

The Contribution of Responsa Literature to the Study of Halakha, Jewish Culture and History

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Responsa literature has its roots in the Geonic period (8th century), and it continues to be written to this very day. By the year 2000, over 5,600 volumes - comprising over half a million rabbinic responsa - had been published.

One of the methods by which the oral law was created and developed was that of questions and answers - responsa. The "question" has always been considered a legitimate element of Jewish religious discourse. Our diverse rabbinic literature reveals that the Sages encouraged the public to ask, and rabbinic scholars (primarily) rose to the challenge, filling Talmudic and rabbinic literature with learned questions, philosophical enquiries, questions deriving from changing times and needs, and even questions intended purely to increase our knowledge of Torah. A scholar's stature was not measured solely by the answers he gave, but perhaps primarily, by the questions he posed. It is no coincidence that in responsa literature we often encounter the phrase, "a scholar's question is half of the answer."

Responsa continue to play an important role in the development of Jewish law - halakha - and its constant renewal. From the moment that responsa began to be recorded, they have formed an integral part of the foundation of the halakhic system, of scholarly enquiry and Torah study, of the identifying of the permitted and of the prohibited, and of establishing the preferred ideals and the accepted performance.

The importance of responsa literature for understanding Jewish culture and history, and for researching other areas was already recognized in the 19th century. Among the first scholars and researchers in this area were Leopold Zunz, Solomon Judah Leib Rapoport ("Shir", in his introduction to *Teshuvot Geonim Kadmonim* (Kassel, Berlin: 1848), and Zacharias Frankel. These areas continue to be investigated by contemporary scholars.

Nowadays, it is unimaginable that one might attempt to research Jewish society and its customs and culture in Israel and the Diaspora without making recourse to responsa literature. Reading responsa, one finds the unmistakable imprint of major controversies, as well as of disputes and historical incidents that may have left their mark nowhere else.

Bibliographic research of responsa literature sheds light on other areas that have not previously been researched, such as the relationship between the development of the institution of *semicha* (rabbinic ordination) and the development of responsa literature, the writing of responsa as a subject of study in the Sefardic yeshivot, the use of responsa contrary to the will of their authors, as well as other such recognized and researched areas as censorship, forgery of responsa, criticism and controversy, and responsa in regard to emissaries sent to raise funds.

One puzzling phenomenon that should be addressed is that since the introduction of printing in the 15th-16th centuries, a relatively insignificant number of volumes of responsa have been published in comparison to the abundant number of books of halakhic decisions and religious customs that have been published. Moreover, even those few volumes of responsa that were published, were largely the works of authors from the past, and few rabbis had the audacity to publish their works in their lifetimes.

Despite the wealth of research, indexes, data bases, and technological tools that make it possible to locate resources and afford easier access to the subject matter contained in the responsa, we still lack the tools for the systematic, chronological analysis that would give us a clear, historical, halakhic picture of any particular era, and the other information that such a picture might provide.

Researchers who work in the multi-faceted field of responsa literature tend to view it as a separate literary category. It is not part of the scholarly theoretical Talmudic literature, but rather is devoted entirely to deciding the law in real-life situations. While I do not wish to challenge the opinion that responsa literature constitutes a separate category, I would question the view that it relegates responsa literature only to the realm of day-to-day reality. This view seems too dogmatic and not quite accurate. Although responsa literatures does primarily address practical issues of Jewish Law, viewed in its entirety, it is wider than the ocean. It examines not only questions intended to resolve personal, congregational and even generational issues deriving from real life, but also delves into the explication of Talmudic discourses, provides brilliant theoretical analyses and scholarly observations, and pursues philosophical enquiries.

Sometimes, we find that a book that is defined as a volume of responsa contains scientific studies, or responses to those who disagree with the author's position on halakhic issues, while actual responses to questions deriving from the problems of daily life may be only incidental. Sometimes, we find actual

questions that require practical halakhic answers together with questions that are actually scholarly enquiries and discourses presented in the question-and-answer format of responsa. At times, we will find theoretical treatises on halakha intertwined with actual questions that the author was asked and answered on practical issues. In addition to these, we also find books that may incidentally include a single responsum, or several decisions in regard to a particular dispute that the parties or judges wished to publish at the first opportunity. The importance of responsa literature is that it includes everything that an experienced scholar may actually have answered, as well as answers to questions he felt should have been asked. It is, indeed, an inexhaustible source of information, as it says (Aboth 5:22): "Turn it (that is, *study it*) and turn it again for everything is in it."