same-gender marriages will enable all the federal and state protections to apply equally to same-gender couples.

7. It is actually a given that both adults have parental rights in situations involving adoption, and more critical to focus

on securing those protections where adoption is not available.

8. Gay and lesbian individuals are permitted to adopt in every state except Florida (explicit exclusion of adoption by gay men and lesbians), Utah (prohibits adoption by “a person who is cohabitating in a relationship that is not a legally valid and binding marriage under the laws of this state”) and Mississippi (prohibits “adoption by couples of the same gender”).

9. In the California case of *Sharon S. v. Superior Court (Anette F.)*, 31 Cal. 4th 417 (2003), the holding suggests that the parent who has legally adopted or birthed a child may restrict his or her former partner from seeing the child after dissolution of the relationship.

10. See Vermont’s website, <http://www.sec.state.vt.us/otherprg/civilunions/civilunions.html>, for specific rights. See also *A Historic Victory: Civil Unions for Same-Sex Couples*, a joint publication of Gay & Lesbian Advocates & Defenders, Lambda Legal, the National Center for Lesbian Rights, and the ACLU Lesbian & Gay Rights Project, at <http://www.gad.org/rights/HistoricVictory.pdf>.

11. In California, for example, this term grants specific rights when a couple has properly filed. Accordingly, couples in California should take advantage of this provision.

12. Kevin Moss, *Legitimizing Same-Sex Marriages* (2002), 103. See the state of California website for specific rights.

13. One can download a California domestic-partnership form at [www.ss.ca.gov](http://www.ss.ca.gov).

14. One of the best resources that has a detailed discussion of these various documents is *A Legal Guide for Lesbian and Gay Couples* by Hayden Curry, Denis Clifford, Robin Leonard and Frederick Hertz (November, 1999). Additional resources in-

clude: Katherine Triantafillou *et al.*, *Representing Nontraditional Families*, Massachusetts Continuing Legal Education (2000); National Center for Lesbian Rights, *Lifelines: Documents to Protect You and Your Family in Times of Trouble*, at <http://www.nclrights.org/publications/lifelines.htm>; Lambda Legal, *Advance Planning*, at <http://www.lambdalegal.org/cgi-bin/iowa/documents/record?record+935>.

15. See Hayden Curry, Denis Clifford, Robin Leonard and Frederick Hertz, *A Legal Guide for Lesbian and Gay Couples* (November, 1999).

16. *Ibid.*

17. Mallor *et al.*, “Wills and Trusts,” *Law and the Regulatory Environment*, 11th edition (2002).

18. See Curry, Clifford, Leonard and Hertz, *op. cit.*

19. Maura Christopher, “The American Family, Civil Unions: The Radical Choice,” *Advocate* (Issue 907, February 3, 2004), 72.

20. See Curry, Clifford, Leonard and Hertz, *op. cit.*

21. By court ruling in California, the District of Columbia, Illinois, Indiana, Massachusetts, Pennsylvania, New York, New Jersey, and Vermont and by statute in Connecticut.

22. Human Rights Campaign Foundation, [http://www.hrc.org/Content/NavigationMenu/Family/Get-Informed/Parenting/Adoption/Second-Parent/Second\\_Parent.htm](http://www.hrc.org/Content/NavigationMenu/Family/Get-Informed/Parenting/Adoption/Second-Parent/Second_Parent.htm)

23. For more information, see <http://www.glad.org/Publications/Civil-RightsProject/custody/bibliography.pdf>.

24. See *Estate of Ford*, 32 Cal. 4th (2004). This is a case about equitable adoption — a principle that is by no means universally recognized across the country. In fact, it has mostly been rejected in the context of same-sex couples.

# Preserving the Intent of Ancient Law

BY SAMUEL Z. KLAUSNER

“Do not covet your neighbor's wife and do not crave his field, his manservant, his maidservant, his ox and his ass or anything that belongs to your neighbor” (Deuteronomy 5:18).

“Do not covet” and “do not crave” may be two commandments, the first protecting the neighbor's family and the second the neighbor's property. The version in Exodus 20:14 subsumes both family and property under the prohibition against coveting. Indeed, in the ancient mind, family and property merge into a single package. Since contemporary society disentangles these notions, the tenth commandment must be reinterpreted if its social intent is to remain relevant.

## Crime and Punishment

The rabbis inferred the meaning of the word “covet” from a tragic tale of crime and punishment in the seventh chapter of the book of Joshua. The battle against the Amorite inhabitants of the land has not gone well, and Joshua confesses to the Lord his fear that the Canaanites, learning of the weak-

ness of the Israelites, will “wipe out our very name from the earth” (Joshua 7:9). The Lord, in response, charges the Israelites with having broken the Covenant by taking booty: “They have taken of the proscribed and put it in their vessels; they have stolen; they have broken faith” (Joshua 7:11).

Sensing the danger to the entire people, a Judean named Achan confesses. “I saw among the spoil one fine Shinar mantle, two hundred shekels of silver, a wedge of gold weighing fifty shekels. I coveted them and I took them” (Joshua 7:21). Then, with his wife mysteriously absent, his sons and daughters are gathered along with his ox, his ass, his flock, his tent and all his belongings. The people stone and burn them, and the anger of the Lord is assuaged (Joshua 7:26).

From this tale of crime and punishment we learn three things. One: coveting is a harbinger of taking, of stealing; two, coveting endangers the community; and three, the society reflected in the tenth commandment had an organic character. The patriarch along with his wife, his fields and his flocks formed a single social entity. All benefited or suffered as one. We may call

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this a substantive collective, a materially-bound social group. Notably, this collective responsibility is not invoked when a daughter of a priest goes astray. She, alone, is burnt or stoned. No harm comes to other family members.

### Two Types of Coveting

Coveting, thus, has two aspects. The first is an inner urge, stimulated by sight, seeking its own satisfaction. Freud called this the aim of the instinct. The second is the urge to appropriate some object to satisfy that need. Freud called this the object of the instinct. The Rambam sees these feelings and their object linked in a tragic process: craving leads to coveting which leads to theft. The rabbis hope to control covetous feelings such as lust by controlling social arrangements, such as those that might avoid provoking lust. These include the traditional sequestering of women from unrelated men, and men from unrelated women.

Later biblical expositors elaborated. The *Sefer Habinuch* is a collection of commandments probably begun in the geonic period, and bearing the stamp of the Rambam's effort to define and organize the 613 commandments. Its final redactor was a student of Rabbi Shelomo ben Avraham Adret in 13th-century Spain. The *Sefer Habinuch* text reinforces the belief that craving a neighbor's property evokes a conspiracy to take that property. Even pleading with a person, or offering a more valuable object in exchange for his property, transgresses the tenth commandment, since the owner may feel pres-

sured. Today we call this "restraint of trade."

### Collective Responsibility

This highly personalized, even psychological, approach to social control recalls a bygone age characterized by what I earlier called a substantive collective, an organic identity of person, family and property. The mid-19th-century British legal historian, Henry S. Maine, called this a society of status. A status society was organized around personal, kin-type, relations. Defense of personal rights fell to a member of the family, a *go'el* (redeemer, protector), like Boaz in the book of Ruth, or a *go'el hadam* (avenger), as illustrated by the pursuers of an accidental murderer who could escape to the cities of refuge. The terrifying collective punishment in the tale from the book of Joshua is the way a status-society rids itself of evil.

By the Talmudic period, such collective responsibility was clearly in doubt. Later commentators on the book of Joshua felt obligated to rationalize the execution of Achan's children. Thus, Rabbi Levi ben Gershon of 13th-century France asked why the innocent children were punished. He offers two responses, the first, of which, was based on the old conception. Perhaps, being minors, they were inseparable property that God had commanded be destroyed. Alternatively, reinterpreting scripture, he suggests that they were not brought to the scene of their father's execution to be slain but only to witness the event. Rabbi David ben Shelomo, a leader of Egyp-



tian Jewry in the 16th century, offered another rationale: The children were indeed slain because they had knowledge of their father's transgression and failed to challenge it.

### From Status to Contract

Henry Maine identified a social-evolutionary process, from a society of status to one of contract. In the society of contract, the property of the family becomes a commodity attached to the owner by law. Relations are instituted by choice and internalized by learning. Individuals bear responsibility for their own acts. Such a collective may be termed a "relational collectivity." A society of contract is governed by an abstract legal system guaranteed by the state. Political stability supports legal predictability, which facilitates economic relations. Contemporary Iraq, and the Palestinian Authority, illustrate the consequences for justice of a failure of political stability.

Contemporary capitalist society is a special case of contract. The special case is that of a market economy in which acquisition is based on the freedom to exchange goods. In such a society one is expected, in a sense, to covet a neighbor's property. At the least, we are to crave property like that of our neighbor. America is the acquisitive society, par excellence. The competitive process involved in acquisition is highly valued as an engine driving our productivity and sustaining our high standard of living. Were we to follow the interpretations of the traditional Jewish exegetes, we would not be able to engage in commerce as we know it.

### Capitalism and the Jews

Yet we know that Jews have been engaged in trade for at least 2500 years. How did this come to be? Werner Sombart, a German economist who, in 1910, published a work entitled *The Jews and Modern Capitalism*, offers one explanation. Sombart began his career as an assistant to Friedrich Engels in the 1880s and ended it as an advisor to Hjalmar Schacht, the Nazi Minister of Finance. Between these socialist and Nazi personas he published a small volume entitled *The Future of the Jews*, which, because it supported emigration of Jews to Palestine, enthralled the Zionists of Kiev, who published it in a Hebrew translation in 1912.

Sombart set out to demonstrate that it was the Jews who provided the substance and the dynamism that led to the emergence of capitalism. One Jewish contribution was a standard contractual form, a *shtar*, which first appears in the Talmud, and which facilitated commercial exchange. Jews later spread the spirit of enterprise in Europe, an activity for which they had a great talent and affinity.

Sombart credited the Jews with two moral codes. The first was for relating to other Jews, which took account of the tenth commandment. The second moral code, not constrained by the tenth commandment, guided relations with Gentiles. Sombart saw Jews as gentle and charitable within their community, but as sharp traders when dealing with outsiders.

Well, perhaps to some extent this may be the case, but certainly Jews have

no monopoly on diverse moral orientations. In any event, this cannot be the full explanation for Jewish success in the marketplace. I think that throughout the ages, while rabbinic scholars set up constraints around the acquisition of another's property, the Jew "in the street" paid the tenth commandment little heed. This is the difference between *halakha*, the official law, and *minhag*, the way life is lived. The Talmud tells us that what begins as custom eventuates in law.

### Means and Ends

There are two moral questions governing acquisition in the society of contract. One has to do with the morality of means, and this is in fact the focus of the tenth commandment. Under socially-constructed legal norms, the good is in the market, not in the person, though a person's labor is also a commodity. The market is to be an arena of competition rather than of conflict. The success of the former depends on state regulation. This is a morality of means. The other half of the moral equation has to do with ends, the uses of property by the owners.

