

time."¹⁶ In this category of change, the best known innovation has been the granting of permission to drive to Sabbath services. As the Torah prohibits the use of fire on the Sabbath (Exod. 35:3), classic Jewish law had always prohibited the use of automobiles, which produce energy through combustion, on the Sabbath. Even so, in an attempt to revitalize Conservative celebration of the Sabbath and to encourage suburban Jews who no longer lived within walking distance of their synagogues to attend services, the movement issued a very controversial ruling permitting driving to synagogue on the Sabbath.¹⁷

Supporters of the measure argued that anything short of this change would prevent people from joining with their religious community on the Sabbath. Opponents argued, and continue to argue, that the decision is unjustifiable within the parameters of even a Conservative approach to Jewish law, that it is inevitably misconstrued to permit driving *anywhere* on the Sabbath, and that the result is to undermine, rather than strengthen, the celebration of Shabbat. While the decision remains controversial (and is the ruling to which Orthodox authorities most often point when illustrating what they perceive as the lack of halakhic seriousness in the Conservative movement), its acceptance has become widespread. The vast majority of Conservative lay people now ride to the synagogue on Sabbath, as do a substantial portion of Conservative rabbis.

Other modifications of Jewish law have been made on the basis of "scientific" evidence. The Conservative movement permits the use of electricity on the Sabbath, arguing that it is not "fire" and therefore not subject to any Sabbath prohibition.¹⁸ With regard to kashrut, the movement has permitted the use of gelatin, claiming that it undergoes such a profound chemical change as to render it no longer in the category of a derivative of the non-kosher animal from which it came, and swordfish, which was shown to fulfill the requirement that fish have scales to be considered kosher (Lev. 11:9–12), albeit only when it is young.¹⁹ Many other changes of this sort could be adduced, but these are by far among the best known of such decisions.

At the same time, as suggested by *Emet Ve-Emunah*, change in the Conservative movement has not been without limit. Unlike in the Reform movement, Conservative Judaism continues to oppose interfaith marriage, and Conservative rabbis are prohibited from participating in such a ceremony. The Conservative movement has also resisted several attempts by a minority group of the Rabbinical Assembly to consider adoption of the "patrilineal principle" accepted by the Reform movement in 1983, by which a child would be considered Jewish if *either* parent were Jewish (under current Jewish law, the religion of the mother determines the religion of the child). Proponents of such a change, mostly the liberal segment of Conservative rabbis, argue that the matter is one both of ethics and of reaching out to intermarried couples. Opponents argue that it is unjustifiable in Jewish law, that it would undermine Conservative opposition to intermarriage, and that no ethical issue is involved, since the Jewish partner *decided* to marry a non-Jewish person in full knowledge of the movement's principles, and since both the non-Jewish spouse and the children of the union can become Jewish through conversion. Though the matter has temporarily

receded from the agenda of the movement, with continuing increases in inter-marriage, it will, in all likelihood, become an issue again in the future.

The issue of homosexuality has become extremely controversial in the Conservative movement. Though the book of Leviticus and subsequent rabbinic texts explicitly prohibit homosexual behavior, a not insignificant portion of the Rabbinical Assembly now advocates a variety of changes in Conservative standards, among them sanctioning loving homosexual unions, performing "commitment ceremonies" for gay and lesbian couples, and admitting gays and lesbians to the movement's rabbinical schools, all changes that have already been adopted in the Reform and Reconstructionist movements. Conservative proponents of these changes construct arguments on a combination of moral and scientific grounds. They insist that we now know enough about the etiology of sexual orientation to understand that it is not a "choice" that people make; since gays and lesbians are as "naturally" homosexual as heterosexuals are heterosexual, the Torah's use of the term "abomination" for homosexual practice is simply inexcusable. Opponents of change argue that while the movement has made a variety of changes in Jewish law it always has tried to stay away from altering rules that are explicit in the Torah, that our knowledge about the etiology of sexual orientation is still in its infancy, and that the movement should not rush to make such a momentous change before the scientific and cultural understanding of homosexual orientation progresses much further.

