

RESPONSA IN
THE JEWISH
TRADITION

A TEXT PACKET FOR ADULT EDUCATION
FALL 2021 - SPRING 2022

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Class Dates:

October 14

November 18

January 20

March 3

Blessing for Study:

בְּרוּךְ אַתָּה ה' אֱלֹהֵינוּ מֶלֶךְ הָעוֹלָם, אֲשֶׁר קִדְּשָׁנוּ בְּמִצְוֹתָיו
וְצִוָּנוּ לְעֲסוֹק בְּדִבְרֵי תוֹרָה.

Barukh Atah A' Elokeinu Melekh Ha-Olam Asher Kidshanu B'mitzvotav v'Tzivanu

La'asok b'Divrei Torah.

Blessed are You, Eternal our God, who hallows us with
commandments and commands us to busy ourselves with
words of Torah.

Important Steps and Stages in the Development of Halakhah—הלכה (Jewish Law):

- **Torah** (תורה): The first and most important. The Torah, which was given by God to Moses, records not only the history of the Children of Israel, but also begins to describe to us how we are to fulfill God's expectations. The system of Mitzvot—מצוות (the Commandments) that govern our behavior is established thereby.
- **Mishnah** (משנה): The second layer comes into existence as the Rabbis discover that the Torah is not perfectly clear in describing exactly how to perform the Mitzvot. The Mishnah is the beginning of Torah Shebe'al Peh—תורה שבעל פה (Oral Torah), called that as it was passed orally from Teacher to Student. Rabbi Judah Ha-Nasi redacts (edits) the Mishnah into a written text in approximately 220 CE.
- **Talmud** (תלמוד): The third layer comes into existence as the Mishnah itself does not always give a sufficiently clear answer as to how we are to perform the Mitzvot. The Talmud is made up of two parts: the Mishnah and the Gemara (גמרא). There are two distinct versions of the Talmud—the Jerusalem Talmud (circa 450 CE) and the Babylonian Talmud (circa 550). The Babylonian Talmud, or Bavli is considered authoritative as it was written later.
- **Mishneh Torah** (משנה תורה): This was a text compiled by Maimonides (Rabbi Moshe ben Maimon) in the 12th Century.

Maimonides, like some of his contemporaries, was inspired to collate this text (the name itself can mean either ‘The Teachings of the Torah,’ or, ‘Second Torah’) from existing texts because of the deficiencies of the Talmud.¹ The Talmud records a wide variety of opinions and thus still frequently leaves unclear how the Mitzvot are to be performed. In addition, the Talmud lacks a clear, concise organization. Maimonides gathered all of the Mitzvot pertaining to a particular topic into discrete sections so that someone could quickly look up how to perform a particular Mitzvah, rather than having to know it all themselves, or having to seek out a Rabbi who might issue an individual ruling.

- **Arba’a Turim** (ארבעה טורים): This book written by Rabbi Jacob ben Asher (known as the *Ba’al Ha-Turim*) in the 13th Century sought to improve on the Mishneh Torah. Instead of including ALL of the Mitzvot as Maimonides had done, ben Asher focused his work solely on those Mitzvot that might be performed now—that is to say in a time when the Temple (and all of the sacrifices associated with it) are no longer extant.
 - Ben Asher’s other key innovation was in organizing his subject by dividing the Halakhah into Four Turim—Columns (hence the name Arba’a Turim—the Four Columns):

¹ Mishneh Torah is also referred to as *Yad Ha-Hazakah* (יד החזקה—The Outstretched Arm) called that as it is divided into 14 (יד) sections.

- **Orakh Hayyim** (אורח חיים): Laws pertaining to the observance of Shabbat and the Holidays, synagogues, and prayer.
 - **Yoreh De'ah** (יורה דעה): Laws pertaining to miscellaneous topics, such as Kashrut, and the like.
 - **Even Ha'ezer** (אבן העזר): Laws pertaining to marriage and divorce.
 - **Hoshen Mishpat** (חושן משפט): Laws pertaining to financial affairs and legal procedures.
- **Shulkhan Arukh** (שלחן ערוך): Written by Joseph Caro in the 16th Century, and meant to be the clearest possible explanation for how the Mitzvot are to be performed. Caro used the same structure as Rabbi Jacob ben Asher, thus standardizing the Four Columns as the way Halakhah is organized. Caro was writing for a Sephardic audience, but his work was later treated with a gloss by Moses Isserlis (approximately 50 years later), which adapted the work for Ashkenazi Jews.²

Responsa Literature:

In essence Responsa are a continuation of the endeavor that started with the questions first addressed by the Mishnah: How do we perform specific Mitzvot? The first identifiable Responsa emerge during Talmudic times, but the body of literature grows exponentially in the

² The title of Caro's book, Shulkhan Arukh, means, "The Set Table." In a bit of linguistic wordplay, Isserlis called his gloss the "Mappa (Table-Cloth)."

later half of the First Millennium as the Jewish Community spreads far and wide across Europe and the Levant. As Communities diversify and emerge farther and farther away from the traditional seats of learning, more questions about proper behavior arise.

The process begins when an Individual or a Community sends a She'elah—שאלה (A Question) about a particular practice or observance to a Posek—פוסק (a Recognized Rabbinic Authority). The Posek then researches the Question. In formulating an answer a Posek will take into account what has been written in Rabbinic Literature, as well as what other Poskim (pl. of Posek) have written. Once the Posek arrives at a satisfactory conclusion, he will issue a Teshuvah—תשובת (an Answer). With the difficulties of travel, and/or the reliability of mail, in times past Individuals or Communities might have had to wait many years for a Teshuvah to arrive. With the advent of technology, today many She'elot are answered quickly.

A particular Teshuvah is generally only binding on the Individual or Community that sent the She'elah; differing Rabbis from differing communities or traditions can, and do, give different answers. Individual Poskim of great renown, however, end up carrying a great deal of weight with a wide variety of communities, and their rulings eventually take on the trappings of authoritative Halakhah. Such Poskim will have their Teshuvot (pl. of Teshuvah) published in collections, which are still organized according to the Four Columns first laid down by Rabbi Jacob ben Asher in the 13th Century.

Responsa in non-Orthodox Judaism:

Conservative Judaism: Since its inception the Conservative Movement has prided itself on being a “Halakhic Movement.” That is to say, though Conservative Judaism may deviate from the practices of Orthodox Judaism, it has sought to root any such deviations in Tradition. New or different practices are therefore carefully rooted in a thorough understanding of Jewish Law.

Since 1927 the Rabbinical Assembly (the Rabbinic body of the Conservative Movement) has maintained the Committee on Jewish Law and Standards (CJLS), whose mandate is to issue Teshuvot clearly elucidating Conservative Practice, and how such practice is based in Halakhah. In theory, at least, these Teshuvot are binding upon those who consider themselves Conservative Jews. The current Chair of the Committee is Rabbi Elliot Dorff. If you would like more information about the Committee on Jewish Law and Standards, please visit: <https://www.rabbinicalassembly.org/jewish-law/committee-jewish-law-and-standards>. There you can find a number of different Teshuvot that have been issued over the years.

Reform Judaism: Reform Judaism has never sought to identify itself as a Halakhic Movement. In fact, from the time of the Declaration of Principles (also known as the Pittsburgh Platform—1887), Reform Judaism sought to differentiate how and why it eschewed the prescriptive nature of Halakhah.

At the same time, since 1906 the Central Conference of America Rabbis (the Rabbinic Body of the Reform Movement) has maintained a Responsa Committee. In keeping with the Talmudic concept of *Dina de Malkhuta Dina*—דינא דמלכותא דינא (The Law of the Land is the Law) this committee generally does not issue Teshuvot on areas covered by secular law, rather only on those topics of Religious Practice, or where secular law might intersect with Religious Practice. Such rulings are not thought to be, nor accepted as, binding upon Reform Jews. Rather, Reform Judaism holds to the dictum first put forth by Rabbi Mordecai Kaplan, “Halakhah has a VOTE, but not a VETO.” That is to say Halakhah should offer us guidance and wisdom but we do not accept it as binding on our behavior. The current Chair of the Committee is Rabbi Dr. Joan Friedman. If you would like more information about the CCAR Responsa Committee, please visit: <https://www.ccarnet.org/rabbinic-voice/reform-responsa/>. There you can find a number of different Teshuvot that have been issued over the years.

