

INTRODUCTION

In every modern country the decisions of the law courts are accumulated and indexed and thus are instantly available to every lawyer. But the Jewish responsa literature, comprising hundreds of thousands of legal decisions, remains virtually unindexed, and so most of it is inaccessible except to the specialist scholar. The various attempts at indexing the responsa literature were developed mostly as appendages to the *Shulchan Aruch*. This reveals, of course, the sole purpose of the indexing, namely, to aid the rabbi in making his decisions when a religio-legal question comes before him.

While these Halachic indices (such as the *Pische Teshuva* or the *Ozar Ha-Poskim*) are of great value in making Halachic decisions, they all overlook other vital material in the responsa which is not directly relevant to Halachic needs, and which, generally, the respondent himself would consider only incidental to his main purpose. Actually, the responsa literature contains treasures for the historian, the sociologist, and the linguist. Except for a few special studies of certain individual

respondents, these treasures have remained unsought for and untouched.

Now at last there is some prospect that a non-Halachic approach to the entire responsa literature may be made. Menachem Alon of the law faculty of the Hebrew University has made an index of the responsa of Asher ben Yehiel, and in it he has included much more than the Halachic decisions. His department at the university is now planning the indexing and computerizing of the entire responsa literature. This task will take many years. As each individual book of responsa so indexed appears, it will be valuable in itself, but the real value of the projected work will become evident only as the task approaches completion; for while the material in these new indices to each responsa volume may serve limited historical, sociological, and linguistic purposes, a broader view of Judaism as a living experience can come only from an overall view and a broader classification of the total literature taken as a unity.

Nowadays a broad view of Judaism must be based upon a realistic knowledge of the actual state of religious observance of the Jews of the modern world. Such knowledge is especially important today because even in the religiously disciplined Orthodox Jewry, a drastic (if unacknowledged) change is taking place. The very variety of present-day Orthodoxy makes this fact clear: Chassidic Orthodoxy, so-called traditional congregations, "modern" Orthodoxy, etc. The question then suggests itself: Which of the basic commandments of the Jewish legal tradition are still strong enough today to discipline the life of the bulk of Orthodox Jewry?

How can one find the answer to such a broad question? Only through a total view of most of the responsa literature: a comparative statistical survey which would indicate which questions were frequently asked in a past century and which questions are no longer asked today. If a review of the modern responsa literature shows that a certain class of questions is no longer asked, that is more than a statistical fact. It may well indicate the falling away of an entire section of the legal literature.

For example, in the classic responsa literature up to modern times, at least a quarter of the total responses dealt with business matters, *Choshen Mishpot*. Now a quick comparison of the classic volumes with modern responsa finds a complete absence of questions concerning contracts, partnerships, etc., etc. What has happened? Obviously, in spite of the duty incumbent upon Jews to bring their business disputes to a *Bes Din* and not to a Gentile court, clearly the majority of Orthodox Jews generally do not make use of the *Bes Din* in settling business disputes but resort to the civil courts. This, surely, is an unacknowledged revolution in Orthodox Jewish life. Or further, the responsa literature up to about a century ago was full of questions of feminine hygiene. Such questions hardly appear in the modern responsa literature. Evidently another unacknowledged revolution has occurred. There are indeed *mikvehs* in every great Jewish community, but what proportion of the women make use of them?

On the positive side, the sudden multiplication of *agunah* questions a century ago revealed a new mobility

in Jewish communities, people moving westward, and a resultant breakdown of family life. There is an increase in modern responsa of a related question: What to do when a husband divorced in the courts refuses or is not available to give his wife a *get*. Once the Jewish courts had authority to compel the husband to do so. Now that authority is gone. In general, therefore, besides the Halachic value of individual books of responsa, an all-over picture of the total literature will give a broad view of the actual realities of modern Jewish religious observance.

Just as it becomes manifest (through an overview of the responsa) that Orthodox Jewish life is undergoing basic change, so it is evident from direct observation that Reform Judaism is undergoing considerable and even drastic change. Fifty years ago, Reform Judaism in America had a "classic" consistency. Every congregation worshiped virtually in the same way as every other, and the religious observances of the congregants were virtually the same all over the United States. Now, manifestly, changes have occurred in worship, in the religious life of the people. It would be very difficult to make a clear description today of what Reform Judaism looks like. All we can say is that it has become variegated and is subject to constant change.

As has been mentioned, we can study the changes in Orthodoxy through an overview of the responsa literature, but, unfortunately, for such a purpose such a literature has not been available in Reform. We have indeed had responsa written by scholars from the very

beginning, but we have never developed a responsa *literature*. The scholars who wrote responsa for the Central Conference of American Rabbis would present an annual report containing one or two responsa. This is still the custom of our Responsa Committee. Undoubtedly the past chairmen of the Responsa Committee received and answered many more questions than the one or two published in the annual report, but these questions were never published and remained hidden in their private correspondence.

Now a change has occurred. Owing chiefly to the foresight and generosity of the Alumni Association, I have been privileged and encouraged to preserve and publish not only the two annual responsa that go into the annual Conference report, but a selection from all the questions received and answered. Thus every two or three years a whole volume of Reform responsa has been published. The present volume, again published through the generosity of the Alumni Association, is the sixth volume of Reform responsa. This book series constitutes, therefore, the first responsa *literature* (or at least the beginning of it) in the Reform movement, not only in America but anywhere.

These six volumes contain 350 responsa. In addition to them, there have been preserved four manuscript volumes of responsa correspondence dealing with questions that could be answered briefly and without too much research. The six published volumes and also the unpublished responsa correspondence (most copies of which have been turned over to the HUC-JIR archives)

can well serve to provide a broad view of the changing landscape of modern Reform Judaism.

The following examples might be selected as illustrating this possible use of our responsa. A question was asked whether it is not wrong of us to light candles, as we do in the synagogue on Friday night, after it is dark and the Sabbath is well begun. This question can be taken together with similar ones: May a congregational meeting be held on Friday night when business will be transacted? May a caterer be permitted to prepare the Bar Mitzvah meal on Saturday morning on temple premises? These inquiries seem to indicate a growing sensitivity of Reform congregants to older Orthodox prohibitions. At all events, such questions may never have been asked before.

The status of women in our service seems to be a growing concern. Questions are asked, of course, about women being called to the Torah. Another question is: When a woman is participating in the service, may she wear a *talit*? A woman asked if her son's Hebrew name might be given on his tombstone, not with the father's name, but with her name.

The new instability in family life reveals itself in questions about Bar Mitzvah. May the stepfather come up to the Torah in place of the father and ex-husband? What if the stepfather is an unconverted Gentile? What may his part be in the Bar Mitzvah? The growing interrelationship between Jews and Gentiles, which reveals itself in mixed marriage and intermarriage, also has its reflection in these responsa: May a child be named after a Gentile grandparent? May a mixed-

marriage family, in which one partner has not converted to Judaism, become members of the congregation as a family? May unmarried couples living together join the congregation as a family? New medical questions and their impact on family life are the subjects of many inquiries concerning hysterectomy, fertility pills, transplants, easing the pain of a dying patient, etc.

These volumes, constituting our first Reform responsa literature, may well be of use, when studied as a totality, in revealing the changes in modern Jewish life. Thus it will be important to note which new questions are being asked and, for that matter, which questions are now not being asked at all.

I am deeply grateful to my many colleagues for the hundreds of interesting questions they have sent to me, and again and always, my heartfelt thanks to the Alumni Association for making the publication of these volumes possible.

