CONTENTS

Acknowledgments

Introduction—The Myth of the Cultural Jew

1. Culture, Law, and the Development of Jewish Tradition		1
The Emerging Focus on Law and Cultural Analysis 3		
Power, Environment, and Conflict 4		
Multiple Values and the Interrelationship between		
Law and Culture 7		
Examining Jewish Tradition through Cultural Analysis:		
An Introduction 11		
Power Relationships 14		
Environment and Conflict 19		
Multiple Values and the Interrelationship between		
Law and Culture 22		
Cultural Analysis and the Chain of Tradition 25		
2. Origins and Development of Jewish Law: A Top-Down View		29
Revelation at Sinai—The Paramount Top-Down Paradigm	29	
The Oral Law as a Supplement to Revelation and the		
Introduction of Rabbinic Lawmaking Authority 32		
The Reforms of the Sages in the Rabbinic Period: Forging		
a New Religion 39		
Hellenistic Influences on Early Jewish Law 45		
Rabbinic Law in the Post-Talmudic Period 49		

xi

xiii

viii • Contents

3. The Norms of Jewish Law Observance: A Bottom-Up View	55
Introductory Themes 55	
Popular Validation of Rabbinic Authority in Shaping	
Bottom-Up Practices: Childbirth 66	
The Influence of Outside Cultural Elements: Circumcision 69	
Rabbinic Toleration: Childbirth, Circumcision, and	
Martyrdom 74	
The Role of Persecution: Death and Mourning 76	
Rabbinic Reliance on the Bottom Up: Increasing	
Stringencies in <i>Kashrut</i> 80	
4. The Birth of Jewish Denominations in Modernity and	
Their Divergent Views on Jewish Law	85
Reform Judaism 87	
Ideological Predicate 87	
Historical Development 89	
Lawmaking 94	
Orthodoxy in Modern Times 96	
Ideological Predicate 96	
Historical Development 101	
Lawmaking under Orthodox Standards 109	
The Conservative Movement 113	
Ideological Predicate 113	
Historical Development 116	
Lawmaking under the Conservative Movement 122	
The Law and Culture of Postdenominationalism 124	
5. Foundational Conflicts: "Who Is a Jew" and Sabbath Laws	129
Parameters of Conflict 130	
Conflict between Reform and Other Movements: Who Is	
a Jew from Birth? 133	
Ritual Conflict: Sabbath Laws on Driving and Electricity 144	
6. Homosexuality	157
Reform Judaism 160	
Orthodox Judaism 163	
Conservative Judaism 169	
Cultural Analysis and Affirmation of the Status Quo 172	
2011년 1월 2012년 1월 20 1월 2012년 1월 2	

Cultural Analysis and Innovation within the	
Traditional Process 178	
Cultural Analysis and Innovative Process 183	
Cultural Analysis and <i>Halakhic</i> Pluralism 186	
7. Women and Synagogue Ritual	193
The Classical Jewish Law Sources Governing Torah Reading and <i>Aliyyot</i> for Women 197	
Talmudic Sources 197	
The Obligation Issue 199	
Dignity of the Congregation and Waiver 202	
The Jewish Law Codes 206	
Consensus and Ability to Revisit 207	
The Nature of Past and Present Resistance to Feminist Claims	210
A Basis for Change 219	
8. The State of Israel's Role in Forging Jewish Law and Culture in	
the Post-Holocaust Era	225
Halakhah and Israeli Law 225	
An Examination of Israeli Jewish Identity 235	
9. Jewish Identity in the United States	253
The Empirical Picture of American Judaism 255	
Jewish Federations as Civil Religion 261	
Israel 264	
Anti-Semitism and Anti-Zionism 266	
Jewish Liberalism 270	
Social Forces Militating against Tradition 274	
10. The Lessons of Cultural Analysis	281
Particularity and Cultural Fluidity 282	201
Pluralism and Authenticity 285	
Importance of the Emerging Middle Ground 288	
Aggadah and Halakhah 291	
-00	

Index

299