Unlike the issue of patrilineality, which has subsided for the time being, the issue of homosexuality continues to elicit strong feelings on both sides of the divide. No changes of the sort listed above have yet been formally instituted, but individual Conservative rabbis *have* begun to permit "commitment ceremonies," and vocal groups at both of the rabbinical schools continue to advocate change in admissions policies. The issue is likely to remain a prominent and contentious one among the Conservative leadership for the foreseeable future.

In all, the picture that emerges of mainstream Conservative Jews depicts people with a strong desire for Jewish education and involvement, a tendency towards tradition greater than that of Reform lay people, and an aversion to the rigor and theology of Orthodoxy. The leadership, we have seen, is even more deeply committed to tradition, but, at the same time, wrestles with many of the implications of its openness to change. The desire to balance "halakhic seriousness" with legal flexibility has produced an entire literature of its own;²⁰ indeed, the nature of the parameters of legal change within the Conservative movement are among the most important intellectual issues that the movement still addresses on an ongoing basis.

But in what many consider an ominous indicator about the future vitality of Conservative Judaism, many of these debates are lost on the vast majority of Conservative Jews. Indeed, the implications of the movement's commitment to halakhah have clearly been lost on a wide swathe of the laity. In a recent study, 62 percent of Conservative Jews agreed with the statement that "Conservative Jews are obligated to observe Halakhah (Jewish Law),"²¹ but as part of a different series of questions in the same survey, 64 percent agreed with the view

that "[Conservative Judaism] lets you choose parts of Judaism you find meaningful."²² Obviously, the coexistence of those two statistics is difficult to explain unless one argues that Conservative Jews have not thought about their ideological commitments in any meaningful way. Similarly, while 62 percent agree that Conservative Jews are obliged to observe halakhah, 69 percent also agreed with the statement "Anyone who was raised Jewish – even if their mother was Gentile and their father was Jewish – I would regard as a Jew." But traditional halakhah does not deem such people Jews. While it is quite possible that some of the respondents to the survey were giving a sociological response rather than a "halakhic" one, it is more likely that many Conservative Jews have simply not been sufficiently prompted to think through the implications of their ideological commitments.

The proclivity of Conservative lay people to live their lives as "cultural" Jews rather than as rigorously committed to an ideology of Jewish tradition, Jewish law, or some other related postulate is further evidenced by other statistics from the Wertheimer study. In response to questions about their religious practice, 90 percent of the members of Conservative synagogues polled stated that they attend a Passover seder.²³ While that is an impressive number, the Passover seder has become a major Jewish cultural event, and even many people who are not religiously inclined attend such a celebration. In this vein, when asked whether they light Sabbath candles, only 37 percent of the members of Conservative synagogues responded affirmatively. As there are many people who light Sabbath candles but then do not observe the Sabbath in a way at all in accord with Conservative guidelines, it is clear that the percentage of actual Sabbath observers must be much lower than 37 percent. Similarly, although we saw that 62 percent of those polled agreed with the statement that Conservative Jews are obligated to observe halakhah, the Wertheimer study showed that only 24 percent of members (and 6 percent of non-members who still defined themselves as Conservative Jews) said that they kept kosher.

This disparity between theory and practice is noteworthy. Conservative Jews are largely culturally driven; they are not ideologies in any real sense. In the Wertheimer study, 48 percent of those polled said that Reform is "too much influenced by non-Jewish culture and ideas," and 62 percent said that they did not believe they could ever be Reform.²⁴ But, at the same time, it is clear that the majority of these people do not subscribe to Conservative practice either. They are drawn to Conservative Judaism by its tone, its aura of authenticity, its commitment to Jewish education. What does not interest them is the halakhic dimension of Conservative Jewish life, the very dimension of the movement that was its original *raison d'être*.

