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Chapter II. Reform Responsa: Developing a Theory of Liberal Halakhah

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Chapter II

Reform Responsa: Developing a Theory of Liberal **Halakhah**

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The phrase "Reform **halakhah**" seems to be an oxymoron. **halakhah**, after all, is the corpus of norms that make up traditional rabbinic Judaism, the single correct way in which social and religious problems are to be defined, analyzed and adjudicated by the holy people of Israel. In fact, since the late eighteenth century, the word **halakhah** has come to be somewhat synonymous with Orthodox praxis. This is precisely, however, what Reform Judaism was originally formed to protest. If there is any hallmark of the Reform tradition, it is the rejection not only of particular Orthodox **halakhot** -- norms -- but of the whole concept that there can be, are, or ought to be such a system of absolute norms in the first place. How then are we to make any sense of a phrase like "Reform **halakhah**"?

In what follows I hope to throw some light on what the oxymoron "Reform **halakhah**" has meant in our movement. I propose to do so not from a philosophical perspective: what meaning can these words have when used in juxtaposition, but from an historical one. That is, I propose to find out what "Reform **halakhah**" is by examining the phenomenon of Reform **halakhic** processes over the last century and a half. I do not intend to pass judgment whether the process is good, bad,

efficient or even self-contradictory. I mean to examine the data and see what has in fact been going on. This will allow us at least to characterize what the Reform **halakhic** process has been up to now. Only with this data before us can we venture to pass evaluative judgments on it.

Before proceeding, let me define what I mean by Reform **halakhic** processes. What I am referring to is the activity on the part of Reform rabbis of writing responsa from the perspective of Reform Judaism and with the purpose of guiding Reform Jews. Responsa are, of course, the quintessential literature of **halakhah**. In a responsum, the rabbinic authority attempts to fashion a definitive answer to some question of Judaic behavior by collating and analyzing past normative writings. The published result of this exercise is meant to tell the recipient what he or she ought to do. That is, the implicit assumption of a responsum is that the answer it adduces will be taken by the addressee as an authoritative statement of what Judaism requires in this particular case. Or, to put matters differently, the addressee is expected to act according to the proclamation of the responsum because a) the responsum represents the opinion of an authority the addressee has recognized and b) this authority has demonstrated that the rendered opinion is in fact continuous with Judaic tradition. Since Reform, by definition, rejects the notion of a single monolithic system of **halakhah** extending from Sinai and since it rejects the normativity of basic **halakhic** sources such as the **Shulhan Arukh**, and since Reform does not recognize the authority of the rabbinate to include the right to issue normative rulings that bind the individual congregant, the continuation of the responsa-writing tradition in Reform Judaism is unexpected

and surprising. It is the existence of this genre in Reform that draws me to the phrase "Reform halakhah" at all. To understand what that phrase might mean, then, we must begin, it seems to me, with the literature that reflects the very heart of halakhah - the responsa that have been routinely produced by the Reform movement.

Two characteristics of the Reform responsa tradition should be noted at the outset. The first is that responsa have been part of the Reform movement from the very beginning. Jacob Petuchowski, for example, has shown that the very earliest manifestations of the reforming movement in German Judaism at the turn of the last century revolved around changes in the prayerbook, and that many of these changes were explained, challenged and defended through responsa. (1) The second is that the character of these responsa within the Reform movement has not remained stable, but has changed considerably over the last 150 to 200 years (as it has in Orthodoxy, too, by the way). In studying Reform responsa, then, we must not look at all texts as the same. Rather, we much recognize that considerable changes have occurred in the style and character of Reform responsa-writing over time, each style representing a particular nuance in the writer's understanding of the halakhic process as this relates to Reform Judaism. We thus have before us not a tradition of Reform responsa-writing, but a number of eras of Reform responsa-writing, each with its own conception of what I am calling "Reform halakhah." It is to these various conceptions that I now want to draw your attention.

In what follows, I shall divide the literary history of Reform responsa-writing into three epochs. The first might in fact be called the pre-history of Reform responsa-writing. I am thinking

here of a collection of diverse Reform responsa gathered together and published under the name *Noga Hatzedeq* in Dessau in 1818. The writers represented in this volume, which includes *Derekh Haqodesh* by Joseph Hayyim ben Sasson, *Ya'ir Nativ* by Jacob Recanati, *Kin'at Haemet* by Aaron Chorin and a long essay entitled *Or Noga* by Eliezer Lieberman, were all sympathetic to the reforming experiments going on that time in Berlin and Hamburg. The writings collected here deal with many of the reforms being instituted: reading the *Torah* rather than chanting it, the use of organ music, the inclusion of prayers in the vernacular and the like. I categorize this responsa collection as part of Reform responsa-writing because its content is clearly and self-consciously devoted to adducing halakhic precedent for the liturgical reforms of the Berlin and Hamburg congregations. That is, all of the arguments set forth in these documents reflect basic Reform sensibilities. I nonetheless want to argue that this curious volume is part of the "pre-history" of Reform responsa and not an example of Reform responsa-writing proper. I say this because the mode of argument and rhetoric here remains well within the traditional style of responsa-writing. That is, there is nothing "reform" about the way the arguments are framed in these essays, although the arguments themselves are clearly reform-minded. The authors represented in *Noga Hatzedeq* have, we might say, poured Reform content into older literary wineskins. Unfortunately, by doing so they sealed their own fate. The content of these responsa was, of course, rejected by traditionalists and the form, as we shall see, was rejected by the Reform movement. Before I develop this thought, however, let me finish my summation of what I conceive to be the history of Reform responsa-writing.

The second and third epochs of Reform

responsa-writing see the evolution of a new form of responsa composition that takes account of the radically new meaning and purpose of what they contain. One group of such responsa was published in Germany during the early 1840's. They make up our second epoch. Included here are two collections that appear, significantly for our purposes, in the vernacular - **Theologische Gutachten ueber das Gebetbuch nach dem Gebrauch des Neuen Israelitischen Tempelverein in Hamburg** (2) and **Rabbinische Gutachten ueber die Vertraeglichkeit der freien Forschung mit dem Rabbineramte.** (3) With the publication of the latter, German Reform responsa cease to be written, and our second epoch has played itself out.

