

# The Book and the Bible

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Review of *The Observant Life: The Wisdom of Conservative Judaism for Contemporary Jews*. Edited by Martin S. Cohen and Michael Katz. New York: The Rabbinic Assembly, 2012. xliii + 935 pp. \$34.95.

## I. Introduction

I accidentally dropped *The Observant Life* (or: *TOL*) a few days before finishing it. Instinctively, I bent down to retrieve it and suddenly wondered: should I kiss it?

Holy books, like children, get kissed when they fall to take away pain's sharp injustice and reaffirm a bond of love. I, an Orthodox-day-school attendee of twelve years, know this not as law, but as a part of my being, as a lesson from my second grade *rebbe*. Holy books are books with a difference: you don't sit on a couch next to them (as though you were "on their level") and you must never place them on the ground. They never go in the bathroom, of course, and you write in them with care, if at all, and even then only in pencil.

What books are holy? Torah is holy. Mishnah is holy. Talmud is holy. Books in Hebrew, for an Anglophone like myself, all have an aura of holiness upon them, and I sometimes need to remind myself that Israeli newspapers can go into the bathroom (or, as the old joke has it, can't be taken out of them). The codes of Maimonides and Yosef Karo surely make the list, as well. When a book is holy, it ceases being a book and starts being a *sefer*, a bible. One develops a taste for bibles, a love for bibles, and a reliance on bibles.

Is *The Observant Life* a book or a bible? The question is, to a degree, entwined with my attempt to write this review in the first place. When R' Hayyim ben Betzalel (d. 1588) attacked the composition and dissemination

of the new halakhic compendium *Torat Haḥḥat*, he compared the volume to a beggar who has the appearance of a wealthy man because everything he owns has been begged from the wealthy. A second beggar, seeing the first beggar carrying around his recently-borrowed riches, might approach the first beggar for a handout, but he would be a fool to do so, since the first beggar is only wealthy through the magnanimity of others. So, too, said R' Ḥayyim, should we be wary of new compendia that purport to provide so much but in fact have only siphoned their wisdom off the riches of sages past. Today we might say this is the difference between secondary literature and primary literature, and that it is not clear which *TOL* is. The issue is compounded by the power of time; *sub specie aeternitatis*, everything is a primary text. It is only a question of how long it will take for us to see it that way.

In weighing posterity against the present moment, I decided to make this a review in two parts. The first is standard: it treats *TOL* as secondary literature and examines its content and lacunae, styles and sources, and methods and innovations. The second part, by contrast, speaks to *TOL*'s identity as a holy text. There I describe how the book's various authors and editors relate to this identity and consider whether the volume's approach to it is ultimately coherent. This section will also revisit some of the observations made in the first half but approach them from the aspect of holiness. I will conclude on a more prescriptive (and perhaps a more personal) note by asking whether, notwithstanding the book's creators, *TOL* is worthy of sanctity's kiss.

## II. *The Observant Life* as Secondary Wisdom

*The Observant Life* is a new and indispensable resource, an unprecedented collection of starting points for basically every area of Jewish law that is of even slight relevance to the modern world. Its research and writing is consistently excellent. Though it is technically a descendant of Isaac Klein's 1979 book, *A Guide to Jewish Religious Practice*, its ambitions are qualitatively different. The tome has its flaws, which I will come to, but given that nothing nearly as exhaustive has been written in the past century in either Orthodox or Conservative orbits, it is very much a book worth owning. It is a shame that its publication was not more widely advertised.

Virtually no one will read the book cover-to-cover. The content is accessible through the table of contents, index, and internal cross references, though none of these is sufficiently detailed for the casual reader to learn everything the

book has to say on a given subject. The index especially needs considerably more detail; this would be a major desideratum for a second edition.

It doesn't convey much to say that *The Observant Life* is a restatement of Jewish law for contemporary times, since *every* restatement of Jewish law has, to one degree or another, taken into account the idiosyncrasies of its era, most frequently by supplying rulings for cases which had previously been marginal or non-existent, hanging them (forgive the metaphor) like Christmas-tree ornaments upon a received structural edifice. *TOL*, however, seeks to address not just modern cases but modern categories, modern lifestyles, modern methods of writing and, more than anything else, moderns themselves. In this section, I will briefly outline how they have attempted to do this.

CONTENT: *TOL* is fundamentally different from previous works because its basis is not a previous code, but life itself, under the tacit assumption that halakhah is the manifestation of Jewish ethics. This assumption, as you might imagine, makes the editors' task quite difficult; halakhic codes are finite, but life's possibilities are not. How does one map a finite set of laws onto a system which is not only infinite but for whom categorization must always be imposed from without?

