

Study Guide for *Modern Responsa: An Anthology of Jewish Ethical and Ritual Decisions*
by Rabbi Pamela Barmash

In this study guide, I present twelve general questions that you can use in reading responsa. Then for each responsum, I provide study questions geared for each section (starting on page 2 in this study guide). I conclude this study guide with two annotated lists (starting on page 29 in this study guide), one of websites that I will update from time to time as new websites are launched and others are removed as well as a bibliography.

Please feel free to contact me if you have any questions or comments <pbarmash@wustl.edu>.

Twelve General Questions

These twelve questions may be used to deepen your understanding of each responsum and responsa in general:

1. Were you surprised that this book opens with a chapter on personal and business ethics? If so, which topics would you have expected this book to start with? Why did the author start with a chapter on personal and business ethics?
2. Look at the table of contents. What is the range of chapter topics? What significance does this have for understanding the role of responsa in Jewish life today?
3. Is there a deeper question being asked of the rabbinic decisor? For example, underlying a presenting question might be the issue of whether Jewish law is shaped by ethics, or whether ethics is equal in importance to ritual, or whether posekim should seek to be lenient or restrictive, etc. Sometimes, this may only be apparent after reading the responsum all the way to its *pesak* (ruling).
4. How might the rabbinic decisor's background inform the approach taken to answer the question?
5. How does the rabbinic decisor start to answer? How might that influence the *pesak din* (ruling)?
6. Which rabbinic sources are cited, and how are these used to persuade the reader?
7. Which other sources are cited? Why does the rabbinic decisor think these are important? How are they used?
8. Does the *posek* (rabbinic decisor) address contesting points of view, and if so, how are these refuted?
9. Sketch out the flow of the *posek*'s points— why does the *posek* think this line of argument is convincing?
10. Which assumptions has the rabbinic decisor made? What does this say about the rabbinic decisor and the community being addressed? What does this reveal about the rabbinic decisor's rabbinic colleagues, who are the primary readers and teachers of the responsum?
11. How well does the *pesak din* answer the question posed at the beginning?
12. If there are multiple responsa on an issue, how do these differ? Do they use the same sources, and if so, do they interpret them the same way? How do their arguments vary? How and why do they come to the same or different conclusions?

Chapter 1: Personal and Business Ethics

Text 1.1, Cardin and Reisner, “On the Mitzvah of Sustainability”

Question:

What is the question that Rabbis Cardin and Reisner are addressing? Should this be a concern of halakhah (Jewish law)? What does this tell you about the scope and range of halakhah?

How do the backgrounds of Rabbis Cardin and Reisner affect how they answer the question?

Section A:

If you have not read the Creation stories in the Torah, it may be worth your while to read Genesis 1:1 -2:4a, especially, 1:28 versus Genesis 2:4b-19, especially 2:15.

How do Rabbis Cardin and Reisner interpret the Creation stories of the Torah? How convincing is their interpretation? Why do they start their responsum with interpreting biblical texts rather than analyzing a halakhic principle or rule or text?

Section B:

How are the crises that Rabbis Cardin and Reisner identify the result of the human behaviors they list at the end of this section?

Section C:

Rabbis Cardin and Reisner introduce a halakhic principle. Read Deuteronomy 20:19-20 — how is *bal tashhit* derived from this verse?

How do they want to reinterpret this principle, and how does their reinterpretation of this principle relate to the way they began their responsum, with reinterpreting the Creation stories? Do you think their reinterpretation is justified?

Do you agree with their argument that sustainability is as important to Jewish observance as reciting the Shema or building a *sukkah*? Is sustainability more important? Less important?

Pesak Din:

How does the pesak answer the question that was posed at the beginning?

How general or specific is the pesak? How does it apply to your life? Your Jewish community? Your work or school life? How would you try to implement the pesak in your behavior?

Does it make sense that the pesak does not include specific directives for behavior?

Text 1.2. Leff, “Whistleblowing: The Duty to Report Employer Wrongdoing”

Question:

What is the question that is addressed in this teshuvah? How does Rabbi Leff’s background affect his answer?

Section A

How does Rabbi Leff introduce the issue he is going to discuss? What are the reasons why someone should be a whistleblower? What are the factors that make it difficult to be a whistleblower?

Which halakhic principles does he integrate into his analysis? Are they principles that apply in general to human behavior or to commerce in particular?

Section B

Why does Rabbi Leff bring the rules against *lashon hara* into his analysis?

There are specific halakhic rules for business. Why does Rabbi Leff decide to base his teshuvah on halakhic rules that apply to every action, the rules against *lashon hara*?

Section C

How does Rabbi Leff chart the various forms of corporate malfeasance? How well does his analysis make sense to you?

Which principles of Jewish law and ethics are incorporated into the analysis, and what are the consequences for different forms of corporate malfeasance?

Section D:

One of the most famous principles of halakhah is *pikku'ah nefesh*. Look in the index to see how often (and how) it is used in other responsa in this book.

Why does Rabbi Leff believe that this is the principle that should apply to whistleblowers?

Section E:

Why does Rabbi Leff argue that blowing the whistle on financial misdeeds is less obligatory in halakhah?

Pesak Din:

How well does the pesak answer the question that was posed at the beginning?