The third epoch takes place in America. It begins with the position papers that were published in the Yearbook of the CCAR under the imprimatur of the so-called "Responsa Committee." The first of these appeared, if I am not mistaken, in 1913 (4) and continue to be written in our own day. They have achieved by now more than a mere in-house readership with the prolific publications of Dr. Freehof who chaired the CCAR Responsa Committee from 1954 to 1976 and with a collection of pre-Freehofian American Reform responsa by Walter Jacob in **American Reform Responsa.** (5) While the second epoch, that of the German Reform responsa, enjoyed but a short lifespan, the American Reform responsa tradition is approaching its centenary (the Responsa Committee was appointed in 1906) (6) and appears to be still gaining in energy. This suggests that traditional modes of **halakhic** discourse - responsa - on the one hand, and Reform Judaism (at least in its American style) on the other are not incompatible. Yet the successful Reform responsa of America do represent a particular style or form of responsa-

writing. We shall return to the question of what this is in a few minutes. Before I can evaluate the American Reform responsa style, however, I need to place it into its historical context.

Let me turn back, then to the material I mentioned earlier, namely the first two epochs of Reform responsa. I said just a few minutes ago that the earliest Reform responsa, represented by the collection *Noga Hatzedeq*, were really no different than normal Orthodox responsa of their time in rhetoric or discursive style. While their content was quite different, their mode of presenting that content was hardly new. I also suggested that that was why they ultimately failed. To clarify what I mean, I will need to review what exactly the traditional responsa genre was and how *Noga Hatzedeq* fit in.

In some sense it is an oversimplification to talk about a single responsa genre at all. Responsa emerge in rabbinic literature some time after the completion of the *Babylonian Talmud* in the seventh century. When precisely they began is a matter of some debate; in fact some scholars claim they date back to King David. (7) The fact is that actual responsa only survive from about the eighth century, and they are so rudimentary, often only a question followed by a one or two word decision, that it is hard to imagine that they represent a long previous literary tradition. It seems much more likely to assume what the evidence in fact suggest, that responsa began in the post-Talmudic era. (8) Their purpose, it seems clear, was to provide outlying Jewish communities with a way of receiving authoritative interpretations or application decisions on Talmudic law from the very centers of Talmudic studies, the Gaonic academies in Babylonia. In essence, local leaders of farflung Jewish communities around the

Mediterranean basin would send written queries to the Babylonian Talmudic academies. These queries would be researched and answered, with a copy of the answer sent by post or courier back to the originating community. (9) In this way the literary genre of responsa seems to have begun.

The next stage in development occurred as the academies went into decline starting in the tenth century or so. At this same time, we witness the corresponding emergence of local rabbinic centers of learning in North Africa and southern Europe. Gradually, queries were directed more and more to local rabbis rather than to the distant Gaonic authorities in Babylonia. These local rabbis, in turn, began to author their responsa. By the Middle Ages, such responsa had become a major literary enterprise of local European and North African rabbis. (10) They dealt, of course, with every conceivable question and life situation. By the twelfth century a new dynamic began to take hold. As the number of rabbis grew and as rabbinic learning matured and deepened, responsa became not only a tool for the development of *halakhah*, but actually a forum for the display of individual rabbi's intellectual virtuosity. That is, responsa became more and more excuses for intellectual gymnastics, occasions for citing Scripture and Talmud and then interpreting them in innovative and highly complex ways. By the late Orthodox period, that is from the late seventeenth and early eighteenth century on, this process reached a sort of logical conclusion: the argument itself - the display of rabbinic virtuosity - had become an end in itself. There was still a question to be answered, and an answer usually did emerge, but the bulk of the text, by now often some 20 pages or more, was devoted to argumentation itself, an intricate Arabesque of citations from all rabbinic literature,

Scripture, Talmud, midrash, other responsa, etc, detailed and even hairsplitting analyses (*pilpul*) and general overviews of an entire area of legal and moral speculation, all conducted in the complex artificial academic language of Talmudo-rabbinic Hebrew. (11) The practical answer was often buried in the author's overwhelming display of erudition and on occasion even appeared as a sort of afterthought. This was the nature of the responsa genre as it had developed at the time the Reform movement began to take shape.

The responsa collected in *Noga Hatzedeq* fall within this general late pattern. They are prolix and flowery, they cite numerous rabbinic sources even when these are redundant or not quite to the point, and they wander off into rhetorical gymnastics. Aaron Choriner in his comprehensive responsum on liturgical reforms, *Kin' at Haemet* even resorts to erudite wordplays to sustain his argument. (12) Each, of course, addresses itself to certain halakhic questions. *Kin' at Haemet*, for example, proposes to deal with three questions in particular: whether or not later additions to the prayerbook may be removed, whether or not an organ can be used to accompany worship and whether or not prayers may be said in the vernacular. A fourth question proposes to explore the possibility of change at all. So, as I said, what Aaron Choriner and others were doing is what we might precisely expect; using the standard rabbinic literary vehicle, the responsa, to argue in rabbinic style their own views on how Judaism ought to be done.

The irony, of course, is that the precise values that sustained this Orthodox literary genre were those that were under attack by Reform with the aid of people like Aaron Choriner. The lay reformers in Hamburg and Berlin were not

interested in being led by prodigies in Talmudic learning or in intricate applications of rules mined from the vast legal codes of Medieval Jewry. They saw themselves in a new world in which modern secular cultures was vastly superior to anything people had known before. It was also a world in which spiritual truths were more important to their religious self-identify than traditional legalisms and in which modern science - **Wissenschaft** - was deemed more reliable than medieval **pilpul** in arriving at truth. In short, the virtues stressed by the new reformers were not the virtues of the classical responsa literature. It should come as no surprise, then, that the type of responsa authored by Chorin and others failed to resonate among later reformers. Their mode of discourse reflected an entirely different universe of values. The medieval form of their responsa clashed with their modernist content.

This brings me to the next epoch, the first responsa written well within the Reform movement for the Reform movement, and in a style that took shape in the context of the German Reform movement. I am referring now to the two German language publications mentioned earlier: **Theologische Gutachten das Gebetbuch nach dem Gebrauch des Neuen Israelitischen Tempelverein in Hamburg** and **Rabbinische Gutachten ueber die Vertraeglichkeit der freien Forschung mit dem Rabbineramte.**

Let me turn first to the **Theologische Gutachten**. The book, as its title makes clear, claims to be a collection of responsa (**Gutachten**). Yet this collection is unusual, and so indicative of the self-understanding of the early German Reform movement, in a number of ways. First of all, the writings are in German, not in the rabbinic Hebrew that characterized, and still characterized,

traditional responsa. This detail of language is significant. Responsa traditionally, I would argue, are seen as sacred writings issued by holy men. They are extensions of the Talmud which is itself connected to *halakhah lemosheh misinai* - the law given to Moses at Sinai. Responsa then by nature had to be written in the technical and holy language of the rabbinic estate. To write responsa in German therefore represents a rather substantial revision in perception. As responsa, the writings in this volume mean to identify themselves with rabbinic literature, but as "Gutachten" they are part of a new universe of secular literature. Classical rabbinic literature belongs to an intellectual culture which, because of its language, claims to transcend time and place. The *Gutachten*, on the other hand, identify themselves explicitly with a particular mundane society.