When law mandates new sets of activities, categorization is easy. For this reason, *TOL* devotes a chapter to each of the heavily ritualized areas of law—liturgy, Shabbat, festivals, life cycle and dietary laws, charity, agriculture, marriage and divorce, loans, inheritance, repentance and Torah study. All are standard in codes, the last two being introduced by Maimonides. The content of these chapters roughly corresponds to any halakhic work.

American law (and, to some degree, Jewish civil law) inspire additional chapters on taxation, commerce, military service, contracts, crime, and secular citizenship. But as American law does not aspire to be an ethic, there are still vast realms of experience untouched by legislation. Here *TOL*'s categorization is somewhat speculative and the chapters that result—on topics like family relations, disability, gossip, and civic morality—are a mixed bag, oscillating between clear-headed, creative applications of existing precedent and attempts to grasp at any scrap of evidence that halakhah has ever cared about a subject one way or another. In the former camp is "Individuals with Disabilities," which masterfully strings together the myriad rulings about the mental and physical incapacities that are scattered across rabbinic literature, and "Public Appearance and Behavior," which consolidates discussions of modesty, shaving, cross-dressing, tattooing, vulgar language and pornography

under a single roof. In the latter camp is the chapter on the environment; its author is humble enough to say that his is only “the outline of a proposed *halakhah*” (p. 876).

Most of these speculative chapters fall somewhere between these two camps, capitalizing on precedent where possible while committing to say at least *something* about situations of contemporary relevance. The chapter on disability is among the strongest of these: its author not only goes to great pains to describe the maximal level of involvement for disabled individuals in Jewish life, but attacks the idea that disabilities are flaws. This comes across powerfully in a passing phrase: “That all physical defects will vanish in the messianic era is a pleasant thing to contemplate, but moderns will want to consider very carefully before allowing this vein of theorizing about the origin of disability to influence their halakhic understanding of who is and is not suitable to lead a community in prayer” (p. 841). This same chapter notes that most 20<sup>th</sup> century responsa on the use of wheelchairs outside of an *eruv* on Shabbat have understood wheelchairs to be generally operated by attendants and have failed to comprehend that many wheelchair users see their wheelchairs as extensions of their bodies.

This strategy—of creating a legal trellis upon which *halakhic* vines might someday grow—is quite bold and reflects both long-term vision and humility on the part of the editors. They should be lauded for opening up so many new conversations and placing them within such easy reach.

WRITING STYLE: Everything about *The Observant Life* is designed to make halakhah appear familiar and accessible to a contemporary audience. The effort begins with the format of the text itself: whereas older codes are more akin to anthologies of IKEA instruction manuals than prose, *The Observant Life* is simply a large book of essays. *Mishneh Torah*, *Shulḥan Arukh*, and *Klein* all parse the law in short sentences, each meticulously numbered and sub-numbered. Not so *TOL*, which foregoes any sort of numbering scheme and embeds all its laws in descriptive paragraphs. The book also eschews most footnotes and citations. When references are given, they are frequently to codes or responsa which are accessible only to the advanced Hebrew reader. This is fine; it is hardly the first book of Jewish law to want for references.

As with some older codes, each chapter begins with a short philosophical exposition of the subject in question before heading into legal particulars. Here, however, the philosophy ventures much deeper: the various authors consistently cushion their cold nuggets of black-letter fact with as many layers

of charitable and defensive interpretation as possible. Sometimes, such as in “Prayer,” this is done almost law by law.

Not coincidentally, much of the book reads like what one might hear from a Conservative rabbi in a sermon or private consultation. The general tone is contemplative but not overly dry, and there is even the occasional bad joke, like this side-splitter from the Shabbat chapter: “Isaac Newton is famous for having noticed that objects at rest tend to stay at rest. If Newton were a rabbi, he might have said that objects that remain at rest one day a week allow us to cease our constant motion and observe a day of quiet, rest, and peace” (p. 130). Another “bit” transports the reader straight to the pews: “Other than during playoff season, undoubtedly the favorite coffee break topic of conversation among co-workers is the behavior of other co-workers” (p. 532).

INTENDED AUDIENCE: These bits of irreverence would have been out of place in Maimonides—but Maimonides was trying to inform, whereas *TOL* is trying to inform *and* persuade. In this, *TOL* is historic: it is the first complete code of observance consciously written for a constituency which is largely not observant, for whom Hebrew, Jewish ritual and Jewish culture may all be obscure, alien or even intimidating.