The Challenges that Lie Ahead

It is this vast discrepancy between what one scholar has called the "elite" and the "folk" of the movement²⁵ that is the greatest challenge Conservative Judaism

will have to address in the coming generation. Though there is naturally some appreciable difference between the commitments of clergy and lay people in almost all religious communities, the nature of that difference is profoundly different in Conservative Judaism. Reform rabbis may well wish that their congregants were better educated or more devoted to Jewish life, but their theology does not suggest that what their communities do is in any way improper. Similarly, most Orthodox congregants might well acknowledge a gap between their current behavior and what it *ought* to be; but for the most part, they understand the demands and dictates of Orthodoxy and, particularly among the younger generation, strive to bring their personal practice ever closer to the guidelines set by their rabbi and by halakhah.

The situation in the Conservative movement is different. The laity does not understand the movement, and, for all intents and purposes, congregants and their rabbis live in two different denominations. The future of Conservative Judaism will depend on whether this gap can be narrowed or bridged. If it cannot be bridged, the differences between Conservative and Reform lay people, which are already virtually non-existent in some West Coast communities, will disappear almost entirely throughout the United States. The movement's leaders are keenly aware that this process is likely to accelerate as Reform becomes increasingly traditional.

This awareness is not new. As Rabbi Abelson's introduction to *Emet Ve-Emunah* makes clear, Conservative leaders have begun publicly to acknowledge this challenge. Perhaps most tellingly, even scholars outside the movement are aware of the malaise affecting Conservative Judaism. The final volume of a recently published five-volume social and cultural history of American Jews²⁶ notes that in the years after World War II many observers believed that Conservative Judaism represented the wave of the future, but this optimism, the study suggests, gradually gave way to what it calls Conservative Judaism's enduring "plagu[e] of self-doubt, disquiet and gloom."²⁷ Marshall Sklare, the preeminent scholar of Conservative Judaism, echoes this notion. The second edition of his book referred to a "crisis" in Conservative Judaism and opined that "the belief among Conservative leaders that the movement's approach to halakhah had the power to maintain observance, as well as to inspire its renewal . . . proved illusory."²⁸ A more recent, much discussed essay suggested that "until very recently . . . most American Jews affiliated with synagogues have . . . found their home in this movement . . . [but] now the movement is in trouble."²⁹

Is the crisis real? To an extent, the answer depends on what one hopes to preserve when speaking of the future of Conservative Judaism. For the vast majority of the almost two million American Conservative Jews, there is no crisis. Conservative congregations, schools, and other organizations afford these people a meaningful way to be involved in Jewish life. They cherish the movement's respectful attitude to tradition and appreciate the fact that despite its theoretical commitment to halakhah, the ethos of the movement as it actually exists does not conflict with the profound individualism and sense of autonomy

they have internalized as Americans. These people derive deep cultural and religious satisfaction from participating in a movement in which the standard of kashrut is respected and even enforced in public settings, but in which what they do in their own home is not carefully scrutinized. They value the fact that their sons are taught to use phylacteries even if they do not intend to wear them every weekday morning as Jewish tradition mandates. They appreciate a community in which the traditional standards of Shabbat are respected and taught, even if they do not live according to those standards in their own lives.

But for those who had hoped that Conservative Judaism could represent a unique form of commitment to halakhah and an openness to critical study at the same time, the history of Conservative Judaism tells a story that has been at best frustrating, and, at worst, a failure. There is an ever greater recognition in some branches of the movement that "business as usual" is not working and that a new educational paradigm is necessary. What the movement needs, perhaps more than anything else, is a new vocabulary for teaching its students – both children and adults – that people can take the historical dimension of the Jewish people seriously without undermining their sense of reverence and awe for the tradition, without compromising their sense that despite the potential human role in creating this tradition, its dictates still have the capacity to speak as commandments rather than suggestions.

This is an ever greater challenge for the movement now that the baby-boomer generation has come of age. For the Conservative Jews of the 1940s and 1950s, the decades when the movement grew most rapidly, the value of tradition was self-evident. Even if many of these people did not worry about the details of halakhic rituals, they had a natural reverence for tradition. Many had grown up in the homes of traditional immigrant families and had internalized those neighborhoods' love for Jewish tradition; what they were seeking in Conservative Judaism was a "modern" way gradually to alter the nature of the tradition with which they were so familiar and to which they were profoundly committed. For them, the "tradition" in the movement's motto "Tradition and Change" was a given; what was new and exciting was the "change."