A Note About Included Texts:

Where possible, I have tried to indicate my sources. Light editing has been done for readability and consistency of terms, but other language—including that which some may feel is dated or inappropriate—has been retained.

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How Old is the Universe?³

She'elah

I have been a devout Jew all my life and have never had any cause to question any of Judaism's basic tenets. I am now a college student deeply engrossed in the study of the physical sciences. In the pursuit of my studies many seemingly unanswerable questions have arisen in my mind as to the truth of some of my previously unquestioned beliefs. I have been taught in the Yeshivah that the Universe was created some six thousand odd years ago, yet in my everyday work at the University I make use of the "fact" that the Universe was "evolved" some ten billion years ago. By such methods as radio-carbon dating, it has been shown to me that some objects on our planet are more than ten thousand years old. I may have endeavored to find loopholes in the dating method and though such loopholes exist the odds seem overwhelmingly against their applicability. Again, I am confronted with some of the more developed aspects of biological evolution theory and the manifold consequences of many of its postulates. It is here also possible to find a "terutz" but I would be disregarding mountains of scientific evidence.

(Phillip Fishman, New York University)

Teshuvah

The question, which you ask opens a door to a complex subject. The Mishnah and Gemara in Chagiga 11b, states, "You aren't allowed to ask about the past, before the creation of the world." The Gemara⁴ explains it as follows, "Rabbi Yohanan and Rabbi Eleazar ask, "Why shouldn't we ask about the past, what happened has happened?" They then explain it with a parable:

³ Originally published in, *Responsa of Modern Judaism*, Rabbi Sholom Klass, 1965.

⁴ *Ibid.*, 16a.

A king built a castle on dirt and he doesn't care to mention the past, the dirt. The dirt is the null and void upon which the world was created.

The Maharsha⁵ questions this and says, on the contrary, we see the greatness of God who could have created such a world out of null and void. He then explains that this would imply that there were other creations before the Earth, matter of null and void and this would detract from the glory of God who preceded everything.

Scientist's Views Not Conclusive

The viewpoints and evidence of scientists are not conclusive. The prominent Dr. S. B. Ullman in his book, *Culture and Judaism*, has this to say about the scientists:

It is highly remarkable to read the opening chapter of the book, *Autobiography of Science*, written by Forest Ray Moulton, co-author of a modern theory of world creation, and J. Shifferes.

In their book both Scientists give a description of the development of Science from the earliest times till now. But they use the original words of the discoverers themselves. They bring the words of Hippocrates, Aristo, Archimedes, and finish with those of Mendel, Morgan, Einstein, and Bohr.

At the beginning of their book they introduce the First Chapter of Genesis. And they offer as an argument, "No scientific description of the existence of the Universe and the man of flesh and blood who does the explaining has superseded the first words of the Bible, 'In the beginning God created Heaven and Earth.'"

⁵ Rabbi Shmuel Eidels (1555-1631).

At one time Scientists thought that the rings inside of a tree were positive proof as to its age. But now they have found that there are periods of rapid growth, which don't coincide with the rings of the tree.

Radio-carbon and other scientific evidence as to the age of the Earth, is all hypothetical. The Talmud tells us that in the time of Noah's flood, "God took two stars from the constellation 'Kima' and He brought a flood on the earth."⁶

The Gemara explains that the water was boiling at that time and some *Meforshim* believe that a star or planet collided or was thrown into the Earth. This strange star could be the cause of the carbon found on the Earth. "The entire order of creation was changed at that time."⁷

What is the Torah's Viewpoint?

We are not concerned about the views of the Scientists which are refuted daily. But what are the viewpoints of the Sages of our Torah as to the age of the Earth and the creation of time?

- Three things preceded this world, water, wind, and fire.⁸
- "The Holy One blessed be He cast a stone into the ocean from which the world was founded."⁹
- God created worlds and destroyed them until He created the present world and said, "This world pleases me while the other worlds didn't!"¹⁰

⁶ Berakhot 58b and Rosh Hashanah 11b.

⁷ See Rashi and Tosafot Rosh Hashanah 11b and 12a.

⁸ Exodus Rabbah 15.

⁹ Yoma 54b.

¹⁰ Genesis Rabbah 3:9.

The Etz Yosef¹¹ explains this as referring to 2000 years before the creation of our world, beginning at the time the Torah was created. In those two thousand years God created and destroyed (*Khorev*) other worlds. Others point to the fact that the firmament remained but nothing grew. A desert is also considered as *Khorev*, destroyed, waste.

But the Anaf Yosef¹² explains that God didn't really create, but only thought about creating. He then changed His mind, which is considered as if He destroyed the worlds.

The Divrei Chaim¹³ explains this expression as referring to the destruction of the world in the time of Noah's Flood when He made the world *Khorev*.

The Day Was Established Before the Creation of the Sun

Rashi repeats the Gemara Chagiga 12, that God created, "Or," light, which illuminated the world before He created the sun and the planets. The sun and the planets were also created on the First Day but they didn't enter into their proper sphere until the Fourth Day.¹⁴

The Klal Yakar explains that the sun received its brilliance from a ray of light from this "Or."

The Radak¹⁵ explains that the luminaries were created on the First Day and the Earth didn't receive the benefit of their rays until the Fourth Day.

Through the light, which God created the First Day, Adam was able to see from the beginning of the world until its end.¹⁶

¹¹ Enoch Zudel ben Joseph (d. 1867).

¹² Ibid.

¹³ Chaim Halberstam (1793-1879).

¹⁴ See Rashi's commentary on Genesis 1:4, and 1:14.

¹⁵ Rabbi David Kimhi (1160-1235).

¹⁶ Chagiga 12a.

Menahem M. Kasher in his sefer, *Encyclopedia of Biblical Interpretations*, offers the following brilliant interpretations of our Sages on the concept of time.

The Midrash Ha-Ne'elan Bereshit in *Zohar Hadash*, has this to say, "Rabbi Abba quoting Rabbi Yohanan said, 'Before God created the world He and His name were one. He contemplated creating our world, but created a thousand other worlds prior to this as is written, 'The thousand worlds are Thine, O Shlomo.'(Song of Songs 5:12) Then God created still other worlds in order to teach that all is as naught in comparison with Him. This coincides with Rabbi Hiya's observation, 'Why is Aleph which means a thousand, the first letter of the alphabet? Because He created a thousand worlds which preceded this world.'"

See Genesis Rabbah 3:5 on the verse, "And there was evening and there was morning." Rabbi Judah ben Shimon commented, "It is not written, 'Let there be evening,' but, 'There was evening,' which proves that the order of the division of time existed previously."

Could Time Exist Before the Sun?

Maimonides writes about the above quoted Midrash:

Some of our Sages held the opinion that time existed before the creation. This is dubious because the theory that time cannot be conceived to have had a beginning was taught by Aristotle, as shown, and is objectionable. Those who made this assertion were led to it by the phrases, 'One Day,' 'A Second Day.' Taking these terms literally, they asked, 'What determined the First Day, since there was no rotating sphere and no sun?' They found the answer to this question in the above mentioned Rabbinical dicta. We can understand that they said this in order to answer the difficulty, which naturally presents itself, viz., How could time exist before

the creation of the sun? However, our Sages, speaking of the light created on the First Day, explicitly state, “These are the self-same luminaries, which were created on the First Day, but were not fixed in their places until the Fourth Day.’ The purpose of this comment was indeed to answer that very difficulty.¹⁷

Sa’adia Gaon¹⁸ states:

Time is nothing but the measurement of the duration of corporal bodies and that, which is not a body, is beyond time and measurement of duration.¹⁹

But the Ramban states flatly in Genesis 1:1, “He who believes that there were previous worlds is a *‘Kofer B’ikur,*’ denies God and the Torah.”