The book terms this alienated Jew “the uninitiated,” and the authors frequently address her anxieties in an attempt to win her over. It is through her eyes, for example, that the “Prayer” chapter describes the experience of communal prayer. (pp. 13–14). It is this same reader who is being addressed when the short and beautiful Havdalah ritual is suggested as a first step “for Jews who are new to the tradition or who are not ready to incorporate all of Shabbat into their lives” (p. 121). It is also for this reason that the chapter on dietary law devotes an entire section to explaining exactly what it takes to make a non-kosher kitchen into a kosher one (pp. 326–31).<sup>1</sup>

For the sake of the uninitiated, jargon is largely avoided or proactively explained. The traditional “cubit” is replaced with feet and inches in the *eruv* section (p. 129). The “Shabbat” chapter helpfully explains that the

1 The “uninitiated” also seems to have several misconceptions about specific Jewish rituals, such as the false impression (p. 159) that there is a commandment to wear running shoes on Yom Kippur (who knew?). Throughout the book, an effort has clearly been made to provide entry points into even the most opaque of rituals. This “crib sheet” aspect of the book makes it quite utilitarian. The book even bothers to include a template of a *heter isqa* contract (p. 562).

American Ashkenazi terms “*shalashudis*” and “*shalshudis*” are corruptions of the Hebrew term for the third Shabbat meal, *se’udah shelishit* (p. 116). More substantially, areas of law usually left to “professional Jews” are discussed with some hand-waving. Whereas Klein gives detailed expositions of the laws of divorce, ritual slaughter, *bet din* procedure, and the construction of a *miqveh* and *eruv*, our book glosses over them all and instead inserts directives to consult a competent religious authority.

Even for those who do observe, there is an eminent pragmatism and honesty about the difficulties of praxis. There is a section on what to do if eating at a non-kosher restaurant or home (pp. 335–38) and advice on living with a non-observant spouse (pp. 614–16). The chapter “Sex, Relationships and Single Jews” is blunt about the existence of pre-marital sex within the Jewish community and, while it does not condone it, explains the grounds on which it is legally problematic and then how one might resolve these issues and still sleep at night (so to speak). In each of these situations, the book executes a deft balancing act between welcoming these behaviors and expecting that they will simply go away.

In imagining the readership, *TOL* is unique among comprehensive codes in never telegraphing that the readership will primarily be male. A small but powerful example: the chapter on prayer notes that, upon waking, men say a prayer that begins *modeh ani* while the female version is *modah ani* (p. 30). It is a simple grammatical point, but the point is profound: women are never treated as the exception to the rule.

*TOL*’s egalitarianism is admirable, and its sensitivity to the uninitiated is certainly prudent, but unfortunately, the picture of the readership is far too narrow: too often *TOL* assumes a reader who is middle-aged, affluent, suburban, pays dues to a brick-and-mortar synagogue, socially liberal when it comes to America and politically conservative when it comes to Israel.

Some examples: LGBT synagogues are discussed, but independent minyans are not. A full chapter (“Synagogue Life”) is devoted to institutional politics, but campus situations and politics (e.g., can one study or attend class on Shabbat? Can one live in a co-ed dormitory? What if there is no kosher dining plan? How should denominations interact on campus?) are never directly addressed, and Hillel appears nowhere in the index. Rabbis are only mentioned in their pulpit incarnations—not as army or hospital chaplains, campus rabbis, activists, non-profit leaders, spiritual advisors, or educators. The chapter “Neighbors and Neighborly Relations,” while quite

excellent for what it covers, seems to assume that all Jews live in suburban, single-family homes. Not once do the contributors discuss urban living or even make mention of the fact that some Jews live in apartment buildings. The chapter on “Crime and Punishment” is concerned mainly with national policy questions (e.g., perspectives on corporal punishment, capital punishment, incarceration) but does not consider how a family or community might deal with a convicted felon or sexual predator in its midst.

These omissions might be excused for the dearth of halakhic material in these areas of law; it is true that the Talmud has little to say about apartment buildings and campus life. However, given that the editors and authors so frequently choose to deal with social and scientific realities even in the absence of strong textual evidence, there is really no good reason for these subjects not to be included.

There is also a serious imbalance between the degree to which the book’s authors are willing to offer critique of the United States and Israel. With regards to the former, *TOL* is quite opinionated. Capital punishment, abortion, stem-cell research, immigration policy, the public display of religious imagery, religious accommodation, government-funded health care, school vouchers, and affirmative action—each topic receives at least a couple of paragraphs, often featuring a specific policy recommendation, some of which challenge longstanding government policy. The book is entirely in conversation with the American legal canon, making frequent reference to American law in general and the Constitution in particular.

By contrast, descriptions of Israeli policies are at best simplistic and at worst naïve. The “Military Service” chapter unreflectively describes (and even argues for) the Israeli Army as an exemplary actualization of rabbinic principles. By setting the IDF on a rabbinic pedestal, any meaningful discussion of its practices is muted. Elsewhere, a paragraph on national immigration policies notes that, “For all its riches, there is a limit to the number of people the United States can accommodate—and this would still be the case if Americans were to stretch themselves to the extent that Israel has done” (p. 821), a sentence which only scans for readers who see Israel’s immigration policy as entirely untroubled.

SOURCES: Though its rulings are primarily rooted in the *Mishneh Torah* and *Shulḥan Arukh*, the book regularly turns to four other corpuses.