Second, the collection is not made up of a series of responses composed by a single rabbi to a number of questions submitted to him -- the pattern we find in the classical responsa-literature. Rather, the book is a series of essays written by a number of rabbis (12 in all) that speak to a single general issue. The issue in this case is a general ban issued by Hacham Isaac Bernays, leader of the Ashkenazic community in Hamburg, against the new edition of the Hamburg Temple's (Reform) prayerbook. (13) The *Gutachten* presented to the reader are not designed to adduce Jewish law so much as to argue an ideological or theological point in response to Bernay's proclamation.

This brings me to a third point. One of the definitive characteristics of responsa since at least the tenth century has been their citation of rabbinic sources. In fact by the High Middle Ages, as I said, response are often little more than

strings of citations from rabbinic literature joined together by patches of argumentation. This pattern is not at all evident in any of the diverse **Gutachten** in this volume. Citations of rabbinic literature, say **Talmud**, are few and far between. The weight of the argument is carried by invoking general philosophical and theological principles about what worship is or ought to be, about religious feelings and sensibilities and about the central truth of Judaism that stands above the historically shaped nature of Jewish communities. References to **Talmud**, **Shulkhan Arukh** and other rabbinic writings do exist in these **Gutachten**, but they are, as I said, few, far between, and not central to the discourse.

To sum it up, then, we find that on a purely formal level this collection of **Gutachten** moves away from the classical pattern of responsa writings in significant ways. These are not in the classical rabbinic language but in German, a secular language. Secondly, they do not cite or develop rabbinic law, but focus instead on the philosophical question of the nature of modern religious sensibility. And, third, they are examples of philosophical discourse, not a web constructed out of citations of the holy literature.

This, of course, represents a completely new understanding of how the interior conversation of Judaism is to take shape. Development within Judaism is no longer the bailiwick of the parochially schooled rabbis who read and write in their own holy language and who draw on only their own tradition to address new needs. The **Gutachten** reveal an entirely new conviction, namely that Judaic discourse must take place within the larger linguistic and cultural universe of the modern world. The authorities draw not so much on traditional wisdom as on modern

philosophy and theology. Jewish tradition makes its presence felt, but in a clearly secondary way. We witness here, it seems, a ritual in which a general philosophical or theological argument is made "Jewish" by citing Judaic material at strategic points. Talmud is quoted not as a source of knowledge or truth but as a source of identity. I say this, at least in part, because citations from classical rabbinic texts are never central to the argument, and are at times even inappropriately cited. Let me give one or two examples.

In the final essay of the book, Leopold Stein argues that Bernays' proclamation was simply out of line. As proof he invokes the rabbinic maxim "ein onshin ele mazhirin" (One ought not punish but warn). (14) The statement as stated occurs nowhere in Talmud. Very similar statements do appear, however, in B. Zevahim 106b, for example. There the text is arguing that God in the Torah never establishes the punishment of utter extinction (karet) without first giving a written warning in Torah. This rather general view of how Torah relates to divine punishment is hardly comparable to the situation for which Stein uses the quote, namely to say that Bernays had no right to issue a ban against the prayerbook because he had not first issued a specific warning against using the second edition. The citation gives an aura of Talmudic sanction for Stein's point while being somewhat beside the point. A more blatant misuse of rabbinic authorities is committed by Joseph Aub. (15) Aub concedes that Bernays is technically correct in saying that one who does not say the prayer Emet Veyatziv (left out in the revised prayerbook) in the morning has not fulfilled his religious obligation. This comes straight from B. Berakhot 12a. Aub goes on to argue, however, that the tradition in fact has a more moderate side as well, and that the bald

statement in Berakhot just cited is in essence rejected in the **Shulkhan Arukh**, O.H. 66: 10. On a superficial level Aub is correct. The **Shulkhan Arukh** says that one who omits this payer has not fulfilled his obligation, that is, properly. Isserles, who glosses the text and reports on the European conventions, goes on to explain that this applied only to one who was **forced** to omit this prayer, not one who skips it out of convenience. **Shulkhan Arukh**, then hardly supplies a warrant for omitting the prayer from the prayer book entirely, as Aub would have us believe. One final example occurs in the piece by Abraham Kohn. (16) Here he addresses Bernays' complaint that the new prayerbook is not kosher because it deletes all reference to an individual Messiah. Kohn now argues that in fact there is good solid precedence for this in the **Talmud**. He cites no less a figure than Hillel, who in **B. Sanhedrin 99a** says, "There is no Messiah for Israel!" The quote is accurate. Kohn goes on to suggest, however, that this view of Hillel prevails. This is simply not the case. Hillel's denial occurs in the middle of a conversation which continues to discuss the coming of the Messiah as if Hillel had never spoken; the other authorities of **Talmud** simply ignore the view given to Hillel. They, as well as later rabbinic tradition, apparently think the hope of an individual Messiah is not vain. Hillel's view here hardly reflects the rabbinic view, as Kohn would have us believe. Once again the attempt to use rabbinic literature to bolster the Reform arguments proves to be off-center. Yet I think this hardly matters in the long run. The citations are not substantive, but rhetorical; they are meant to give the text an aura of Jewishness.

Let me now quickly turn to the second responsa collection from this period, entitled **Rabbinische Gutachten ueber die Vertraeglichkeit**

der freien Forschung mit dem Rabbineramte. We may translate the title roughly as "rabbinic responsa concerning the compatibility of free research with the rabbinic office." The title is suggestive in two ways. First of all these are to be rabbinic responsa as opposed to the earlier theological responsa. We would expect then to find texts that more closely resemble classical responsa than did the academic essays in the previous volume. On the other hand, the rest of the title puts us on notice that the subject of the responsa will not be **halakhic** questions but a broader intellectual agendum. The title thus vacillates between responsa and academic essays. So, as it turns out, does the content.

The collection **Rabbinische Gutachten** appeared in 1842 and so is contemporary with the **Theologische Gutachten**. It was published as a response to an attack on one of the leaders of early Reform, Abraham Geiger. Abraham Geiger was appointed to the post of rabbi in Breslau in 1839. He was appointed specifically to serve the interests of the more reform-minded members of the community who found the senior rabbi of the community, Solomon Tiktin, to be unacceptable traditional and totally unsympathetic to their views. Tiktin not only resented Geiger's appointment as his associate, but was deeply antagonistic to the changes to which Geiger was committed. The clash of these two rabbis in Breslau became the focus of the religious struggle between Orthodoxy and Reform throughout Germany. Tiktin brought the dispute to full blows in 1841 with the publication of his **Darstellung** (17) in which he gathered together attacks on Reform in general and Geiger in particular from a number of traditionalist rabbis. In response, the Breslau community leaders solicited responses from rabbis sympathetic to Geiger and the program of reform.