To respond to this generation's need, and in keeping with their own sense of excitement at what *Wissenschaft* had bequeathed them, Conservative leaders fashioned a vocabulary designed to justify the notion of tradition as a living entity, to focus attention on the element of "change."³⁰ But shifting sands soon made this "tool-chest" problematic. For the baby-boomer generation, the element of change is self-evident. This generation is highly educated and understands quite naturally the evolving nature of most society and religious institutions. What is new – and sometimes problematic – for this generation is the "tradition" in "Tradition and Change." But this generation has inherited a vocabulary ill-suited to pressing the need for tradition, for framing conversations in terms of awe and reverence rather than change and history.

The future of Conservative Judaism depends on whether the movement can respond to the need for a new vocabulary. At present, the vast majority of Conservative Jews continues, quite content, in a variety of Judaism that is tradi-

tional without being rigorous, that stresses communal standards without infringing on personal autonomy. With Reform moving steadily to the right, the boundaries on Conservative Judaism's left are becoming ever more blurred. And on the right, for the few (often elite) lay members who seek something more intensive, increasingly demanding and characterized by a sense of deeper reverence, the liberal end of Orthodoxy has become ever more appealing.

On the eve of the twenty-first century, Conservative Jewish leaders must decide if they will accept this *de facto*, amorphous brand of Conservative Judaism as the next stage of their movement or whether they will toil to create the vocabulary, the educational paradigms, and an ideology that can both maintain Conservative Judaism's intellectual and academic rigor and restore its sense of reverence and submission to tradition. Creating this new ideology will not be easy. For to Conservative Judaism, ideology is an ally and a danger at the same time. It is the ally of a Conservative Judaism that seeks a *raison d'être* because it is in *ideology* that Conservative Judaism has always been unique, and through which it has made a profound contribution to the intellectual currents of American Judaism. But ideology is also a risk for the movement, because it raises the possibility that if most Conservative Jews came to understand what the movement genuinely stands for, they might decide that it is not for them.

Ambiguity, sometimes intentional and sometimes not, has long been one of the Conservative movement's hallmarks, and it has also been one of the keys to its enormous success. The movement's leadership must now decide whether that ambiguity – with both its advantages and dangers – should be allowed to persist or whether the time has come to bring the ideology of the movement to the masses of people who are its members.

Notes

- 1 Jack Wertheimer, *Conservative Synagogues and Their Members: Highlights of the North American Survey of 1995–96* (New York, 1996), p. 7.
- 2 A fourth movement, Reconstructionist Judaism, developed later but is statistically not a significant presence in American Judaism, comprising approximately 1 percent of American Jews. The *ideas* of Reconstructionist Judaism, however, are far more prevalent and have influenced all walks of Jewish life, particularly Conservative Judaism. Indeed, the founder of Reconstructionist Judaism, Rabbi Mordecai Kaplan, hailed from the Conservative movement and was a long time faculty member at its academic center, the Jewish Theological Seminary of America.
- 3 Neil Gillman, *Conservative Judaism: The New Century* (New York, 1993), p. 20. This volume is an excellent introductory reader on the history of the Conservative movement.
- 4 What “positive-historical Judaism” actually means has been the subject of significant discussion. *Emet Ve-Emunah*, discussed below, defines the word “positive” as a belief that “Judaism is the result of a historical process and that its adherents are called upon to take a *positive* attitude toward the product of this development as we encounter it today” (emphasis added). For an alternate suggestion, which