*The Mishnah* and *Talmud*. These are not the most frequently cited, but they are the most *creatively* cited: much of the speculative work on social justice

topics involves re-interpreting early rabbinic texts. There is, for example, the ingenious re-reading of *m. Berakhot* 2:4 (“Artisans may recite [the Shema] at the top of a tree or at the top layer of a stone wall, something that they are not allowed to do when reciting the Amidah prayer”) to suggest a middle path with regard to religious accommodation: “In this short *mishnah*, one may discern a clear attempt to balance the demands of religious observance with the exigencies of loyal service to an employer” (p. 550).

*Non-Jewish sources.* I was pleasantly surprised to find that many of the authors dealing with matters of social justice cite contemporary academic research and scholars, including Temple Grandin on suffering in animals (p. 867), Claude Fischer for urban spaces (pp. 718–19), and others for medical ethics (p. 763). Secular philosophy is here, too: Kant’s categorical imperative is presented as an equivalent to the Golden Rule, although the argument is far from convincing (p. 771). At one point even Saint Augustine makes a cameo, albeit only as the foil for a Jewish perspective (p. 366).

*Conservative movement sources.* Among contemporary halakhic literature, priority is clearly (and even appropriately) given to Conservative rabbis and the responsa of the Committee on Jewish Law and Standards (CJLS). In the first half of the book, which contains the bulk of the explication of ritual law, very few contemporary Orthodox authorities are mentioned by name, although the authors do make note when Conservative practice differs significantly from the Orthodox.<sup>2</sup> Nonetheless, it is surprising to find that the chapter on repentance uses as its two major theorists Maimonides (who on page 855 is called “the greatest halakhist”) and Franz Rosenzweig yet fails to mention the seminal work of Joseph B. Soloveitchik on the topic. The latter half of the book, perhaps because it deals with more speculative areas of halakhah, does employ a wider variety of contemporary Orthodox voices. Exemplary in this regard is the chapter on medical ethics, whose language is far more technical and argumentative than the rest of the volume but which is nonetheless quite informative and welcome in what is still a little-known corner of the law.

Conservative rabbis and causes are championed in other ways, as well. Mostly these are innocuous: in referring to the many haggadot that have been published, only the Conservative movement’s *The Feast of Freedom* is singled out by name (p. 214). The denominational affiliation of rabbis cited is not

2 E.g., the permissibility of swordfish and sturgeon consumption (p. 308).

normally specified, with the sole exception of David Novak, who is described as “trained Conservative, now neo-Orthodox” (p. 749). Sometimes, however, the book comes across as unnecessarily parochial. There is space for Magen Tzedek (pp. 307, 868–69), the Conservative movement’s new arm for the certification of ethical practices in the food industry, but the Israeli Ma’aglei Tzedek and the Orthodox-leaning Uri L’Tzedek are nowhere to be found.

*Academic Scholarship.* Conservative Jewish thought has spent much time reconciling Jewish tradition with the historical tradition. The foreword quotes Solomon Schechter: “The interpretation of Scripture is mainly a product of changing historical influences” (p. xv). Unfortunately, *TOL*’s notion of history is patchy. The authors display an acute awareness of the major changes in Jewish ritual as preserved in law codes. With Bible, they are even willing to entertain higher criticism. Beyond the Bible, however, no one has checked whether historical claims are still up to date, and history mixes too readily with fable. Given how much we have learned about halakhic life from non-halakhic sources in the past several decades, the historical evidence can no longer be treated as a topic removed from halakhic literature proper. One could go further and say that there is something inherently unbalanced about an approach to Jewish law which considers with utmost care the realities of the modern age but ignores the realities of every age prior.

MAKING DECISIONS: How all of these sources add up to specific recommendations is sometimes mysterious. When traditional sources have little to add the authors tend to prescribe a reasonable-sounding middle path, but the textual support for this approach often remains an enigma. This middle ground can be seen in the conflict between animal experimentation for scientific advancement and the prohibition of causing harm to living creatures (p. 859):

Animal rights advocates claim that contrary to popular opinion, experimentation on animals is rarely necessary and is of limited value to understanding human biological processes. Others reject this argument as naïve, misleading, and specious. The *halakhah* takes a middle path, permitting the use of animals in medical experimentation despite the possibility of causing them suffering. In so doing, however, every precaution must be taken to limit their suffering to the greatest extent possible and it must be the case that some clear benefit to human being is likely to come from the testing.

I personally agree with this approach, and I suspect the majority of Americans do, as well—but this simply means that I am more likely to want to believe that the *halakhah* is on my side, something for which no proof is actually presented.