Text 1.3. Weiss, "About Commercial Encroachment"

Question:

What is the significance of a beit din asking Rabbi Weiss for counsel in this situation?

Why are the parties to the case anonymized with the names Reuben, Simon, and Jacob?

Why is an issue of commerce part of Jewish law?

Outline this somewhat complicated case.

What does it reveal about the beit din's community that Simon won't listen to the beit din's decree but Jacob may?

Section A

Why is the concept of "a pauper examining an abandoned loaf of bread" apropos in this case?

What is the disagreement about competition? How might this apply to the situation in question?

Rashi is a well-known medieval commentator. Look at the index to see how else his commentaries are used in responsa. What does that say about him?

Section B

Why does Rabbi Weiss bring into the discussion the medieval/early modern concept of ma'arufya? How does this apply in this case?

Pesak Din

Why does Rabbi Weiss advise the beit din to issue a decision for Jacob to follow? He is not the one who is at fault.

Why issue a ruling for the party who has not directly done the harm to another party?

What does the pesak reveal about the influence of ethics on halakhah?

Text 1.4. Somekh and Al-Ḥakam, "On Commerce in the Markets of Malabar"

Question:

Rabbi Joseph Ḥayyim Al-Ḥakam is usually referred to by the name of his most-famous book, the Ben Ish Ḥai — what does this reveal about Jewish culture?

How does the life situation of Rabbi Somekh affect his view of the question?

Why would Rabbi Somekh publish a responsum to a question he received in a private letter from his nephew?

What does this question tell you about the business practices of Rabbi Somekh's nephew?

Section A

What are the halakhic principles discussed in this section, and how are they pertinent?

Look at the biblical verses included in this section. Why did they become general halakhic principles?

Why does Rabbi Somekh discuss halakhic principles that he concludes are not applicable?

Look up Tosafot in the Index and glossary. Can you make any generalizations as to how Tosafot used in responsa?

Section B

How does this analysis of the case differ from the previous section?

What is the conclusion here about whether the halakhic principle of not placing a stumbling-block is applicable?

Section C

Why does Rabbi Somekh continue to analyze the problem? Why doesn't he just stop at the end of Section B?

Which halakhic principle is discussed in this section, and how does it differ from the previous principles discussed?

Section D

Which principle is discussed here?

What new information about the case do we learn here?

Section E

Rabbi Somekh sends his answer to his nephew but then asks his brother-in-law, Rabbi Joseph Ḥayyim Al-Ḥakam (the Ben Ish Ḥai) for his opinion. What do rabbi authorities consult with other rabbinic authorities?

How does Rabbi Joseph Ḥayyim assess the situation, and what is his conclusion?

Text 1.5. Barmash, “Veal Calves”

Question:

How does Rabbi Barmash shape the question to be addressed?

What is implied in Rabbi Barmash’s question about whether only the rules of kashrut apply to food?

Section A

Why does Rabbi Barmash start the teshuvah with a description of how veal calves are raised?

Section B

Why does Rabbi Barmash begin with quotes from the Torah?

Section C

How does the analysis of rabbinic sources further the argument of the teshuvah?

Look at the index for the citations of Maimonides. How is his work employed in responsa?

Section D

Which authorities does Rabbi Barmash quote, and what significance does that have for the argument of the responsum?

Pesak Din

Why does the prohibition include raising veal calves as well as selling and purchasing veal?

A question arises from Rabbi Barmash’s discussion: would the halakhic prohibitions banning veal also apply to other animals raised for food? Or are the conditions under which veal calves are raised so much worse than for other animals? Or is veal a food that can easily be avoided, unlike other products?

Chapter 2: Ritual

Text 2.1. Sofer, “On Using the Vernacular in Prayer”

Introduction and Question:

Why is the traditional rule of the Mishnah and Talmud about reciting prayer in a language other than Hebrew? How does the Shulḥan Arukh reshape this rule? (Be sure to look up these books in the glossary if needed.)

How is this responsum part of Rabbi Sofer’s efforts to create Orthodox Judaism?

Why is Rabbi Sofer against the Haskalah and its revival of Hebrew as a contemporary language?

Why is he advocating for the use of Hebrew as the main liturgical language?

What was the traditional view of the use of Hebrew or the vernacular in prayer?

How does Rabbi Sofer's responsum reflect the debates in the Jewish community in Europe?

Opening Remarks

How does Rabbi Sofer's rhetoric advance his argument?

How does he describe those he disagrees with? Why?

Section A

How does Rabbi Sofer describe Second Temple times, and how does he integrate this description into his argument?

How does Rabbi Sofer explain the differences between Sefardic and Ashkenazic liturgy, and why does he have to explain the difference? (Hint: there are differences in the wording of Sefardic and Ashkenazic liturgy.)

Section B

How does Rabbi Sofer reinterpret the rule allowing prayer in the vernacular?

What are his arguments for the use of Hebrew? What kinds of arguments does he make?

How convincing are his arguments?

Why does Rabbi Sofer not acknowledge that he is making an innovative ruling that contradicts the Mishnah, the Talmud, and the Shulhan Arukh?

Section C

What is his argument for making an analogy from the Torah reading to the language of prayer? Are you convinced?

Pesak Din

Rabbi Sofer could have concluded his responsum with a one line statement that prayer must be in the vernacular. What other material does he include, and why does he include other material?