Ten of these, with an introduction, became the **Rabbinische Gutachten**. A year later a second volume was published containing seven more such **Gutachten**. These, then, were documents written by liberal rabbis in response to the published Orthodox attacks on Geiger.

With this background in mind, we turn to the materials themselves. The argument here seems clearly to be between rabbis, with the general public allowed to listen in. I say this because, on the one hand, the authors feel compelled to cite rabbinic documents to a much greater degree than was the case in the **Theologische Gutachten**. In most cases, furthermore, the citations are in Hebrew, and at least two of the seventeen essays contain end notes that are entirely in Hebrew (those of Aaron Chorin and of Moses Gutmann). This seems to indicate that for at least some of the contributors, the primary audience was thought to be their fellow rabbis. On the other hand, these authors invariably translated the Hebrew passages into German, presumably so that the general reader could follow the argument. The invocation of classical rabbinic texts, especially **Talmud**, **Maimonides**, and **Shulkhan Arukh**, makes these essays much more "responsa-like" than those of **Theologische Gutachten**. Nor is this all. A number of contributors have cast their essays in a recognizably responsa-like form, with opening **sheelot** (questions) and pietistic conclusions. (18) So we can still see here a lingering attempt to appropriate the responsa-form for the needs of Reform. It is certainly suggestive that not only was this struggle to appropriate the responsa-form no longer evident in the second volume of **Rabbinische Gutachten**, but was never tried again within German reform. This was due, I assume, to the same forces that doomed **Noga Hatzedeq**. There was, I submit, a basic incompatibility

between the German reform rabbinate and the attitudes or assumptions presupposed by the responsa form.

Let me now try briefly to spell out what I think this incompatibility is. Classical responsa are possible only if; you grant the authors certain assumptions. Basically responsa have to presuppose that the past proclamations of rabbinic culture are in some sense true or at least normative. Why else cite them as authorities? It also presupposes that the most important academic framework out of which the rabbi can speak, as *rabbi*, is the world of rabbinic learning. Finally, responsa assume that there is an answer to an individual's religious questions that can be found outside of that individual. The answer is to be found in the collective wisdom of the Jewish people that was maintained in the collective mind of the rabbinate. Without these presuppositions, the entire enterprise of responsa writing is a meaningless exercise. As the very content of the *Rabbinische Gutachten* shows, however, these very presuppositions are what are under attack, and so the use of the responsa-form is at some level self-contradictory. Let me show you what I mean.

Aaron Chorin, one of the earliest rabbis to publicly support Reform, states matters succinctly. Citing *Sifre*, he claims that the Jew's obligation is to follow the authorities of his generation, even if these teach that left is right and right is left. They, he goes on to say, have the same authority as Moses did in his time. (19) The implications of this are, of course, breathtaking. If the current rabbinic establishment has the authority of Moses, then the citation of earlier material is useless. The authority of the current rabbinate is self-standing and ultimate. As Chorin puts it, "The divine man Moses ... has according to the above-

cited principle established a model for legislation which following legal tribunals should imitate. (20) The logic sounds like that of Clarence Darrow in *Inherit the Wind*. If Moses did not cite earlier authorities, why should we?

Other writers in the volume make what is essentially the same point although in less radical a fashion. Dr. Hess, Landrabbiner of the Grand Duchy of Weimar, compares Geiger to the great rabbis of the *Talmud*, an equal to Saadiah Gaon and Maimonides. (21) All of these men could differ with the accepted practice if their understanding of Judaism so dictated. Geiger then, has at least as much right to do so. His view can stand on his rabbinic office alone, regardless of what others hold or have held. We might, in this light, read the statement of Samuel Holdheim in Schwerin who states that Geiger has not mocked the *Talmud* but has in fact "dealt with the *Talmud* scientifically and with religious seriousness". (22) The use of the word "scientifically" here is significant. It means that Geiger wants to understand the rabbinic tradition in light of modern philosophical and historical methodologies. The application of Judaic wisdom and lore to the modern world must be put on a rational, enlightened, that is, *Wissenschaftlich* basis. The older rabbinic ways of thinking will no longer do. It thus follows that citing older rabbinic writings, or at least invoking the mainstream of classical scholarship, is at best besides the point. Geiger and the other "scientific" rabbis stand not only on a par with the authority of older rabbis, but are in fact to be preferred today because of the up-to-date nature of their methodology. So again, why prove their point by invoking past interpretations? The point in all this is to show that the authority claimed for Geiger is of such a kind that the whole need to use the responsa format at all is

undercut. It becomes an empty form. It is no wonder that in German Reform as it was now being articulated, the struggle to appropriate the responsa form fizzled out.

We now turn to America and what I have called the third era in Reform responsa-writing. On this side of the Atlantic the story was quite different, for reasons I will adduce in due course. What can be said at the outset is that the responsa form not only was planted in the soil of the New World, but took root and flourished. As interesting as it is to know why responsa died in Germany Reform, it is just as interesting to know why they flourished here.

It must be borne in mind that there was a considerable hiatus between the last *Gutachten* of German Reform and the first publication of American Reform responsa. This is due in part to the late start American Reform Judaism had in becoming organized. It is possible, if one is looking for firm dates, to say Reform began here in 1838 with the introduction of an organ into the worship service of Congregation Beth El in Charleston, South Carolina. The organ was, of course, a prime symptom of reforming tendencies. But it was really only after the Civil War that American Reform began to achieve stable institutional expression. The Union of American Hebrew Congregations was established by Isaac M. Wise in 1873. Two years later the Hebrew Union College formally opened. In 1889, the first alumni of the College came together to form the Central Conference of American Rabbis. It was this later group that organized the first "official" responsa writing authority for Reform Judaism in America. This is nearly fifth years after the publication of the two *Gutachten* volumes mentioned above.

We should pause for a moment to consider the implications of the above statement. It is noteworthy that responsa-writing in America was not left up to individual authorities, as was the custom in traditional Judaism for the past millennium. Responsa in America were to be the authorized expression of a rabbinic conference. This is really a throwback to the original character of responsa as the genre emerged during Gaonic times.

These early responsa, we recall, conveyed to the questioner the considered opinion of the Talmudic academy. The American movement now replicates the process, with responsa bearing the imprimatur not of an individual authority, but of the collective body of American (Reform) rabbis. It is this shift from individual to communal authorship which may help account for the acceptance of responsa in the New World.