Rabbi Abraham bar Hiya states, “Before the Six Days of Creation there was no time.”²⁰

The Rama²¹ on the verse, “And He rested on the Seventh Day,”(Gen. 2:2) comments, “Prior to the creation of the world, time was not in existence. And the numbering of days and years could not apply. All was but duration and considered as one day. For this reason Scripture states, “And there was evening and there was morning, One Day.”(Gen. 1:5) Not the First Day, because there was no day preceding this.”²²

Two Kinds of Time

The Albo²³ in Ikkarim 2:18 states that there are two kinds of time:

¹⁷ *Guide to the Perplexed*, 2:30.

¹⁸ 882/92-942.

¹⁹ *Emunot Ve-Deot*, 2:5.

²⁰ *Higayon Hanefesh and M’gillat Ma-Megillah*, p. 8.

²¹ Rabbi Meir ben Todros Ha-Levi Abulafia (1170-1244).

²² *Torat Ha-Olah*, 3:59.

²³ Joseph Albo (1380-1444).

1. That which is measured and numbered by the motion of the sphere and which there are the distinctions of anterior and posterior, equal and unequal. This is known as the “Order of time,” existing from the First Day of Creation.
2. Unmeasured duration conceived only in thought as eternal, having existed before the creation of the world, and continuing to exist after its passing. This Maimonides called, “Semblance of time,” and this kind of time is possibly eternal.

Rabbi Menahem de Fane reflects on Albo’s idea that there was unmeasured time before creation. It is possible to entertain any concept of time before creation. The eternity of God is infinite, cannot be properly described by time, even unmeasured.²⁴

The Vilna Gaon²⁵ states in Aderet Elijah, “The ‘Bet’ of Bereshit is temporal, as in ‘*Bayom*’(in the day), since time itself was created. The ‘Bet’ thus indicates the time of creation, namely that it occurred in the first portion of created time. ‘*Reshit*,’ thus implies absolute beginning, prior to which nothing can be conceived as existing, in order to refute the heretics who say that—Heaven forbid!—two kinds of primordial matter existed.”

On the text, “God created Bereshit,” Rabbi Jonathan Eibechutz²⁶ comments, “God created the beginning of time and previously there was no time at all.”²⁷

No Time Before Creation

Having concluded that the majority of our Sages believe that before creation there was no time and that time started with creation as

²⁴ Assarah Ma’amarot 1, par. 16.

²⁵ Elijah ben Solomon Zalman (1720-1797).

²⁶ (1690-1764).

²⁷ Ya’arat D’vash on Megillah 9a.

Maimonides states in the *Guide to the Perplexed*, “Time itself was created—God created Bereshit,” we now come to the problem of how long ago was this Bereshit?

In the *Sefer Ha’ibbur* and in *M’gillat Ha-Megillah*, Abraham bar Hiyya²⁸ maintains that before the creation of the sun the Earth was in darkness for three days. Proof of this interpretation may be found in *Midrash Tadshe*. The thesis of *P’sikta Rabbati*, Chap. 46, is just the opposite, namely, that during the first three days there was only light and no night, and the light created on the First Day served till the Fourth Day.

In his commentary on *Sefer Yetsirah* p. 33, Rabbi Judah Albarceloni²⁹ states that the light, which the Holy One, blessed be He, created on the First Day, whereby a man could view the Universe from end to end, served until the Sixth Day, on which man appeared.

*Sefer Habrit*³⁰ elaborates on the statement of Rashi that, “Light and darkness functioned in confusion.” Thus, during the first three days the light would undulate once every minute, so that any site would be illuminated for half a minute and in darkness for half a minute. This would be so, if instead of making the rotation about its axis in 24 hours, as at present, the Earth at that time made it at every minute.

A similar exposition is made in *Genesis Rabbah*, that before Adam sinned the planets moved in abbreviated paths and with (much greater) speed.³¹

Each Day a Thousand Years

In *Torah Shleimah*,³² Rabbi Menahem Kasher³³ quotes *Aggadat Shmuel*, who cites the glosses of Rabbi Ovadia to Rashi, Isaiah 23:15, “In the

²⁸ Abraham bar Hiyya Ha-Nasi (1070-1136/45).

²⁹ 12th Century.

³⁰ Part 1, Chap. 4 to 10.

³¹ 10:4.

works of Creation the Holy One, blessed be He, used the expression, 'And there was evening and there was morning,' with reference to each day, in order to intimate that each complete day was a thousand years, as it is said, "For a thousand years in Your sight are but as yesterday when it is past." (Ps. 90;4)

Now from the Scriptural formulation respecting the Second Day, we may draw inferences regarding all the other days, for the First Day also is on a par with it. For if it is said, "And there was evening and there was morning," respecting the First Day alone, we might say, "Who knows how many thousands of years the First Day included?" Therefore, the formula was particularized for each individual day, to show that as the Second Day was a thousand years, so was each of the others. For this verse, "For a thousand years, etc." refers primarily to our Second Day, since it states, "Are but as yesterday when it is past," which implies that day is meant which had a yesterday, but not a day before yesterday, viz., the Second.³⁴

According to the thesis of Rabbi Ovadiah, each of the days of Genesis was a thousand years. Anafim, a commentary on Ikkarim 2:18, explains why according to Rabbi Bahya,³⁵ Scripture writes *One Day*, and not *First Day*. The reason is that *One Day* refers to those days and years that are unsearchable. Scripture does not say *First Day* because there is no Second Day that is analogous to it.

Various Views on Creation

From the above discussion it is clear that there are various views on the length of the day of the Six Days of Creation. Many of our Sages dispute the matter of time in which the Earth rotated around its axis thus

³² Chap. 1, par. 448.

³³ Menahem Mendel Kasher (1895-1983).

³⁴ An exposition of a similar nature is found in Bereshit Rabbah of R. Moshe Ha-Darshan, p. 10.

³⁵ Bahya ibn Pakuda (1050-1120).

making every minute shorter or longer. This cause Rabbi Simon ben Marta³⁶ to say, “Up here (the Six Days of Creation) the reckoning is as the world counts. Henceforth, the count is made by a different standard.”³⁷ What is meant is that the system of temporal time-measurement, valid for the Six Days of Creation, was based on a perception of the newly created time implying other categories, whereas our system of time-reckoning begins after the creation of Heaven and Earth was finished, on the Seventh Day.

As we delve deeper into the matter of creation we begin to see how true is the statement of the Albo in Ikkarim 2:18, “The difficulty of understanding the creation of the world, which has in it neither before nor after such as applies to the present order of time, accounts for the statement of the Rabbis that, “One must not ask what is above, what is below, what is before, and what is after...”³⁸

³⁶ A 3rd Century Palestinian Sage.

³⁷ Genesis Rabbah 9.

³⁸ Chagiga 11b.

On the Status of Missing Persons³⁹

She'elah

What is the status of missing persons according to Jewish law?

Teshuvah

Adam, the name of a film broadcast by NBC on October 10, 1983, told the true story of John and Renee Walsh, whose young son disappeared very suddenly in a shopping center. The publicity generated by the Walshes helped the public become aware of the tragedy of missing children. Since then, salt boxes, milk cartons, and even shopping bags have displayed on them pictures and short biographies of missing children, hoping that one of the millions of consumers will identify the faces on the boxes, and help reunite the missing children with their parents. Here in New York, the parents of Etan Patz have generated a fair amount of publicity about the tragic disappearance of their son some years ago. To date, he has not been found.⁴⁰

Let us assume that the parents of such children would have turned to our Committee requesting some guidelines as to their children's status. In Adam's case, for example, the answer could have been unequivocal, for he was eventually found murdered; but, in Etan's case, we are faced with a most distressful and tragic issue: Is he to be presumed dead? Are his parents to observe Shivah?

³⁹ Rabbi Isidoro Aizenberg. This paper was adopted unanimously in 1987. The names of voting members are unavailable.

⁴⁰ He disappeared in May of 1979. After a number of investigations and a fair amount of controversy it was determined at trial in February of 2017 that a man named Pedro Hernandez was guilty of kidnapping and murdering the 6-year old. He is currently serving a to 25 year-to life prison term.

