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PARALYSIS IN CONTEMPORARY HALAKHA?

The title of this essay is obviously meant to be catchy and provocative, but it is not with any sense of flippancy that I frame the matter as I do. The issue I shall address is, to say it plainly, knotty and controversial, and it provokes, in Orthodox Jewish circles, the most ardent reactions for the fundamental questions it asks about the character and direction of halakhic endeavor in our day. I intend to take a brief look at the contemporary halakhic scene in the hope of distinguishing some of its essential features, and why I feel halakhic activity has lost some of its vitality in our age, as compared with earlier generations.1

In a sense, it is somewhat paradoxical that a system which depends upon a written “constitution” and which has a very rigid set of rules of homiletic interpretation (derash), and a very limited set of rules concerning the laws of precedence (kelalei be-pesuk), should nonetheless demonstrate remarkable flexibility and adaptability over the course of time. If we look back to talmudic times, we may observe one of the great innovations that took place during the generation of Hillel: takkanat prosbol—which in a sense almost cancelled one of the 613 commandments of the Torah, that of the annulment of debts. And even if there are opinions that during Hillel’s time this was no longer a mitsva which carried biblical weight, this was still a remarkable and revolutionary move, allowing people to continue to lend to the impoverished without fear of non-payment. In sixteenth century Germany another remarkable innovation took place: the heter iska—a means whereby Jews could claim interest for their loans with other Jews. This effectively cancelled the commandment against usury.2

If we look at the laws of Shabbat, we find that in talmudic times a public domain (reshut ha-rabbim) was defined by a certain width to the main roads: sixteen cubits. Of course, in a public domain one may not carry, and putting an eruv around it is ineffective. This meant in effect that during the medieval period few towns could have an eruv because
many towns had fairly wide roads traversing them. Family life on Shabbat was thus made difficult.

During the period of the Tosafists in the twelfth and thirteenth centuries, we find for the first time a redefinition of the notion of public domain, and we read that an immutable reshit ha-rabbim must also have 600,000 people that go through it, perhaps within a period of 24 hours. This too was a remarkable innovation, which in effect turned almost all major European towns into carmeliyot, which may be affected by the construction of an eruv.

Rema was asked in the sixteenth century how it was that a whole community, the community of Moravia, Mehren, was not particular about drinking wine produced by non-Jews (stam yenam). The problems presented by this situation were immense, because if all the Jews of Moravia were drinking such wine, and were pronounced sinners (overei avera), whose ability to testify (ne’emanut le-edut) was in doubt, as a consequence the weddings that were contracted in Moravia could be invalidated and certainly the bills of divorce would be invalid. Rema, in a long responsum, justifies the actions of the people of Moravia, arguing that he is not permitting others to act in this fashion, but that the people of Mehren nonetheless have something on which to base their actions, i.e., there is a way of understanding their position. Consequently, testimony given by members of that community is not to be considered invalid and they are still to be regarded as good Jews. This was so remarkable a responsum that it was expurgated from subsequent editions of the Teshuvot ha-Rema and for 300 years was unknown until it was reprinted in the late nineteenth century, when the situation was no longer relevant.5

Rema was willing to examine a situation and issue a ruling which contravened most sources found in the Talmud and Rishonim, with the exception of one view of Rabbenu Tam.

According to talmudic law, a person cannot sell hamets that is in his house shortly before Pesach to a non-Jew. In fifteenth century Germany, when the Jews, for various socio-historical reasons, had a monopoly on the beer trade, it became impossible for them to empty their warehouses from beer for the period of one whole week. So we find the decisors of that generation altering the traditional halakhic view and permitting the sale of real leaven (hamets be-en), even when it was physically within the owner’s estate. This too was a remarkable move, one which was not accepted immediately: it took a generation or two to gain prevalence, and now no one thinks twice about it.4
A subject which is especially relevant is the question of *shemita*, the sabbatical year. Here again, simply stated, according to biblical and rabbinic law, one ought to cease virtually all agricultural activities in *Erets Yisrael* for the whole of the sabbatical year, and perhaps even longer. At a certain historical juncture in the middle of the eighteenth century, when agricultural communities sprouted in *Erets Yisrael*, mainly in the Hevron area, it was no longer feasible for whole villages to cut themselves off from their lone source of income for so long a period of time, especially while they had to go on paying taxes to the government. From this situation arose the proposition to adopt the so-called *heter mekhira*, consisting of selling Jewish-owned arable land to non-Jews for the duration of the sabbatical year, a mechanism that is used to the present day with only minor adaptations and variations.