Richard H. Tawney, an English economic historian, published a work in 1920 entitled *The Acquisitive Society*. He argued that we concentrate too much on the means of production and acquisition, and not enough on the purpose of all this activity. He said we concentrate too much on the right to pursue self-interest, rather than on the discharge of social obligations. This, he says,

...offers unlimited scope for the acquisition of riches, and therefore gives free play to one of the most powerful of human instincts. To the strong it promises unfettered freedom for the exercise of their strength. To the weak it offers hope that they too one day may be strong. Before the eyes of both it suspends a golden prize, which not all can attain, but for which each may strive, the enchanting vision of infinite expansion. It assures men that there are no ends other than their ends, no law other than their desires, and no limit other than that which they think advisable. This makes the individual the center of his own universe, and dissolves moral principles into a choice of expediencies.<sup>1</sup>

### Consensual Restrictions

The preamble to the Constitution of the United States guarantees "the right to life, liberty and the pursuit of happiness," the last being a substitution for the earlier Lockean term "property." The happiness to which the founding fathers referred was a theological or moral condition, an experience of the bliss to be found in the assurance of salvation. In Adam Smith's terms, the "invisible hand" achieves this moral end mysteriously. It is comforting to know that a concatenation of greedy individuals could transmute their self-interest into general welfare. All of this was before Darwin described "nature red in tooth and claw," and before the robber barons of the late

19th century worked their wiles. One person's profligate consumption of energy today can pollute the air and water and undermine the health of another.

But must the acquisitive society, as Tawney says above "dissolve moral principles into a choice of expediences?" Does commerce require practices "red in tooth and claw?" Not if we are in the world of the tenth commandment. For the modern world, the commandment insists on political and judicial policies for regulating the use of property. The command is a call for social stability through consensual restrictions on taking the property of

another and on exploiting one's own property. These restrictions bring us to a Jewishly grasped world of concepts, such as *tzedaka*, and *tikkun olam* and *hofesh haprat* (individual freedom), the last, of course borrowed from the Enlightenment. These restrictions may not promise us the greatest freedom, but, for the modern world of commerce, they promise optimal freedom consistent with the commonweal — and you may say that you heard it from the Torah first.

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1. R.H. Tawney, *The Acquisitive Society* (New York: Harcourt, Brace & World, 1948), 30-31.

# Creating Sacred Spaces

A Review of

*Synagogue Architecture in America: Faith, Spirit and Identity*

by Henry and Daniel Stolzman

(Images Publishing Group Ltd., 2004 Australia) 264 pages

BY LESLIE M. KLEIN

**S***ynagogue Architecture in America: Faith, Spirit & Identity* is a delight for architects, architecture buffs and serious students of the synagogue as a unique form of architectural expression. The book is richly illustrated with photographs and provides a broad survey of architectural styles and typologies in a non-judgmental manner. It features five sections:

- a foreword by Professor Jeffrey S. Gurock of Yeshiva University;
- a preface and acknowledgments by Henry Stolzman;
- an essay entitled “Faith, Spirit and Identity,” by Henry Stolzman;
- an essay entitled “Synagogues and American Spirituality,” by Rabbi Lawrence A. Hoffman of Hebrew Union College-Jewish Institute of Religion;
- a chronological survey of synagogues in the United States from 1763 to today, including photographs and narrative descriptions.

In recent years, several books have been published that focus on synagogues, primarily comprised of photographs and accompanying explanations. *Synagogue Architecture in America: Faith, Spirit & Identity* is distinc-

tive in that the essays add to the understanding of the development of synagogue styles from a variety of contexts — social, economic, political and aesthetic — and of how these forms of expression have been driven both by community values and by individual architectural innovation.

## The Meaning of Synagogues

The book arose from Henry Stolzman’s “explorations as an architect working on synagogue commissions”(11), but it clearly became more than merely background research about precedents. The Stolzmanns used the study as a bridge to a broader conversation about what synagogues mean to contemporary Jews in the United States today. They do not advocate any particular style, nor do they judge the successes or failures of the various buildings as to whether they “celebrate our Jewish past, serve our contemporary communal psyche and announce our futures” (11).

The book brings to light some interesting dilemmas. Any study of the architectural history of the Western

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world includes religious buildings, especially cathedrals and mosques. These buildings of the past are the ones that have survived, most likely because they were traditionally the best-built structures of a civilization. They also expressed the social values of their day, exemplified advances in building technology and design, and symbolized the political and economic circumstances of their time.

*Synagogue Architecture in America* is not quite the same thing, because synagogues, as expressions of Jewish communal life, have had a more complex history. They were typically multi-purpose structures, often modestly designed and constructed. Throughout the tortuous, two millennia-long history of the Jewish diaspora, synagogue design has personified the dilemma of the Jews: should they try quietly to fit into their surroundings and not draw attention to themselves? Or, could they stand out and apart from their host societies, with their unique religion, practices, culture and social system?

### **Pre-modern and Modern Factors**

For much of the past two thousand years, the synagogue was the central address of the Jewish community — a place for prayer, study and assembly. And for much of this time, crushing poverty and limitations on economic opportunity (as well as anti-Semitic decrees) restricted the ability of Jews to build grand structures for worship. Thus, while we are able to admire the synagogues that were built given the limited opportunities (at least those for

which records remain), it was not until the age of exploration, and later the Enlightenment, that Jewish architecture could begin to parallel the development of architecture in the society at large. This development was most pronounced in the New World.

It was only in the contemporary period and in the contemporary setting that congregations could begin to erect edifices as testaments to their social and economic success as much as to their piety, and increasingly to compete for the attention of assimilated, non-practicing Jews. In a world in which they enjoyed full freedom and equality, the engagement of individual Jews with their community and their synagogues was not inextricably interconnected for life, but rather waxed and waned in response to life-cycle milestones, intensifying, for example, at the time of the arrival of a child, of bar (and later, bat) mitzvah, of marriage, and of a death in the family.

### **New Freedom to Explore**

*Synagogue Architecture in America* highlights the fact that synagogue architecture in the diaspora was not rooted in any particular tradition, usually choosing to fit into the surroundings and to copy the styles popular in the host societies. In the absence of a definitive form of synagogue architecture, contemporary architects have had more freedom to explore new concepts. Whereas previously in the *galut*, Jewish structures had few exterior symbols that identified them as Jewish (the interior was the focus of design), by the

mid-1800s, synagogues began to explore modes of expression that were seen to be uniquely Jewish, and even exotic. “Jews . . . could simply enjoy the profound freedom of being unique” (49).

The Stolzmans also note that with the rise of new Jewish denominations in North America, Jews increasingly chose memberships in response to ideological affiliation rather than to ethnicity or country of origin. For example, in 1881 (before the rise of the organized Conservative or Orthodox movements), ninety percent of the two hundred American congregations were affiliated with the Reform movement. As other movements became established, the trend to diversification intensified, and the design of synagogues adapted to embody the values and traditions of each denomination.

### **Accommodating the High Holidays**

The authors point out that by the 20th century, perhaps the biggest challenge of synagogue design had become how to fill the seats, or, more specifically, how to build for the three days of the Jewish year when all the seats were full, without depleting the congregational budget for all of the other functions, needs and commitments of the members who were present the rest of the year. It is perhaps a telling comment that the moveable partition, which allows the modest sanctuary to be enlarged for the High Holidays, may be the quintessential expression of modern Jewish synagogue architecture.

The examples in this volume show that the architecture of the synagogue was “never standardized [and] was freer than other religious groups” (56). Indeed, it may be through synagogue architecture that Jews most effectively demonstrate the accuracy of the Reconstructionist insight that Judaism is not immutable, but rather constantly changing and adapting in response to its historical, geographical and social contexts.

### **Struggles of Design**

In response to its unique 20th century North American context, two schools of synagogue architecture have arisen. The first one primarily uses a non-denominational institutional vocabulary, relying instead on decoration to identify its Jewish identity. The second uses a heroic or metaphoric style, which strives to interpret elements of Jewish history and tradition in architectural forms.

Both of these approaches have been used to address the other fundamental struggle in the design of places of Jewish worship, namely: Should synagogues strive to invoke a sense of awe in the face of the infinite divine, and an awareness of one’s own limitations as a human being; or should their aim be to create a sense of community and intimacy that enhances our own sense of history, and of belonging to the Jewish people?

### **Design Reflects Beliefs**

These issues parallel the differences

between the “vertical” view of religion in the predominantly Christian society of the United States (reflecting the beliefs that only God is holy, and humans can only strive to be godlike) and the Jewish “horizontal” view (reflecting the beliefs that all of life is holy, and every element of existence is godly). Different approaches in synagogue architecture also mimic the debate between those who affirm that contact between humans and God can only occur through the role of intermediaries (the clergy), and those who believe that God can be accessed directly by anyone who seeks that connection.

Given the approach of the authors in analyzing architecture as a reflection of the changing nature of the United States Jewish community, this book necessarily limits itself to synagogues of the United States. It invites comparisons to other similar efforts, including the now sadly out-of-print *Treasures of A People: The Synagogues of Canada* (1985) and other overviews of religious architecture, by geography, religion or era.

### Empty Synagogues?

*Synagogue Architecture in America: Faith, Spirit & Identity* is a wonderful overview of the design of Jewish sacred space in the United States as executed by architects. It is thorough and comprehensive, and despite its relatively narrow focus, offers the reader a de-

lightful snapshot of different architectural expressions for synagogues in the United States in different geographic locations and eras. With the accompanying essays, it also offers a context in which to understand the images.

Having been authored by architects, this book naturally views the architecture of the synagogue as a key element of the institution's success. However, as was concluded at a symposium on the subject of designing sacred spaces (sponsored a few years ago by my own Reconstructionist synagogue, Congregation Darchei Noam in Toronto), Jews know all too well that buildings themselves come and go. It is, rather, the actions, ideas and people that fill these spaces that create a sense of spirituality and belonging that worshipers seek.

If the book has any failing at all, therefore, it is a flaw that is shared with many books on architecture, namely, the absence of people in the photographs. In the case of a book on synagogue architecture, this absence is, perhaps unintentionally, ironic as well as sad. Without the people for whom these synagogues were designed and built, they are places of potential meaning only. If these structures do in fact sit empty most of the time, these heroic examples of beautiful architecture perhaps only rarely fulfill their purpose and their calling. That, of course, is not the responsibility of the architect; but it is a challenge to the communities that commission and create synagogues.

# The Rise of the Jewish Bible

A Review of  
*The Jewish Study Bible*,  
edited by Adele Berlin, Marc Zvi Brettler and Michael Fishbane  
(Oxford University Press, 2004) 2,181 pages

BY S. TAMAR KAMIONKOWSKI

**D**uring *Pesah* 2001, Rabbi David Wolpe gave a sermon to more than 2,000 members of his Conservative synagogue, Sinai Temple in Westwood, California, saying, “The truth is that virtually every modern archeologist who has investigated the story of the Exodus, with very few exceptions, agrees that the way the Bible describes the Exodus is not the way it happened, if it happened at all.”

He decided to share this information with his congregants because, as he said in an interview, “I think faith ought not rest on splitting seas . . . For a Jew, it should rest on the wonder of God’s world, the marvel of the human soul and the miracle of this small people’s survival through the millennia.” Some of his congregants praised him for his bravery, and others found his words shocking and blasphemous. A national discussion ensued, primarily in Conservative and Orthodox circles, regarding the bold claims that Wolpe had made.

