

**RABBINIC - LAY RELATIONS
IN JEWISH LAW**

Edited by
Walter Jacob and Moshe Zemer

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Edited by
Walter Jacob and Moshe Zemer

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This volume is dedicated

to our parents

Sarah Zager

Sam C. Zager ז"ל

Rabbi Ernest I. Jacob ז"ל

Annette F. Jacob ז"ל

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PREFACE

We wish to express special gratitude to our colleagues, Bernard M. Zlotowitz and Susan Rheins, for their invaluable assistance with the copy-editing of this volume. We are also grateful to Joni Cohen Zlotowitz, and Maud Prince for their devotion to the typescript, to Robert Goldman for his efforts in typesetting the manuscript and to Barbara Baley for her continuous help.

This volume and its predecessor would not have been possible without the generous gifts of Admiral Joshua Goldberg. We are grateful and wish him well.

INTRODUCTION

What is the essence of a rabbi? Maimonides declared:

"There is no honor greater than the honor of a rabbi and no awe greater than that of a rabbi. The sages tell us: Let the honor of your rabbi be as the honor of God and the fear of your rabbi like the fear of Heaven - therefore they proclaimed: Contradicting your rabbi is like contradicting the Divine Presence... a controversy with your rabbi is like a controversy with the Divine Presence...resenting your rabbi is like resenting the Divine Presence." (Laws of Talmud Torah 5:1)

This Maimonidean hyperbole has been translated into modern terms with great expectations of the rabbi as preacher, teacher, scholar, officiant, counselor, community leader, etc. The authority of the Jewish spiritual leader which has always been derived from scholarship or charisma, is a key to the mastery of these many tasks.

The relationship of a rabbi and congregant is often pregnant with an ambivalent admixture of mutual love, respect, and even awe, on the one hand, and, on the other, jealousy, competition, power struggle and perhaps a dash of Oedipus/Electra thrown in.

This volume, *Rabbinic-Lay Relations in Jewish Law*, demonstrates that such ambivalence is not a product of our time alone. As we look through these pages we are convinced, with *Kohelet*, that in spite of the upheavals of the generations "there is nothing new under the sun"; or as the French so aptly put it: "*plus ça change, plus c'est la même chose*" (the more it changes, the more it's the same thing.)

Yet a closer look at the seven essays of this book reveals a different view of the rabbinic-lay relationship. Rabbinic authority

may derive from scholarship of spiritual charisma, but without these qualities, a community crisis may result. Part of the relationship of the laity with rabbis is the *kavod*, the honor and respect afforded the spiritual leader. Must the rabbi earn this respect or should it be granted to him/her as the representative of Torah? The professionalization of the rabbinate heightened the tension between studying and teaching Torah for the sake of Heaven and the need to make a living.

Rabbis throughout the ages were called upon to respond with sensitivity to the ethical imperatives of those suffering from the undue "tyranny" of the *halakhah*. Many of the great sages resolved the problems of these unfortunates through *halakhic* innovation, thereby assuaging their anguish. Rabbinic arbitration, less known that rabbinic courts and judgement, may serve as a model when compromise is required and a rabbi's Torah verdict may not be authoritative. Rabbis and lay people sharing authority and power in the congregation is a time tried phenomenon.

These are among the issues presented in this book. Of course there are vast differences between Jewish leadership of the past and today, yet many of the principles of interaction between rabbi and community revealed in this tome are still valid today. To use the language of the philosophers, the essence of the rabbinate, its intrinsic nature and true substances will be found in all of the above and yet will be more than the sum of these many categories. Hopefully, this book will contribute to the understanding of the Rabbinic-lay relationships.

This is the second publication of our Freehof Institute of Progressive Halakhah. It is based on a colloquium held at the 1991 CCAR Conference in Fort Lauderdale, Florida. It follows our first volume, *Dynamic Jewish Law*, 1991. The next volume, *Conversion and Halakhic Pluralism* will be published soon. A Hebrew book, *The Sane Halakhah*, will be available in the autumn of 1993. An English translation is planned.

The Institute has conducted colloquia and seminars on Progressive *Halakhah* in four continents. Its Israeli editor regularly writes *halakhic* articles for the Israeli press and scholarly journals and has developed creative, liberal solutions to *halakhic* questions of marriage, conversion and personal status. We have affirmed the Jewishness of Ethiopian Jews and declared that they must not be forced to undergo conversion. We have publicly declared the egalitarian status of women in the synagogue and in public life. These and many other acts have helped to restore dignity and spirituality to Jewish religious life in Israel.

Moshe Zemer