Missing Persons in the Halakha

Much Halakhic literature exists on the status of people who have disappeared, particularly in reference to the problem of the *Agunah*.⁴¹ Some cases have also been discussed by the CJLS and specifically by Rabbi Edward Gershfield, whose Teshuvah *B'inyan Agunah* was unanimously adopted in 1963. In all those instances, the missing individual is assumed to be dead—for example, when a person was killed (or drowned) on a trip; when a soldier was killed in action; and more recently, when an individual was killed in the Holocaust. Even if the body is found, it must be identified beyond any doubt. Thus, rules of identification were established,⁴² and such guiding principles as *T'rei Rubei* (a double majority) and *Aved Zikhro* (without a trace) were applied.⁴³

Missing Children are Different

Contrary to the precedents of missing persons who are presumed dead, with which our Halakhic Literature deals, the missing children of our days are not determined to be dead. In addition, even the contemporary principles established by Rabbi Feurwerger are of no help in determining the status of missing children. These principles are: a) If he were alive he would return to his home, b) If he were alive he would let his relatives know; and c) If he were alive, we would hear of it. The author of *Ezrat Nashim*⁴⁴ claims for example that:

Doubtful captivity is no longer possible. A person can only be a captive through war or imprisoned for some terrible deed, and even such cases would be known.

⁴¹ Literally, Anchor. An *Agunah* is a woman whose husband has disappeared. In the absence of a body or a proper *Get*, she is unable to remarry. She is in essence stuck in place, Anchored.

⁴² Even Ha'ezer 17:3-35.

⁴³ For a lengthy and detailed discussion of these principles, see Feurwerger, *Sefer Ezrat Nashim, Sefer Bet, Ezra Shlishit* and *Revi'it*.

⁴⁴ See particularly *Ezra Revi'it* no. 28. 250.

Furthermore, he claimed that such modern devices as the postal service, airplanes, telegrams, radio, the Red Cross, and identity cards, make it impossible for anyone to be missing for long without being able to make known his whereabouts.

However, the tragic cases of our missing children demonstrate that even all these modern means of identification and communication, coupled with the work of police authorities, cannot establish beyond a doubt that the missing children are dead. Moreover, the Walshes were horrified to learn that law enforcement authorities, locally and nationally, had few or no mechanisms for finding missing children. Today, as we occasionally read in the newspapers, many of these children are kidnapped, sometimes by a parent, and then disappear without leaving a trace.

Perhaps They are Alive

Regardless of the extremely painful tragedy involved, we cannot assume that a missing child is dead, even if he/she is missing for a long period of time. (*Safek Hayyim* [perhaps he is alive] is always there). We thus cannot permit parents to observe mourning rites until death has been absolutely determined. Parents should also not give up hope of finding their missing children, particularly when they did not disappear in circumstances of war or in an accident. Such children, upon maturing, may trace their parents, following the often mentioned instinct of children to search for their unknown families.

The issue of missing children is compounded when dealing with missing married adults, since in their case Halakhah does not only have set guidelines regarding mourning practices, but also must determine their spouse's marital status. I personally know of such cases in my native Argentina during the seven-year military dictatorship when thousands of adults, including many Jews, were among the ranks of the *desaparecidos*. No one could ascertain their death, and therefore no rabbi could have released, for example, a wife from her *Agunah* status.

Only after the overthrow of the dictatorship were some of the missing persons found, the remains of others identified, and still others determined to be dead, either through written records or through the testimony of witnesses.

In the case of missing adults, we should rely on the statement made by the *Shakh* in his commentary to the Yoreh De'ah, no. 397:

That if the testimony is not adequate to allow his wife to remarry, the mourning ritual is not permitted, lest it be misinterpreted, and she will mistakenly be permitted to remarry.

CONCLUSION

In the cases of missing children, parents are not permitted to observe the mourning rites until the death of the child has been absolutely determined. In the cases of missing adults, spouses are not permitted to observe the mourning rites until death of the missing spouse has been absolutely determined.

Regarding the Inclusion of the Names of the Matriarchs in the First Blessing of the Amidah⁴⁵

She'elah

May the names of the Matriarchs be included in the Avot blessing of the Amidah?

Teshuvah

The Library Minyan of Temple Beth Am, a participatory and egalitarian congregation of observant Jews affiliated with the synagogue I serve, Temple Beth Am, has been studying and discussing the possibility of including the names of the Matriarchs in the Avot blessing of the Amidah. As the *Mara D'atra* of the synagogue, I was asked to render an opinion.

The Liturgy is Flexible

I have investigated a number of Halakhic sources (noted below) and have come to the conclusion that such a change is warranted. I suggest the following additions to the blessing: after *Elohei Ya'akov* add the words, *Elohei Sarah, Elohei Rivkah, Elohei Rahel, v'Elohei Leah*; after the term *Melekh Ozer* add the word, *u'Fokeid*; and in the *Hatimah* of the Avot blessing, after *Magein Avraham* add, *u'Fokeid Sarah*. I consider this suggestion to be valid within the context of Conservative Halakhic interpretation and theology. It is my feeling, however, that since this issue deals with the text of the central prayer of our liturgy, a prayer that is transpersonal and transcongregational, the opinion of the Committee on Jewish Law and Standards should be sought.

⁴⁵ Written by Rabbi Joel E. Rembaum. This Responsum was adopted by the CJLS on March 3, 1990 with nine votes in favor, six opposed, and four abstentions (9-6-4). The names of voting members are unavailable.

While remaining within a framework established in Talmudic times, Jewish liturgy has retained a flexibility that has allowed it to be adjusted and adapted to the spiritual needs of different generations of Jews. A survey of various versions of the Amidah reveals that in the early post-Talmudic period the wording of a number of the blessing of the Amidah was considerably different from the language that eventually became standardized in the later Geonic Period. The reader is referred to a fragment from the Cairo Genizah.⁴⁶ Especially striking is the language of the thirteenth blessing, with its emphasis on the righteous converts and the absence of references to the other categories of righteous individuals found in the later texts. And, an examination of the fourteenth blessing indicates that the tradition of the Palestinian Talmud is retained, and the splitting of the blessing into *Boneh Yerushalayim* and *Matzmi'akh Keren Yeshuah*, reflecting the Bavli version, is ignored or not known. Compared to this sample of post-Talmudic/Early Medieval liturgy, the subsequent versions of the Amidah reflect considerable change, change that corresponded to the theological needs of later generations.

While it could be argued that this early text represents a transitional version that is too ancient to be considered in a discussion of later Twentieth-Century liturgical change, I hasten to add that we commonly refer to Talmudic precedents, which are even older than these traditions. Furthermore, the Conservative movement's addition of the term *Ba'olam* to the Sim Shalom prayer harks back to the Amidah of Rabbi Sa'adia's Siddur, itself an early text, which often differs from the later "standard" versions.⁴⁷

⁴⁶ I. Heinemann, *Ha-Tefilah B'tkufat Ha-Tanis v'Ha-Amora'im* from the Cairo Genizah, p. 24, m. 15.

⁴⁷ Jules Harlow, *Siddur Sim Shalom*, p. 120. Assaf and Joel Davidson, *Sid-dur R. Saadja Gaon*, p. 19. 489

A good example of the impact on liturgy of a significant theological development is Rabbi Sa'adia's reaction to the reference to the light that shines on Zion (*Or Hadash Al Tziyon Ta'ir*) in the conclusion to the *Yotzer* prayer. Rabbi Sa'adia argued that since the prayer refers to the light of creation and not the light of the Messianic age, such an allusion is unacceptable. Rabbi Sherira, in his response to Rabbi Sa'adia's comment, noted that the reference has always been accepted in the academies and is appropriate for the prayer.⁴⁸ It appears as if the people's hopes for redemption overruled Rabbi Sa'adia's plea for ideological consistency. Rabbi Sa'adia's opinion did carry the day, however, in certain Sephardic communities where the phrase beginning, *Or Hadash Al Tziyon Ta'ir*, is still absent from the standard morning liturgy.⁴⁹ This indicates that Jewish liturgical tradition can, indeed, tolerate variations in the basic structure of communal prayer.

