

Shavuot 5781: We were all at Sinai

Hashkafah and Halakhah in Reform Judaism

What do we mean by Hashkafah?

From the Hebrew root שָׁקַף meaning to look out / over / down
as in:

Genesis 18:16

וַיִּקְמוּ מִשָּׁם הָאֲנָשִׁים וַיִּשְׁקֹפוּ עַל-פְּנֵי סֹדֶם וְאַבְרָהָם הִלֵּךְ עִמָּם לְשַׁלְּחָם

The men set out from there and looked down toward Sodom, Abraham walking with them to see them off.

Deuteronomy 26:15

הִשְׁקִיפָה מִמַּעוֹן קִדְשְׁךָ מִן-הַשָּׁמַיִם וּבָרַךְ אֶת-עַמְּךָ אֶת-יִשְׂרָאֵל וְאֵת הָאָדָמָה אֲשֶׁר נָתַתָּה לָּנוּ כְּאֲשֶׁר נִשְׁבַּעְתָּ לְאַבְתָּיִנוּ אֶרֶץ זָבַת חֶלֶב וְדָבָשׁ:

Look down from Your holy abode, from heaven, and bless Your people Israel and the land You have given to us, a land flowing with milk and honey, as You swore to our ancestors.

Hashkafah = outlook / overview / world view / core defining principles drawn from our tradition

Primary sources of hashkafah:

- Torah, Tanakh – legal and non-legal texts (narrative, wisdom, proverbs)
- Rabbinic Literature – halakhah and aggadah
- Jewish Philosophy
- Musar

Why Hashkafah matters 1

The limitations of law

Deuteronomy 6:18

וַעֲשִׂיתָ הַיָּשָׁר וְהַטוֹב בְּעֵינֵי יְהוָה

Do what is right and good in the sight of the Eternal

Ramban on Deuteronomy 6:18

מתחלה אמר שתשמור חקותיו ועדותיו אשר צוך ועתה יאמר גם באשר לא צוך תן דעתך לעשות הטוב והישר בעיניו כי הוא אוהב הטוב והישר וזה ענין גדול לפי שאי אפשר להזכיר בתורה כל הנהגות האדם עם שכניו ורעיו וכל משאו ומתנו ותקוני הישוב והמדינות כלם אבל אחרי שהזכיר מהם הרבה כגון לא תלך רכיל לא תקום ולא תטור ולא תעמוד על דם רעך לא תקלל חרש מפני שיבה תקום וכיוצא בהן חזר לומר בדרך כלל שיעשה הטוב והישר בכל דבר עד שיכנס בזה הפשרה ולפנים משורת הדין

At first he [Moses] stated to keep God's statutes and testimonies which you were commanded. Now he is adding that where you are not commanded, you should give your mind to doing what is good and right in God's eyes, for God loves the good and the right.

This is a great principle, for it is impossible to mention in Torah every aspect of human behaviour - in interaction with neighbours or friends, everything about how to behave in business, and the rules of every civilisation or country.

But after mentioning many of them — such as: YOU SHALT NOT GO ABOUT AS A TALEBEARER (Leviticus 19:16); YOU SHALT NOT TAKE VENGEANCE OR BEAR A GRUDGE (ibid. v18); YOU SHALT STAND IDLY BY THE BLOOD OF YOUR NEIGHBOUR (ibid. v16); YOU SHALT NOT INSULT THE DEAF (ibid. v14); YOU SHALT RISE BEFORE THE ELDERLY (ibid. v32) and similar to these, he returned to say in a general way that one should do what is good and right in all matters, including compromise and going beyond the letter of the law.

Leviticus 19:2

קְדוֹשִׁים תִּהְיוּ כִּי קְדוֹשׁ אֲנִי יְהוָה אֱלֹהֵיכֶם :

You shall be holy, for I, the Eternal your God, am holy.

Ramban on Leviticus 19:2

התורה הזהירה בעריות ובמאכלים האסורים והתירה הביאה איש באשתו ואכילת הבשר והיין א"כ ימצא בעל התאוה מקום להיות שטוף בזמת אשתו או נשיו הרבות ולהיות בסוכאי יין בזוללי בשר למו וידבר כרצונו בכל הנבלות שלא הוזכר איסור זה בתורה והנה יהיה נבל ברשות התורה לפיכך בא הכתוב אחרי שפרט האיסורים שאסר אותם לגמרי וצוה בדבר כללי שנהיה פרושים מן המותרות

The Torah warns us against sexual immorality and forbidden foods, but permits sex between man and his wife, and the consumption of meat and wine. If so, a man of appetite might find permission to be carried away in carnality with his wife or many wives, or to be AMONG THOSE WHO GUZZLE OR GLUT THEMSELVES WITH MEAT (Proverbs 23:20) or may speak as he wishes with obscenities, since this is not explicitly prohibited in the Torah. Behold, here we have a 'naval birshut ha-Torah' – 'a scoundrel with the permission of Torah'.

Therefore, Scripture comes after explicitly mentioning prohibitions which God prohibited altogether, to command in a general way that be restrained in that which is permitted...

Why Hashkafah matters 2

Sometimes halakhah (law) needs hashkafah (values/ideals) as a corrective

Tosefta Avodah Zarah 8:5

על הגזל גנב גזל וכן מוצא יפת תואר וכן כיוצא בו
גוי בגוי וגוי בישר' אסור וישר' בגוי מותר :

With respect to robbery: If one stole, or robbed, and similarly in the case of a beautiful captive, and in the case of similar offences: A gentile to a gentile or a gentile to an Israelite is forbidden. An Israelite to a gentile is permitted.

