

Oren Z. Steinitz



RESPONSA 2.0. ARE Q&A WEBSITES CREATING A NEW TYPE OF HALACHIC DISCOURSE?

Question

Dear Rabbi! I have an argument with one of my friends and I would be happy if the Rabbi would solve the issue for us. We were nine people in a prayer service and a non-religious repair-man who came to fix something at the synagogue. I told my friend that we should ask him to complete the prayer-quorum [of ten] and my friend said that a nonobservant [Jew] cannot join a prayer-quorum as he publicly desecrates the Sabbath and does inappropriate things so he cannot join us. Is this true?...After all, we are not completely righteous either and there is no person who does not sin?

Answer

A person who is an atheist and does not believe in the Master of the Universe, to add him to a prayer quorum is merely a mockery towards the Heavens. So, it depends on what kind of secular [Jew] we are talking about. Usually, if we are talking about a *Mizrachi* person [of Middle Eastern origin - O.S.] then he is a believer and observes some traditions in one way or the other, and then like you said, not very different from us who are not completely righteous. But if he is a secular Ashkenazi [Jew of European origin - O.S.] then he is probably also an atheist and you cannot add him [to the quorum] unless it is known that he is indeed a believer.¹

New modes of communication that have appeared in the internet realm, such as e-mail and chat rooms, have blurred the traditional distinction between “Talk”—a continuous exchange of thoughts taking place with the parties having no significant amount of time to formulate their answers; and “Text”—which is pre-planned and not necessarily immediate. New terminology, such as TextTalk, was introduced to describe the unique style of communication that has developed in chat rooms, featuring distinct elements such as textual representation of tones, emotions, and bodily gestures.² One fascinating example of a medium blurring the boundaries between the norms of written works and spoken conversation can be seen in religious websites featuring an “ask-a-scholar” section.

During the last few years, internet websites in which religious scholars answer surfers' questions related to religious law have become increasingly common in the Orthodox Jewish world.³ Although much has been said regarding the "unbearable lightness" by which the web allows anyone to spread their word, radical though it may be, the internet also allows web-surfers from all over the world access to esteemed spiritual leaders, regardless of their geographical location. In addition, the questioners enjoy relative anonymity, which allows them to pose delicate questions that they would not dare to ask a scholar face-to-face for various reasons. The respondents, for their part, enjoy an unprecedented opportunity to disseminate their agendas all over the world, using a medium that is accessible to every web-surfer.

Before addressing these Questions and Answers (Q&A) websites, it is important to note that the Q&A genre is not an entirely new phenomenon. Jewish responsa have been written since the Gaonic period (8th–11th Centuries C.E.) and have been extensively studied as important social-historic documents illustrating the issues that Jews had to deal with in their everyday life in different eras, including their legal and political status in various regions, their relations with the nations surrounding them, matters related to languages and local dialects, and more.⁴ Much like other types of Jewish legal literature, such as the codifications of Jewish Law, the purpose of the Q&A genre is to give a practical solution to legal questions.⁵ However, the way in which the scholar writing a halachic *T'shuvah* arrives at a conclusion is very different from the way the author of a halachic code does so. While a scholar writing a legal code of law relies chiefly on a theoretical examination of legal sources, a rabbi answering a question must take into consideration what Menahem Elon refers to as a "living legal reality," a set of social and economic factors that influence the halachic discourse.

The responsa genre, or *she'elot ut'shuvot*, influenced the development of the Jewish legal system significantly throughout the ages.⁶ Naturally, the questions that were raised were usually based on contemporary realities, and the responding scholar had to formulate his answers according to the circumstances prevailing at that time. According to Elon, a striking feature of the responsa literature is that for 1300 years, approximately seventy percent of the genre was dedicated to the civil, administrative, public, and criminal aspects of Jewish Law, and only 20–30 percent dealt with matters to do with the *Yoreh De'ah* and *Orah Hayim*' aspects of halacha, i.e.—prayer, benedictions, holidays, dietary laws, ritual purity, and relations with the Gentiles in terms of ritual prohibitions.⁸ This phenomenon reflects the fact that up until the emancipation of European Jews in the late

eighteenth century, Jewish communities possessed judicial autonomy, and therefore most of the problems that the Jewish legal system had to deal with related to the social, commercial and economic life of the community, as well as its relations to the non-Jewish community surrounding it and to the local government.

