

# We need to bring back flexible Judaism

THE survival of the Jewish people has been attributed to many factors. Our shared history may be one factor. Our obsession with family, community

and education may be another. The sadly unifying effect of anti-Semitism could be relevant. The Jewish kopf can be claimed (although I don't buy into racial theories). Regardless of the cause, there is no doubt that we are a flexible people. Our ability to relocate, regenerate and thrive in challenging circumstances, often without resources, is the subject of many anthropological and sociological studies.

Our rabbinic tradition thrives in this atmosphere of flexibility. The Talmud is full of wonderful rabbinic dilemmas and debates. The rabbis debated points of law, points of practice and points of ethics. They debated whether a kosher oven that has been exposed to non-kosher food but then broken down into bits and reconstructed was still considered an oven. They debated which way round to light the Chanukah candles, and whether theft is really against the Ten Commandments.

What we have in our tradition is an openness to questioning and a thriving in an atmosphere of questioning and debate.

When I was a little bit younger than I am now, I had the privilege and opportunity of studying in a yeshivah in Israel. While there were many opportunities to study many



topics, generally speaking the learning was divided into two areas: halachah (Jewish law) and hashkafah (philosophy).

Personally I found the academic challenge of halachic study fascinating, and thrived in the debates and depths of hashkafah.

One of the many questions that I had at yeshivah was about comparing and contrasting the atmosphere of debate and questioning in the past with modern times.

Halachah as a word has at its root "holech" – to walk, or to go. It is part of the root of "derech" which is a path, a way or a meandering. Inherent in the concept of halachah is the process of wondering and wandering, and inherent in that is in turn the supremacy of flexibility.

The halachic process has as its essence a rejection of pre-ordination, a refutation of outcome without evidence, and a distaste for unsubstantiated or emotional judgement.

One has to question whether that same spirit of questioning and inquiry is still dominant today. There is concern throughout the mainstems of the Jewish world that the dominant period of genuine openness and debate has very recently started to come to an end.

When a gay rabbi is invited to speak at



Carl Schleicher's *A dispute over the Talmud*.

a shule at an optional evening event, why is there an outcry? When a shule seeks to find a legitimate but non-Australian route for converts that is inclusive and open, why is there a backlash? When we discuss as a community whether to include Aleph, a Melbourne organisation supporting LGBTQI+ members of our community, why is there outrage?

Now don't misunderstand me. I am not saying that we should not have a debate, or that there is not a counter view, but the kneejerk reaction of "no" to change is neither healthy, nor how it should be, nor how it was.

The story of the Tower of Babel for example, the first communal rebellion in the Torah, is one rejecting a monolithic community. A group that spoke with both one voice and one language was

seen as a threat. God Himself pluralised himself when he investigated the issue ("let us go down ...").

More recently, the rabbinic and communal debate in the 19th century over whether the use of electricity is permissible on Shabbat was approached with a spirit of genuine openness. While the conclusion in the Orthodox world was in the negative, at the start of the conversation this outcome was by no means a foregone conclusion.

I wonder how that debate would have played out had electricity been a new practical phenomenon today? Would there have been a genuine climate of curiosity and investigation, or would it have started and ended with a blanket "No!".

Halachah is not a march. If a march

was intended, we would not have called it halachah but instead tsa'adah. Tsa'adah as a military march, with a pre-ordained destination, would be fitting. Its root is "tsa'ad", a step, which adds an extra complication as a stumbling block.

But the rabbis chose not to call our law tsa'adah. They rejected monolithic systems, pre-judged outcomes and a stifling of debate. They thrived in an atmosphere of genuine openness and a culture of thinking. They chose halachah and thrived in the journey, the meandering and the wondering.

With a mixture of sadness and anticipation, I predict an outraged response from at least one rabbi in a neighbouring Australian state capital to my thesis in this column, although this will only serve to prove my point. However, I am quietly optimistic that I strike a chord with many others.

So here's my request: Let us return to a community of genuine flexibility. Let us approach halachic dilemmas as genuine areas of moderate debate. Let us be flexible in thought, generous to our academic opponents, inclusive to our fellow community members regardless of their preferences, and see the future as an exciting walk – a wondering and a wandering. Let us recapture the spirit of flexibility and openness that is present in some aspects of our communal life, was ever present before, and can be much more to the fore in the future.

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