This, too, was not something that was immediately accepted by all members of the community, especially those that did not depend upon the land for their livelihood but received funds from Europe in the form of the *Haluka*. Nonetheless, in the long run, this became one of the accepted solutions. It was later adopted by the Chief Rabbinate on the basis of Rav Kook’s formulation. Here too, in effect, a previous injunction was erased from the law books for socio-economic reasons.

Many of us think of Rema as one who ruled stringently, or think that Ashkenazi decisions of the sixteenth century were much more stringent that those of the Sefardim. The truth is that Rema came up with remarkable *heterim*—only we are no longer sensitive to them because they have become a part of standard *pesak halakha*. To give an example, anyone who is involved in the practical side of the halakha sees constantly, as a decisive element in *pesak*, the principle of *hesed merubah*, which allows for lenient rulings so as to prevent great financial loss. This principle exists already in talmudic sources, but in most rulings up to the period of Rema it was exercised in cases when a stringent decision would create a permanent state of stringency (*humra temidit*)—where a strict precedent for subsequent generations would otherwise form. The Rema ruled that each individual case may be dealt with in its own right: the question of an individual’s income at a specific period of time may invoke the leniency. This means that two different individuals, coming with precisely the same question, or one individual coming at two different times with the same question, could well receive two different responses. This affords a great deal of flexibility to the *posek*.5

When we look at the attitudes of Rema to certain laws having economic implications, we see that he is consistently concerned with the
public’s financial welfare. Are people allowed to do pleasurable work during the “Three Weeks,” during the “Nine Days,” or during the week of Tisha be-Av? For the rule is, surely, that with the coming of Av we diminish joyful activity. On the other hand, work earns us our living. Says the Rema: “Nowadays people do not limit their professional activities during the month of Av. And it would appear that they interpret the talmudic sources as meaning that only such things that give great pleasure are forbidden. And consequently business is permitted, other than that business which is for some sort of personal pleasure.”

He goes further and says that people who think that business activities conducted solely for personal pleasure are forbidden should know that it is only a middat hasidut and a humra be-alma—not a binding ruling. That is the reason Rambam, Rif, and Rosh have not cited these rulings. “And I have seen,” he writes, “the community of Bodeen, whose members indulge in no business activities from the beginning of Av until the ninth of Av, and they do so unnecessarily, for this is unnecessary strictness.”

In another ruling he maintains: “The blessing of mezuman should always be on wine. However, in a place where we do not find wine or it is expensive and one cannot buy it for every meal, one does not have to use it.” This ruling not only disputes R. Yosef Karo’s, it in fact runs counter to the Talmud and most of the Rishonim. Rema goes so far as to say that “even if you do not think it is expensive, I am telling you that it is expensive.”

We ask ourselves, since Rema is the foremost posek for Ashkenazi Jewry, why do we not find this kind of halakic activity, not only in our own days, but also in the last hundred or so years? Take the example of the Mishna Berura, one of the leading sources of contemporary pesak halakha. There is a complex halakic concept regarding eruvin, called karfa or karfi, which denotes an area within a karmelit having the status of public domain, and which generates the same status to adjacent areas. Sometimes this is also called the “plowed field” (sadeh harush), which is not exactly an identical concept, but the two zones have a similar legal status, and an eruv is useless in them.

Most large cities have parks in them and areas in which one may not walk that would halakhically constitute a sadeh harush or karfah. The Hakham Tsevi cites the kula of the Devar Shemuel that finds a flowerbed in a park not to be a karfah because, rather than constituting a private area, it is arranged for the beautification of the city and the enjoyment of the citizens. It is not that we wish to describe this area as private domain; it is just that we want to keep it beautiful. This view of the Hakham Tsevi
was accepted for generations by a good many posekim until the Hafets Hayyim came and rejected it outright in his Mishna Berura. Even the Hazon Ish is more lenient than the Mishna Berura. He suggests fencing off a sadeh harush and declaring all the area around it as not being adjacent, but this too is not accepted by the Mishna Berura. In a number of different cases the Hafets Hayyim demonstrates that certain halakhic rulings found in the Shulhan Arukh and posekim are based on mistakes, misquotations, misunderstandings, misreadings, and the like, and describes in great detail what would be the halakhic outcome of the correct reading. But he only does so in his Bi’ur Halakha. In the Mishna Berura itself, where the pesakim appear, he consistently rules stringently, in accordance with the extant laws that were based on mistaken premises.