From the eighteenth century onwards, however, the picture became radically different and the vast majority of the questions answered in Eastern and Central European Jewish communities were related to the “ritual” side of Jewish Law rather than the judicial side of it.⁹ New technological innovations presented the answering scholars with many new halachic concerns. In addition, the Jewish Enlightenment movement, as well as the Reform Movement and secularizing trends, raised other concerns with regard to the laws of the Sabbath, liturgy, matters of marriages and divorce, and the treatment of Jews who did not acknowledge the obligatory status of traditional Jewish Law. Thus, the European Jewish communities produced a vast amount of scholarly answers on such matters.

According to Elon, the nineteenth-century split in the Jewish community, separating observant and non-observant individuals, caused another phenomenon to achieve prominence in post-emancipation responsa.¹⁰ Many of the responding scholars, even prominent ones, refrained in numerous cases from clear and decisive rulings, as the scholars felt unworthy to challenge the predominant discourse. While this situation—known as *Yir’at Hora’ah*, or “fear of instruction”—also occurred in previous generations, it had been a relatively marginal phenomenon. From the nineteenth century onwards, however, such indecisive rulings have become a significant feature of the responsa genre, and even prominent scholars showed a tendency to refrain from presenting clear answers. Scholars who did provide innovative answers often added reservations saying that their answers were purely theoretical, or that they may only be applied if more scholars endorsed their opinion. This phenomenon increased as the Orthodox world became increasingly withdrawn from the rest of the Jewish world, and promoted a tendency to produce as few halachic innovations as possible.

As noted, web-based Questions and Answers are distinguished from traditional published responsa by several criteria. First of all, the fact that one can send a scholar an anonymous question causes many issues that were previously considered taboo in traditional societies to rise to the surface and become an integral part of the religious legal discourse. The best examples are, of course, issues of sexual identity that are quite commonly raised in the Q&A websites. The second difference relates to the issue of accessibility. The internet allows surfers from all over the world to access scholars of their

choice with a click of a button. Surfers can easily send their questions to as many scholars as they like, and thereby evade the religious requirement to adhere to a single legal school of thought or to a specific scholar.¹¹ Scholarly authority may be impaired by this ability, as one can “shop around” until one finds the legal answer one is seeking. Another issue related to scholarly authority is raised by the fact that many of these websites allow inquirers to post their own comments to the scholarly answers, much like in news services websites, creating a more egalitarian, more open religious discourse. Perhaps (not surprisingly, considering the nature of the medium) some of these comments do not really conform to the level of respectfulness or language register that one is expected to follow when addressing a religious authority. Moreover, the geographical distance that can sometimes exist between the inquirer and the responding scholar implies that the scholar has no way of knowing if his answer is actually followed, which may also weaken the scholar’s authority.

This article will examine how the Q&A websites fit within the body of halachic literature from two perspectives. The first section will attempt to examine how authoritative the scholarly answers are, and whether a scholarly answer given online is treated similarly to a traditional rabbinic responsum. The second section will examine a particular issue which arises quite often on those websites—the permissibility of inviting a non-Jewish guest to the Passover Seder—in terms of the scholarly answers’ reliance on authoritative traditional sources, and their adherence to previous discourses. All of the websites examined are located in Israel, and feature well-known rabbis from the National-Religious sector.¹²

THE WEB’S AUTHORITY ON RELIGIOUS ISSUES

Since the role of the religious scholar is apparently changing with this new medium, it is appropriate to raise the question of how authoritative are the scholarly answers that are posted on the internet. Considering all the issues that were raised in the introduction, do the inquirers treat answers given online the same way as they would treat an answer given face-to-face or in the more traditional form of a published responsum?

Naama Elimelech and Yael Gotliv from the Department of Psychology at Bar-Ilan University conducted a statistical study examining the effects of consulting with a rabbi face-to-face, as opposed to consulting with a rabbi through a website.¹³ While they did not find a significant difference between the feelings expressed by the

two groups, Elimelech and Gotliv feel that it is too early to suggest that the effects of on-line rabbinic counseling are similar to those of face-to-face religious counseling, as this is still a relatively new medium. The authors emphasize that their study did not distinguish between legalistic questions and more personal, intimate questions. They suggest that while there may not be a significant difference between the way on-line and face-to-face counseling sessions are perceived when dealing with questions related to technical questions of religious law, people would still find face-to-face counseling to be more helpful when dealing with personal, theological, or philosophical questions, for which the inquirer would expect a more sensitive, personal response. Elimelech and Gotliv support this argument by referring to another study, conducted by Shih-Hsun Lin, which examined the difference between personal and cyber-counseling.¹⁴ According to Lin, who did not look specifically at religious counseling, respondents perceived their face-to-face counselors to be more empathic than the on-line counselors.