Deviations from Fixed Language

Regarding the matter of deviating from the authorized wording of blessings, the reader is referred to Rambam's *Mishneh Torah*, *Hilkhot Berakhot* 1:6,⁵⁰ where Rambam indicates that should the worshiper deviate from the fixed language of a blessing (*Ha-Matbe'ah*), the religious obligation associated with the blessing has been fulfilled as long as the blessing includes reference to God's ineffable name and His Kingship (*Shem u'Malkhut*) and its wording remains consistent with the established theme (*Iyyun*) of the prayer. This principle is set forth in the same paragraph in which Rambam allows for the recitation of blessing in all languages. Traditions from BT *Berakhot* 40b and *Sotah* 32a-33a serve as the foundation for Rambam's legislation in these cases.

Admittedly, Rambam is ambiguous with regard to the matter of changing the established liturgy. Although in *Hilkhot Berakhot* 1:6 he allows for the possibility of modifying the language of the prayers, in the

⁴⁸ Assaf and Joel Davidson, *Siddur R. Saadja Gaon*, p. 37, and see note to line 6.

⁴⁹ *Siddur Or Vi-Derekh Ha-Shalem*, pp.81-82

⁵⁰ *Hilkhot Berakhot* 1:6.

preceding paragraph⁵¹ he states that one should not deviate from the versions of the blessings established by Ezra and his court, nor should one add to them or delete anything from them. One who changes the established version (*Ha-Matbe'ah*) is in error. He expresses an even stronger negative opinion in *Hilkhot Kri'at Shema*, where he concludes that one who deviates from the *Matbe'ah* must repeat the prayer. The *Kesef Mishneh* on *Hilkhot Berakhot* 1:5-6 offers the following resolution of these inconsistencies in Rambam's thinking.

The *Kesef Mishneh* (henceforth *KM*) distinguishes among four kinds of deviations to which Rambam alludes:

1) The clause in 1:5 beginning *v'Ein Ra'ui...* refers to a change, which fulfills the religious obligation associated with the prayer but which is not recommended because it still is an unwarranted change. *KM* designates two kinds of changes, which fall into this category:

a) One recites a blessing that conveys the essential concept of intent (*M'ayin*) of the established blessing but does so in words different from those of the authorized version.

b) One recites a blessing according to the version established by the Sages but adds to it or deletes something from it.

2) When one changes a blessing to the degree that a specific reference to a divine act (e.g. *Birkat Ha-Motzi*) is replaced by a general reference to God's creation and no references to *Shem u'Malkhut* are included in the blessing, the religious obligation has not been fulfilled.

3) When a general reference has replaced a specific reference, but *Shem u'Malkhut* are included, though this can be considered an error (*Ta'ut*) the religious obligation is, nevertheless, fulfilled.

⁵¹ *Hilkhot Berakhot* 1:5.

4) The statement in Hilkhot Kri'at Shema 1:7, refers to a case where one deviated from the established rules regarding when a *P'tikha* or a *Hatimah* is used with a given blessing. In such a case, the religious obligation has not been fulfilled, and the blessing must be repeated. *KM* concludes his comment on Hilkhot Berakhot 1:6 by emphasizing that the permissive statement of the Rambam in that paragraph is in a case where one has changed the wording of the blessing while retaining the basic theme and not altering its *P'tikha* or *Hatimah* structure.⁵²

From this survey, one can conclude that the notion of liturgical variation is not rejected by Talmudic tradition. The Rambam and his commentators are tolerant of liturgical change as long as it takes place within certain normative parameters. The change that is being recommended in this paper falls within these parameters. The inclusion of references to the Matriarchs in the Avot blessing of the Amidah in no way changes the *Iyyun* of the prayer (see below). Other than these additions the language of the blessing, including references to *Shem u'Malkhut*, remains unchanged, and the *Hatimah-P'tikha* structure of the blessing, required by virtue of its being the first in a sequence of blessings, remain intact.

RA Liturgical Innovations

The Rabbinical Assembly has, itself, instituted changes in the liturgy that are more radical than the additions to the Avot prayer suggested above. Rabbi Morris Silverman's removal of the term *v'Eishei Yisrael*, from the Avodah blessing of the Amidah in his Sabbath and Festival Prayer Book and the parallel shift in the Siddur from the future tense to the past tense in the language of *Musaf Amidah* references to sacrifices represent significant textural and ideological changes in the expression of

⁵² The *Hagahot Maymoniot*, ad loc, also allows for the possibility of changing the wording of blessings. This opinion is based on the discussion in the Yerushalmi, Berakhot 6:2.

Judaism's hopes for the messianic future.⁵³ These are far more extreme than the addition of references to the Matriarchs to the Amidah, since the latter do not negate the intent of the prayer, but rather reinforce it. (This will be discussed in greater detail below.) It should be noted that the Silverman Siddur anticipates the issue under discussion in this paper with its change in the Morning Blessings to *She'asani b'Tzalmo*.⁵⁴ Given these changes, it would be hard to imagine how the modifications suggested in this paper could be considered objectionable.

Siddur Sim Shalom

Siddur Sim Shalom has continued in the Conservative Movement's tradition of evolutionary liturgical change. The additions to the *Takhnit* paragraph of the Sabbath *Musaf Amidah*, for example, reinforce Judaism's historical Zionist yearnings and, at the same time, recognize the legitimacy of the worship of God wherever Jews may find themselves.⁵⁵ Indeed, *Siddur Sim Shalom* begins to address the issue under discussion in this paper by including references to the Matriarchs in an English alternative to the weekday Amidah and in the *Mi She'beirakh* prayers recited when the Torah is read and with the inclusion of the term *Beit Horin* in the Morning Blessings.⁵⁶

The inclusion of the names of the Matriarchs in the Avot blessing is consistent with the traditions of the Bible, normative Jewish Theology and the theme of the first paragraph of the Amidah. In the Genesis accounts the Matriarchs function as significant factors in the unfolding of the covenant between God and the Israelite nation. The Avot blessing functions as an affirmation of the covenantal bond between God and His people, and, given the Matriarchs' role in the development of that relationship, allusion to them in this blessing is most appropriate. Jewish Tradition already has recognized within the liturgy the

⁵³ Morris Silverman, *Sabbath and Festival Prayer Book*, pp.141, 143.

⁵⁴ Morris Silverman, *Sabbath and Festival Prayer Book*, p. 45.

⁵⁵ Jules Harlow, *Siddur Sim Shalom*, p. 434.

⁵⁶ Jules Harlow, *Siddur Sim Shalom*, pp. 10, 232, 402.

significance of this matriarchal role in the selection of the account of God's remembering Sarah⁵⁷ as the Torah reading for the first day of Rosh Hashanah. Continuing in this vein, the addition of the term *u'Fokeid Sarah* to the conclusion of the Avot blessing is an important reinforcement to a prayer that highlights this unique covenantal bond. (Such an addition would also be consistent with the Hebrew style of the Avot blessing. The term *Magein Avraham* is a derivative of the use of the root M.G.D. found in Genesis 14 and 15. Similarly, the term *u'Fokeid*, is a derivative of the root P.K.D. found in Genesis 21.)

CONCLUSION

Because the Siddur, perhaps more than any other compilation of Jewish religious expression, has embodied the ideas that have both shaped and reflected the deepest beliefs and concerns of our people, significant ideological and communal developments and trends have always been represented in our prayers. In a generation when women are assuming a more significant role in the religious life of the Conservative Jewish Community, it is appropriate that the prayer that expresses the unity, commitment and lofty aspirations of the Jewish people, the Amidah, be modified so that it can speak to all members of our congregations, male and female alike. The inclusion of the names of the Matriarchs in the Avot blessing of the Amidah is permissible and recommended.

⁵⁷ Genesis 21.