Rema rules that one may take off his tefillin after “four kiddushot and three kaddishim.” The Mishnah Berura comments on the spot that this is a misprint—it should be three kiddushot and four kaddishim—but then says that “practically speaking, we rule according to the first view, as is found in the Peri Megadim.”

There is a very fine volume called Kashrut ha-Bayyit ha-Mihtub ba-Moderni, written by Rabbi Levi Yitshak Halperin, an outstanding scholar and the head of Makhon le-Halakha ve-Technologia, that deals with the operation of a modern kosher kitchen. R. Halperin, in a carefully detailed discussion, considers certain leniencies with regard to the use of ovens for milk and meat, only to reverse himself in the end: “Nevertheless, I think that we should not reach a lenient decision.” Why? There is no clear argument other than that we should take into account certain opposing views and try to satisfy all the halakhic opinions. Now, if one wishes to satisfy all the views found in all the lawbooks, from the Mishna until now, he will find himself unable to permit very much. R. Levi Yitshak is someone who knows modern technology, who is a first rate posek and who, one would assume, should avail himself of legitimate kulot, but instead rules stringently throughout his first-rate writings.

It is not that he does not find solutions. He says that when one builds a stove, he ought to build two completely separate sections. The floor of the upper stove should not be the ceiling of the lower stove. Furthermore, the two must not be screwed one into the other with a single screw, because the screw that goes from the upper into the lower would “swallow and spit forth” (bole'a u-folot), and so on. So it is not that he does not come up with solutions, but that he comes up with solutions that are based on the principle of satisfying all manners of halakhic doubts (la-tset mi-kol safek).
Why is it so important for him, and for most of the *posekim* of our day, to avoid all doubts and satisfy all opinions? In our day and age, there seems to exist a situation which we can call fear of ruling (*yirʿat ha-horatʿa*). There is a famous responsum of Rabbi Moshe Feinstein in which the following dilemma is presented: “A rabbi said that he wanted to go to *Erets Yisrael* and live in Benei Berak, but he was not sure whether he should do so. Since sometimes in his Torah teaching and in his rulings he differed with the *Hazon Ish*, he therefore did not want to live in Benei Berak, as he did not want to oppose the *Hazon Ish*. The *Hazon Ish* was no longer alive at the time. And the question was not political; the man was not afraid of being stoned. He felt that perhaps it just was not permitted for him to dissent from the *Hazon Ish* in the latter’s home town. R. Feinstein answers: “I do not understand the problem. Quite the contrary; nothing could be more praiseworthy and honorable to the *Hazon Ish* himself than that people should study his words and occasionally come up with different conclusions.”

The specific discussion of the *Igerot Moshe* in this case is not of importance to us. What is significant is the fact that a person was afraid to live in Benei Berak because he might voice an opposing opinion. Rema was not frightened to say that it is possible, under certain circumstances, to legitimize a community that consumed wine produced by non-Jews. Fear in *pesak* is a particular feature of our age, and it would appear to me that there are a number of reasons, several converging factors, that explain why this should be so.

First, one must take into account the formative influence of one of the major *posekim* of the early nineteenth century, who altered the whole nature of halakhic ruling, namely, Rabbi Moshe Sofer, or Hatam Sofer. It was he who popularized the phrase, “*hadash asur min ha-Torah*,” to mean that innovation is prohibited. Of course, when Hatam Sofer said this he was polemically combating the Reform movement that had spread in Germany and in Hungary, or the *Mehadshim*, as he called them. His rulings referred to changes and innovations that were instituted by that movement, and he issued remarkable statements on issues which seem to have little halakhic consequence, such as the position of the *bima* in the synagogue, the color of the rabbi’s garb, or the introduction of the vernacular into services. Yet all of these things are “forbidden by biblical law” according to Hatam Sofer, and his position was supported and countersigned by many of the great rabbis of Hungary in the 1840s.