It must be said that the idea of responsa writing in America had a slow and tentative start.

It was really not until the 1950's that American Reform responsa became a clearly established aspect of the movement. What I want to do now is examine the roots and early history of American Reform responsa in preparation for our consideration of Reform responsa today.

As I mentioned, the CCAR had its beginning in 1889. It was not until 1907, however, that a Responsa Committee is listed as part of the structure of the CCAR. As far as I can tell, its first published responsum appeared in the CCAR Yearbook in 1913. Even then, however, the committee's work was far from accepted. In 1915, Rabbi Lauterbach complained that, "In a report of this character, the authority should be given for

every decision so that the younger rabbis may see the development of the ideas involved. The answer should show on what basis the responsa were given". (23) Apparently like early Gaonic responsa, the committee simply issued a resolution without accompanying argumentation explaining why it ruled as it did. This alone shows us that the Committee understood itself to be dealing with a rather different order of responsa than the classical rabbinic model. Not only were the answers thin, however, but so was business. The following year, 1916, the chair of the Responsa Committee complained, "As chairman of the Committee on Responsa, I have all these years written a report of the Responsa Committee without receiving regular sheelot, except perhaps one or two that came in at the last moment". (24) The beginnings of responsa-writing in American Reform do not appear auspicious.

It is rather interesting to review the products of the CCAR's Responsa Committee during its early years. The first chair, Kaufman Kohler, would, of course, have a major influence on the future development of the American Reform responsa tradition since he in essence invented it. For this task, he was well suited. Kohler grew up in Fuerth, Bavaria, which had earned a reputation for being a center of rabbinic learning, and began his rabbinic studies there. Later, he moved to Frankfort where he came under the influence of the chief thinker of German neo-Orthodoxy, Samson Raphael Hirsch. Subsequently, Kohler became engaged in secular, university study, earning a degree from Erlangen in 1867. (25) The result was that the creator of the American Reform responsa tradition had both a good grounding in rabbinic and neo-Orthodoxy and a solid university education.

The influence of both aspects appear in his writings, thereby introducing a sort of ambivalence into the character of American Reform responsa. At times, Kohler draws on classical rabbinic literature in a way reminiscent of any traditional rabbi. More often, however, his responsa read more like academic essays on the history of Jewish religion and customs. Good examples are afforded by two of the first responsa he published, both in the *Yearbook* Vol XXIII (1913). (26) The one has to do with whether or not the weekly **Torah** portion should be read in English. Kohler's answer, reflecting his rabbinic background, is that the portion should first of all be read in Hebrew. After that, it would certainly be appropriate to translate that into the vernacular, following the example of the classical **meturgeman**. In that same issue, Kohler is asked about the **Bar Mitzvah** ceremony. Here we see emerge his secular, academic side. For Kohler, this ceremony is nothing more than a survival of "orientalism" with no worth now-a-days. It should, in his view, be replaced with the Confirmation ceremony. Thus the champion of **Torah** reading in Hebrew can, in the next breath as it were, dismiss the **Bar Mitzvah** ceremony, centered on the **Torah** reading, as unneeded. We see the same ambivalence the next year. (27) To a question concerning whether or not one may make distinctions among the dead Kohler responds simply that the question is easily solved and refers the reader to the **Shulkhan Arukh** Yoreh Deah Hil. Avelut; an answer worthy of any Orthodox rabbi. The next question concerns the observance of **Yahrzeit**. Now Kohler's answer is that the custom should be maintained not on the basis of custom or **Shulkhan Arukh**, but because of its educational value!

The character of the responsa written under

Kohler's watch were, of course, influenced, at least in part, by the questions to which he was asked to respond. The bulk of the questions put to him from 193 to 1922 dealt with various aspects of marriage and burials. In these areas there were a number of customs and folkways that seriously concerned people and that stood in stark contrast to Western practice. In a sense Kohler was forced either to tell people that a certain practice was mandated by rabbinic tradition and teaching, or to exercise his historical-critical faculty and reassure people that the old, embarrassing folkways taught by grandfather could safely be ignored. There was, in a word, little truly **halakhic** material that would allow him to exercise the *responsa* form in its classical sense.

On the other hand, when truly **halakhic** questions did appear before the *Responsa* Committee, it often failed to respond adequately. Let me give just two examples. In his report in vol XXVII (1918), Kohler reports on a question put to him about a child born apparently already circumcised. (28)

After examination, the **mohel** said nothing further needed to be done. The question was whether or not it would be permitted in this case to go ahead and name the baby without **b'rit milah**. Kohler apparently sick in bed, simply wired back his affirmative answer. (29) He was subsequently criticized on the grounds that he should have required at least **tipat dam**, a symbolic re-circumcision. Here was a good chance for Kohler to write a solid classical *responsum*, and he allowed the opportunity to slip by. A similar situation appears in vol. XXIX (1919). (30) The question was whether or not Pyrex could be considered glass such that if it had once been used to cook meat, it could subsequently be used to

cook dairy products. The responsum, published over the name of Gotthardt Deutsch, treated the question as trivial, and contained an answer that was neither well-thought out nor well argued. Apparently these type of Orthodox-sounding questions did not engage the interest or intellect of these early Reform **posqim**. As a contrast you might consider the report of the committee the following year (1920) on what Jewish liturgical ceremonies (**qiddush**, wedding, Passover seder, etc) required the use of wine. Asked in the wake of the adoption of the 18th amendment, this responsum consumed nearly five pages of close argumentation and analysis. (31) Serious and detailed responsa could be written when the Committee felt the urge.

I cite these numerous cases to make a simple point. The first generation of American Reform responsa were interested in only a certain range of issues. As Kohler himself put it in 1913, "To sum up all I have said, we must in all matters of reform and progress agree upon the leading **principles** and not allow them to become arbitrary and individualistic...". (32) He was interested in scholarly essays which would examine the history of Jewish culture to determine what was essential for today's world. These issues engaged him; merely **halakhic** trivialities did not. This is indicated not only by what was and was not asked, but also by how the occasional **halakhic** questions that did emerge were handled.

Along these same lines, it must be pointed out that other presumably **halakhic** issues were being considered by the Conference at this time, but not in the context of the Responsa Committee. Conference Committees were working at this same time on the question of music in the liturgy, on writing a new prayerbook, on revising the **Pesah**

Haggadah, on determining responsibility for social action, on considering services held during the summer months, and on composing a "minister's handbook" which would establish a Reform standard in baby-namings, conversions, marriages, funerals and the like. The Responsa Committee worked in the interstices.