Text 2.2. Halevi, "What Are the Chances That Our Prayers Are Answered by God?"

Question:

Why does Rabbi Halevi answer a theological question with a responsum? Are you surprised by this?

Section A

What is Rabbi Halevi's argument in this section?

Why must he include these biblical texts?

What theology informs the quote from the Talmud?

Section B

Which theological quandaries is Rabbi Halevi addressing?

How does he answer them? What do you think of his answer?

How do you conceive of the purpose(s) of prayer?

Section C

What does Rabbi Halevi argue is the true goal of prayer?
Do you agree with his conclusion?

Text 2.3. CCAR Responsa Committee, "A Sex Offender in the Synagogue"

Introduction and Question

Many Jews assume that halakhah (Jewish law) is not central or important to Reform Judaism. Why does the Reform movement issue responsa?

While this responsum could have addressed the general issue of whether to allow a sex offender to participate in synagogue life after serving a prison sentence, why are the particular circumstances addressed in this responsible especially troubling?

Section A

Why does the Responsa Committee first address the issue of repentance?

Section B

Why does the Responsa Committee then address the issue of protecting from danger?

Section C

What is the pesak of the Responsa Committee regarding the sex offender?

Section D

What does the Responsa Committee conclude about the offender's mother? Do you anticipate that the victim or the victim's parents will be satisfied with the ruling of the Responsa Committee?

Section E

Why does the responsum include a partial dissent?

Chapter 3: Personal Status

Text 3.1. Oshry, "The Case of a Mamzer Rabbi"

Introduction

How does a person become a *mamzer*?

Is there a way to stop being a *mamzer*?

If a person is a *mamzer*, will that person's child also be a *mamzer* ?

Question

How did this young rabbi become a *mamzer*?

Why was the first husband so angry that he wanted to publicize the young rabbi's status as a *mamzer*? (This may be unanswerable.)

What emotional rhetoric does Rabbi Oshry employ to describe the situation and the young rabbi's emotional state?

Why did neither Rabbi Oshry nor the young rabbi question whether the man claiming to be the first husband was who he claimed to be?

Section A

Which halakhic rules did Rabbi Oshry consider?
 What does Rabbi Oshry think is a rabbi's role?

Section B

Look at the index and see where *hillul hashem* is found. How is this concept used in the responsa in this book?

How does Rabbi Sofer's background explain his interpretation of *hillul hashem*. See his biography in Text 2.1.

Pesak Din

What is Rabbi Oshry's ruling?

Rabbi Oshry could have concluded his responsum with a one line statement. What other material does he include, and why does he include other material?

Text 3.2. Spitz, "Mamzerut"

Question

How does Rabbi Spitz's question differ from Rabbi Oshry's?

Section A

What does Rabbi Spitz decide to start his analysis with calling attention to the ethical problem raised by mamzerut?

What are the two views in the Bible regarding regarding innocent children?

What is the additional problem regarding converts that Rabbi Spitz's calls attention to?

What is happening in contemporary times that may be creating more possible *mamzerim*?

Section B

What is the Langer case? How is it pertinent to the question Rabbi Spitz is answering?

Section C

What are the rationales for *mamzerut*?

How does Rabbi Ouziel understand the rationale of communal purity for *mamzerut*?

What significance does this have?

What does Rabbi Isserles reveal about *mamzerim* in Jewish communities

Section D

Why does Rabbi Spitz explicitly discuss whether halakhah is influenced by morality?

Section E

How did the rabbis of the Mishnah and the Talmud deal with ethically problematic laws?

Why does Rabbi Spitz bring this in?

Pesak Din

What is Rabbi Spitz's pesak? Do you think it is effective?

Text 3.3. Mesas, "A Pesak Din in a Matter of Mamzerut"

Introduction and Question

What is the State Rabbinat of Israel, and how does it deal with *mamzerim*?

Which halakhic principles are being used to deal with cases of *mamzerut*?

What is the messy situation that Rabbi Mesas addresses?

What is the first way that Rabbi Mesas tries to resolve the case?

Why did Rabbi Mesas include the names of those involved instead of anonymizing them?

Why did the author of this anthology decide to anonymize them?

Section A

What information about weddings in Tunis does Rabbi Mesas discover that affects the case?

What information about this particular wedding does Rabbi Mesas discover that affects the case?

Section B

Which principle of Jewish law does Rabbi Mesas discuss?

How does it apply to the case at hand?

What do you think of applying a principle like this?

Section C

Which principle of Jewish law does Rabbi Mesas discuss?

How does it apply to the case at hand?

What do you think of applying a principle like this?

Pesak Din

Why does Rabbi Mesas ask for Rabbi Yosef's affirmation of the pesak?

Compare how the three rabbis deal with *mamzerut*. Which way do you favor as the most compassionate? The most true to Jewish law? The least complicated to put into practice? The most effective to prevent someone from declared a *mamzer*?

Text 3.4. CCAR Responsa Committee, "Patrilineal and Matrilineal Descent"

Question:

Why did the Responsa Committee write a responsum if the CCAR had already approved a declaration about patrilineal and matrilineal?

Section A

Which arguments against matrilineal descent does the Responsa Committee highlight?

Section B

Which arguments for patrilineal descent does the Responsa Committee highlight?