He went further. He said that with regard to customs, which should be even less authoritative than rulings of rabbinic authority,
one cannot make any change. After all, according to Rambam, every rabbinic enactment carries biblical authority because of the verse in Deuteronomy (17:11): “According to the sentence of the law which they shall teach thee [asher yorukha], and according to their judgment which they should tell thee, thou shalt do; Thou shalt not deviate [lo tasur] from the sentence which they shall show thee to the right hand nor to the left.” Since the Torah commands us to listen to rabbis, their enactments are essentially biblical themselves. Furthermore, in Hilkhot Mamrim and a few other places Rambam consistently places rabbinic enactments and customs in the same legal category. So the observance of customs, too, is mandated biblically, and one cannot, therefore, change a custom, lest one transgress the biblical injunction. Ironically, following this line of reasoning, a rabbinic custom becomes more severe than a biblical commandment, because a biblical commandment only has its own prohibition, whatever it may be, while a rabbinic commandment carries the prohibition of “lo tasur,” the positive commandment of “asher yorukha,” plus the actual rabbinic enactment! Hatam Sofer goes further and argues that even mere passive acceptance of a custom by a community constitutes a public oath that may not be revoked.

How far can this go? Let us turn to a passage which is a sort of reductio ad absurdum of Hatam Sofer’s view. The son-in-law of the Hafets Hayyim writes in his memoirs: “In many places you can see that my father, the Mishna Berura, didn’t wish to make any changes in things that had happened in the past, even in places where we found sources to rule leniently, and he just did not mention them in his books.” He gives several examples of the phenomenon and observes: “He [Hafets Hayyim] objects very strongly to any kind of innovations in the customs of our communities. And even an innovation in the large synagogues to have electric lighting in the synagogues, he ruled to be unacceptable.”

On the same page he writes of his father-in-law’s tefillin: “Early on in life he only wore Rashi’s tefillin, but later took up wearing Rabbenu Tam’s tefillin until he passed away, in order to do what the Hasidim do.” Specifically, he found that in a version of the Talmud Yerushalmi that was printed in his time, in Seder Kodashim, there is mention of tefillin that seem to match Rabbenu Tam’s later description. Though he was told by gedolim of the generation—R. Hayim Ozer, R. Yitshak Elhanan of Kovno, and others—that this Yerushalmi Kodashim was without doubt a forgery, and that anything written there had absolutely no halakhic validity, he could not stop wearing the tefillin because at
one time he had read in a (forged) book that he should. Not to wear Rabbenu Tam’s tefillin would be an innovation.\textsuperscript{13}

This sort of process, which begins with Hatam Sofer and is strengthened by the Mishna Berura, receives further support from the Hazon Ish. The Hazon Ish was undoubtedly the greatest halakhic influence in Israel during the middle of the last century. He has an interesting and unique halakhic point of view that may be reconstructed from comments spread through his writing. The Hazon Ish argues that there are periods of time in the history of halakha that are considered times of “halakhic revelation.” The Shulhan Arukh, for instance, was formulated at such a time. These junctures of history were endowed with Divine Providence so that the halakha might crystallize in a certain fashion. So while it is true that subsequently we may find new facts that contradict certain rulings; and while we may become privy to new sources or even discover that earlier sources were faulty, still, the “new sources” were “hidden” during the revelation period in order for the halakha to evolve as it did. The reason Me’iri was unknown to the author of the Shulhan Arukh, and almost all halakhic views from Provence were unknown until the late nineteenth century, was that they simply were not meant to be part of the halakhic process.\textsuperscript{14}

There is a difficult and complex passage in the Hazon Ish’s commentary to Hoshen Mishpat in which he deals with a ruling in the Tur and the Bet Yosef that many authorities found to make little sense. Bah’s comment is: “I didn’t understand its meaning.” R. Shimon Shkop in Sha’arei Yosher discovered that the passage in the Tur, which cites the Yad Remah of R. Meir ha-Levi Abulafia, had a line missing and thus came out garbled. R. Shkop, in whose time Yad Remah was published, reconstructed the passage, showing what it ought to mean, and called it a mitsva to correct the ruling. The Hazon Ish, under the nom de plume of Ish Vilna, published an article in Keneset Yisrael (a journal published in Lithuania in the early 20th century and edited by his brother) in which he agrees that the text is incorrect and should be appropriately emended. But then, through a complex series of arguments, he concludes that, despite the fact that the text was garbled, the halakhic conclusion was correct. He ends by saying: “Moses [R. Moses Isserles] is true and his Torah is true,” meaning that the ruling of Rema, though based on an incorrect text, is nonetheless correct. So R. Shimon Shkop says it is a mitsva to correct it and the Hazon Ish says Moses and his Torah are true. (Hazon Ish’s words were reprinted in standard editions of his commentary to Shulhan Arukh without the final words, “Moses is
true," so that when one reads it for the first time, one might think he is replicating R. Shimon Shkop’s words. In fact, what he is doing is arguing with him.)