All in all then, we can say that Responsa writing as a function of the CCAR started late, had a rough beginning and continued to be a sort of step-child. Under Kohler's midwifery, Reform responsa came to be reminiscent of the Gaonic responsa. They were the decisions, sometimes oracular, of the collective body of rabbinic leaders, represented in this case not by the dean of the academy but by the chair of the Responsa Committee. It was also the case that the main focus would be on matters of principle, not on actual **halakhic** development. In short, Reform responsa in America addressed practical needs in a form that was in essence an academic essay. The rabbinic learning evident in them was rarely to the level we would expect of the men whose signature they bore.

Despite, or maybe because of, these characteristics, the enterprise of writing responsa for the American Reform Jewish community continued. The effort had clear institutional support from the CCAR itself. The committee continued to function and had as its chair some of the most distinguished scholars that the Reform movement had to offer: Kaufmann Kohler (who was also president of Hebrew Union College, thus making the connection between his responsa and the Gaonic responsa even more striking). Jacob Lauterbach (1923 to 1933), Jacob Mann (1934-1939), and then Israel Bettan (1940 to 1954). (33) Support on the part of the broad membership of

the Conference, however, was another matter. Through the late twenties, and all of the thirties and forties, the publication of responsa in the **Yearbook** was spotty at best. In some years the Committee had no recorded report at all. At other times its report consisted of little more than an announcement that only a few questions had arrived and had been answered directly by the chair. Only every two or three years, on the average, did the committee feel it worthwhile to publish one or more of its responsa as being of more general interest. So the Committee continued to exist, to be led by prestigious scholars, but to be something of a sideshow.

Even a cursory look through the Tables of Contents of the **Yearbooks** reveals that a change was starting to take form in the early fifties. One harbinger of this was the commission given to the committee in 1950 to bear primary responsibility for drafting a paper which would express the Conference's support a bill in the New York state assembly that would legalize euthanasia in certain cases. The lengthy result, published in the **Yearbook** for 1950, thrust the Committee into a prominence it had never had before. (34) In fact, it had published hardly anything for the last decade. The clouds of change gathered even more ominously by 1952, when the **Yearbook** published two responsa (the last time that happened was 1941), the first of which contained two answers, the one by Alexander Guttmann being a model of classical rabbinic scholarship complete with the citation of sources in Hebrew. The storm burst in 1953, with five responsa published, and thereafter there was a steady and unbroken drizzle of responsa (if I may belabor the metaphor just a bit). From 1952 on, then, responsa are a fixture in the **Yearbook**.

This year was significant in other regards as well. It was at just this time that responsa began to appear in the new professional journal published by the CCAR. (35) Responsa were moving from being occasional committee reports to being part of the fare of Reform rabbinic professional reading. It was also at about this time that the Committee chair passed to Dr. Solomon Freehof. For all these reasons, then, I think we are justified in saying that the early 1950's marks a turning point in the evolution of American Reform responsa-writing. To understand what changed and what that change might mean, we need to turn to the formal characteristics of these new-age responsa. It is to this task that we now turn.

We can sum up at least the gross formal characteristics of Reform responsa since the mid-fifties under four topics. First of all, under Freehof we see emerging the Reform equivalent, for the first time, of a poseq, that is, a rabbi who emerges as a responsa authority on the basis of his own personal qualifications, not only as the holder of an office. Second, there is an almost exponential increase in the number of Reform sheelot submitted and so in the number and themes of the resulting responsa. This is illustrated simply by the number of collections of responsa published by Dr. Freehof over the past thirty years or so: *Reform Responsa* (1960), *Recent Reform Responsa* (1963), *Current Reform Responsa* (1969), *Modern Reform Responsa* (1971), *Contemporary Reform Responsa* (1974), *Reform Responsa for Our Time* (1977) and *New Reform Responsa* (1980). In all, there is now a veritable library of Reform responsa on library shelves, dealing with a broad range of issues.

This is a far cry from the early years in which responsa of the Reform movement were

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found only buried in the Responsa Committee reports of the CCAR, and then only every second or third year. So we have the first two characteristics of Reform responsa today, the emergence of the Reform equivalent of a *poseq* and the corresponding creating of a publically accessible Reform responsal literature covering literally hundreds of questions.

Two more formal characteristics of contemporary Reform responsal writing should be mentioned, both pointing to a reconception within the movement of the nature of responsa-literature for the Reform movement. The one, the third of the four we promised, has to do with how the responsa argue their case. In general, the first generation of Reform responsa tended to base their argument - when they had one - around what were assumed to be universally accepted philosophical and religious truths. This is, of course, perfectly predictable on the basis of the Reform movement's European roots in German idealism. For both Kant and Hegel, the two great philosophers on whom the Reform movement drew for its intellectual self-understanding, the concrete aspects of a religious life were but reflections of the more abstract reality of the cosmos. When remaking a religious tradition, as the German reformers were doing, one turned not to the tradition itself, but to the truths of the cosmos that philosophical inquiry revealed. That is why, it seems to me, that early rabbinic *teshuvot*. This influence also carried over in the early responsa of the CCAR. As writers on Reform Jewish practice, they saw themselves more as Jewish interpreters of philosophical and religious truths than as continuators of rabbinic culture. This is why they rarely cited earlier rabbinic sources, and when they did it was likely to be Maimonides, a fellow philosopher.

This dependence on the German idealistic philosophical tradition is no longer so evident in Freehof. His tactic, certainly rhetorically but also substantively, is to go back to classical rabbinic responsa and adduce a Reform position from them. That is, Freehof's responsa present themselves as continuous not with Kant or Hegel, but with the responsa literature in general. His texts are certainly Reform in spirit, but reading them is reminiscent of reading traditional rabbinic texts once again.

We might wish briefly to speculate on the meaning of this shift. It is, of course, the case that American Reform Judaism is a different movement from German Reform. While this is self-evident, it probably does not hurt to say this occasionally. Freehof reflects in his essence the American situation, not the European one. Second, his retrieval of a virtual library of responsa material from post-Holocaust Europe provided a corpus of resources. Third, we might point to the gradual reappropriation of tradition by Reform in the post-Holocaust period. To put matters somewhat bluntly, it seemed now more appropriate to base Reform ethics on medieval rabbis than on a modern German philosopher. These reasons, among others, provide the cultural background within which Solomon Freehof's unique intellectual gifts could be applied to, of (all) things, Reform responsa.