Section C

What are some possible acts of identification for those claiming to be Jewish by patrilineal descent?

Why does the Responsa Committee not require acts of identification for those claiming to be Jewish through matrilineal descent?

What are the additional reasons that the Responsa Committee offers for insisting upon acts of identification? Do you find these reasons compelling?

Pesak Din

Why was/is this ruling controversial, even within the Reform movement?

Text 3.5. Yosef, "On the Status of Ethiopian Jews"

Introduction

Why did Rabbi Yosef become the outstanding Sefardic/Mizrahi rabbinic decisor of his time?

Section A

How did Rabbi Yosef involve himself in the public debate in Israel over Ethiopian Jews?

Which rabbinic authorities does Rabbi Yosef cite? (Hint: see where they lived) What is the significance of whom he cites?

Section B

Why must Rabbi Yosef address the issue of the traditional marriage practices of Ethiopian Jews? What were they?

Pesak Din

Why must Rabbi Yosef specify that Ethiopian Jews need not convert to Judaism, even to compensate for any doubt about their status?

Text 3.6. Barmash, "The Status of the Heresh [Deaf Mute] and of Sign Language"

Question

Rabbi Barmash addresses the question of the status of the *heresh*. Is there a deeper question that is being addressed? (Hint: Do new understandings have an influence on halakhic decision-making?)

Section A

Why does Rabbi Barmash call attention to the negative aspects of Jewish tradition?

Why do the Jewish Deaf feel disappointed by Jewish tradition?

Section B

With whom is the *heresh* categorized?

Why is the *heresh* exempted from the mitzvot? Is this the case for those with other physical disabilities? What are the consequences of this exempted?

Section C

What started to change in the 19th century for the Deaf?
How did this influence rabbinic authorities?

Section D

What does Rabbi Barmash argue for?
Which specific mitzvot are addressed in this section? How are they to be fulfilled?

Pesak Din

What different aspects of Deaf culture and Jewish observance are dealt with in this pesak?

Chapter 4: Women

Text 4.1. Lauterbach, “Shall Women Be Ordained Rabbis”

What was occurring in American society at the time this question is being considered?
Why did the HUC Board of Governors ask Rabbi Lauterbach for his ruling?

Section A

How does Rabbi Lauterbach interpret Jewish tradition about women? What does he call attention to, and what does he ignore?

Section B

Why does Rabbi Lauterbach believe that ordaining women would cause a break between the traditional rabbinate and the Reform rabbinate?
Look at texts 8.1 and 8.2. What do other rabbis think?

Section C

Why does Rabbi Lauterbach feel that women cannot serve as rabbis?

Section D

How did other Reform rabbis react to Rabbi Lauterbach’s ruling?
When did HUC ordain its first woman rabbi? Why did it take place then and not earlier?

Text 4.2. Herzog, “Takkanot on Marriage and Yibbum”

How did Rabbi Herzog’s background influence him to issue these *takkanot*?
Why did he seek other rabbinic authorities to join him in issuing these *takkanot*?
Compare this *takkanah* to the other responsa in this volume: How do they differ? How are they the same?

Section A

How does Rabbi Herzog characterize the ingathering of Jews in the Land of Israel?
How does he emphasize the authority of his *takkanah*?

Section B

For which provisions of his *takkanah* does Rabbi Herzog provide reasons? Why does he do so for some but not all provisions?
What do you think of the reasons he offers?

Why are the punishments directed at men, not women?

Text 4.3. Roness, "When Staining Renders a Woman Niddah"

Introduction and Question

What were the circumstances that gave rise to the training of *yo'atzot halakhah*?

If the decision was made to not call the women by the title *posek*, why are their replies termed *responsa*?

What is *niddah*?

Section A

Why does the responsum start with a section that gives a concise answer, without delving into the halakhic debates and differing points of view?

What does section A discuss? How is it structured? What does it contain?

Section B

Why does the responsum contain a section that offers more halakhic details?

What are the issues on which the *posekim* disagree?

Pesak Din

Which opinion is following in the *pesak*, and why?

How are the opposing opinions included in the *pesak*?

Text 4.4. Rembaum, "Regarding the Inclusion of the Names of the Matriarchs in the First Blessing of the Amidah"

Introduction and Question

Why did Rabbi Rembaum decide to address this question?

Section A

How does Rabbi Rembaum view Jewish liturgy?

Compare his view to that of text 2.1 views Jewish liturgy. What is the same, what is different?

Which sources does Rabbi Rembaum cite, and what does this reveal about him?

Section B

Who are Maimonides and Rabbi Joseph Caro? Why are they the major figures in the development of Jewish law and ethics? (Hint: reading their entries in the glossary may help.)

How do they understand changes/differences in Jewish liturgy?

Section C

How has the Conservative/Masorti movement made liturgical changes in the past?

Section D

Why does Rabbi Rembaum devote a section to the changes in what was the most recent Conservative/Masorti *siddur*?

Pesak Din

Rabbi Rembaum could have concluded his responsum with a one line statement. What other material does he include, and why does he include other material?

Text 4.5. Barmash, "Women and Mitzvot

Question

What question does Rabbi Barmash answer? Why does this terminology express the equality of men and women?

Section A

Why does Rabbi Barmash begin with a section on spirituality and theology rather than diving directly into the halakhah?