The following year, Rabbi Eric S. Gurvis gave a Kol Nidrei sermon at Temple Shalom in Boston on the topic of sacred myth, in which he addressed Wolpe’s sermon and the national response to it. He acknowledged that all the rabbinic seminaries teach modern biblical criticism, that is, an approach that assumes that the Bible was written by people living in particular socio-historical contexts, and that the texts also attest to a complex history of composition and transmission. However, rarely do rabbis bring the insights of biblical criticism directly to the pulpit. Gurvis concludes that it ultimately does not matter if these events really took place as the Bible records them, because they are sacred myths and their power lies in their ability to galvanize communities.

## Faith and Facts

A serious engagement with biblical criticism can challenge people of faith to embrace their faith not because of

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verifiable facts, but because faith transcends fact and truth transcends reality. For many rabbis, Wolpe's choice to "out" biblical historical criticism has forced them to deal with this topic in their communities. The place of biblical criticism has been particularly controversial among professional and lay communities within the Conservative movement. Members of the Reconstructionist movement, grounded in Mordecai Kaplan's comfort with the integration of the social sciences and religion, tend to fluctuate between enthusiasm and neutrality on the lessons that biblical criticism has to offer the modern Jew.

Concurrent with the emergence of modern biblical historical criticism is the increasing desire among Jewish laity for Jewish learning. Adult education classes in synagogues and other Jewish community centers are blossoming throughout the country. Jews want to learn more about their history, and they have shown a particularly strong interest in rediscovering traditional texts. As the demand for accessible, intellectually satisfying and thought-provoking learning materials increases, scholars and publishers must rise to the call.

### Modern Approaches

The new *Jewish Study Bible (JSB)* published by Oxford Press stands out as a vital and long-overdue work on modern Jewish critical approaches to the Bible. When congregants or rabbis now call me for recommendations, I have a book to which to refer them without hesitation.

*The Reconstructionist*

The book is a mammoth 2,181 pages. It includes the full English translation as well as commentary to the entire (Hebrew) Bible, followed by a series of essays related to the role of the Bible in Judaism. The book serves as an introduction to contemporary academic Jewish biblical interpretation. To this end, the work reflects the way the Bible is approached in the contemporary university and also reflects the range of Jewish engagement with the Bible for the past two-and-a-half millennia.

In the concise introduction, editors Adele Berlin and Marc Zvi Brettler speak about the centrality in Judaism of love of study, and of study as an expression of love. They describe their endeavor as rooted in a profound reverence for the Bible, a reverence combined with intellectual curiosity. Berlin and Brettler also place great emphasis on the diversity of approaches taken by the various commentators and the multiplicity of meanings produced by the vast amalgam of scholars. The editors view diversity as a strength, and they are intentional in not trying to harmonize interpretive methods of the various contributors.

### Love and Reverence

The work is certainly true to its claim of diversity. The commentaries and essays reflect a brilliant synthesis of a love for the Bible with a true intellectual curiosity. Each commentator brings a unique voice to the book of the Bible on which s/he comments, resulting in a diversity of readings and

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approaches; there is no modern Jewish publication on the Bible that parallels what Berlin and Brettler have produced here.

The most recent modern Jewish Bible commentary preceding *JSB* is *Etz Hayim*, the new *humash* produced by the Conservative movement in partnership with the Jewish Publication Society. Both works have a similar format, with the inclusion of the JPS English translation, commentary, topical essays and an assortment of maps and appendices, but they serve significantly different purposes.

As a denominational *humash* meant to be used in Conservative congregations — and specifically to replace the venerable Hertz *humash* — *Etz Hayim* is bound by a number of restrictions that do not limit *JSB*. *Etz Hayim* devotes a portion of its commentary to *peshat*, the “plain” meaning of the text, but also treats the texts extensively from the homiletic and Conservative halakhic perspectives. *JSB* devotes itself solely to the *peshat* and to the study of the Bible for the sake of love of learning, not as a guide to practice. While both volumes display love and reverence for the text, *JSB* prioritizes “love,” wherever that may lead the intellectually inquisitive reader, while *Etz Hayim* is bound by Conservative definitions of “reverence.”

### State of Scholarship

An overview of the introductions to each of the biblical books reveals that *JSB* is not just a useful resource for lay readers, but a valuable analysis and

gauge of the state of Jewish biblical scholarship at the beginning of the 21st century. Almost every commentator addresses issues of the dating and authorship of the texts. Among scholars, there is much debate about the dating of the biblical books. Some now argue for a very late date (the Persian period [500 BCE] or even later) for the composition of most of the Bible. Others have come to doubt our ability to make any definitive conclusions, and choose to stay away from the attempt to date the texts altogether.

The contributors to *JSB* generally date the books of the Bible on the earlier side of the spectrum. So, for example, Baruch J. Schwartz argues that much of the priestly materials (especially Leviticus 1-16) were written during the final centuries of the Judean kingdom (well before the Babylonian Exile). Similarly, Bernard M. Levinson dates an early form of the book of Deuteronomy to the seventh century BCE.

If generalizations can be made from the scholars represented in this book, it appears that Jewish biblicalists tend to be on the conservative side in dating biblical material. This has been most apparent in recent debates regarding the dating of the priestly materials (P) of the Torah, where a number of prominent Jewish-American and Israeli scholars have argued for pre-exilic dates, while the majority of Protestant biblicalists still assert a post-exilic date for this material.

### The Composition of Texts

Almost every commentator in this

volume assumes a compositional history behind each book of the Bible, and uses source criticism (that is, the claim that various once-independent documents were redacted into a whole) as the primary critical tool. For example, Jon D. Levenson acknowledges that authorship and composition are complex issues in the first book of the Torah. Although he avoids the language of “JEPD,” he points to Genesis’ high tolerance for more than one version of stories, and to the influence of Mesopotamian mythology.

Jeffrey H. Tigay points to the distinctive and often contradictory perspectives embedded in the book of Exodus, and notes that these various sources would later give rise to midrashic interpretations by those who wanted to synthesize discrepancies. Bernard Levinson describes the compositional history of the book of Deuteronomy in stages beginning with a first document around the time of Josiah (c.621 BCE), followed by a reworking in the post-Josianic era and a final reworking by post-exilic priestly editors. The commentators for the books of the Prophets and the Writings use similar assumptions about diachronic, that is, historical compositional development, and feel some certainty in dating the works to various periods.

### Assessing Historical Truth

Regarding the historical veracity of the stories presented in the Bible, most scholars in this book represent the moderate to conservative side of the current debate. Each scholar is aware

of the complications in asserting historical truth. Tigay’s comments are illuminating; he concludes that the evidence regarding a real Exodus of the Israelites from Egypt is complex, and that the evidence suggests that the “outline” of the story “is not inherently implausible” (104). By “outline,” he is referring specifically to the biblical claims of the Israelites having been in slavery in Egypt, having been released, and having made their way to the Land of Israel. In other words, while it is impossible to prove that any of these events happened as they are purported in the texts themselves, there is nothing that definitively excludes the possibility of the historical veracity of the general story.

In this regard, the commentators of the Torah books in particular all exhibit some degree of caution and conservatism in their presentation of the materials. I suspect this reflects both a general trend among Jewish biblicalists and awareness that their audiences include Jewish laity for whom issues of historicity may be sensitive areas (note again the response to Rabbi Wolpe’s sermon as a case in point).

Interestingly, contemporary literary criticism receives less attention in *JSB* than do historical critical issues. Although many biblicalists today are turning more toward synchronic readings of the texts, focusing on a range of literary techniques, this approach is not fully represented in this collection. Nili S. Fox offers a source-critical breakdown for the book of Numbers, but then mentions that a more holistic reading of the book is preferred by

many contemporary scholars. Bar-Efrat writes about the literary-stylistic features in the books of Samuel I and II and the ways in which these features bear witness to the book's artistry. Adele Berlin's essay on "Reading Biblical Poetry" is an excellent and clear introduction to complex material. Yet there is no parallel essay on the literary features of biblical narrative, not to mention any incorporation of post-structuralist readings of the texts. But whether this reflects the proclivities of the contributors or constraints set by the editors is not clear.

### What Makes the *JSB* Jewish?

The editors provide a brief list of unifying perspectives that all commentators share. The most important points are that the contributors: 1) "view the *Tanakh* as complete in itself, not as part of a larger Bible or a prelude to the New Testament"; 2) "take cognizance of and draw upon traditional Jewish interpretation, thereby placing themselves in the larger context of Jewish exegesis"; 3) "point out where biblical passages have influenced Jewish practice"; and 4) "call attention to biblical passages that are especially meaningful in the life of the Jewish community" (x).

The first point may seem self-evident, but it is important to note that it is often difficult to find modern critical biblical commentaries that do not bring Christological perspectives into the reading of *Tanakh*, even by some of the most liberal and sensitive Christian readers. It pains me when Jewish

adult study groups ask me for references for critical commentaries on some prophetic books, and I know that I cannot point them to any work of quality that will not bring Christian assumptions into the readings. The ongoing work of the Commentary series of the Jewish Publication Society (JPS) is crucial to ensure a Jewish scholarly voice for each book of the Bible.

### Using Traditional Exegesis

The success of incorporating traditional Jewish exegesis into modern readings is one of the greatest achievements of this volume. *JSB* has demonstrated that the biblical texts can be most effectively elucidated by combining modern tools of philology, archaeology, comparative ancient Near Eastern materials, and textual and source criticism alongside the insights and scholarship of prior generations of Jewish scholars.

For example, Berlin and Brettler describe Psalm 27 as a "psalm of trust," a category that emerges from form criticism. They then proceed to mention that the psalm is recited from the beginning of *Elul* through *Hoshana Rabbah*. The continued exegesis on this psalm rightly avoids reading it in the context of *Elul*. In other words, the focus is on the meaning of the text in its original context, but its relevance to traditional and contemporary Jewish practice is mentioned.

Similarly, Benjamin D. Sommer notes that part of Isaiah 66 serves as the haftarah reading for *Shabbat Rosh Hodesh*. This comment is found along-

side comments of a more historical nature. Levenson brings in Rashi to demonstrate that a seemingly new reading for Genesis 1:1 was actually suggested several centuries ago. Levinson's commentary on the *Shema* is Jewish insofar as he subtitles his comments "The *Shema*," thereby acknowledging the central liturgical value of these biblical verses in Judaism. However, he is quick to note that the Torah itself does not mark off the verses, and that there is no other evidence within the Bible that these verses had liturgical value for the Israelites. He then proceeds to differentiate between the probable Israelite meaning of these verses and the later Jewish reinterpretation of these verses under the rise of monotheism. In other words, he acknowledges that monotheism developed gradually over the period of the biblical and rabbinic periods.

### Diverse Visions of Jewish Community

Most contributors to this volume interweave modern and pre-modern insights into a seamless, ongoing critical commentary aimed at elucidating the plain meaning of the text. The JPS commentary series began this work, and *JSB* has made another important contribution in this area. Where *JSB* differs from the JPS series is in its broader definition of Judaism, in part reflected in the diversity of the contributors. From secular to Orthodox Jewish biblicalists, each reflects their understanding of Judaism between the lines of his/her comments. The differ-

ences emerge in the ways in which each contributor "call[s] attention to biblical passages that are especially meaningful in the life of the Jewish community." We could well ask, "Which Jewish community?"