- associates positive-historical Judaism with the movement of legal positivism, see Ismar Schorsch, "Zacharias Frankel and the European Origins of Conservative Judaism," in *Judaism*, vol. XXX (Summer 1981), pp. 344-54.
- 5 Solomon Schechter, "Report of the First Annual Meeting of the United Synagogue" (New York, 1913), pp. 16-19.
- 6 Solomon Schechter, *Studies in Judaism* [First Series] (Philadelphia, 1896), p. xviii. This passage is cited in David J. Fine, "The Meaning of Catholic Israel," in *Conservative Judaism*, vol. 50, no. 4 (Summer 1998), p. 29. Fine presents an excellent summary of the confusion surrounding what Schechter and later Conservative leaders meant by the phrase "Catholic Israel" and where they located the authority for shifts in Jewish law.
- 7 Robert Gordis, ed., *Emet Ve-Emunah: Statement of Principles of Conservative Judaism* [hereinafter *Emet Ve-Emunah*] (New York, 1988). Page references in the following are to this work.
- 8 Wertheimer, *Conservative Synagogues and Their Members*, p. 10.
- 9 *Ibid.*, p. 7.
- 10 These are generalizations, of course. Furthermore, many Reform congregations are in the process of restoring traditional elements of their liturgy and worship. As a whole, nonetheless, the generalization remains true at this point in the vast majority of cases.
- 11 The *Musaf* service is considered problematic because its central theme is the sacrificial cult of the ancient Temple in Jerusalem, an idea that many liberal Jews find objectionable. The traditional *Musaf* liturgy not only celebrates this ancient rite but prays for its restoration: that fact has accounted for many liberal communities dropping it altogether.
- 12 Wertheimer, *Conservative Synagogues and Their Members*, p. 36.
- 13 *Emet Ve-Emunah*, p. 23.
- 14 *Ibid.*, p. 23.
- 15 A collection of the various papers written by faculty members both in favor of and against this decision can be found in Simon Greenberg, ed., *On the Ordination of Women as Rabbis: Studies and Responsa* (New York, 1988).
- 16 *Emet Ve-Emunah*, p. 23.
- 17 See "Two Views of Sabbath Observance," in Mordechai Waxman, *Tradition and Change* (New York, 1958), pp. 351ff.
- 18 Cf., esp., Arthur Neulander, "The Use of Electricity on Shabbat," in Waxman, *Tradition and Change*, pp. 401-7.
- 19 Isaac Klein, *Responsa and Halakhic Studies* (New York, 1975), pp. 75-8.
- 20 The literature is enormous. For a summary of many of the issues that it has raised, cf., *inter alia*, Daniel Gordis, "Precedent, Rules and Ethics in Halakhic Jurisprudence," in *Conservative Judaism*, vol. XLVI, no. 1 (Fall 1993), pp. 80-94. For classic examples of the centrist camp in the Conservative movement, cf., e.g., Robert Gordis, "A Dynamic Halakah: Principles and Procedures of Jewish Law," in *Judaism: A Quarterly Journal*, 28, no. 3 (March 1979), pp. 263-82; Robert Gordis, *The Dynamics of Judaism: A Study in Jewish Law* (Bloomington, 1990); and Seymour Siegel, *Conservative Judaism and Jewish Law* (New York, 1977).
- 21 Wertheimer, *Conservative Synagogues and Their Members*, p. 10.
- 22 *Ibid.*, p. 9.
- 23 *Ibid.*, p. 35, for this and future statistics.
- 24 *Ibid.*, p. 9.

- 25 The classic discussion of this notion is Marshall Sklare, *Conservative Judaism: An American Religious Movement* (Glencoe, 1955).
- 26 Edward S. Shapiro, ed., *The Jewish People in America* (Baltimore and London, 1992). The volume discussed below is vol. V, *A Time For Healing: American Jewry Since World War II*, and is authored by Shapiro. The project was sponsored by the American Jewish Historical Society.
- 27 Shapiro attributes that phrase to Lawrence J. Kaplan, a faculty member at McGill University.
- 28 Sklare, *Conservative Judaism*. The second edition, referred to here, was published by the Jewish Publication Society of America, 1972.
- 29 Clifford Librach, "Does Conservative Judaism Have a Future," in *Commentary Magazine*, vol. 106, no. 3 (Summer 1998), p. 28.
- 30 I have examined this issue at greater length in "Positive-Historical Judaism Exhausted: Reflections on a Movement's Future," published first in *Conservative Judaism*, vol. XLVII, no. 1 (Fall 1994), pp. 3-18. The paper was republished in Jacob Neusner, ed., *Signposts on the Way of Torah* (Belmont, 1998), pp. 166-82.

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