How does observing mitzvot express Jewish spirituality?

From which mitzvot were women exempted?

What has changed in Jewish communities in the past century?

How is egalitarianism significant for Judaism?

Section B

Which halakhic arguments does Rabbi Barmash address? How does she evaluate them? Do you agree?

Section C

What is Rabbi Barmash's argument in this section? What do you think of this argument?

Section D

Why does Rabbi Barmash include medieval and modern arguments against the equality of men and women?

Have you heard of these arguments before?

Section E

Why does Rabbi Barmash include a section on Torah study?

Pesak Din

Rabbi Barmash could have concluded her responsum with a one line statement. What other material does she include, and why does she include other material?

Chapter 5: LGBTQIA+

How is the heated discussion of LGBTQIA+ similar to (and different from) other controversial topics addressed by posekim?

Text 5.1. Roth, "Homosexuality"

Section A

Why does Rabbi Roth feel he must justify discussing homosexuality?

How does the fact that Rabbi Roth is writing this responsum in the early 1990's make a difference?

Section B

Why does Rabbi Roth deal with homosexuality in the Torah rather than dealing right away with rabbinic material?

How does he explain the meaning of *to'evah*?

Section C

Why does Rabbi Roth discuss lesbianism separately from homosexuality?

Of what significance is *de'oraita* versus *derabbanan*?

Section D

Why does Rabbi Roth feel it necessary to integrate psychological theories?

Which arguments does he refute?

Sections E and F

Why does Rabbi Roth feel it necessary to write sections specifically for the heterosexual and homosexual communities? How does he counsel each community?

Pesak Din

Rabbi Roth could have concluded his responsum with a one line statement. What other material does he include, and why does he include other material?

Why does he end with the declaration that others may reach a different conclusion? It may be noted that when the next responsum was approved in 2006, Rabbi Roth resigned from the CJLS.

Text 5.2. Dorff, Nevins, and Reisner, "Homosexuality, Human Dignity and Halakhah"

Question

How does the fact that Rabbis Dorff, Nevins, and Reisner are writing in the mid 2000's make a difference?

How do the rabbis shape the question they want to address? How is their question different from Rabbi Roth's?

Section A

Why do Rabbis Dorff, Nevins, and Reisner feel they must justify why they are writing and for whom their responsum is intended?

Why do they emphasize that living a life of holiness means accepting limits on personal autonomy?

Section B

Which arguments do they make in this section? How is this the same or different from the psychological theories that Rabbi Roth makes use of?

Section C

Which halakhic interpretations do they address?

Section D

Which halakhic ruling do they address in this section?
Why do they address this halakhic ruling?

Section E

What is the halakhic principle of human dignity?
How do Rabbis Dorff, Nevins, and Reisner use the principle of human dignity?

Pesak Din

Rabbis Dorff, Nevins, and Reisner could have concluded their responsum with a one line statement. What other material do they include, and why do they include other material?

Text 5.3. CCAR Responsa Committee, "Same-Sex Marriage as Kiddushin"

Question

Does it make a difference that this responsum was issued in 2013-2014?
How does the Responsa Committee formulate the question it will answer. How is this the same as or different from the previous two responsa?

Section A

How does the Responsa Committee retell its history on this issue?

Section B

How does the Responsa Committee understand Jewish marriage?
How does the Responsa Committee understand same sex relationships?

Section C

How does the Responsa Committee understand *kiddushin*?

Section D

Why is this point integrated in this responsum?

Pesak Din

If CCAR rabbis were permitted to officiate at same sex marriages since 2000, why did it take until 2013-2014 for the Responsa Committee to issue a responsum?

Text 5.4. Sharzer, "Transgender Jews and Halakhah"

Question

How does Rabbi Sharzer shape the question he wants to answer?

Section A

How does Rabbi Sharzer understand transgender?
What does he think are the challenges facing transgender people?
Why does he begin his teshuvah this way?

Section B

Which halakhic principles and understandings does he discuss?

Section C

Why does Rabbi Sharzer explain medical issues at this point in his teshuvah?
How does Rabbi Sharzer's background as a medical doctor affect his responsum?

Section D

Rabbi Sharzer addresses many practical issues of observance. What are they, and how does he answer them?

Pesak Din

What does he highlight in his pesak?

Chapter 6: Medical Ethics

Text 6.1. Sternbuch, "A Woman Suffering from Alzheimer's Disease Whose Husband Wishes to Divorce Her"

Question

What is the situation that Rabbi Sternbuch has been asked about?

Section A

Which rule does Rabbi Sternbuch think might be pertinent, and what is his conclusion about whether it is pertinent?

Section B

What is the *takkanah* of Rabbenu Gershom?
What does Rabbi Sternbuch conclude about whether it is pertinent?

Pesak Din

Why does Rabbi Sternbuch not offer a clear-cut ruling?

Text 6.2. Mevorakh, "Eating on Yom Kippur when a Person is Suffering from an Eating Disorder (Anorexia)"

Introduction and Question

How does Rabbi Mevorakh's background as a medical doctor affect his interest in this question?

Section A

Why does Rabbi Mevorakh start by explaining what anorexia is?

Section B

How does Rabbi Mevorakh explain *pikku'ah nefesh*?
Which textual sources does he cite? What conclusion does he draw?