In Kuntras ha-Shi’urim in Zera’im, Hazan Ish discusses the size of the “olive” (kezayit) measurement. Now, we all know more or less the size of an olive and so did the Hazan Ish. But the Tselah had written that in antiquity olives were bigger (archeological evidence disputes this), so Hazan Ish decided that we must derive our measurements from the older, larger olives, for the shiurim were crystallized in antiquity and God apparently wanted the standard for shiurim to come from the extant olives.

He goes even further in a remarkable passage about terefot (animals with organic defects) which may not be eaten. There are eighteen such defects, and the Talmud observes that “an animal that has one of these defects will not survive for a year.” One of these defects is a leg broken above the knee. The Hazan Ish rules that the same eighteen defects in a human being render him a terefah as well. Now imagine a scenario in which a man with a broken leg disappeared. If halakhically he is a terefah, surely he will be dead within the year, and surely, then, his wife may soon remarry.

But we all know, of course, that if you put plaster on a broken leg, it gets better within a few months. Shouldn’t we revisit the conditions for terefah? Bear in mind that most posekim, from Rambam onward, say that we may not rely on talmudic recipes, medicines, and prescriptions. If a doctor nowadays obtains medical advice from Rambam’s Hilkhhot De’ot he is not a good doctor according to Rambam himself. It is true that Hazan Ish does not allow the wife of the broken-legged missing man to remarry, but he insists that the eighteen defects the Talmud lists for terefa are fixed, and subsequent changes are not relevant. As a result, in a number of the Hazan Ish’s letters he rejects the introduction of newly discovered manuscripts or new Rishonim in halakhic discourse. So Me’iri, whose voluminous writings were not available to earlier generations, may not be a factor in halakhic decisions.

This view of the Hazan Ish again further limits our ability to adapt halakha to contemporary problems. We may understand why he reached his conclusion, considering the sociological forces at play during his period and the threats he was combating. But his view is actually rather innovative; indeed it stands in direct opposition to the standard halakhic method of many preceding generations. The Rema in Hoshen Mishpat, (sect. 25) relying on Mahari Kolon (46), who himself relies on Rambam, rules:
Any place where the words of the Rishonim are written clearly and are well known and later posekim disagree with them, as indeed we find on occasions that later Abaronim even disagree with the Ge'onim, we follow the later view, because the halakha follows the later view, from the period of Abaye and Rava onward. This is a basic principle of halakha. But if on occasions we will find a responsa of a Ga'on, which had not been available until this day, and it is in opposition to views that come after him, we do not have to follow the latter-day views, because possibly they never knew the words of the Ga'on, and were they to have known them, they would have recanted. Now, this is a very basic principle, that had the latter-day posekim known the earlier view, they no doubt would have changed their minds.

Rabbi Ovadia Yosef, in his introduction to the second edition of Yabi'a Omer, writes: “I have followed the views of Me'iri in contradiction to the ruling of the Shulhan Arukh . . . because, had R. Yossef Karo known the view of Me'iri, no doubt he would have recanted.” But today R. Ovadia Yosef is a lone voice in this regard. The majority of posekim have been so overwhelmed by the influence of the Hazon Ish that they find it difficult not to accept his imperative.

I should like to mention one or two additional contributing factors that have also influenced the direction of pesak. 150 years ago in Eastern Europe, when a Rav was asked a question, he generally felt confident he could give an answer that would be accepted by his congregation. He was the authority and did not need the agreement or consent of others outside his locale. Local halakhic activity was not much publicized. Only really difficult questions, such as finding a solution for an aguna, would occasion consultation with major gedolim. When we read the responsa dealing with these types of cases and we examine the dates, we can see that people often had to wait six months or a year until they received a reply. Postal connections were not so efficient. Nowadays, however, any ruling, no matter how minor, can be immediately publicized. No sooner does it leave the posek’s mouth than it may be subjected to comprehensive criticism.