Relieving Pain of a Dying Patient⁵⁸

She'elah

A dying patient is suffering great pain. There are medicines available which will relieve his agony. However, the physician says that the pain-relieving medicine might react on the weakened respiratory system of the patient and bring death sooner. May, then, such medicine be used for the alleviation of the patient's agony? Would it make a difference to our conclusion if the patient himself gave permission for the use of this painkilling medicine?

(Rabbi Sidney H. Brooks, Omaha, Nebraska)

Teshuvah

Let us discuss the second question first, namely, what difference would it make if the patient himself gives permission for the use of this medicine, though he knows it may hasten his death? There have been some discussions in the law in recent years of the difference it would make if a dying patient gave certain permissions with regard to the handling of his body after death. For example, he might ask for certain parts of the usual funeral ritual to be omitted; and some authorities say that he may permit autopsy. If I remember rightly, this permission was given by the late Rabbi Hillel, Posek of Tel Aviv. But all these statements, giving the dying man the right to make such requests, deal with what should be done with his body after death, but not with any permission that he may give for hastening his death. After all, for a man to ask that his life be ended sooner is the equivalent of his committing

⁵⁸ Originally published in *American Reform Responsa*, Rabbi Solomon Freehof, 1975.

suicide (or asking someone else to shorten his life for him). Suicide is definitely forbidden by Jewish law.

However, we are dealing with a person who is in great physical agony. That fact makes an important difference. A person under great stress is no longer considered in Jewish law to be a free agent. He is, as the phrase has it, *Anus*, “Under stress or compulsion.” Such a person is forgiven the act of suicide, and the usual funeral rites—which generally are forbidden in the case of suicide—are permitted to the man whose suicide is under great stress. The classic example for this permissibility is King Saul on Mount Gilboa. His death (falling on his sword) and the forgiveness granted him gave rise to the classic phrase, in this case, “*Anus ke’Sha-ul*.” Thus, in many cases in the legal literature the person committing suicide was forgiven and given full religious rites after death, if in his last days he was under great stress.⁵⁹

However, a caution must be observed here. The law does not mean that a person may ask for death if he is in agony, but it means that if in his agony he does so, it is pardonable. In other words, here we must apply the well-known principle in Jewish law, the distinction between *Le’Khatekhila*, “Doing an action to begin with,” and *Bedi’avad*, “After the action is done.” Thus, we do not say that *Le’Khatekhila* it is permissible for a man to ask for death, but *Bedi’avad*, if under great stress he has done so, it is forgivable.

So far we have discussed the situation from the point of view of the action of the patient. Now we must consider the question from the point of view of the physician. Is a physician justified in administering a pain reliever to a dying patient in agony when the physician knows

⁵⁹ See the various references given in *Recent Reform Responsa*, pages 114ff, especially the example of the boys and girls being taken captive to Rome who committed suicide [B. Gittin 57b]; the Responsum of Jacob Weil, 114; and that of Mordecai Benet, Parashat Mordechai, Yoreh Deah 25; and the other Responsa given in *Recent Reform Responsa*.)

beforehand that the medicine will tend to weaken his heart and perhaps hasten his death?

Jewish traditional law absolutely forbids hastening the death of a dying patient. It requires meticulous care in the environs of the dying patient, not to do anything that might hasten his death. All these laws are codified in the Shulkhan Arukh, Yoreh Deah 339.⁶⁰

If, therefore, this were definitely a lethal medicine, the direct effect of which would be to put an end to the patient's life, the use of such medicine would be absolutely forbidden. But this medicine is neither immediately, nor intentionally, directly lethal; its prime purpose and main effect is the alleviation of pain. The harmful effect on the heart of the patient is only incidental to its purpose and is only a possible secondary reaction. The question, therefore, amounts to this: May we take that amount of risk to the patient's life in order to relieve the great agony, which he is now suffering?

Interestingly enough, there is very little discussion in the classic legal literature, beginning with the Talmud, about the relief of pain. Most of the discussion deals with the theological question of why pain is sent to us and how we are to endure it and with our attitude to God because of it. As for the paucity of reference on the relief of pain—that can be understood because, after all, in those days they had very little knowledge of opiates or narcotics. However, the Talmud does mention one pain-killing medicine, which could be used in the ceremony of piercing the ear of a slave.⁶¹ This is the basis of all modern legal discussion as to whether anesthetic may be used in circumcision.⁶² It should be noted in that Responsum that most of the scholars agree on the permissibility of the relief of pain, at least in that ceremony.

⁶⁰ See the full discussion in *Modern Reform Responsa*, pp. 197ff.

⁶¹ Kiddushin 21b.

⁶² See *Current Reform Responsa*, pp. 102ff

But in the case, which we are discussing, it is more than a question of relieving pain of a wound or an operation. It is a question of relieving pain at the risk of shortening life. Now, granted that it is forbidden to take any steps that will definitely shorten the life of the patient (as mentioned heretofore)—may it not be permitted in the case of a dying patient to take some risk with his remaining hours or days, if the risk is taken for his benefit?

This question may be answered in the affirmative. The law in this regard is based upon the Talmud.⁶³ There the question is whether we may make use of a Gentile physician (in that case, an idolater). What is involved is the enmity on the part of an idolater toward the Israelite, and the fact that the physician may—out of enmity—do harm to the patient. It makes a difference in the law whether the man is an amateur or a professional. The latter may generally always be employed. Also it makes a difference as to the present state of the patient's health, as follows: If the patient is dying anyhow, more risks may be taken for the chance of his possible benefit. The phrase used for these last dying hours is *Chayei Sha-a*, and the general statement of the law is that we may risk these fragile closing hours and take a chance on a medicine that may benefit the patient.⁶⁴ In other words, this is the case of a dying patient, and the law permits us in such a case to risk the *Chayei Sha-a* for his potential benefit.

However, this does not quite solve the problem. The law permits risking these last hours on the chance of curing the patient. But may we conclude from that permission also the right to risk those last hours, not with the hope of curing the patient, but for the purpose of relieving him of pain? Interestingly enough, there is a precedent in Talmudic

⁶³ Avoda Zara 27a-b.

⁶⁴ Shulkhan Arukh, Yoreh Deah 154. See *Modern Reform Responsa*, p. 199, and especially the classic responsum on this subject by Jacob Reischer of Metz, *Shevut Ya-akov* III, 75.

literature precisely on this question.⁶⁵ The incident referred to is in Ketubot 104a. Rabbi Judah the Prince was dying in great agony. The Rabbis surrounded his house in concerted prayer for his healing. But Rabbi Judah's servant (who is honored and praised in the Talmud) knew better than the Rabbis how much agony the rabbi was suffering. She therefore disrupted their prayers in order that he might die and his agony end.

In other words, we may take definite action to relieve pain, even if it is of some risk to the *Chayei Sha-a*, the last hours. In fact, it is possible to reason as follows: It is true that the medicine to relieve his pain may weaken his heart, but does not the great pain itself weaken his heart? And: May it not be that relieving the pain may strengthen him more than the medicine might weaken him? At all events, it is a matter of judgment, and in general we may say that in order to relieve his pain, we may incur some risk as to his final hours.

⁶⁵ See the references in *Modern Reform Responsa*, 197ff.

Tickets for Admission to *Yamim Noraim* Services⁶⁶

She'elah

Is it proper to limit attendance at services for the *Yamim Noraim* through tickets? May such tickets be sold? What is the traditional and Reform point of view on this?