Similarly, the book's authors will not infrequently insert platitudes in the name of the Jewish tradition. This is tricky business. In some instances, these claims are unobjectionable, as in the above example, or in: "Our Jewish faith teaches us ... that individuals seeking love in their lives should be blind to race" (p. 612). This is a fine idea, but it needs a citation—just as does the far more controversial claim that, "If gays or lesbians choose to have children... they owe it to their children to arrange for an adult of the opposite gender to play a significant role in the children's lives" (p. 671).

Some claims stand on even shakier ground, including the throw-away line that Judaism was "always a religion of realists" (p. 493) or the broad claim that "Orthodox authorities disagree that changing social mores can overrule classical prohibitions" (p. 734). These are dangerous overgeneralizations. Other policy statements are decidedly more controversial, such as the claim that the most affluent Jews must still give to community charities, their own private foundations notwithstanding: "[W]ealthy people, like people of lesser means, have the duty to contribute to communal charity funds as well. That is part of the thick sense of community within Judaism that insists that we work together in meeting communal needs" (p. 406–7). The Jewish truism seems to have little to do with the claim being made.

Of course, even in the presence of sources the authors sometimes surprise. Granted, Jewish sources are famous for their re-readings of foundational texts, although a certain degree of tact is normally employed when an "ancient" (as the book has it) source's reality differs markedly from our own. In *TOL*, however, there are moments of outright disagreement. The chapter "Interfaith Relations" seems particularly comfortable with confronting sources directly, as in its treatment of the injunction against teaching Torah to non-Jews: "The Talmud prohibits teaching Torah to gentiles, claiming that the Torah should be the exclusive patrimony of Israel (BT Ḥagigah 13a). But why should teaching others the Torah make it *less* the patrimony of Israel?" (p. 744). I'm not sure what the answer is, but I'm also not sure that ridiculing the Talmud's position would accord with the wisdom of Conservative Judaism for contemporary Jews, as the subtitle has it.

The above passage is one of several places in which *TOL* demonstrates an extreme discomfort in expressing that element of Jewish tradition which is hostile toward non-Jews. The discussion of Shabbat Zakhor notes that Deuteronomy 25:17–19 is read, but it somehow fails to note the genocidal command featured in those verses. Again in the interfaith chapter, we read (p. 728): “It is true that the classical *halakhah* mandates stricter ethical behavior vis-à-vis fellow Jews than towards gentiles; we also must concede that isolated *midrashim* speak negatively, even hatefully, about non-Jews. Nevertheless, the dominant trend for centuries has been to view the unethical treatment of non-Jews as *hillul ha-sheim*, as the desecration of God’s name, which the Torah forbids (Leviticus 22:32).”

Not to overstate the problem: biblical and talmudic injunctions, even when offensive to modern sensibilities, are usually given full expression and then perhaps are reconciled. The chapter on “Intellectual Property,” for example, notes that Jewish and secular thought on the topic is, at the moment, quite divergent (p. 581). Elsewhere, however, sources are read so counterintuitively that are they are barely recognizable. In grappling with the Hebrew Bible’s inflexible inheritance laws (which privilege males in general and firstborn males in particular), we are told: “By insisting that the disbursement of items of value, including money itself, is so unimportant that a few predetermined principles are deemed capable of governing the entire process, Scripture is expressing itself entirely clearly about the ultimate value of those kinds of assets. Moderns would be well advised to take to heart the admonition that we misplace our values when we focus too much on materialistic concerns” (p. 601). Thankfully, most points in the book are not this belabored.

### III. Transition

*The Observant Life* presents itself as an extremely competent resource for almost all areas of Jewish law. Still, it is a strange animal—it is not well sourced, it is politically and socio-economically partisan, is prone to editorializing, and is insufficiently historically aware. Were *The Observant Life* a book for scholars alone, it would not amount to much. What is this book?

Among the fauna known to the rabbis was an animal called a *koy* which captured their imaginations.<sup>3</sup> The rabbis had divided all animals into the

3 See *m. Bik.* 2:8–11.

domesticated and the wild, but the *koy* fit neither description. It was the liminal *koy* which forced the rabbis to ask what it meant to be domesticated, what it meant to be wild, and what the limits were for the shorthand they had constructed to describe all life. *The Observant Life* is a *koy*—too self-conscious to be programmatic dogma, yet too prescriptive to be even an introductory textbook to Jewish law. It modifies the very categories it occupies, and for that reason its essence is worthy of exhibition.

#### IV. *The Observant Life* as a Holy Book

Is *The Observant Life* a holy book, a code of law in the lineage of the *Shulhan Arukh*, the *Mishneh Torah*, the Talmud, and ultimately the Hebrew Bible? Which word of the title is dominant: Observance? Wisdom? Conservative? Is it *halakhah's* signifier, or is it the signified?

Interrogating the book on these questions turns out to be a wonderfully rabbinic exercise. As is inevitable in a book with 34 authors, *TOL* describes itself as being several different things at once. This is nowhere more evident than in the marvellous bit of *pilpul* that is the book's front matter, which contains four separate introductions. All agree that this book is a response to the needs of our era and is an attempt to reconcile Jewish living with those needs. In other key respects, however, they significantly differ.