Jerusalem Talmud, Bava Kamma 4:3

מעשה ששילח המלכות שני איסרטיטות ללמוד תורה מרבן גמליאל ולמדו ממנו מקרא משנה תלמוד הלכות ואגדות ובסוף אמרו לו כל תורתכם נאה ומשובחת חוץ משני דברים הללו שאתם אומרי' בת ישר' לא תיילד לנכרית אבל נכרית מיילדת לבת ישראל בת ישראל לא תניק בנה של נכרית אבל נכרית מניקה לבת ישראל ברשותה גזילו של ישר' אסור ושל נכרי מותר באותה שעה גזר רבן גמליאל על גזילות נכרי שיהא אסור מפני חילול השם שור של ישר' שנגח לשור של נכרי פטור כו' בדבר הזה אין אנו מודיעין למלכות אפילו כן לא מטון לסולמיה דצור עד דשכחון כולן

It happened that the government sent two officials to learn Torah from Rabban Gamliel. They learned from him Scripture, Mishnah, Midrash, halachah and aggadah. In the end they said to him, "All of your Torah is fine and praiseworthy, except for two things which you say: That an Israelite woman may not act as a midwife for a gentile woman, yet a gentile woman may act as a midwife for an Israelite woman; an Israelite woman may not nurse [the child of] a gentile woman, yet a gentile woman may nurse [the child of] an Israelite woman with her permission. And that the stolen item of an Israelite is forbidden but the stolen item of a gentile is permitted.

At that moment, Rabban Gamliel decreed regarding the item stolen from a gentile that it be prohibited because of the profanation of the Divine Name.

An ox of an Israelite which butted the ox of a gentile [the owner is] exempt – concerning this thing [which is also problematic] we will not inform the government.

Even so, they had not even reached the ladder of Tyre when they had forgotten everything.

Why Hashkafah matters 3 – Hashkafah in Reform Judaism

Progressive Jews – like all serious Jews from across the spectrum – have to begin from within our tradition. When we do not do so, then the approach we come to may well be ‘right’ – it may well be ethical, honourable, good for our communities – but it cannot be called a Jewish decision.

To be a Jewish plant, as one of my students once put it, it needs to grow from Jewish soil.

But, the exact mixture of ‘Jewish soil’ can be different.

Ours is no less rich in Jewish nutrients, no less capable of growing a Jewish plant. But it is different.

Other parts of the Jewish world – ‘Fundamentalist’ and ‘Conservative’ - begin with halakhah. For them, a Jewish decision is one that conforms to rules received as normative practice. Where these rules are clear, it doesn’t, can’t, make any difference if they are also in tension with a core sense of what God wants from us. This is the Law.

We, by contrast, begin with hashkafah – also taking direction from our tradition, but from the values, ideals, principles within it, which come to shape our lives. Very often, these will lead us to similar outcomes to others. Sometimes, the underlying principles of our tradition will lead us to very different forms of Jewish life.

Rabbi Josh Levy

An example of Hashkafah in action: Taking a Reform position on Assisted Suicide

Halakhah: Shulchan Aruch, Yoreh Deah 339:1

הגוסס הרי הוא כחי לכל דבריו...
וכל המעמץ עם יציאת הנפש ה"ז שופך דמים

A person in a dying condition is considered a living being in all respects.

[We may not...]

And anyone who closes the eyes of a dying person before death is regarded as one who sheds blood.

אבל אם יש שם דבר שגורם עכוב יציאת הנפש...
מותר להסירו משם דאין בזה מעשה כלל אלא שמסיר המונע

Gloss: However, if there is something which causes a hindrance to the departure of the soul...

it is permitted to remove it from there, for there is no direct action involved in this, but only the removal of an obstacle.

A Jew may not commit suicide, ask others to help in committing suicide, or assist in the suicide of someone else. Withholding or withdrawing machines or medications from a terminally ill patient, however, does not constitute suicide and is permitted.

Elliott Dorff, Rabbinical Assembly

The practice of euthanasia – whether active or passive – is contrary to the teachings of Judaism. Any positive act designed to hasten the death of the patient is equated with murder in Jewish law, even if death is hastened only by a matter of moments. No matter how laudable the intentions of the person performing an act of mercy-killing may be, his deed constitutes an act of homicide.

J David Bleich

Hashkafic principles for a discussion on Assisted Dying

General Principles

Human life is sacred

The value of a human life is intrinsic – it does not in itself depend on quality, or what a person can do in the world, but on the image and echo of God within all of us.

Mishnah Sanhedrin 4:5

B. Yoma 82a – ein davar she'omeid bifnei pikuach nefesh

We do not have the right to do whatever we wish to our bodies

The body 'belongs' to God - Deut 10:14, Ps 24:1, Ps 104:24 – and we have obligations to it.

Suffering is not good (including for those who are dying) – it is legitimate to ask that suffering cease

Example of procedures for capital punishment

“Are your sufferings welcome to you? Neither they nor their reward.” Brachot 5b

[this might also be read as an assertion of personal autonomy in matters of health]

Sometimes we might want death to come upon us / those we love

Servant of Rabbi Yehudah HaNasi, Ketubot 104a

Permissible to pray for someone's death (in these circumstances)

Issues at the end of life

There is a difference between acting to cause death and removing obstacles to death

Hanina ben Teradion, Avodah Zara 18a

Rema to SA Yoreh Deah 339

Our tradition recognises that treatment in the last phase of life with a terminal illness (chayyei sha'ah) is of a different order (and contains contradictory voices on even this)

Avodah Zara 27b v Yoma 85a

Risks associated with policy

We have a particular concern for the vulnerable

Sources too numerous to mention...

Our concern is long term and societal as well as immediate and individual

Eizehu chacham? Ha-ro'eh et ha-nolad