(Rabbi D. Prinz, Teaneck, NJ)

Teshuvah

The question, which you have asked really deals with the entire matter of support for the synagogue. We have used different ways of eliciting proper support from the Jewish community in various periods of history. The financial obligation of adult Israelites toward religious institutions was first mentioned in the discussion of the half *sheqel*.⁶⁷ All men above the age of twenty were obligated for the sum, both rich and poor. Later, the Diaspora Jewish community provided for the regular maintenance of the Temple in Jerusalem; when that Temple was destroyed, the Romans sought to divert this financial resource to the royal treasury (*fiscus Judaius*), which caused considerable misery. That measure eventually lapsed. During the Middle Ages a Jewish community could force its members to help maintain the necessary religious institutions through taxation.⁶⁸ Actually, measures went considerably further, and a community, which had only ten males could force them all to be present for the *Yamim Noraim* so that the community could conduct proper congregational services. Anyone who

⁶⁶ Written by the CCAR Responsa Committee in 1986 (*Contemporary American Reform Responsa*, 150)

⁶⁷ Exodus 30:11 ff

⁶⁸ Yoreh Deah 256:4, Orah Hayyim 150:1

was absent had to obtain an appropriate substitute for the Minyan.⁶⁹ A community could also force an unwilling minority within it to contribute to a synagogue.⁷⁰ In the Middle Ages wealthy individuals often sought to escape their communal obligations, especially when large assessments were made upon the community by Gentile oppressors. These individuals who possessed means and connections tried to use them to escape the assessments. In many instances the community placed them under the ban in order to force their cooperation.⁷¹ This indicated that far more serious methods than simply the removal of some synagogue honors were used to elicit the cooperation of all Jews in the maintenance of the Jewish community.

During the Middle Ages, in France and Germany, it became customary during the pilgrimage festivals to seek gifts for the poor in conjunction with the Torah reading. This custom was called *Matnat Yad* in keeping with the Scriptural injunction of Deuteronomy (16.17). In Spain, this method of raising funds was used only during Simchat Torah. Eventually it extended to every Shabbat, and the sums were used either to help the poor or to maintain the synagogue.⁷² In connection with this, a prayer for the individual who gave the donation, or his relatives, was recited. This practice was already mentioned in the siddur of Amram.⁷³ Eventually in the Sephardic lands this led to a prayer for deceased relatives also. In some areas, it became customary to auction these synagogue honors. This was done on an annual, monthly, or weekly basis in Italy and at Simchat Torah in Germany (Maharil). In North Africa the honors were auctioned on the Shabbat of Pesach and in Italy, during the *Yamim Noraim* (Azulai).

⁶⁹ Orah Hayim 55:20; Adret, Responsa V, #222; Isaac bar Sheshet, Responsa I, #518 and #531

⁷⁰ Yad Hil. T'filah 11:1; Tur, Orah Hayim 10:50

⁷¹ J. Wiesner, *Der Bann*.

⁷² Isaac Or Zaruah II, 21b

⁷³ I. Ellbogen, *Jüdischer Gottesdienst*, p. 548

In various other communities a whole series of prayers were available for an appropriate gift. So, for example, in the community of Furth there were seven classes of such prayers. The entire practice was probably borrowed from Christianity as early as the ninth century.⁷⁴

In more recent times the Jewish communities in Western Europe have been supported by a system of government taxation as all other religious communities. Unless an individual specifically declares that he does not wish to support the synagogue, he is taxed; this has led to adequate maintenance for the synagogues of Western Europe.

In America each congregation is totally independent and must rely on the support of its members. Vigorous efforts have been made to assure a generous support. This has led to unusual questions, as "Collecting Synagogue Pledges Through the Civil Courts."⁷⁵ Solomon Freehof indicated that such an effort is contrary to the spirit and letter of the Jewish tradition, but the fact that the question was asked demonstrates the problem which congregations face.

We, in the larger American cities, are troubled by the problem of support from those unwilling to join a synagogue and who, nevertheless, wish to avail themselves of the services of a synagogue for worship during the High Holidays, or for specific life-cycle events like Bar/Bat Mitzvah, funerals, weddings, etc. The synagogue must, therefore, maintain itself with such individuals in mind. Tickets of admission for services during the *Yamim Noraim* may be an appropriate way to do so as long as admission is not denied in cases of financial hardship. Every Jew, of course, has the right to worship in a synagogue, and the Mitzvah of worship cannot be denied to anyone, however, there is the equally important Mitzvah of proper support for a synagogue. The obligation of worship need not be carried out in a specific synagogue. It is the prerogative of anyone to establish a Minyan if they

⁷⁴ L. Zunz, *Die Ritus des Synagogalen Gottesdienstes*, pp. 8 ff

⁷⁵ S. B. Freehof, *Recent Reform Responsa*, pp. 206 ff

wish, and nothing else is necessary for a Jewish service. We must, of course, always also be sensitive to Jews who are poor and never exclude them from our services. Most of our synagogues make every effort to reach out to this group and make them feel at home in our synagogue and wave all obligations for dues. We must continue to do so.

In some congregations no tickets are sold, but are issued to all members. This system encourages synagogue membership. We have established this policy at Rodef Shalom in Pittsburgh so that individuals who have permanently settled in the city will join the congregation at whatever dues they can afford. This varies from nothing to large sums. This system eliminates the objection to the sale of tickets, however, in areas where such a system is not feasible, the sale of tickets is an acceptable way to raise revenue necessary for the maintenance of the synagogue.

Representing Judaism at a Unitarian-Universalist Service⁷⁶

She'elah

I have been invited to represent Judaism at a regular Sunday morning service at a Unitarian-Universalist church. They have invited me to do whatever I want, which could be participating in the service as a co-leader, including Jewish prayers and Hebrew songs, and/or giving some sort of presentation on Judaism. What would be appropriate for me, as a Jew, to do in the context of this Unitarian-Universalist service?
(C.C.)

Teshuvah

The questioner inquires about two possible roles for a Jewish visitor to a Unitarian-Universalist church: as a Jewish participant in the regular worship service, or as a teacher of Judaism. Let us consider each of these.

I. Participation in a Unitarian-Universalist service

As Reform Jews, committed to an open-minded and pluralistic approach to other religions, it can sometimes be a challenge to balance our commitment to a distinctive and exclusive covenantal path with cooperative interfaith activity.⁷⁷ We must avoid any inauthentic practices, as R. Solomon Freehof explained with reference to interfaith services:

⁷⁶ Written by the CCAR Responsa Committee July 2021. <https://www.ccarnet.org/ccar-responsa/5781-2/>. Accessed 6 October 2021.

⁷⁷ On Reform attitudes toward participation in interfaith activities in general, see Mark Washofsky, *Jewish Living: A Guide to Contemporary Reform Practice* (NY: UAHC, 2000), p. 274 ff.

Whatever parts of the respective rituals cannot be in conscience participated in or recited by one of the participants, should not be assigned to him, or else the participant becomes merely an actor reciting words for the sake of a dramatic performance. The joint service, in order to achieve its worthy purpose, must be completely sincere. As rabbis cannot participate in Communion, priests and ministers cannot recite such blessings as speak of Israel's unique gift of the Torah; and so with other and similar elements of Jewish and Christian services. Only that which can be spoken with clear conscience and full sincerity can serve to make of these occasional joint services a true declaration of spiritual brotherhood.⁷⁸

Paradoxically, however, the openness of Unitarian-Universalism complicates this question. We accord every religious tradition its own integrity, parallel to the integrity of our own, and we do not mix them. But the essence of Unitarian-Universalism is to reject that notion of integrity in favor of a broad acceptance of anything one finds meaningful, regardless of its source. This means that a Jewish visitor who participates in a UU service will be regarded by the congregation as a full participant, i.e., implicitly affirming for themselves the spiritual validity of that service. This is something we cannot do, as this committee has explained:

The Torah says, "I am the ETERNAL your God who brought you out of the land of Egypt, the house of bondage; you shall have no other gods besides Me."⁷⁹ But a Unitarian Universalist is free to choose to worship multiple deities or powers, including the Earth, Jesus, Hindu deities, and more; or no deities....[A]ccording to the UU website, UU worship is characterized by the inclusion of spiritual practices (prayers, holidays, and rituals) from all

⁷⁸ *Modern Reform Responsa* #11: "Interfaith Services" (<https://www.ccarnet.org/ccar-responsa/mrr-69-78/>)

⁷⁹ Exodus 20:2-3

traditions. For a Jew to engage in the worship of any power in addition to God is to engage in *Shituf*, adding other powers alongside the One God, and we are forbidden to do so.⁸⁰

In addition to *Shituf*, we are concerned about the possibility of *Mar'it Ayin*, i.e., doing something permitted in a context where it would lead someone to conclude, incorrectly, that something forbidden is actually permitted. There may well be Jews present who are members of the UU church; a visitor representing Judaism should not do anything that would inadvertently lead them to conclude that their commitment to Unitarian-Universalism is Jewishly acceptable.