Section C

Why does Rabbi Mevorakh include this section?

Section D

Why does Rabbi Mevorakh include this section? How does it differ from the previous section?

Section E

How does Rabbi Mevorakh analyze the responsibility for fulfilling mitzvot by those affected by an eating disorder?

Pesak Din

What does he conclude?

Text 6.3. Waldenberg on Abortion in General

Introduction

Why does Rabbi Waldenberg write so many responsa on abortion?

What is (what are) the traditional halakhic rules about abortion?

Look at the index for the citations of Rashi and Maimonides. How is their work employed in responsa?

Section A

Who is a Noahide? Which rules must a Noahide follow?

What is the traditional difference in halakhah between the prohibition on abortion for a Noahide and a Jew?

Section B

What is the ruling of Rabbi Joseph Trani on abortion? What case is he addressing?

What does Rabbi Waldenberg think of Rabbi Trani's opinion?

Section C

What is the ruling of Rabbi Jair Hayyim Bacharach on abortion? What case is he addressing?

What does Rabbi Waldenberg think of Rabbi Bacharach's opinion?

Section D

Why does Rabbi Waldenberg highlight the positive consequences of a more stringent view on abortion? Is this surprising to you?

Pesak Din

What are Rabbi Waldenberg's conclusions?

Text 6.4 Waldenberg, "Abortion of a Fetus with Tay-Sachs Disease"

Question

How does this case differ from the cases addressed in the previous teshuvah?

Section A

What does Rabbi Waldenberg argue here?

Pesak Din

What is Rabbi Waldenberg's conclusion?

Text 6.5. Grossman, “‘Partial Birth Abortion’ and the Question of When Human Life Begins”

Question

Which question does Rabbi Grossman address? How is this a special case of abortion?

Section A

Which halakhic principles does Rabbi Grossman discuss?
How do they apply to abortion?

Section B

When is abortion permitted?

Section C

Which types of abortion are discussed in this section? When are they used, and what are their possible dangers?

Why was intact d and x developed?

Section D

How has secular politics affected the use of intact d and x?

Pesak Din

What is Rabbi Grossman's ruling?

Chapter 7. The COVID-19 Pandemic

Text 7.1. Co-Chairs, Committee on Jewish Law and Standards, “Halakhic Guidance from CJLS about Coronavirus”

Introduction

How soon after public knowledge of the pandemic became wide-spread was this issued and publicized?

Section A

Which halakhic principle applies to the pandemic?

Section B

Which issues of ritual are addressed in this section? What does that tell you about which rituals are practiced?

Section C

Why is the celebration of Purim addressed?

What is considered the major issue(s) for Purim during the COVID-19 pandemic?

Section D

Why does this responsum end with a prayer?

Text 7.2. CCAR Responsa Committee, "Virtual Minyan in Time of COVID-19 Emergency"

Introduction

How soon after public knowledge of the pandemic became wide-spread was this issued and publicized?

Question

Which questions are addressed?

Section A

Which considerations and halakhic principles are analyzed?

Pesak Din

What is the ruling?

Text 7.3. Iggud Hakhmei Ma'arav Be'ereit Yisra'el, "On a Seder via Zoom"

Introduction

How soon after public knowledge of the pandemic became wide-spread was this issued and publicized?

Why was it so controversial?

Question

What is the question? How does the pandemic influence the question?

Section A

What are the halakhic issues analyzed in this section?

How have politics affected whether Jews of Moroccan descent use electricity on festivals?

Pesak Din

What is the ruling?

Text 7.4. Schachter, "Washing on Tisha Be'av" and "Regarding The Rule of 'God Protects the Simple'"

How soon after public knowledge of the pandemic became wide-spread was this issued and publicized? Why then?

Section A

What is the question addressed by Rabbi Schachter?

Section B

How does the English version differ from the Hebrew version?

Section C

Why does Rabbi Schachter compose an additional responsum on “God protects the simple”?

Text 7.5. Barmash, “Ethics of Gathering When Not All of Us May Attend in Person”

Introduction

How soon after public knowledge of the pandemic became wide-spread was this issued and publicized? Why then?

Question

What were the issues facing congregations in fall 5781/2020?

Section A

Which considerations does Rabbi Barmash present for communities to consider? Do these make sense to you?

Section B

What strategies does Rabbi Barmash advocate for? Do these make sense to you?

Section C

Why does Rabbi Barmash write a section about the disabled? Would you have done so?

Section D

Why does Rabbi Barmash include this section?

Chapter 8. Relationship with the Other

Text 8.1. Shapira, “Engaging in a Public Fast in Sympathy with German Jews”

Introduction

How does Rabbi Shapira’s background affect his responsum?

Section A

How does Rabbi Shapira understand what is happening to Jews in Germany?

Section B

Which Jews does Rabbi Shapira oppose? (The notes will tell you more about them.)

Section C

What is Rabbi Shapira’s argument about fasting?

Pesak Din

What is his ruling?

Text 8.2. Weinberg, “On the Burial of a Person Converted by Liberal Rabbis”

Introduction and Question

How does Rabbi Weinberg’s background affect his responsum?

Section A

Which halakhic considerations does Rabbi Weinberg discuss?

Section B

What argument does he make about all conversions?