Tigay, for example, includes a section entitled "Exodus and Jewish Tradition" in his Exodus introduction. In addition to his discussion of the Jewish holidays that first took shape in this biblical book, he discusses the Mosaic covenant and the establishment of a covenant (*brit*) in which "the Jewish way of life" was ordained (106). Tigay goes on to describe this pivotal moment in history as the point at which God gave Israel rules for life that became the basis of all of Judaism (according to rabbinic tradition, in the simultaneous transmission of the Written and Oral Law).

Compare this to Schwartz's parallel section, which he entitles "Leviticus and Judaism." When Schwartz discusses the covenant he writes: "God has entered into a relationship with the Israelites so that they might perpetually sanctify His name. Their role in the world, and in history, is to attest to His existence, to publicize His oneness, and to advertise His greatness. This they are to do by worshipping Him and keeping His laws" (206).

Finally, Levinson, in his Deuteronomy commentary, has no section subtitled with the term "Jewish" or "Judaism." Levinson prefers "Deuteronomy and Interpretation." He describes the Sinai texts in Deuteronomy as an ancient response to an old debate regarding the nature of covenant and a

host of related issues. He invites any reader, religiously committed or secular, to enter into the interpretive tradition.

It is to the credit of the editors that they did not impose uniform subtitles, or more importantly, a uniform perspective on Judaism. The contributors talk about Judaism as law, as custom, as debates, as passions, as practice, as text and as so much more. This volume is truly transdenominational, and it attests to the richness of Jewish life today and to the various ways that it can be enriched by using the insights of biblical criticism.

### A New Place for *Tanakh*?

*JSB* could stand on its own as an essential resource without the collection of essays that follow the book-by-book commentary. However, the essays not only provide a valuable collection of information, they also set the study of the Bible in a context that has been overlooked by too many for too long.

In an introduction to the Bible that I published in *Jewish Alive and American*, a source book for an adult education learning series, I described the Bible as the seed and fertile ground from which Judaism would emerge as the *etz hayim*, the living tree. For centuries of traditional Jewish scholarship, the Talmud was the primary object of engagement. Boys would study the Torah at a very young age, but then quickly graduate to Talmud. The Jewish study of the Bible, in and of itself, with a focus on what the texts may have meant when they were first composed,

is a very recent phenomenon in the history of Jewish scholarship. The essays demonstrate that although the Talmud has traditionally been the object of attention, the Bible has consistently been the object of study through centuries of Jewish learning. In a sense, these essays, considered collectively, reclaim the Bible for Jews today.

The essays under the subsection “Jewish Interpretation of the Bible” demonstrate the diverse interpretive approaches that have been applied to biblical texts from the biblical period through the modern period. The very presence of a chapter on rabbinic readings of the Bible subsumes the Talmud within the context of Bible study, and this is noteworthy in and of itself. A reading of all the essays in this subsection justifies the enterprise of modern biblical criticism by demonstrating that there is essentially nothing new under the sun. We may have new tools at our disposal and certain philosophical assumptions based on modernism, but the same essential questions have been asked for centuries.

### Informative Essays

The essays in “The Bible in Jewish Life and Thought” are informative, if a bit eclectic and with significant overlap. A student of the Bible is likely to find an essay of interest, from “The Bible in the Synagogue” to “The Bible in Contemporary Israeli Life.” The editors made the reasonable decision not to edit the essays for uniformity of style and content.

The “Backgrounds for Reading the

Bible” collection has excellent essays that provide valuable information on methodology, language, history and geography, religion and poetry of the biblical period. These essays represent the best of scholarship in each of these areas. As background reading for adult education groups or even required reading for undergraduate level study, these pieces cover the basics of critical biblical scholarship. The essay, “The Religion of the Bible,” by Stephen A. Geller, albeit difficult reading because of its sophistication, is a brilliant synthesis of his earlier work and is a must for any student of the Bible.

It is interesting that the editors chose to include only one essay on a specifically religious concept, without including essays on topics such as prophecy, the land of Israel or the holidays. The only other essay on a topic of religion is an important piece by Jonathan

Klawans on biblical concepts of purity. The inclusion of only this one topical essay raises the importance of purity issues in the Bible to a level I suspect the editors did not intend; of course, the challenge with the inclusion of topical issues is to determine which are central to Jewish scholarship.

The editors of *JSB* have produced a work that effectively balances quality scholarship with accessibility. The insights and teachings embedded within the pages of this volume serve to reinforce the vital contributions that biblical criticism can make to contemporary Jewish life. *JSB* is both academic and affirming of the centrality of the Bible to Jewish life. It successfully transcends denominational and academic party lines and, in this regard, it provides a unique entry point into the contemporary engagement with *Tanakh*.

# 350 Years of American Judaism

A Review of  
*American Judaism: A History*  
By Jonathan D. Sarna  
(Yale University Press, 2004)

374 pages + appendix, notes, glossary, timeline, bibliography and index

BY REENA SIGMAN FRIEDMAN

**A**merican Judaism: A History is a masterful portrayal of the American Jewish experience from its beginnings in 1654 to the present day. The volume presents a comprehensive yet remarkably detailed survey of the evolution of American Judaism, enriched by Jonathan Sarna's insightful analysis. It is informed by a sophisticated understanding of the history of American religion, which forms a critical backdrop to the Jewish story. Written in a lively, elegant and engaging style and filled with anecdotes and biographical sketches (as well as wonderful illustrations) that bring the history to life, this book is both an invaluable resource and a "page-turner."

A distillation of Sarna's many years of scholarship and thinking on this subject, the study draws upon his own extensive original research, as well as on the work of many other scholars. In addition to primary documents, the author makes use of a wide variety of source material, including memoir literature, prayerbooks, synagogue design

and architecture, Jewish ritual objects and elements of popular culture such as novels, radio programs and film.

## A Dynamic History

At the outset, Sarna explains why he considers American Jewish history an important field of study:

In addition to being distinctive, the history of American Judaism is also far more complex and interesting than common wisdom would have us believe. It is a history replete with cyclical patterns and unpredictable ones, periods of religious decline and periods of religious revitalization, eras when Judaism was far weaker than before and eras when, by all measures, it was stronger. It is a history that deserves to be better known and more assiduously studied by students of American religion. It is also a history that commands the attention of contemporary Jews, for American Judaism's

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past, at least as I read it, sheds considerable light on its present-day challenges and its destiny (*xvi*).

Several key turning points in the development of American Judaism are identified. Among these are: the transition from the all-embracing “synagogue community” of colonial times to a “community of synagogues” (*i.e.*, a greater number and variety of synagogues in many cities) in the early nineteenth century; the early organization of Reform, Conservative and Orthodox elements in the late 19th century; the further differentiation and institutionalization of American Jewish religious movements during the interwar years; the transformation of American Jewish life wrought by European Jewish refugees and survivors following World War II; and the intensified commitment to particularistic Jewish concerns after the Six-Day War.

Along with the wealth of detail provided in this volume, Sarna highlights a number of overarching themes that enable readers to see the “big picture,” and place the issues confronting contemporary American Jews in perspective. Several of these themes have to do with patterns of Jewish religious observance, communal strategies for preserving Judaism and recurring efforts to revitalize American Jewish life.

### Diversity from the Outset

The available evidence demonstrates that, since the first Jewish settlers arrived on American shores, there has been considerable diversity in Jewish

religious practice, with individuals to be found on all points of the spectrum. In colonial times, Sarna notes, there was a wide range of observance within each community and family; by the post-Revolutionary period, according to historian Jacob Rader Marcus, “There were almost as many Judaisms as there were individuals” (46-7).

Very often, Jews observed selectively, making choices in keeping with the demands of their daily lives and making compromises as they saw fit. The practices that met popular needs are the ones that tended to persist. Despite significant differences in observance of the Sabbath, holidays and dietary laws, Jews nevertheless had much in common: “ties of language, culture, community and memory, as well as lives shaped at least somewhat by the rhythms of the Jewish calendar, its Sabbath, its holidays and its life-cycle ceremonies” (174).

### Religious Practice

In connection with religious practice, Sarna makes an insightful observation about the role that rituals surrounding death have played in drawing people back to Judaism. In colonial times, the first institution established by a community was a cemetery; synagogues and schools followed afterward. In the late nineteenth and early twentieth centuries, the *landsmanshaftn* (organizations of people from the same town) created by East European Jewish immigrants also made the provision of funeral benefits and cemetery plots for their members a high priority. As Sarna concludes, “. . . Death would

prove to be a powerful religious stimulus for American Jews. Time and again, the exigencies of life drew individuals away from their people and their faith, and the mystery of death brought them back” (10).

### Establishing Priorities

This study also has much to say about the ways in which Jews sought to preserve Judaism for future generations. Some Jewish leaders adopted an inclusive approach, involving coalition-building with others, while some favored exclusivity in an effort to sustain what they viewed as an authentic Jewish way of life.

. . . Which of their core values, Jews wondered, should be their main priority: (1) to uphold and maintain Judaism’s sacred religious traditions, (2) to adapt Judaism to new conditions of life in a new land, or (3) to preserve above all a strong sense of Jewish peoplehood and communal unity? Many Jews, traditionalists and reformers alike, actually cherished all three of these values, and on different occasions, depending on the circumstances, their priorities shifted . . . The history of American Judaism is replete with . . . oscillations back and forth, a reflection of tensions, deeply rooted within Judaism itself, between the forces of tradition and the forces of change, between those who supported compromise for the sake of unity and those who insisted upon firmness for the sake of principle (90-1).

The author points to several examples of what he terms “revivals” or “awakenings” in American Judaism, *i.e.*, periodic efforts to reinvigorate Jewish life. The late 1870s, late 1930s, post-World War II period and late twentieth century all have witnessed such revivals. Movements like these, according to Sarna, illustrate the resilience of American Judaism, its ability to adapt to the American environment and to thrive in this country in a unique way.

### Roots of Revival

Sarna’s description of the late 1870s revival, like several other sections of the book, convincingly challenges some common assumptions about American Jewish history. Many historians credit the great East European migration of the late nineteenth and early twentieth centuries with revitalizing Jewish life in America. While the author acknowledges the importance of that migration, he offers evidence of a significant Jewish “revival” as early as 1879, led by young, native-born American Jews (including Jewish women).

These young Jews, reacting to heightened anti-Semitism in Europe and America, calls by some Protestants for a “Christian America” and growing assimilation within the American Jewish community, sought to bolster religious observance, Jewish education and feelings of Jewish peoplehood among their fellow Jews. They founded a variety of organizations and institutions in pursuit of these objectives, including the influential newspaper, *The*

*American Hebrew*, the Jewish Publication Society, the American Jewish Historical Society, Gratz College and the National Council of Jewish Women. This analysis, which draws on some of Sarna's earlier writings, establishes that renewed interest in Jewish tradition and particularistic Jewish concerns predated the East European migration, though that migration certainly strengthened these tendencies.