For all these reasons, any act that affirms, or appears to affirm, that the Jewish visitor believes and shares in the religious significance of the service is unacceptable.

II. Teaching Judaism to non-Jews

It may strike the modern reader as surprising that the Talmud forbids Jews to teach Torah to non-Jews, and also prohibits non-Jews from studying Torah, with the exception of the Seven Noahide Laws, which apply to them.⁸¹

Subsequent authorities disagreed over how to interpret these prohibitions.⁸² Did they apply to the Oral Torah (i.e., the rabbinic tradition) or also to the Written Torah? Or did they mean that a non-

⁸⁰ 5780.4: "Conversion of a Committed Unitarian-Universalist," <https://www.ccarnet.org/ccar-responsa/5780-4-conversion-of-a-committed-unitarian-universalist/>

⁸¹ B. *Chagigah* 13a; B. *Sanhedrin* 59a. The Seven Noahide Laws are: Do not worship idols, do not curse God, do not commit murder, do not commit adultery or sexual immorality, do not steal, do not eat flesh torn from a living animal, establish courts of law.

⁸² See the thorough survey by J. David Bleich, "Survey of Recent Halakhic Periodical Literature: Teaching Torah to non-Jews," *Tradition: A Journal of Orthodox Jewish Thought*, Vol. 18, no. 2 (Summer 1980): 192–211. <https://www.jstor.org/stable/23258634>. Accessed 5 July 2021.

Jew is welcome to study the texts, but not to learn the interpretative hermeneutics by which the rabbis analyze Scripture and precedent to develop new law? However widely or narrowly the prohibitions were construed, it is evident that later authorities regarded them as necessary defensive measures. For centuries, Rabbinic Authorities feared—with good cause—that gentiles who studied Torah were motivated by a desire to do harm to Jews and to Judaism. R. Menahem Ha-Meiri of Provence (1249–1315), for example, explained that the prohibition reflected concern that, “A non-Jew who becomes proficient in Torah scholarship may be accepted as a Jew and thus be in a position to subvert the religious practices of Jews.”⁸³ The Rabbis’ fear that Torah scholarship could be misused emerges clearly in Maimonides’ codification of the prohibitions:

An idolator who studies Torah is guilty of a capital crime. He may only engage in the study of their Seven Noahide Laws. The same applies to an idolator who observed Shabbat, even on a weekday. If he designated it for himself as a sort of Shabbat, he is guilty of a capital crime. And there is no need to mention that the same is true if he observed a [Torah] festival for himself. The general principle is that we do not allow them to invent a religion (*Le-Chadesh Dat*) and make up Mitzvot for themselves. Either he should become a righteous proselyte and observe all the Mitzvot, or he should continue to adhere to his Torah [i.e., the Seven Noahide Laws], and he should neither add nor detract.

[However,] a Noahide who wants to observe any of the rest of the Mitzvot of the Torah in order to receive a reward—we do not prevent them from observing it properly.⁸⁴

Indeed, our history is all too full of examples of pseudo-scholarly or completely baseless misrepresentations of our tradition.⁸⁵ The modern

⁸³ Cited in Bleich, 193–194.

⁸⁴ Yad H. Melakhim 10:9–10.

era, too, is rife with anti-Semitic attacks on Judaism and Jewish texts. We also face the challenge of groups like the “Messianics,” who assert that their conservative Christian theology is the “true” Judaism that has been suppressed by the rabbis,⁸⁶ and the “Hebrew Israelites,” a Black American group who believe themselves, rather than the “white Jews,” to be the authentic descendants of biblical Israel.⁸⁷

There is a vast amount of confusion and misinformation out there about us. The best way to combat misinformation is to share accurate information. For that reason, medieval Jews defended themselves in disputations when necessary, and composed their own refutations of anti-Jewish polemics, doing their best to take control of their own narrative and define themselves. And in our own day, unfettered by fear of retaliation for a too-successful defense, surely we have no reason not to do our very best to explain ourselves to our neighbors. Many non-Jews are genuinely interested in learning about Judaism, and teaching them is both to our benefit and to theirs. This is the conclusion of R. Jehiel Jacob Weinberg (1885–1966), who adds, “It is possible that [teaching non-Jews about Torah] has an element of *Kiddush Ha-Shem*

⁸⁵ See, e.g., Bernhard Blumenkranz, “Dominicans,” in *Encyclopaedia Judaica*, 2nd ed., edited by Michael Berenbaum and Fred Skolnik (Detroit, MI: Macmillan Reference USA, 2007), Vol. 5, col. 745–746, Gale eBooks, accessed 13 July 2021; David Berger, *Persecution, Polemic, and Dialogue: Essays in Jewish-Christian Relations* (Boston, MA: Academic Studies Press, 2010), accessed 13 July 2021, ProQuest Ebook Central; Elisheva Carlebach and Jacob J. Schacter, eds., *New Perspectives on Jewish-Christian Relations* (Leiden: Brill, 2011), accessed 13 July 2021, ProQuest Ebook Central.

⁸⁶ See Barry Rubin, *You Bring the Bagels, I’ll Bring the Gospel: How to Witness to Your Jewish Neighbor* (Messianic Jewish Publishers, 1997). On our attitude toward “Messianics” see *Reform Responsa for the 21st Century*, Vol. II: 5761.2, “Donations to Synagogue By Messianic Jews” (<https://www.ccarnet.org/ccar-responsa/nyp-no-5761-2/>).

⁸⁷ “Canton Family’s Faith at the Center of McKinley High Football Coach Abuse Allegations,” <https://www.cantonrep.com/story/news/2021/06/06/who-hebrew-israelites-what-tie-canton-mckinley-football/7522773002/>. (N.B. I had a Black student tell me on the first day of class this past semester that he was a Hebrew Israelite, and therefore a real Jew, and that I, as a “White Jew,” was not a real Jew. – Rabbi Joan S. Friedman)

about it, for they will thereby learn to respect and value the laws of our holy Torah.”⁸⁸ We certainly share that sentiment.

We are not concerned that a presentation about Judaism in place of the regular sermon could be construed as participation in the service. Having guest speakers in place of sermons is a widespread practice, and there is no assumption on the part of a congregation of any sort that a guest speaker shares their religious views.

Educating non-Jews about Judaism need not be limited to a lecture. What about sharing words or melodies from our liturgy? Bringing or using ritual objects? We see nothing objectionable in anything that is obviously pedagogical and not incorporated into the church service.

Conclusion

In short, teaching non-Jews about Judaism is a positive, and we encourage it. The fact that the teaching is taking place within a church service is not an issue, as long as it is clear that you are present as a guest speaker (and singer) and not as a co-leader of their worship. We therefore offer these conclusions:

Inappropriate actions:

1. Leading the congregation in a Jewish prayer, i.e., anything from our regular liturgy.
2. Leading the congregation in performing a Jewish ritual.
3. Co-leading the church service, e.g., reading one of their prayers OR reading a Jewish prayer, or a Jewish liturgical song, as an insertion into their regular service. (See one exception to this below, #4.)

⁸⁸ Responsa *Seridei Eish* II, no. 56.

Appropriate actions:

1. A lecture or educational presentation of any kind in the regular sermon slot.
2. Bringing a ritual object and describing its use.
3. Saying the *B'rachah* and performing a ritual if it could appropriately be done at that time, e.g., demonstrating putting on one's tallit (and t'fillin on a weekday morning).
4. Singing some song from our tradition with suitably universal sentiments as the conclusion of their service. Like guest speakers in sermon slots, concluding songs and benedictions are often used as ways to go outside of one's own tradition, and would not signal acceptability of participation in UU worship.
5. Preparing in advance, for them to use in their service, adaptations of passages from our liturgy that express suitably universal sentiments (e.g., *Maariv Aravim*).

Neither of these lists is necessarily exhaustive; other possibilities could arise. But the preceding discussion should provide sufficient guidance in those cases.