1. *The work as tradition incarnate.* For Arnold M. Eisen, Chancellor of the Jewish Theological Seminary, *The Observant Life* is the most recent stage in the evolution of the Conservative movement's longstanding attempt to reconcile Jewish tradition with the vicissitudes of history. It is, therefore, the fulfilment of a mission articulated by luminaries like Solomon Schechter, Zechariah Frankel, and Louis Jacobs. Eisen acknowledges that the extent and organization of *halakhah* in the volume are innovative, but, in his words, "The voice of *mitzva* that has been sounding among Jews since Sinai cannot but sound somewhat differently today" (p. xvi). *The Observant Life*, then, is a code offered in the key of Conservative Judaism, the heir of both the Conservative struggle and of observance itself. Who exactly is to benefit from this new link in the chain, Eisen does not say. The book is the *telos*; it is tradition, or at least its contemporary embodiment. Though his comments are brief, Eisen's vision of the book is easily the loftiest.

2. *The work as outreach.* Julie Schonfeld, executive vice president of the Rabbinic Assembly, quickly brings us down to the demographic earth. Where

Eisen notes in passing that, “We struggle to hear what once seemed loud and clear,” Schonfeld expands on this massive understatement and adds an alarming dash of fatalism (p. xxi):

[W]e hope that, when history records our contributions, we will be remembered not for the size of our constituencies but rather by the quality of the lives we have lived, and the mark we have left on those around us ... [W]e Jews are good at taking the long view.

This “long view,” which Schonfeld revisits several times in different words, is the magnet which has always drawn Jews out of the idiosyncrasies of their localities and temporalities and into the main arc of history—of *Jewish* history—which is a unique narrative whose fate rests in the hands of Jews who *observe*.

Of late, however, observance has become “a distinctly harder sell,” since “Jews have chosen to live in societies where externally defined boundaries have become increasingly permeable” (p. xx). In the midst of this crisis, *The Observant Life* is the expert salesman, a book which “remains emblematic of Conservative Judaism’s primary mission: to bring the moral mandates of the Torah to life in every Jewish community and to teach a Judaism of love and respect that opens the hearts of Jews to Jewish tradition.” It is, in a sense, a work of outreach, a lengthy reminder for Jews both lay and lax that, “Observance of *mitzvot* is ... not limited to the synagogue, but to be extended to all walks of life—from the home to the workplace, from the family to the broader community—in the way we seek guidance from Torah.” Schonfeld, like Eisen, sees the book as part of a Conservative tradition, but it is the tradition of effective communication, not Eisen’s re-presentation of Sinai. For Schonfeld, the mission is to sell *The Observant Life* under the book’s subtitle: *The Wisdom of Conservative Judaism*.

3. *The work as heavy handbook*. Both Eisen and Schonfeld were outsiders to the book’s production, and as such their perceptions of the volume are somewhat over- and underinflated, respectively. The two editors, on the other hand, have no trouble saying that *The Observant Life* is a work of *halakhah*, written in the tradition of other works of *halakhah*. Indeed, they both prefer the terms *halakhah*, which Eisen and Schonfeld resist using too much, and certainly brook no interest in “wisdom.” Nevertheless, *TOL* for them is not *just* a book of *halakhah*. Martin S. Cohen, senior editor, describes it this way (p. xxvii):

[T]his is neither a book of philosophical essays about moral and ritual issues nor a guide to the history of Jewish thinking about such matters *per se*, but a book of *halakhah* designed to bring the strictures, attitudes, and insights of the Jewish legal tradition to bear on the stuff of daily life ... In short, this is not a book about Jewish law *per se* as much as it is a book about people trying to live halakhic lives.

So *The Observant Life* is a heavy handbook: today's guide, but not today's Code, a descendant not of Maimonides and Karo but of the myriad smaller treatises of Jewish law which have been written over the centuries. Such works have been around for a long time, predate Maimonides' code, and have frequently been written not in Hebrew but in local languages. Such works do not command the reverence of codes, but they have undoubtedly been an integral part of Jewish intellectual life.

Nevertheless, Cohen's vision of the book isn't quite sufficient; the book he has edited is simply too expansive to be simply a guide for the modern world. Saying so is to suggest that *TOL* is simply a souped-up, Conservative version of Feldheim publications like *The Halachos of Brachos*, thereby belittling both the complexity and the completeness of the volume. Cohen himself acknowledges *TOL*'s superiority by noting "most modern books of *halakhah*, including the ones that have become latter-day classics, focus almost exclusively on areas of ritual law" (p. xxv). This puts *TOL*'s coverage ahead of even such classics as the *Qīṣṣur Shulḥan Arukh* and *Ḥayyei Adam*, both of which would be considered codes or abridgements of codes.