### Fresh Perspectives

In addition to its fresh perspectives on many topics, American Judaism brings the findings of specialized studies to the attention of the general reader. A particularly informative section discusses the creation of the Jewish Welfare Board during World War I, and the many services that it provided for Jews in the U.S. armed forces at that time as well as later. The JWB's *Abridged Prayer Book for Jews* in the Army and Navy of the U.S., put out in 1917, and incorporated liturgical material from Orthodox, Reform and Conservative viewpoints. The prayerbook was not acceptable to everyone, and some soldiers requested Orthodox or Reform prayerbooks. However, the book apparently helped to bridge gaps between different groups of Jews, thereby modeling a more unified vision of community for American Jewry as a whole.

In some cases, this study synthesizes material that has elsewhere been presented in a more disjointed way. For example, a section in the third chapter, entitled "Competing Strategies,"

places three well known phenomena of mid-nineteenth century Jewish life into an original and useful analytical framework. The American Jewish leader, Isaac Leeser, the early Reformers and the founders of B'nai B'rith are cited as proponents of different strategies that aimed to perpetuate Judaism in America: "regeneration" (through education and intensified religious observance), "reform" (of synagogue ritual and other practices) and "community/kinship" networks, respectively.

### In the American Context

One of the most valuable features of this book is that it places the Jewish saga within the framework of American history as a whole. Sarna recognizes the impact that political and economic forces have had upon the development of American religious life, including Judaism. He explains, for example, how the debate between traditionalists and reformers in the mid-nineteenth century was influenced by pre-Civil War political rhetoric; how both early synagogue constitutions and later *landsmanshaftn* incorporated American democratic principles into their constitutions and rules of governance; and how New Deal legislative reforms regarding the five-day work week affected Jewish Sabbath observance.

Sarna compares the experience of American Jews with that of other religious groups in America. The author offers some perspective on Jewish fears regarding intermarriage and assimilation by contrasting the fate of Jews with that of the Huguenots. This small reli-

gious minority, present in colonial times, did not succeed in preserving its distinctive faith, had a much higher intermarriage rate than that of the Jews, and consequently disappeared as an independent religious group by the beginning of the nineteenth century. Readers also gain greater appreciation for the religious rights granted to some colonial Jews by learning that Jews in New York began to worship publicly around the turn of the eighteenth century, at a time when the first Quaker meeting house in the city had recently been completed, but when Baptists and Catholics had not yet built churches in the city. Moreover, while the “synagogue community” of colonial times incorporated many aspects of the *kehillah* (the pre-modern Jewish community), it also resembled the Protestant model of the established church.

### Reciprocal Influences

American Jews were certainly influenced by their non-Jewish neighbors. For example, the Hebrew Sunday School, founded by Rebecca Gratz in 1838, was modeled upon the Protestant Sunday school system, and many synagogues established in the nineteenth century borrowed much from neighboring churches in terms of architecture, decorum and worship styles. Both colonial lay leaders and American rabbis assumed roles similar to those of Christian clergy.

Moreover, Sarna maintains, Jews had a profound impact on American life, primarily by fostering acceptance of religious minorities:

For the major part of American history . . . [Judaism] has been the nation’s largest and most visible non-Christian faith. Every Jew, every synagogue, every Jewish organization, periodical, and philanthropy has served as a conspicuous challenge to those who sought to define the nation (or its soul) in restrictively Christian terms. From their very first steps on American soil, back in 1654, Jews extended the boundaries of American pluralism, serving as a model for other religious minorities and, in time, expanding the definition of American religious liberty so that they (and other minorities) might be included as equals (*xv*).

### Religious and Secular

Sarna’s approach to the study of American Judaism follows guidelines set forth by Sydney Ahlstrom, a prominent historian of American religion. Ahlstrom asserted that any religion must be studied “within its historical framework”; that the term “religion” must be “construed broadly” to include both secular movements as well as those “opposed to religion;” that “diversity must be acknowledged”; and that “religion can never be understood in a vacuum” (*xvii*).

In relation to Ahlstrom’s second point, Sarna explores aspects of the American Jewish experience beyond the purview of religion — such as Jewish secularism, the labor movement, Zionism and philanthropy — and notes that they were nonetheless in-

fluenced by religious sentiments and vocabulary. For example, secular Jewish labor leaders often made references to traditional Jewish concepts and rituals in their speeches and writings. In many cases, Jewish secularists, members of fraternal organizations, Zionists, Bundists and philanthropists invested their supposedly non-religious activities with deeply religious significance. Even “free-thinkers” sometimes retained an emotional connection to certain elements of religious life, such as the Yom Kippur liturgy.

Although long-standing tensions between religious and secular Jews are acknowledged, Sarna also cites important examples of cooperation between the two camps, in organizations such as the Joint Distribution Committee. All Jewish groups, religious and secular, must be included in a study of this kind because, in the author’s view,

. . . Jews as a people cannot be disentangled from Judaism as a faith. Traditionally, Judaism constitutes what is known as an ethnic church; its members distinguish themselves as much by their common “tribal” ancestry (real or imagined) as by their doctrines and practices (*xvii*).

### **Folk and Elite**

Along with several other contemporary scholars, Sarna focuses on aspects of both “folk” and “elite” religion. Attention is certainly given to the careers of prominent rabbis from all branches of Judaism, as well as the establishment of rabbinical seminaries. However, the

author also vividly describes Judaism as it was lived by the people — including holiday and life cycle celebrations, Shabbat and kashrut observance, superstitions and folk customs, and elements of popular culture that deal with religious themes. Personal accounts of such figures as colonial merchant Joseph Simon or early 20th-century builder and communal leader Harry Fischel highlight the dilemmas of American Jews torn between their commitments to religious observance and economic or social pressures.

There are moving excerpts from prayers offered by rabbis, soldiers and average Jews on various occasions, especially in war-time and other moments of crisis. The author also explains how Jewish responses to major events in American history were colored by religious sensibilities. For example, Jews displaced from their homes during the Revolutionary War described their experience in traditional Jewish terms — as “exile.” When the end of the Civil War coincided with Passover, Northern Jews related the holiday’s themes of slavery and liberation to the recent national conflict.

The story of American Judaism is told from the perspectives of both rabbis and their congregants — helping readers to understand the strivings and frustrations of religious leaders as well as the needs and expectations of the people they served.

### **Influence of Jewish Women**

Much recent scholarship on the history of American Jewish women is in-

tegrated into the narrative as well. All of the best known personalities receive mention, including Rebecca Gratz, Emma Lazarus, Henrietta Szold and Ray Frank, as do the major Jewish women's organizations like Hadassah, the National Council of Jewish Women and synagogue sisterhoods. In addition, some less widely known but very influential women are discussed, notably Jane Evans, who was appointed the Executive Director of the National Federation of Temple Sisterhoods in 1933, and who did much to strengthen the Jewish commitments and participation of women in the Reform movement.

Ordinary Jewish women make an appearance in these pages as well, for example in Sarna's reference to a *tkhine* (women's private prayer) for Shabbat candle-lighting that illustrates the tension between traditional Shabbat observance and economic pressures in America. A good deal of information is provided on Jewish education for women, the evolution of the bat mitzvah ceremony, the campaign for women's rabbinic ordination and the key roles played by women in a number of American Jewish "revivals."

Sarna's treatment of American Jewish religious movements is non-judgmental and even-handed. He deliberately refrains from using the term "denomination" because of its Protestant origins, and because most Jews, until recently, preferred to use the word "movement" or "stream" in referring to different branches of American Judaism. The author traces the evolution of the movements, explaining how they defined themselves in relation to one

another and developed markers (such as mixed seating, the wearing or rejecting of a *kippah* and *tallit*, or the presence of an organ) that distinguished certain types of congregations from others.

### **Responding to Common Challenges**

Despite their differences, the movements responded to similar influences in the larger environment. For example, Sarna observes that both the Reform synagogue building boom and the so-called "cantor craze," (i.e., the competition among East European Orthodox congregations for expensive, European-trained cantors to perform in their own newly-built synagogues) in the late 19th century reflected Jewish desires to demonstrate their material success and acculturation. Sarna's description of Orthodoxy in the postwar period and beyond (including a highly nuanced analysis of Orthodoxy's move to the right in the late 20th century) is particularly valuable for readers who may be unfamiliar with this complex world.

All of the movements are given due credit for their distinctive approaches and accomplishments. While acknowledging tensions among the movements, the author stresses that fundamentally, their leaders sought to accomplish the same goal: to adapt Judaism to the American environment and preserve it for the future.

### **Reconstructionism's Place**

More than many other studies in the field, American Judaism devotes signifi-

cant space to the history of Reconstructionism, identified as “the only full-fledged movement within American Judaism to have developed wholly within the U.S.” (243). Mordecai Kaplan is described as “the ever-astute Rabbi-scholar” (214), a keen observer of the Jewish scene and, “in the eyes of many the most significant American Jewish religious figure of his day” (243). Sarna cites quite a few excerpts from Kaplan’s diaries, and agrees with other scholars that Kaplan was an eloquent spokesman for the Jews of his generation.

[Kaplan] united within himself a high level of both traditional and modern learning, as well as a firm commitment to Zionism. Yet, like many of his day, he was plagued with religious doubts and worried about whether Judaism and contemporary conditions could be reconciled . . . He numbered among the first group of children of East European Jewish immigrants in the United States to understand, articulate and even embody the dilemmas of the modern Jew . . . (244).

Sarna further notes that

[T]he vast bulk of American Jews did not become Reconstructionists, neither during the inter-war years nor later . . . Reconstructionism’s significance lies instead in the critical questions that it raised and the important debates it stimulated within all movements of Ju-

daism (246-247).

As an example, Sarna notes that during the inter-war period, several Reform rabbis who were influenced by Kaplan moved toward a more “civilizational” understanding of Judaism. Moreover, Kaplan’s conception of Judaism as a “religious civilization” and his advocacy, along with other Jewish leaders, of the synagogue-center model “became commonplace across the spectrum of American Jewish religious life” (247). Reconstructionists are also credited with early use of the term *havurah* to describe prayer and discussion fellowships organized in the early 1960’s, before the term was adopted by the Jewish counter-culture movement.

While considerable attention is given to Kaplan’s views and impact, Ira Eisenstein, the first president of the Reconstructionist Rabbinical College (RRC), receives only passing mention. The establishment of the College in 1968 is acknowledged as a turning point, marking the emergence of Reconstructionism as a full-fledged movement in American Judaism. By the early 1980’s, however, Sarna notes,

Some innovators, in an effort to update (“reconstruct”) ideas set forth years before by Mordecai Kaplan, experimented with radical feminist liturgies and new forms of spirituality; others re-embraced supernaturalism and the concept of Jewish chosenness (323).

Reconstructionism is portrayed as a movement which has been on the cut-

ting edge in a number of areas, such as the adoption of patrilineal descent, the full acceptance of gay and lesbian Jews, and directing attention to issues of personal growth and spirituality. As Sarna observes, “. . . While [Reconstructionism] remained tiny, embracing less than 2% of the American Jewish population, its members often anticipated and articulated issues in advance of the Jewish mainstream” (323).

### Responding to the Holocaust

Another topic which receives exceptionally balanced treatment is the American Jewish response to the Holocaust, a subject which has engendered significant controversy in recent years. Sarna documents much of what American Jews managed to accomplish on behalf of their European brethren during that tragic time. Emphasis is placed on efforts by Jewish organizations and rabbinical seminaries to rescue individual Jews; on the publicizing of Nazi atrocities; and on the organizing of events that raised public awareness of the horrors, such as the national “Day of Mourning” on December 2, 1942, the “We Will Never Die” pageant that reached more than 100,000 people and the dramatic “March of the Rabbis” on October 6, 1943.