I said earlier that there were four formal characteristics of contemporary Reform responsa that I wished briefly to present. We have now mentioned three: Freehof as Reform poseq, the exponential increase in sheelot and so of Reform responsa, and the reappropriation of traditional rabbinic writings into the argument. The fourth

characteristic, which I take as significant, is the publication of **Responsa of the C.C.A.R.** in 1954 and more recently of Walter Jacob's collection of past responsa of the CCAR in his **American Reform Responsa**. (36) I think these are significant because they reflect a willingness on the part of American Reform to acknowledge, preserve and make accessible its own response tradition. It signals, I believe the acceptance of writing responsa into American Reform Judaism. These collections indicate that writing responsa is now an accepted, long-standing and important part of American liberal Judaism.

Let me sum up my argument so far. We have now seen the outstanding features of Reform responsa from the publication of **Noga Hatzedeq** to the present day. Our review has revealed both successes and failures. We have seen the formally Orthodox material in **Noga Hatzedeq** prove to be sterile within Reform Judaism. At the same time we saw that the "**Gutachten**" -genre also failed to seen an ongoing literary tradition. On the other hand, the American style of responsa has proven to be vital and fecund. Since the point of this study is to learn about the nature of Reform **halakhah**, and we have chosen to do so through an examination of its characteristic literature, responsa, we must now try to draw some lessons from the evidence before us.

I think we can account for the failures of the German Reform responsa fairly easily. The **Noga Hatzedeq** style failed to catch because, as I said, it was too bound up with the contemporary Orthodox mode of responsa-writing, and so depended too heavily on the presuppositions that made Orthodox responsa work, presuppositions that the Reform movement was specifically dedicated to denying. The **Gutachten** on the other hand were

too secular to justify themselves as Judaic literature. Given their rhetoric, one wonders why simple academic journal articles would not work as well. In fact such journal essays did become the primary vehicle for the expression and development of subsequent German Reform. In short both forms failed for the same reason, neither type developed a format that was able to synthesize traditional Judaic rhetorical form with contemporary religious content. Each settled on an extreme. This conclusion suggests what it was about the discourse found in the American responsa that allowed this mode to succeed. It shaped a rhetoric reminiscent of classical Judaic discourse that was nonetheless compatible with modern religious needs.

Before concluding, let me speculate briefly on the dynamic apparent in the development of American Reform responsa. In the early part of this paper, I compared the first generation of American Reform responsa to the responsa of the Gaonim, the heads of the Talmudic academies in Babylonia in the ninth and tenth centuries. At that time I pointed out as basic characteristics shared by both the general brevity of the responsa, the citation of little else than Scripture and maybe Talmud - that is, the most basic sources - and the claim to authority based on the office of the signee (Gaon, chair of the Responsa Committee). I now want to argue that what we see emerging in subsequent Reform responsa - those published from the early 1950's on - correspond in suggestive ways to the phase in the development of the classical responsa tradition that followed the Gaonic period. By the tenth or early eleventh century, as I said, the Gaonic academies in Babylonia were in decline. In their place there emerged a number of new rabbinic centers in the far-flung corners of the Jewish world, in North

Africa, for example, and in southern Europe. Responsa came to be written more and more by local, individual **posqim**, decisors who had earned for themselves a reputation for scholarship. These **posqim** could not rely on their office itself to impart authority to their responsa, and so they resorted to argumentation, especially argumentation based on past authority, whether Scripture, **Talmud** or eventually even other responsa. Their rulings were no longer simply declared, but rather adduced. They had to be made credible in the marketplace of ideas. Further, since, these were local authorities living and working amid Jews in the newly emerging culture of Europe, responsa began to take on a much wider range of issues. Finally, there is good evidence to suggest that it was at this time, the eleventh through fourteenth centuries, that European rabbis first began seriously to collect and preserve the responsa of the Gaonic past. The reason was, no doubt, because these now became precious resources for the creation of new responsa. All in all, with the collection of older responsa, the emergence of individual rabbinic **posqim** and the increasing area of responsa concern, we can say that responsa in the 10th through 12th centuries became rabbinized.

The parallels with what appears to be happening with Reform responsa are interesting. We see a similar maturation, a sort of Reform-rabbinization, occurring within our own tradition. First of all the responsa have grown from being short and at times cursory proclamations of the Responsa Committee, to fully developed essays which argue their point in detail and tie their results closely to rabbinic sources. Second, the range of literature cited has become wider. With Dr. Freehof, for the first time classical rabbinic responsa are routinely cited along with the old

standbys of Scripture, Talmud and Shulkhan Arukh. Third, again with Dr. Freehof, the person who issues the responsa begins to have an authority based on his own scholarship, not merely as the holder of an official position. And we also have the collection and republication of older responsa. We seem, in short, to be witnessing a recapitulation of the development of the responsa literature within our own movement. Needless to say, this has tremendously interesting implications for what Reform is, how it relates to traditional rabbinism, and for what its future trajectory might be. These speculations, however, move us into the future and so into another paper.

We may, however, ask what all this means for our understanding of Reform **halakhah**. Although our historical perspective is short - Reform is only about a century and a half old, and Reform responsa barely eighty years - nonetheless I think some tentative conclusions can be ventured. First of all, the success of responsa in America tells us, I think, that such a thing as Reform **halakhah** is emerging. The word **halakhah** clearly has a different meaning in Reform than it does in Orthodoxy, but when a responsa-type literature can be sustained for eighty years, some concept of **halakhah** must be at work. I think further that if the analogy which I have drawn between the trajectory of Reform responsa and that of the Gaonic/early medieval responsa is correct, then we will see Reform **halakhah** becoming both more pervasive and more decentralized as time passes. More and more issues will come up for Reform **halakhic** scrutiny and more and more Reform rabbis will become involved in writing responsa to deal with them. Further, if the analogy holds, Reform practice will become not less diverse, but more so. What will hold matters together is not so much a common **minhag**, but a common sense that whatever

we do must be grounded in the literature of our common heritage, just as was true in the early Middle Ages.

It is, of course, the notion that a concept of Reform *halakhah* is beginning to manifest itself in our movement that is so interesting. I think this represents an important stage in the re-rabbinization of Reform. The Reform movement began as a lay movement that was soon explicitly rejecting traditional rabbinic authority, as were other modernist movements such as Hassidism two generations earlier and as Zionism would two generations later. It gathered rabbinic support only gradually and has still not fully done so. But even the rabbis who gradually came to lead the movement in Germany in the 1830's and 1840's were hardly rabbinical in the classical sense. They were more modern academicians than anything else. In fact, by the late nineteenth century, German Reform was still presenting itself as a kind of universal religion of reason, completely pushing aside its particularistic roots. The movement, especially in ethnic-conscious America has turned back the other way. There is among us a strong sense of ethnic identity, of a common history and heritage, and a commitment to take charge of our own particular destiny as a people. In this change, Reform has slowly become re-rabbinized in the sense that it is turning away from reliance on secular philosophy and turning toward its indigenous spiritual authority centered in the rabbinic office. This development, I submit, is evidenced in the new flourishing of Reform responsa, a literature which draws its lifeblood from the values, principles and rhetoric of the rabbinic estate. What is emerging, of course, is not the classical rabbinic responsa of Orthodoxy. We are in the process of creating our own modern rabbinic culture. In this process of birth, the

tradition of Reform responsa writing plays a subtle, but I think also essential, role. If so, then Solomon Freehof and Walter Jacob have played midwife to a major process of revitalization in American Reform Judaism.