Pesak Din

Rabbi Weinberg could have concluded his responsum with a one line statement. What other material does he include, and why does he include other material?

Text 8.3. Halevi, “Transcendental Meditation”

Question

What question does Rabbi Halevi address?

Section A

What is involved in TM?

What is Rabbi Halevi’s argument about religious ritual? Do you find this surprising? Do you agree?

Section B

Which halakhic principles does Rabbi Halevi take into account?

Section C

Why is this crucial to Rabbi Halevi’s argument?

Section D

How does he define the purpose of TM?

Section E

How does Rabbi Halevi interpret Jewish prayer?

Pesak Din

What is Rabbi Halevi’s ruling?

Text 8.4. Hirsch and Rapport, “Yoga as a Jewish Worship Practice: Chukat Hagoyim or Spiritual Innovation?”

Question

How do Rabbis Hirsch and Rapport define the question?

Section A

Which considerations do they highlight?

Section B

Which strategies for dealing with non-Jewish prayers do Rabbis Hirsch and Rappoport highlight?

Section C

Why do Rabbis Hirsch and Rappoport bring Rabbi Isserles' criteria into the discussion?

Section D

Which considerations do they advocate for?

Pesak Din

What is their ruling?

Text 8.5. Hammer, "The Status of Non-Jews in Jewish Law and Lore"

Question

Which question does Rabbi Hammer address?

Section A

Why does Rabbi Hammer start here?

How does living in a Jewish state represent a change in the attitude toward non-Jews?

Why does Rabbi Hammer emphasize that the positives and negatives of Jewish tradition must be addressed?

Section B

Which conclusions does he draw from the Bible?

Section C

What does Rabbi Hammer highlight from classical rabbinic attitudes toward non-Jews?

Section D

Which changes in attitudes toward non-Jews developed in medieval and early Modern Jewish thought? Who advocated for these beliefs?

Section E

How did posekim in the Middle Ages rule in the question of whether Christians and Moslems are monotheists? What were their reasons?

Section F

How does Rabbi Hammer distinguish between differential and discriminatory laws?

Section G

Why does Rabbi Hammer include this section?
 What does he argue for and against?

Pesak Din

What is Rabbi Hammer's conclusions?

Chapter 9. The Modern State of Israel

Text 9.1. Goren, "The Siege on Beirut in Light of Halakhah"

Introduction

Why did Rabbi Goren think it necessary to write responsa on military affairs?

Section A

Which sources did Rabbi Goren highlight in answering a question about siege warfare?
 Is a siege open on one side really a siege?

Section B

What kinds of wars are there according to halakhah?
 What kind of war was the siege on Beirut? Do you agree?

Section C

Why does Rabbi Goren feel he must address the issue of whether Jewish military law applies in our time?

Section D

Why does the reason for the one side open rule matter?

Section E

What is Rabbi Simḥah Hacoheh's opinion, and why does it matter?
 Who are Maimonides and Nahmanides? Why do their opinions matter?
 Does Rabbi Goren agree with Rabbi Simḥah Hacoheh?

Pesak Din

What is Rabbi Goren's ruling?

Text 9.2. Halevi, "The Law of 'The One who Comes Forth to Kill You, Kill Him First' in Our State Affairs"

Introduction

Why does Rabbi Halevi use a secular document, the Israeli Declaration of Independence, as a foundational text for his writing?

Question

This is a complicated set of questions. What is each question, and what assumption underlies each question?

Section A

Which halakhic principle does Rabbi Halevi discuss?
What does he argue for (and against)?

Section B

Which halakhic principles does he discuss in this section?
What does the talmudic passage say?
How does Rashi explain the talmudic passage?
How does Rabbi Halevi explain the talmudic passage? What is significant in his explanation?
How does the Meiri (read about him in the glossary) interpret this passage? Why is this important?

Section C

Why does it matter that killing “the one who breaks in through a tunnel” is optional?

Section D

What other halakhic rules does Rabbi Halevi discuss? How are they pertinent to the questions that he was asked?
Does Rabbi Halevi think they apply?

Pesak Din

What is Rabbi Halevi’s conclusion?

Text 9.3. Friedman, “‘On “The Greater Land of Israel’ and Halakhah”

Question

Why does Rabbi Friedman address this question?

Section A

Why does Rabbi Friedman start here?

Section B

What argument is Rabbi Friedman making about borders?

Section C

What were the borders of the Land of Israel in biblical times?

Section D

What were the borders of the Land of Israel in the time of the classical Rabbis (of the Mishnah and the Talmuds)?

Why did it matter if a place was considered outside the Land of Israel in the classical rabbinic period?

What are some of the issues in identifying place names?

Section E

How did the Rabbis determine whether a city was part of the Land of Israel or not?

Pesak Din

What is Rabbi Friedman's conclusion?

Text 9.4. Yosef, "Ceding Territory from the Land of Israel When There is Pikku'ah Nefesh"

Introduction

What was happening in Israeli politics at the time Rabbi Yosef was writing?

Section A

What does Rabbi Yosef think are the crucial points to keep in mind about ceding territory for peace?

Section B

What is the principle of settling the land?

Section C

What is *pikku'ah nefesh*? Which other halakhic rules does Rabbi Yosef discuss? Which of these rules/principles have precedence?

Section D

What is the prohibition of *lo tehoneim*? Does it apply to Moslems?