The author sensitively describes the agonizing moral dilemmas faced by Jewish leaders, such as “should they exert special efforts to save certain groups of Jews . . . or should all lives be considered equally valuable and holy?” (262) As he sadly concludes,

Given the moral and political complexity of these questions, it is easy to understand why individual Jews felt internally conflicted and why Jewish organizations and movements found it so difficult to reach consensus. On the other hand, it is also easy to understand why later critics faulted the community for doing too little, too late (262).

Sarna movingly describes the dedication of Holocaust survivors to memorializing victims, something that did not become a mission of the broader American Jewish community until the 1960's. Especially valuable is his account of the transformative impact that the more than 300,000 Holocaust refugees, survivors and displaced persons who arrived in the U.S. between 1933 and 1950 had on American Jewish life. Among these were illustrious personalities, including hasidic rebbes (Rabbi Menahem Mendel Schneerson and Yoel Teitelbaum), heads of Lithuanian *yeshivot* (Rabbis Moshe Feinstein and Aaron Kotler), and other religious leaders (Rabbis Leo Baeck and Abraham Joshua Heschel). This group of largely traditionalist religious leaders reinvigorated American Judaism in the post-war era and beyond.

### Post-War Renewal

In a well-crafted chapter entitled “Renewal,” Sarna delineates the major political, economic and demographic trends of the post-war period, and their consequences for American Judaism.



The movement of Jews out to the suburbs and to the sunbelt cities shaped Jewish religious life in the 1950s and beyond. Jews increasingly defined themselves in religious rather than ethnic terms, embarked on ambitious synagogue building campaigns and joined synagogues in greater numbers. They fostered greater religious individualism and diversity (especially in cities like Miami and Los Angeles), strengthened Jewish education and encouraged greater participation of women in synagogue life.

The tumultuous events of the 1960s and subsequent decades are chronicled in detail, taking us up to the present moment. During this period, American Jews generally moved from involvement in more universalistic causes such as civil rights, interfaith dialogue and antiwar protest to more particularistic Jewish concerns such as Holocaust remembrance, support for Israel, advocacy for Soviet Jews, the havurah and Jewish counter-culture movements and Jewish feminism. Sarna credits the havurah movement and *The Jewish Catalog* with encouraging greater participation, informality and intimacy in Jewish worship, which was then carried over into synagogue settings.

### Facing the Future

Reflecting on the contemporary situation, Sarna certainly does not minimize the internal and external challenges facing American Jews. Citing the most recent Jewish population figures, he confirms what many others have said — that the American Jewish

community is indeed shrinking. Depending on which survey one consults, the American Jewish population has declined between three and five percent over the past ten years. The author points out that this “decline is . . . historic, marking the first time since colonial days that the total number of Jews in America has ever gone down” (357).

In addition, the percentage of Jews in the total American population has been declining for some time, and now stands at less than two percent. These discouraging statistics may be attributed to low Jewish fertility, a dramatic decrease in Jewish immigration to the U.S., a decline in the number of conversions to Judaism and rising intermarriage rates. (Statistics on intermarriage in various periods of American Jewish history are provided throughout the volume, offering readers a context in which to evaluate contemporary trends). Moreover, Sarna acknowledges other problems plaguing the contemporary community, including tensions among various factions of American Jews and a break-down in traditional authority structures across the board.

### Room for Optimism

Nevertheless, in contrast with the gloomy predictions made by many other observers of the current scene, Sarna’s overall tone is positive and optimistic. He points to the historical precedents of periodic revivals documented in his study, and is encouraged by the many positive developments in American Judaism today. Among the

trends noted are renewed interest in Jewish ritual and spirituality, the growth and vibrancy of synagogues, expansion of Jewish education on all levels (especially day school, adult education, university Jewish studies departments and traditional Jewish education for women) and the flourishing of various forms of Jewish culture (including art, music, book publishing and new Jewish museums). As the author concludes:

Simultaneously, indeed, Jews witness two contradictory trends operating in their community, assimilation and revitalization. Which will predominate and what the future holds nobody knows. That will

be determined day by day, community by community, Jew by Jew (373).

A work of prodigious scholarship, incisive analysis and broad scope, Jonathan Sarna's *American Judaism* is destined to become the standard book in the field, required reading for scholars, Jewish communal professionals, university students and the general public. In a landmark year celebrating 350 years of Jewish presence in North America, this volume contextualizes the many issues confronting American Jews today and offers readers both a sense of shared past and hope for the future.

# Reading Torah Through the Lens of Gender

A Review of

*The Women's Torah Commentary: New Insights from Women Rabbis on the 54 Weekly Torah Portions*

Edited by Rabbi Elyse Goldstein

(Woodstock, VT: Jewish Lights Publishing, 2000), 474 pages

*The Women's Haftarah Commentary: New Insights from Women Rabbis on the 54 Weekly Haftarah Portions, the 5 Megillot and Special Shabbatot*

Edited by Rabbi Elyse Goldstein

(Woodstock, VT: Jewish Lights Publishing, 2004), 299 pages

BY LORI HOPE LEFKOVITZ

“How many feminists does it take to screw in a light bulb?”

We know that the riddle's answer is “that's not funny,” and it really isn't that funny. But all the same, as an aging Jewish feminist, I find myself increasingly in search of the humor, or at least some lightness of spirit, or ironic perspective, to counter the serious weights of injustice, scholarship, righteousness and high-minded goals that have motivated the projects of Jewish feminism.

Granted, Torah commentary is not classically a genre that inspires big laughs, but I still cannot help observing, after reading through Rabbi Elyse Goldstein's companion volumes, *The Women's Torah Commentary* and *The Women's Haftarah Commentary* — where each chapter is authored by a

different woman rabbi, with the rabbis' affiliations representing each of the denominations of Judaism that ordains women — that we are, on the whole, an earnest bunch.

Please do not misunderstand me. These volumes belong in every Jewish library. They should be required gifts for both bat and bar mitzvah kids. Rabbis of all genders (however many there may be) should consult these volumes, along with Rashi, when they compose *divrei Torah* (sermons or reflections on Torah). Anyone who is either in the habit of following the weekly Torah and haftarah readings, or who pays even occasional attention to them, should consult these easy-to-read and intelligent books for guidance in thinking about our ancient sacred texts.

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## Torah for Our Generation

The volumes' chapters are elegant in their uniformity: Each begins with a citation from the reading and is followed by an essay of several pages that draws a moral conclusion from the discussion of the text. The volume is beautifully edited by Goldstein, a lively and highly regarded teacher and speaker. Each essay is clear and concise, and the prose is relatively informal. Each chapter illuminates a face of Torah for our generation and does so homiletically, giving us something relevant for ourselves.

Rona Shapiro wonders why the portion in which the matriarch Sarah dies is referred to as *Haye Sarah*, the lives of Sarah, and she determines through close reading of the differences between Abraham and Sarah, that with Sarah's death, Abraham learns how to live as Sarah had lived, less grandly but more emotionally available, able to locate God in humble human relationships.

Ruth Sohn wonders why Miriam, so prominent in our popular imagination and obviously, as evident from hints in the text, very powerful in her own day, is relatively silent in biblical narrative. Sohn speculates that Miriam's textual presence was restricted by the men who recorded her story, and she urges us to respond proactively by imaginatively recovering Miriam in popular genres: songs, poetry, and contemporary creative interpretations or *midrashim*.

## Entitled to Interpretation

Many of these essays remind us that

we are as entitled as the generations who preceded our own to create Torah through our interpretations. Like Sohn, Dayle Friedman also enters the text through an omission. Noticing the prohibition on manifest grieving after the loss of Aaron's sons and the painful silence of the men who define the response to the tragedy of the death of offspring, Friedman wonders poignantly about the unrepresented weeping of Elisheva, Aaron's wife, the mother of the boys. She urges us to listen for maternal wailing in the interstices of the text and thereby create for ourselves a healthier model of grieving than that which the monolithically masculine tradition has permitted.

Sara Paasche-Orlow draws a connection between the command to nourish continually God's light in the *ner tamid* (eternal lamp) of the Temple and women's time-honored practice of ushering in the light in Jewish homes with the kindling of the Sabbath candles. Never mind the possible implication that we would do well to preserve gendered domains in Jewish practice or that the *midrash* classically assigns women the role of candle lighting because Eve deprived the world of light through her sin, or that the association of the eternal light and the Shabbat candles is a rather free and unmarked association. These commentaries do not pretend to scholarship. Instead, they offer what women rabbis have to offer us when they approach the weekly Torah readings looking explicitly for the heroines, the neglects, the needs and the hidden wisdom that we have been missing for so many generations.

## Observations on *Haftarot*

The newly published haftarah volume follows the success of Goldstein's collection of Torah commentaries. She writes in the introduction to the first volume that people wondered if, after thirty years in the rabbinate, women rabbis had changed the way we approach our scripture. She did us the favor of "putting us in a room" with fifty-four women rabbis. After doing so, however, people regularly asked her if the *haftarot* would be next, from which urgings comes the more recently assembled collection.

Here, the rabbis also begin with a citation, and in addition to offering a reading of the weekly portion that complements the Torah reading, each rabbi makes explicit the connection between Torah and haftarah readings, often citing the commentary that appeared in the earlier volume. Haftarah portions are more often poetic, abstract and richly imagistic and are therefore more difficult to write about, but again the commentators rise gracefully to the challenge.

### Fluids and Voices

Seizing on a reference to tears in a selection from the prophet Hosea, Nina Beth Cardin reminds us of a time when "tears were sacred." As tears became associated with women, they came to be regarded as manipulative, argues Cardin. Contra Friedman on the biblical resistance to manifest grieving, Cardin notices many instances of weeping in the Bible, to suggest that crying

once had the power to influence God. Although she begins with a very different textual moment from Friedman, Cardin also champions the importance of tears.

In a particularly intelligent and well-articulated reading, Susan P. Fendrick champions the quiet, passionate voice, the *kol d'mama daka* that Elijah cannot distinguish, as, paradoxically, God's most powerful vehicle. Over and again, the writers of these essays draw our attention not only to women's absences or presences, but also to water, blood, whispers and tears — fluids and voices — that carry alternative meanings when we attend to them. Jill Hammer quotes Rabbi Oshaya's analogy of Torah to water, wine and milk. In the contrast between the austerity of life on Noah's ark and the exuberant procreative commandments of the haftarah that accompanies the *parasha*, Hammer sees a transformation of God from "rageful patriarch to partner in the renewal of life."

### The Heart of the Jewish Enterprise

These readings of the *haftarot* and *megillot* chart women's maturity into positions of power. For example, Karen L. Fox sees in the book of Esther a model of power for women, and Analia Bortz views the character of Bathsheba from a similar vantage point. Biblical characters that are often ignored become extraordinary models, as exemplified by Geela Rayzel Raphael's interpretation of the witch of Endor.