Notes

1. Jakob Petuchowski, **Prayerbook Reform in Europe, the Liturgy of European Liberal and Reform Judaism**, New York, WUPJ, 1968, esp. chap. 5.
2. Published in Hamburg by B. S. Berendsohn, 1842.
3. Published in Breslau by Leopold Freund, 1943.
4. The Committees first appearance occurs in vol. XXI 1911, p. 67, but is simply recorded as an oral report received by the Conference. The first published text I could find is in vol. XXIII, 1913, pp. 166ff.
5. **American Reform Responsa: Collected Responsa of the Central Conference of American Rabbis, 1889-1983**, ed. by Walter Jacob, New York, CCAR, 1983.
6. A resolution was presented during the 1906 Conference calling on the president "to appoint a committee of two to whom such questions may be submitted and who shall furnish the responsa for the Year Book" vol. XVI, 1906, p. 67. There is no record of the approval of this resolution by the Resolution Committee. However, the next volume of the Year Book lists an eight member Responsa Committee for 1907-1908.
7. See especially Joel Mueller, "Brief und Responsen in der vorgeonaeischen juedischen Literatur" **Vierter Bericht ueber die Lehranstalt fuer die Wissenschaft des Judenthums**, Berlin, 1866, pp. 3-4.
8. The exact date when responsa began to be written is still unclear. See Simha Assaf in

"**Techuvot Hagaonim**" in **Tekufat HaGeonim Vesifrutam**, Jerusalem, Mossad HaRav Kook, 1967, p. 21.

9. A detailed reconstruction of how the Gaonic office worked is Alexander D. Good, "The Exiarchate in the Eastern Caliphate, 637-1258" in **Jewish Quarterly Review, New Series**, vol. 31, 1940-41, pp. 149-169. See also Salo Baron, **A Social and Religious History of the Jews** New York, Columbia, 1957- , vol. V, pp. 5-24. Simha Assaf tries to suggest how questions were received and answers sent in "**Ha'im Katvu Hagaonim et Teshuvotehem raq bekalah Beadar?**" in **Tekufot**, pp. 257-260.

10. The decline of the Gaonate is described in Simha Assaf and Joshua Brand, "Gaon" in **Encyclopedia Judaica**, VII, 318. See also Jacob Mann, **Texts and Studies II**, Philadelphia, JPS, 1935, pp. 202f. The rise of local rabbinic centers especially in Spain and North Africa is detailed in Eliyahu Ashtor, **The Jews of Moslem Spain**, trans. by Aaron Klein and Jenny M. Klein, Philadelphia, 1973, I, pp. 230-241. For southern Europe and developments, cf. Cecil Roth, "Introduction", **The World History of the Jewish People**, XI, Rutgers, 1966, p.6.

11. The intellectual background to this development is presented by Isidore Fishman, **The History of Jewish Education in Central Europe**, London, Goldstar, 1944, especially pp. 103-109.

12. **Noga Hatzedeq** Dessau, G. Schlieder, 1818, p.

19. Actually, this volume contains a number of different responsa, including **Derekh Haqodesh** by ShemTov ben Joseph Chaim ben Samon, **Ya'ir Nativ** by Jacob Chai Reconati; **Kenat Haemet** by Aaron Chaim and an essay, **Or Nogah**, by Eliezer Libermann. Selections from all of these are translated by Alexander Guttman in **The Struggle over Reform in Rabbinic Literature**, New York, WUPJ, 1977, pp. 177-208.

13. The text of the ban is reprinted in the

- introduction to this volume, pp. 14-15.
14. **Theologische Gutachten**, p. 109. This same point, using similar language is made in the **Talmud of the Land of Israel**, Yoma 39:2 and Yebamot 12:l, for example.
 15. **Ibid.**, p. 36.
 16. **Ibid.**, p. 78.
 17. Solomon A. Tiktin, **Darstellung des Sachverhaeltnissess in seiner hiesigen Rabbinat-Angelegenheit**, Breslau, H. Richter, 1842. A general introduction to the debate with a translation of some of the texts may be found in W. Gunther Plaut, **The Rise of Reform Judaism**, New York, WUPJ, 1963.
 18. See especially the opening piece by Friedlaender.
 19. **Rabbinische Gutachten**, pp. 21-22, repeated on p.32.
 20. **Ibid.**, p. 24
 21. **Ibid.**, p. 151
 22. **Ibid.**, p. 82.
 23. **Yearbook of the CCAR**, V. XXV, 1915, p. 81.
 24. **Ibid.**, V. XXVI, 1916, p.133.
 25. **Encyclopedia Judaica**, X, p.1142.
 26. The Responsa Committee report begins on p. 166.
 27. **Yearbook**, V. XXIV, 1914, pp. 152-154.
 28. **Yearbook**, V. XXVIII, 1918, pp. 117f.
 29. The reference to his being sick appears as the beginning of his committee report as recorded in the **Yearbook**, V. XXXIX, 1919, p. 74. At this time he introduced a written supplement to his responsum of the previous year addressing the issue of **tipat dam**. This supplement appears on pp. 86-87 of the **Yearbook**
 30. **Yearbook**, p. 79.
 31. **Yearbook**, V. XXX, 1930, pp. 108-112.
 32. **Yearbook**, V. XXIII, 1913, p. 183, emphasis in original.
 33. Jacob Lauterbach was ordained by the

Rabbiner Seminar fuer Orthodoxes Judentum, founded by Rabbi Azriel Hildesheimer. He thus had a solid foundation in Talmudic and rabbinic learning. His successor, Jacob Mann had a traditional Jewish education in his hometown of Przemyśl, Galicia and later studied rabbinics at Jews' College in London. The fourth chair, Israel Bettan, was an ordainee of HUC. In his youth, however, he came to America at age 18, he studied in the renowned Slabodka Yeshiva.

34. **Yearbook**, V. LX 1950, pp. 107-110.

35. The **CCAR Journal** began to appear in 1953. Its first issue contains a responsum by Israel Bettan.

36. Walter Jacob, **American Reform Responsa**, New York, CCAR, 1983.

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