Let me cite a personal example. Several years ago the municipality in Jerusalem was trying to build a major fly-over in the northern part of the city and some graves were discovered in the area of construction. A great deal of tension arose. The Atra Kaddisha claimed that the archaeologists were stealing bodies and defiling corpses, and the whole project should be stopped. The alternative was to spend millions of dollars redirecting the flow of traffic around the area. The political situation became
increasingly complex as various factions became involved. The authority
to decide whether a specific spot is an archeological site (and to stop all
development until the archeologists are satisfied) is in the hands of the
Department of Antiquities, which is under the direction of the Ministry
of Education. They decided the area was an archeological site and had
to be excavated, examined, photographed, recorded, and so on, and in
the meantime one could not build on it.

I was then, and still am, a member of the Committee on Archeology,
which is the body that determines policy for the Archeological Authority.
I went to Rabbi Tsevi Kolitz, the Chief Rabbi of Jerusalem, with a possi-
bile solution to the problem. A text in *Masekhet Semahot* (14:16) rules
that a grave that over time has become surrounded by a city—or in other
words, the city expanded and enclosed it—may be moved for the welfare
of the public. This is not the text as it is found in our editions of *Masekhet
Semahot*, but it is the reading of the Vilna Gaon (though I found no cor-
roborating manuscript). I reported this to R. Kolitz privately on a
Thursday evening. On Friday morning there was a report on *Kol Yisrael*
(Israel Radio) stating that Professor Sperber, who recently had received
the Israel Prize, had a solution for the problems regarding archeology and
halakha, and within an hour the phone in my office was ringing nonstop.

This could not have taken place in a former generation. In the age
of mass media there are no longer private rulings, and decisions in the
public sphere become major policy issues. It makes it that much more
difficult to deal with an individual case when one considers that a pesak
may soon constitute a precedent for the whole community.

There was a time when posekim would distinguish between the pri-
vate and public domain. A person would come with a private question
and would be dealt with as an individual. When a congregation came
with a communal question, it would be handled in a different manner.
This distinction hardly exists anymore. Furthermore, many rulings over
the period of generations were delivered by word of mouth. One went
to a Rav, asked him a question and received an answer. It did not con-
stitute a precedent because it was hardly known by anyone else. But
when decisions came to be written down, and, having been written
down, became public, they gained a new sort of authority. An example
of this type of phenomenon is the question of eating fish on *Shabbat*. In
the nineteenth century it was put in writing that separating bones from
fish constitutes *borer*, and from then on communities ceased to eat fish
with bones and instead brought *gefilte* fish to their tables. The publica-
tion of this halakha brought about the change.\(^16\)
The situation is much more stark nowadays, because there are so many halakhic manuals. True, they often disclaim their practical function and advise people to consult a competent authority, but the book is there and people use it. With the proliferation of manuals dealing with every aspect of halakha, issues fragment and splinter, differences of opinion emerge, the spectrum of rulings greatly expands and the impulse to cover all bases yields many humrot.

At one time it may have been possible to have a halakhic principle of taking into account all opinions. But nowadays, with every opinion uncovered, is it feasible or desirable to take every decision and variation into account? It is reported that the Vilna Gaon said to R. Hayyim Volozhin that if we wished to satisfy every last view concerning the form of tefillin, we should have to wear eighteen sets. This is yet another reason why we are gradually becoming more and more paralyzed in our ability to deal with halakhic issues.

There are many more elements that have to be taken into account, such as the rise of the role of the Rosh Yeshiva as posek, the notion of Da'as Torah, and the problem of the politicization of halakha. But considering just the issues I have raised here makes it clear why halakhic activity seems today more inert than ever before.

Still, Halakha is of necessity constantly adapting itself to the ever-changing world, and in the same way that we now have electricity in our synagogues, we have witnessed other remarkable adaptations in halakha: the Israeli army functions on Shabbat in accordance with the halakha; all the widows from the lost submarine Dakar were permitted to remarry within one year; most Orthodox Jews in Israel use electricity and flush their toilets on Shabbat. Paradoxically, as problems grow more complex and halakhic latitude stiffens, innovative, often ingenious solutions are sought and found.

NOTES

1. An article of related interest is the seminal study of Professor Haym Solo-veitchik, "Rupture and Reconstruction: The Transformation of Contemporary Orthodoxy," in Tradition 28:4 (Summer, 1994), pp. 64-130.
5. MY3, Jerusalem 1994, pp. 53-54.
6. Ibid., pp. 54-57.
7. See MY4, Jerusalem 1995, pp. 188-191, and ibid., 3, pp. 13-20, for additional examples.
10. Toreh De’a 3 no. 8.
11. MY2, pp. 122-125.
17. See MY1, p. 43.