To the extent that reading and com-

menting on the Torah is at the heart of the Jewish enterprise and is the work that has kept Jews in communication with one another across the planet and across the ages, Jewish men have until recently defined the parameters of interpretation. These women's commentaries continue the conversation of the ages to our own moment and extend the boundaries of Jewish thought. Like classical Jewish texts, Goldstein's collections include multi-vocal rabbinic authorities, bound together in single fat volumes, each offering a nugget of wisdom on a detail of Torah — the classic formula for a Jewish book.

### Authoritative Claim on Scripture

In the last several decades, women have staked an authoritative claim on Jewish sacred Scripture. We are living in an extraordinary historical moment, when not only are there an unprecedented number of women Bible critics and Torah scholars, but feminist criticism and theory are the frontier of scholarship. In the great traditions of Northrop Frye and Robert Alter, critics such as Ilana Pardes, Alice Bach and the authors collected in Athalya Brenner's feminist companions to books of the Bible have transformed biblical criticism, the way we read and what meanings we are equipped to find in our texts.

At the same time, there has been a flourishing not only of excellent feminist biblical criticism, but also of Torah scholarship, a genre that obeys different rules. There, the goal is not so much exegesis (discovering what can be

reasonably read out of the text) as much as delightful, moving exercises in reading into the text — in the tradition of the rabbis and of John Milton — the meanings we require for ourselves: justifications of the “ways of God to man” (sic).

Anita Diamant's novel, *The Red Tent*, has been referred to as the most widely read of all Torah commentaries. Ellen Frankel's *Five Books of Miriam* uses a strategy of multivocality as she moves through the *parshiot* and speaks through imaginary representations of biblical heroines and modern women, all in dialogue about the text, each bringing in components of Jewish tradition to bring the Bible to life.

Avivah Gottlieb Zornberg, with remarkable erudition and range of reference, reads Genesis and Exodus through rabbinic authority, freely associating to Tolstoy and Kierkegaard, Freud, Lacan and Melanie Klein, as well as to existentialist philosophy, psychoanalytic theory, and literature. All are fruitfully brought to bear on the Bible, in the interest of exposing our humanity, championing Jewish ethical ideals and exquisitely vibrating the chords that swell from the text, through Rashi, and ultimately in the heart of the reader who follows the details of her arguments.

### Pioneering Voices

Goldstein's collections have a unique importance on the shelves in our libraries. These books are a celebration of women in the American rabbinate — her first volume, of Torah commentar-

ies, was published thirty years after Sally Priesand became the first female Reform rabbi in 1972. The voices of the first female Reconstructionist rabbi, Sandy Eisenberg Sasso, and the first female Conservative rabbi, Amy Eilberg, are here as well.

The haftarah volume rounds out the set for the full year cycle, inviting us to discover for ourselves how women's significant presence as rabbinic authorities has altered the interpretation of sacred texts. They do so by remedying neglects, shifting emphases, offering criticism on new grounds, and celebrating less well-attended aspects of the tradition.

These readings show that women as rabbis are, in many ways, like men as rabbis: learned and wise, some more so than others. They also illuminate classically women's concerns, address neglected injustices, and inspire egalitarian ideals in Jewish reading practices and Jewish life.

### New Possibilities

I confess that my favorite part of any service is always the Torah discussion. I am in love with these texts — the library of sources woven together to make our Bible — and the rabbinic creativity that juxtaposed Torah and prophets in a year cycle of associations. I love the dicta of *Pirke Avot*, “turn it and turn it for everything is in it,” and the idea that “Torah has seventy faces.” Even more thrilling than the fact that there is still another dissertation to be written about *Hamlet* (not because the play

changes, but because truth changes, and as truth changes so will the play's meanings) is the fact that Jewish readers and rabbis have endless confidence that year after year we will have something new and important to say about Torah, because we ourselves will have grown into new possibilities.

When a Torah discussion is done well, what I like best is how the Torah also illuminates the reader, the place where our own historical moment, the personal experience of the *darshan* (commentator), and the text find a common meeting place. This intimacy is charming. And so it is that among the charms of Goldstein's volumes are the biographical paragraphs of each of the rabbis. After all, these books celebrate these women as rabbis. In the biographies, we learn when and where each was ordained, and we learn what each believes inspired her to become a rabbi. Each rabbi speaks personally.

What I am missing in the essays, though, is the anecdotal feature of the best of Torah commentary: some self-revelation, some tongue-in-cheek, some nod in the direction of the reader. Torah and life are both serious business, of course, but I hope that as time passes, we will be secure enough to laugh a little at ourselves.

Torah and haftarah commentaries, each by a different woman rabbi, dazzle with the mere fact that we have come this far. I am in my forties; in my childhood, there were no women rabbis. But there were girls with aspirations, and these aspirations have been realized. *Mazal Tov*. Really.

# Organizational Leadership as a Covenant

A Review of  
*Leading with Meaning: Using Covenantal Leadership  
to Build a Better Organization*

By Moses Pava  
(Palgrave/Macmillan, 2003), 169 pages

BY LARRY M. STARR

**I**s there a Jewish style of leadership? If an organization's leader, whether Jewish or not, adopts a Jewish leadership style, can s/he and the organization be more "successful?" Can the Jewish covenant with God, the central tenet of Judaism described in the Hebrew Bible, be interpreted and applied to help one lead a modern organization more effectively?

In this slim but intellectually-weighty text, Moses Pava, who holds the Alvin H. Einbender Professorial Chair in Business Ethics at the Sy Syms School of Business at Yeshiva University, answers "yes" to these three questions.

## Six Paths

Pava's Jewish covenantal leadership model is based on six directions or paths. First is the "Path of Humanity" which concerns lovingkindness and

involves active caring "in the context of the community." Second is the "Path of No Illusions" emphasizing pragmatism and the elimination of magical or wishful thinking. Third is the "Path of Integration" in which the focus is on moving away from "either-or" thinking and toward inclusionary and integrated values. Fourth is the "Path of Moral Imagination" in which one expands perception beyond pre-existing boundaries in order to see and think more imaginatively. Fifth is the "Path of the Role Model" in which actions should be evaluated as appropriate or inappropriate within the shared community of which all are a part. Sixth is the "Path of Moral Growth" in which growth is appreciated not for its own sake but because it fulfills the meaning of the leadership covenant: to help foster human growth, development and satisfaction of legitimate human needs.

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Chapter one provides an overview of Jewish covenantal leadership (not “Jewish leaders” but “Jewish leadership” in the context of covenant) and an overview of the six paths he suggests one should follow to become a covenantal leader — even if one does not reach the end of each path. Chapters two through seven describe each path in detail. Chapter eight presents an integration and list of new responsibilities for covenantal leaders. Chapter nine concludes by explaining that the role of a covenantal leader is to be the “leader as teacher” within the organization rather than “leader as servant” or other approaches to leadership.

### Leaders and Systems

The influence of leaders on their systems has been long recognized and described by scholars. For example, in his preface to *Freedom and Organization*, the brilliant 1934 treatise on world events between 1814 and 1914, Bertrand Russell wrote:

The part played in history by individuals . . . tends . . . to be unduly minimized by those who believe themselves to have discovered the laws of sociological change. I do not believe that, if Bismarck had died in infancy, the history of Europe during the past seventy years would have been at all closely similar to what it has been. And what is true in an eminent degree in Bismarck is true, in a somewhat lesser degree, of many of the prominent men of the nineteenth century.<sup>1</sup>

Excellence in organizational leadership is often perceived to be essential for professional and productive organizational change. Corporate leaders who espouse high values such as integrity and courage, and who adopt the role of advocates for ethics within their organization, are often cited as role models who enhance the behaviors of employees and aid in the creation of an ethical corporate environment.

To be an excellent leader, notes Charlotte McDaniel in *Organizational Ethics*, one must do more than manage; an excellent leader must “promote, advocate, and actively support ethics in the system.”<sup>2</sup> Like a construction contractor, an organizational advocate “provides the foundation and frames the concrete actions”<sup>3</sup> and puts into place structures and processes, ensures written parameters, ensures the messages are clear and sent effectively, and creates links between activities.

### What is Leadership?

While leaders certainly influence their organizations, the academic field of “leadership studies” considers the details of this relationship. Spurred on by *Leadership*, the seminal book written by James MacGregor Burns in 1978,<sup>4</sup> scholars and practitioners have conceived of leaders and leadership from several perspectives. Some theories suggest that leaders possess one or more significant “traits” and are a forceful cause of significant events due to inherent “talent” or “personality.” In order to find leaders with this critical set of stable abilities, organizations must

search for people who possess the competencies that match the company needs, then persuade them to join and stay.

Leadership theories also propose that important components of leadership exist in “states” that can be learned; thus, it is essential to establish leadership development programs and to support other educational endeavors that promote, plan and “grow” successive leaders within an organization.

The systems or interactive approach to leadership argues that leadership cannot be taught other than to provide limited tools. Rather, leadership is a creative and continuous learning process characterized by guiding and facilitating. Furthermore, as leaders and followers are part of the same organizational systems, they influence each other.

Unconvinced by data in support of either position, others prefer to sidestep the question of “leadership” altogether. For example, a colleague of mine in the Wharton School, discussing a proposed new graduate degree, recently commented “I would personally opt for substituting ‘management’ for ‘leadership’ in the current title. I think leadership is a wildly misunderstood topic, badly researched and much touted among the overpaid executives of the planet as the murky purview legitimating their compensation arrangements.”

Pava clearly favors the “leader who learns” approach; indeed, by following his six prescriptive paths, apparently (any) one may move not only toward becoming a covenantal learner, teacher

and leader, but also toward developing “better” organizations that fulfill their “real” purposes. Pava argues that “organizing” is an ethical act because a company is not a vehicle for bringing products and services to market; products and services are vehicles to bring people together in order to maintain organizations that satisfy human needs. That is their “real” purpose.

### The Role of Covenant

Pava notes that the central organizing theme of biblical thought is “covenant,” defined as:

[a] voluntary agreement, entered into by independent but equal agents, to create a shared community. The primary purpose of the agreement is to consciously provide a stable location for the interpretation of life’s meanings in order to help foster human growth, development and satisfaction of legitimate human needs (2).

This resonates with what David Lieber writes in the new Conservative Torah commentary *Etz Hayim* about the historical understanding of compacts, treaties, contracts and covenants of the Hittites and Assyrians, who co-existed with the early tribes of Israel in the ancient near east. While early covenants generally “played an important role in the political and social life of the ancient world” the Jewish covenant was unique because it was an “agreement entered into freely by a deity with a people to create a new relationship, or

rather, to redefine an earlier one initiated by God through the gracious act of deliverance from bondage.”<sup>5</sup> Furthermore, writes Lieber, the prophets argued that “the covenant was binding both on the people as a whole and on each individual Israelite as a responsible member of the community. Each of them shared equally in both the obligations and privileges of the b’rit.”<sup>6</sup>

Although Pava does not discuss it, the concept of covenant is not limited to the Hebrew Bible or to Judaism.<sup>7</sup> Christianity also understands its faith as based on a covenantal relationship with God. However, notes Rabbi Eugene Korn, Director of Interfaith Affairs at the Anti-Defamation League of B’nai B’rith, while the covenant for both traditions constitutes the foundation of religious truth, the “classic Christian understanding” and practice of Christian covenantal faith involves outreach and (evangelical) efforts “to bring the world into their ideology.”<sup>8</sup>

An example is the Covenant Worldview Institute, where members believe in “all of the ethical teaching of the Bible (including the Old Testament),” and are dedicated to fulfilling two moral obligations: The (people of all) nations “must be baptized into a covenant relation with God,” and must be trained “to obey all of Christ’s commandments.”<sup>9</sup> Christian evangelical scholars offer roadmaps leading to these goals that range from governing all society by “biblical law,” to reforming our nation’s laws to be in accordance with “biblical law,” to controlling management of local organizations.