Instead, perhaps we can understand Cohen's conception of the volume as related to the editorial prioritization of modernity over the existence of relevant legislation. Whereas the *Qīṣṣur Shulḥan Arukh* processes law in essentially the same way as all other codes and simply inserts details related to contemporary society in the cracks, *TOL* is founded upon modernity itself. *Halakhah* is brought to bear on modern life, not the other way around.

When the relationship between halakhah and life is constructed in this direction, what ends up falling through the cracks between the two is not modernity but theology. In a remarkable passage, Cohen acknowledges the absence from the book of any systematic credo (p. xxviii):

Astute readers will notice that there is no section of this book in which are listed articles of faith that are declared incumbent upon every Jewish soul to accept. In the past, some of the clas-

sical compendia of Jewish law attempted to legislate regarding dogma, while others chose not to do so. In this volume, we have chosen to create a book regarding practice and the philosophy of practice rather than about dogmatic belief *per se*. Perhaps a future volume will address the thorny issue of what Jews in the modern world must attempt to believe in order to remain faithful to the covenant without that effort necessarily entailing the sacrifice of their intellectual or spiritual integrity. That undertaking, however, lies in the future.

God does appear, of course—the chapters on Prayer, Shabbat, and Repentance discuss the divine at length. In each of these places, however, God is part of the web of meaning being spun by the author. The descriptions of God are additive and perhaps even contradictory; they certainly do not cohere into a theology.

4. *The work as a Code*. For Michael Katz, associate editor and author of the fourth and final introduction, this intermittent theology is a feature of the book, not a bug. We should not hold our breath for the publication of a creed because Conservative theologies are essentially private, irreconcilable and even incommensurable with one another (p. xxxvi). This theological position is fully in line with Katz's editorial position that *TOL* actually *is* today's Code and *is* heir to Maimonides and Karo (p. xxxiv). Though the style of the book is intentionally simple, we should not be fooled; *TOL* is a 935-page answer to one of the Jewish people's basic queries:

For two thousand years, in each generation and in every Jewish community, rabbis and serious Jews have struggled to determine exactly what it is that God wants of us. This book is a contemporary Conservative Jewish response to that question.

Among the four introductions, it is Katz alone who sees the book as part of *both* the grand tradition of Jewish law-writing *and* of Jewish attempts to communicate with the divine. He is also the only one to actually say that the book should be consulted in matters of practical *halakhah* (although it is not a substitute for consulting a living authority; p. xxxv).

Four prefaces, four visions: an aspect of Sinai itself (Eisen), a PR project (Schonfeld), a halakhic guide (Cohen), or a Code (Katz). All agree that the book serves a religious need and is intended primarily for Jews, but they are divided on whether it is inside or outside of the ritual life which it describes.

Katz and Eisen, if they are the types who kiss *sefarim* when they fall, would perhaps kiss this book, as well. Schonfeld and Cohen, for whom the book serves an important but ultimately auxiliary function, most likely would not. This bifurcation also highlights a significant divergence between the editors, and it is perhaps for this reason that *TOL* presents itself as both a book and a bible.

Now that we have seen how the book perceives itself, let's examine it in light of its predecessors. There are good reasons to call *The Observant Life* a bible. Like the major codes, its coverage is exhaustive for its day and provided with a minimum of footnotes. It begins with a chapter on the laws of prayer, a tradition that dates back to the Mishnah (the book itself is organized in a unique fashion according to a verse from Micah). Like Maimonides and Karo, it values clarity and concision and lets future scholars worry about the lack of references, is prescriptive and never obfuscates its rulings. Ironically, the volume's underwhelming dialogue with Jewish history as it existed outside of halakhic texts is itself in line with halakhic texts of the past.

On the other hand, paragraphs in *The Observant Life* are not numbered; the book was not designed to be cited "chapter and verse," as bibles (and as Klein) are. Schonfeld and other contributors describe *TOL*'s sections as "essays," a literary genre not invented until some decades after the *Shulḥan Arukh* was published and never employed in Codes. The book is not even written in Hebrew.

These points are minor and relatively cosmetic: numbers can be added and *The Observant Life* could be translated into Hebrew (although what to call it?). What cannot be changed are the ubiquitous and varied ways in which *halakhah* in the book is presented not as a monolithic voice from Sinai, but a collection of 34 separate perspectives on the law, collected in a single volume but not crystallized as a single vision.

In ways large and small, the book makes one aware of its "author-ity." Chapters all feature by-lines; biographies of the contributors appear at the back of the book; and cross-references refer to other sections of the book by the name of the author. These statements of authorship are not just for the purpose of giving credit where credit is due; the editors are clear that the views expressed by its authors are not the official stances of the Conservative movement. CJLS rulings are frequently quoted, but they are rarely presented as the final word on a given topic and at times are even criticized.

