
**Baruch Atah Adonai, Eloheinu Melech Ha'Olam, Asher Kideshanu BeMitzvotav VeTzivanu,
La'asok BeDivrei Torah. Hafoch Bah!**

**Text 1: Rabbi Neil Gillman, *For the Sake of Heaven*,
USCJ Review, Fall 1999**

I am more interested in issues such as why there is a Halakha in the first place, and why it has any authority over us. ...I have become increasingly impatient with those who insist on talking about 'the' Halakha or 'the' halakhic process, as if these were monolithic, self-evident and predetermined forms. ... My view of Halakha ...reflects my theological commitments as to how it came into being in the first place.

**Text 2: Rabbi David Fine, *Women and the Minyan*,
CJLS OH 55:1.2002**

"...the Halakha flows like a river and one cannot ignore the direction of the flow. There may be a point where the river can choose where it will go. But once that decision is made there is no going back. ... The centrists of 1973 could not but agree with [the] arguments that there was no reasonable way to argue that the halakhic sources could be used to support women's inclusion in the minyan. Jewish law and practice developed so that it was indeed the law that women did not count in the minyan. However, they also believed that law can change. One cannot retroactively reroute a decision that was made upstream by the flow of the river. However, from where we stand the river continues on its journey. It has not emptied into a lake. While we cannot change what has already been determined upstream, we can direct the river from where we stand and influence where it will flow from us.

Text 3: Talmud Bavli, Berachot 9b

[The Mishnah asked:] From what time may one recite the Shema in the morning? From the time that one can distinguish between blue and white. Rabbi Eliezer says: between blue and green. ...Others say: From the time that

one can distinguish a friend at a distance of four cubits. Rabbi Huna says: The Halacha is as stated by 'Others'.

Text 4: Exodus 25:19-20,22

Make one cherub (Keruv) at the end here and the other at the end there; of one piece with the cover shall you make the Keruvim at its two ends. The Keruvim shall have their wings spread out above, shielding the cover. They shall face each other, the faces of the Keruvim being turned toward the cover. There I will meet with you above the cover, from between the two Keruvim on top of the Ark of the Pact.

Text 5: Talmud Bavli, Yoma 54a

Rabbi Katina said, "When the Israelites would ascend to the Temple on the Festival, the Kohen (priest) would roll up the curtain and display for them the Keruvim joined together in an embrace. The kohen would then tell them, 'Behold God's Love for you, similar to human love.'"

**Text 6: Chancellor Arnold Eisen,
The Jew Within, p. 60-61**

...selectivity is typical... Resolving differences over kashrut took center stage in our conversations with several respondents on the matter of how, in general, they dealt with different approaches to Judaism with their spouses. Their stories are filled with clear references to both affection and conflict... Kashrut takes on such significance that failure to harmonize [differing] approaches could have led to severe [relational] problems. It takes on added significance in the context of children and parenting, where the issue is not merely a particular practice, or the identity it maintains and signals, but transmission of that identity to the next generation.

Text 7: Rabbi Joel Roth, *The Halakhic Process: A Systemic Analysis*

[p. 126] The scope of rabbinic authority knows no theoretical bounds. As the sole normative interpreters of the meaning of the Torah, Torah means whatever the rabbis say it means. And to whatever they say it means, in every generations, God agrees, even if, in some "objective realm, He disagrees with their interpretation. [footnote: Thus far, the discussion has been restricted to the scope of rabbinic authority as interpreters of the grundnorm, but not as abrogators or changers of the grundnorm [the basic authority of all Judaism as articulated in the Bible itself]. To the extent that we may find, in a later discussion, that the scope of rabbinic authority includes the possibility of abrogating or changing the grundnorm itself, we shall have to address the problem of ultra vires ("beyond the authority"), ie, the possibility that the the degree of authority allowed to the sages vitiates the supremacy of the grundnorm . Put theologically, the problem concerns the possibility that the sages, in fact, take the place, systemically, of God Himself, instead of remaining just the interpreters of His word.]

[p. 204] We have dealt at length in the preceding chapter with the contention that yirat shamayim [awe of Heaven] is a sine qua non of halachic authorities, that it is the characteristic that guarantees, to the extent that anything can, that what motivates halachic authorities is their commitment to the integrity of the system they govern. Yirat shamayim on the part of the systemic authorities assures that their actions are taken LeSheim Shamayim – even the affirmation that the sages possess the right to amend or abrogate the grundnorm, which may itself be an abrogation of the grundnorm – is not an act of ultra vires. In other words, the assurance that rabbinic legislation abrogating the Torah is secondary, not primary, is dependant upon the personal virtues required of the authorities of the system, which include the characteristic of yirat shamayim."