One example can be found in the

book by Kihyoung Shin, visiting lecturer at Pusdu (South Korea) Presbyterian Theological Seminary, called *The Covenantal Interpretation of the Business Corporation*. Shin argues that “business relationships based upon making a ‘covenant’ with others expand reasonability beyond legal contract, and integrate moral commitment and (Christian) theological vision into the business realm.”<sup>10</sup>

## Two-World Theory

At the heart of covenantal leadership paths are opportunities to cope with, and manage responses to, modern pluralism, what Pava calls “two-world theory.” Two-world theory describes the conflict and division of our personas into domains that are “public” (work, organizational or practical) and “private” (home, religious or spiritual). Many leaders (Jewish or other) separate their workplace lives into “what they do” and “how they act” and distinguish these from how they behave in times of “spirituality,” such as during participation in religious organizations or in religious study. This bifurcation is not merely artificial and inauthentic, Pava argues, it is impossible to take seriously:

Understood at the deepest level, the idea of covenant implies [that] our theory of being human is inextricably related to how we construct organizations . . . Organizations may possess intrinsic worth (because) they are living communities (19).

The conflicts associated with living in a pluralistic world — including the boundaries, responsibilities and roles inherent in being a member of a covenant interacting with those who are not — have given rise to theological, moral and political problems. It is a fact of modern global life that we are in contact with diverse life-styles, a variety of faiths and different understandings of ethics. The presence of the “Other” has always been a problem for religious faith, but currently seems relentless and inescapable. How can a person of deep religious commitment coexist with and even value someone outside his or her faith? How does one respect the religious and moral differences of others while having deep conviction in the truth of one’s own? Answering these questions goes well beyond parochial organizational leadership; it has impact on how religion will flourish in the 21st century, and on the future for peace among civilizations.

### Blending Approaches

There are at least three responses to the dissonance produced by the two-world problem. A person may withdraw from one position, such as retreating from the secular into the ghetto, or away from the private realm into an atheistic or anti-religious orientation. A second response is to assert that one’s covenant is true for all right-thinking people, hence demanding that the covenant be universalized. This has implications for the geopolitical environment, where “unbelievers” must be brought into the “true faith” in order

to be deserving of rights and respect, and/or where acceptance of other religions is seen as an intolerable endorsement of error and sin. The third option is to adopt a blended solution that supports the interests of a broader culture, and allows one to integrate more than one world into one’s personal and organizational life. Pava suggests this option is the preferred resolution. Covenantal leaders do not separate their worlds; rather, they blend them in a “never-ending attempt to create organizations that mirror and reflect the sacred” (30).

Pava presents several engaging examples of how the paths of covenantal leadership may be applied to the modern economy. The central issue within the “Path of No Illusions,” which Pava calls the most difficult of the six paths, is the danger of idolatry, worshipping the “absolutization of the relative” (38) and of engaging in magical or “illusionary” thinking.

### The Enron Example

Consider the “Enron/Anderson Meltdown,” the well-documented systemic enterprise wherein Enron collapsed after engaging in legal and ethical lapses largely attributed to its auditor, Arthur Anderson. Pava suggests this is a modern metaphor for idolatry, similar to the biblical story of the worship of the golden calf, because both share four common elements. First, there was an attitude of certainty despite uncertainty: Enron management repeatedly presented their financial statements with certainty, self-assur-

ance and a “culture of arrogance.” Second, the deception was a group phenomenon, not just an individual experience: implicated along with Enron were the “key indicators of a modern economy — regulators, attorneys, banks, financial analysts, business professors, and business reporters” (44). Third, there was worship of the group as an absolute value: “Key executives and their enablers at Anderson worshiped the crass and ruthless culture of excess that they had created. Stock price became the absolute value” (44). Finally, the Enron case represented a fundamental negation of the nature of covenant: “Enron/Anderson was a macho world in which the most celebrated citizens were cowboys and risk-takers who laughed at the old-economy thinking and [at] conventions . . . Enron believed it was leading a revolution, it encouraged flouting rules” (44).

To take the “Path of No Illusions” and find an antidote to idolatry, writes Pava, one must recognize that many of our organizational constructions, including maximization of profit, are illusions without any necessarily objective validity. Companies should (also) concern themselves with the array of pragmatic outcomes including employee satisfaction, responsibility, and environmental sustainability.

In the Jewish view, we begin to answer God’s own invitation and to develop an understanding of our full human potential. Moses becomes a covenantal leader in the moment that he realizes that even God’s covenant hinges upon man’s understandings: “This depends on me” (49).

## Valuable Contributions

What I found valuable in *Leading with Meaning* is its alliance with the assumptions of positive organizational psychology. This approach seeks to understand organizational dynamics in terms of positive attributes such of excellence, resilience, virtuousness and thriving, and understands organizational leaders in terms of “states” that develop and build on these attributes. Furthermore, organizations are examined in terms of positive enablers (*e.g.*, methods, structures and processes), positive motivations (*e.g.*, altruism and concern for others), and positive effects (*e.g.*, quality of relationships, meaningfulness and vitality). Pava’s model of covenantal organizations and leaders is similarly framed in terms of positive and growth-oriented characteristics.

I also appreciated Pava’s use of a systems approach to organizations. Too many leaders of traditional, structural management approaches see people (employees) as replaceable parts (like organs of a body) and expect them to follow corporate policies or a CEO’s vision because they are connected to (or, more precisely, contracted to) the organization. In systems thinking, particularly a social systems view, business enterprises are considered social systems in which employees have their own interests and mindsets, are individually purposeful, and rarely behave in a linear or easily predictable manner despite corporate policies or the vision of a single leader. Furthermore, leaders and executives “have duties beyond maximizing values for shareholders.”<sup>11</sup>

Systems proponents argue that commonly-experienced complex problems (“messes”) occur because the components of the system (the people, structures, processes, culture, environment and other factors) and their interactions are not systemically understood or coordinated. Messy organizational problems are best managed not by “analysis,” a process that reduces issues into smaller pieces, but by “synthesis,” a process of addressing the whole system. Only by examining the whole system and its interactions, argue systems theorists, can one locate where critical changes can be effected. When these are understood and implemented, the problem can be “dissolved.” Pava acknowledges the individual purposes and relationships of people within the organization, and suggests ways to move the entire system forward.

### Assertions Need Support

Notwithstanding these affirmations, the most troubling concern with Pava’s analysis is the lack of social-scientific validation. Despite claims that “research shows” and “our research suggests,” and such statements as “as the covenantal model increases in popularity” and “for those organizations that adopt the covenantal model, the best form of leadership is covenantal,” in fact, no data or research studies are presented that substantiate these claims. Indeed, there are no quantitative measures of reliability or validity regarding any aspect of covenantal leadership, and no direction as to how one might follow any component of the six paths.

Nor does Pava indicate whether and under what conditions any aspects of covenantal leadership or covenantal organizations are more effective than any other ways of leading.

Pava also makes an important assumption about organizational structure and governance:

It should be noted that this book takes as given a system of democratic capitalism . . . A covenantal approach suggests that organizations, both for-profit and not-for-profit, need to satisfy the legitimate needs of a diverse group of stakeholders (xvii).

Despite our appreciation for political democracy, proponents of organizational democracy report disappointing and limited presence in organizations.<sup>12</sup> While people generally prefer to participate and contribute to organizational decisions (particularly those that directly affect them), these processes are often not accepted or supported by management for a variety of reasons including conflicts between personal and organizational interests, loss of efficiency (it often takes time to negotiate each decision), problems with implementation, and loss of traditional executive authority.<sup>13</sup> As was recently noted in a special issue of the journal *Academy of Management Executive*:

The basic issue is that a lot of risks and pitfalls are associated with democratic processes, while the payoffs, from an economic perspective, are far from certain. Conse-

quently, at this point the question, “Is organizational democracy worth it?” has no definitive answer.<sup>14</sup>

### Direction or Reflection?

I suspect that without more details and tested protocols, *Leading with Meaning* is less likely to be a direct guide for building a better organization, and more likely a reflective opportunity for a leader who wishes to compare his or her leadership style and behaviors to an approach that is enlightened, humanistic, democratic and prosocial while remaining capitalist, a profile which is highly desirable but in short supply in modern organizations.

Pava fulfills the three goals presented in his preface. He introduces the idea of the biblical covenant and suggests components of Jewish covenantal leadership. He demonstrates that in some cases, interpretation of texts within the Hebrew Bible can be related, at least metaphorically, to “real world problems.” He presents proposed paths to covenantal leadership. Having now presented the “what to do,” I hope his next endeavor will show the research concerning covenantal organizational efficacy and the “how to do it,” so that the promise of covenantal leadership might be demonstrated.

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1. Bertrand Russell, *Freedom and Organizations 1814-1914* (London: George Allen & Irwin, 1934), 7.

2. Charlotte McDaniel, *Organizational Ethics: Research and Ethical Environments*

(London: Aldershot, 2004), 169.

3. *Ibid.*, 169.

4. James MacGregor Burn, *Leadership* (New York: Harper Colophon, 1978).

5. David L. Lieber, senior editor, *Eitz Hayim: Torah and Commentary*, (New York: The Rabbinical Assembly, 2001), 1417.

6. *Ibid.*, 1418.

7. Islam also has covenantal beliefs — also not addressed in this book — described in the Koran, but Islamic writers tend to use the word differently than either Jewish or Christian covenantal theologies; see, for example, the American-Israeli Cooperative Enterprise’s description of “The Covenant of the Islamic Resistance Movement — Hamas” written in 1988.

8. Eugene Korn, “One God: Many Faiths: A Jewish Theology of Covenantal Pluralism” ([http://www.bc.edu/research/cjll/meta-elements/texts/articles/Korn\\_13Mar03.htm](http://www.bc.edu/research/cjll/meta-elements/texts/articles/Korn_13Mar03.htm), 2003).

9. Covenant Worldview Institute (<http://www.berith.org>).

10. Kihyoung Shin, *The Covenantal Interpretation of the Business Corporation* (Oxford: University Press of America, 2001), Publisher Notes.

11. Russell Ackoff, “A systemic view of transformational leadership,” *Systemic Practice and Action Research* (1998), 11 (1), 23-36.

12. Jeffrey Kerr, “The limits of organizational democracy,” *Academy of Management Executive* (2004), 18 (3), 81-95.

13. *Ibid.*, 81.

14. Jeffrey S. Harrison and R. Edward Freeman (Special Topic Guest Editors), “Special Topic: Democracy in and around Organizations: Is organizational democracy worth the effort?” *Academy of Management Executive*, 2004, 18(3), 49-53.

15. *Ibid.*, 50.

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