Section E

Which halakhic rules/principles does Rabbi Yosef deem more important?

Section F

Why does Rabbi Yosef include this section?

Section G

Why does he think these points are crucial?

Pesak Din

What is Rabbi Yosef's ruling?

Text 9.5. Yisraeli, "Ceding Territory Because of Pikku'ah Nefesh"

Introduction

Why does Rabbi Yisrael write against Rabbi Yosef?

Section A

What are the three oaths? Why did the Rabbis devise the idea of the three oaths?

Why does Rabbi Yisraeli argue that they (or one or two of them) are no longer valid?

Why does Rabbi Yisraeli bring in Nahmanides' interpretation of conquering the Land of Israel?

Section B

Why does Rabbi Yisraeli include this section?

Section C

What is Rabbi Yisraeli's argument in this section with Rabbi Yosef?

Section D

How does Rabbi Yisraeli understand the San Remo declaration and the Balfour declaration?

Section E

Compare this section to section D of Rabbi Yosef's responsum. How do they differ?

Section F

What should happen with the territories conquered during the Six Day War, according to Rabbi Yisraeli?

Why does he think that Israel should not embark on new wars?

Why does Rabbi Yisraeli highlight that Jews never gave up ownership of the Land of Israel?

How does Rabbi Yisraeli criticize Rabbi Yosef?

Pesak Din

What is Rabbi Yisraeli's ruling.

Chapter 10. Life in the United States

Text 10.1. Responsa in War Time

Introduction

How does this responsa committee differ from other responsa committees?

How does Rabbi Freehof explain how the responsa committee operated?

Section A

What is the question?

What do you think the ruling would be if the *Kohen* (or *Cohen*) were to volunteer to serve in the military?

Section B

Which considerations does the Committee on Responsa discuss?

What is the ruling?

Section C

What is the question?

Which sources does the Committee on Responsa discuss?

What is the ruling?

Section D

What is the dilemma that the chaplain faces?

Which considerations does the Committee on Responsa discuss?
What is the ruling?

Section E

What is the question?
How does the Committee on Responsa answer?
Why does the Committee on Responsa give this answer?

Text 10.2. Feinstein, "American Thanksgiving"

Introduction

What is Rabbi Feinstein's approach to living in the U.S.?

Section A

Which objections does Rabbi Feinstein raise about celebrating Thanksgiving?

Section B

How does Rabbi Feinstein explain Thanksgiving?
What is his ruling?

Text 10.3. Kalmanofsky, "Participating in the American Death Penalty"

Question

What is the question?

Section A

Which views does Jewish tradition have about the death penalty?
How does Rabbi Kalmanofsky describe the use of the death penalty in the U.S.?

Section B

Which considerations about abolishing the death penalty does Rabbi Kalmanofsky discuss?

What are their consequences for whether the death penalty should be abolished?

Section C

Why does Rabbi Kalmanofsky include this?

Section D

Which two philosophical understandings of capital punishment does Rabbi Kalmanofsky discuss?

Which one does halakhah follow, according to Rabbi Kalmanofsky?

Section E

Which considerations does he highlight here? Which ones seems the most important or significant to you?

Section F

Why does Rabbi Kalmanofsky believe that Jews should not refrain from involving themselves in capital cases?

Section G

Which modes of participation does Rabbi Kalmanofsky address?

Which considerations apply to each one?

Pesak Din

Rabbi Kalmanofsky could have concluded his responsum with a one line statement. What other material does he include, and why does he include other material?

Annotated Bibliography

The reader who wants to study more responsa has an array of options. What limits those options is whether the responsa are in English or have been translated into English. I hope to update the study guide with more options, especially websites, as they become available.

Easily accessible are the websites of the Conservative/Masorti Committee on Jewish Law and Standards and of the Reform Responsa Committee:

<https://www.rabbinicalassembly.org/jewish-law/committee-jewish-law-and-standards>

<https://www.ccarnet.org/rabbinic-voice/reform-responsa/>

The Sefaria website has responsa in their original language, with some Hebrew responsa translated into English:

www.sefaria.org

Another website features responsa written in Israel, some translated or summarized in English, for the Conservative/Masorti movement:

<https://responsafortoday.com/en/home/>

Responsa translated into English are available in hardcopy:

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Batnitzky, Leora, and Yonatan Y. Brafman, eds. *Jewish Legal Theories: Writings on State, Religion, and Morality*. The Tauber Institute Series for the Study of European Jewry The Brandeis Library of Modern Jewish Thought. Waltham, Massachusetts: Brandeis University Press, 2018. This volume includes translations of responsa, especially in regard to the modern State of Israel

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Kirschner, Robert, translated with introductions and notes by. *Rabbinic Responsa of the Holocaust Era*. New York: Schocken, 1985.

Many websites have responsa only in Hebrew:

The Bar-Ilan Online Responsa project has the most extensive array of responsa
<https://www.responsa.co.il/default.aspx>

The journal Tehumin contains many responsa
<https://books.zomet.org.il/>

Hebrewbooks.org contains pdfs of many volumes of responsa
<https://hebrewbooks.org/>

The responsa of Rishon Lezion Sefardic Chief Rabbi Ouziel
haravuziel.org.il

A wide variety of Holocaust responsa
responsa-holocaust.com