Obviously, *all* codes have authors. There have been more than a few (successful) attempts to find Maimonides in the *Mishneh Torah* and Karo in the *Shulḥan Arukh*. But while those works were authored by men, they were not intended to appear as such. For these sages, staying in the shadow of their own codes was part of the project itself. E. M. Forster, in an essay entitled “Anonymity,” describes such excellent works like this: “While the author wrote he forgot his name; while we read him we forget both his name and our own.”

Forgetting names turns out to be particularly important when a work purports to dictate an authentic Jewish perspective without providing footnotes. As I have indicated above, some of these unsourced statements are non-trivial; many more appear as speculations concerning Jewish approaches to matters of social justice. With the authors in full view, one can never be sure (especially if one is approaching Jewish law for the first time) whether a given ruling or attitude represents the deepest of Jewish traditions or just good old twenty-first century common sense.

Part of the difficulty is that there are so *many* authors. Incredibly, this may be the first exhaustive work of *halakhah* which has *not* been authored by one man (or two men, if one counts the contributions of the *Mappah* to the *Shulḥan Arukh*). As a result, the book disagrees with itself, covers subjects multiple times and features subtle stylistic changes in accordance with the perspectives of its writers. In his introduction, Cohen is clear that this, too, is a feature (pp. xxviii–xxix):

The authors of these chapters are a varied group of rabbis who represent a wide spectrum of experience and personal philosophy. They are men and women, Americans and non-Americans, seasoned authors and new writers. They have different areas of expertise and serve a surprisingly diverse array of Jewish institutions ... The essays in this volume have been edited to provide them with a unified style than they might otherwise have had, but the voices you will read in this book are the voices of their authors. Occasionally, the authors represented in this volume are not in agreement about specific points of *halakhah*. That is as it should be: the elaboration of the *halakhah* is a living, dynamic art form that cannot be handled precisely the same way by any two who approach it sincerely and with full spirits and full hearts. As a result, no attempt has been made to enforce

a uniform approach to *halakhah* throughout the pages of this volume. Still, most authors agree on most points and readers will not sense that they are stepping into an acrimonious debate as much as they will feel that they are entering a universe of sustained, sacred, and passionate discourse.

Cohen's multivocal "discourse" does not allow for the possibility of true authority. His next sentence brings this, and the book itself, into focus:

It also bears emphasizing that this is a book of essays about *halakhah*, not a book of ultimate legal decisions that reflect more than the views of their authors.

Katz mentioned resistance to this idea, but Cohen's position—that any resemblance between *The Observant Life* and a Code is purely coincidental—is sustained by evidence from the book itself. A babble of voices cannot form a bible; *The Observant Life* is not a book to be revered—it is simply a very good and very long guide to Jewish living.

Let us reflect for a moment on the ramifications of this statement. As a result of the internet, Jewish legal authority is more decentralized now than ever before. Halakhic insight is available in any number of fora, in academic publications, short and long form responsa, and on user-driven websites. Furthermore, the digitization of Jewish texts has made it easier than ever to string together thousands of years of legal texts without ever opening a physical tome. Halakhah—and codes in particular—are now scanned, not read. As a result, there is little incentive for anyone—Orthodox, Conservative, or otherwise—to construct a new code of law; fewer still could do so singlehandedly. *The Observant Life*, which took a decade to complete, is the closest thing to a code that has been published in almost a century. If this is not a code, then code-writing itself is surely dead; no single man or woman will ever again write a holy compendium of Jewish law. It's heavy handbooks from here on out.

This is, at least, the conclusion we must arrive at if we expect the bibles of the future to look like the bibles of the past. This is frequently not the case: the Torah bears as little resemblance to the Talmud as the Talmud does to the *Shulhan Arukh*. Certainly, the *Shulhan Arukh* is not going to be supplanted by another *Shulhan Arukh*; as a bible of the code variety, there is no need to replace it or surpass it. Instead, an evolving Jewish relationship

with halakhic texts demands an evolving understanding of what it means for a book to be holy.

To affirm *The Observant Life* (or something like it) as the bible of our era would be to affirm a text whose notion of Jewish law is theoretically all-encompassing. But it would also be to affirm a tormented bible, a holy text which recognizes its weaknesses and its multivocality, its sometimes painful self-awareness of its own conflicted identity, its own limitations and the apathy of much of its intended readership toward the notion of the very Jewish legal system it is trying to expand.

*The Observant Life* may be a new kind of bible, but it is not we who will pass final judgment on it. Bibles rarely start out that way; even *biblos* was once just a Greek word for “book.” This book—by virtue of its exhaustiveness, its frankness, its modernity, and its limitations—is a long question posed to the future of monumental halakhic literature and the tradition of holy Jewish writing. We make history with the texts we have, not the texts we want. Texts such as these should not be dropped, but embraced.