While Elimelech and Gotliv's study does not seek to provide a definitive answer to the question of the web's religious authority, it does indicate that even at this early stage, some people—especially those who see the internet as a significant component of their identity—take this new medium seriously, and would treat an on-line answer from a rabbi in the same way they would treat a face-to-face response. However, an examination of the web-based questions, and specifically the inquirers' comments on the scholarly answers, may provide evidence to the contrary.

As noted before, in a manner similar to popular news service websites, some of the websites in question allow their visitors to post comments to the scholarly answers, and thereby make the medium more egalitarian, and—I would argue—less authoritative. It is tempting to view the internet in general and religious websites in particular, as an ideal Habermasian public sphere, encouraging an open and rational debate free from the constraints of social status or the natural distance between a scholar and the laity.¹⁵ In a 2001 web-based answer Rabbi Yuval Sherlo even goes as far as claiming that the fact that inquirers can comment on a rabbinic answer “turns the answers into an actual *beit midrash* [Jewish house of study]” in which nothing is accepted without inspection and without examination.¹⁶ A rational-critical public sphere, however, is characterized by what Habermas referred to as an “ideal speech situation” in which the participants in a discussion all attempt to arrive at the truth, without behaving strategically.¹⁷ However, scholars studying the internet—and the blogosphere in particular—have pointed out that this idealized view of the web has very little basis in reality. Cass Sunstein (2008), for

instance, demonstrated that internet discourse is often characterized by group polarization—a tendency to read blogs only if they conform to the readers' own views and beliefs. Readers of online rabbinic answers, I would argue, are no different. Moreover, when a rabbinic answer does not conform to the readers' beliefs, they will not remain silent.

As visitors can pose their questions and post their comments using only a nickname, or even do so completely anonymously, some inquirers see this as an opportunity to approach a rabbi without the constraints of the Jewish laws that require respect for a rabbi,¹⁸ or even the norms of common courtesy. A striking example of this phenomenon can be seen in a question sent to rabbi Haim Navon titled "A Very Rude Question – How Come the Rabbi does not have a Beard?"¹⁹ The question starts with the inquirer apologizing in advance for his rude question, and then asks how it is possible that some of the rabbis answering the surfers' questions on the *Kipa* site are clean-shaven. The inquirer continues:

[and] I ask – does it end here or does the rabbi eat Gentiles' milk powder?²⁰ [wear] *Tefillin d'Rabeinu Tam*?²¹ [Follow] a single *Humrah* [stringent opinion]? I am once again sorry for the insolence, but it is disconcerting when you see a rabbi who looks like a student in Bar-Ilan [University] or *lehavdil*²² a Reform rabbi, Heaven forbid...

After proposing his own opinion on the matter (without citing any sources to support it), the responding scholar added that he could not resist a few words of scolding—"you are not exempted by apologizing in advance for asking a rude question. You must make sure that your words themselves are not rude."

The inquirer's question and the rabbi's answer received no less than twenty comments. While a large portion of the comments were from readers appalled by the inquirer's (and some of the other commenters') discourtesy and disregard for the *halachot* concerning honoring a rabbi, others were even more disrespectful than the original questioner:

(Avi) - According to some authorities there is a Mosaic prohibition against using an electric shaver...and I didn't even mention [opinions] according to the Kabbalist perception or an explicit Gemarah stating that a beard is the face's splendor. Please be accurate, honorable rabbi!²³

I am a *Ba'al Teshuvah*²⁴ and never consulted a clean-shaven rabbi (Jonathan) – I always approach rabbis who look like rabbis and know how to speak like a rabbi, firmly and decisively, and all *Ba'alei Teshuvah* are like that. After all, the Reform and the Conservative and the 'Knitted'²⁵ do not attract the secular. If someone wants to become observant he wants the real thing and not something lukewarm. I consider a clean-shaven rabbi, who seeks

to come closer [to others] instead of bringing [others] closer to him, to be a fraud who is not worthy of approaching.

Forgive me (Mor) – There is also a Kabbalistic thing about that, no? Obviously if I know that, then even the “simplest” rabbi knows it. I’d be happy if you replied.

The quotations brought here demonstrate clearly the unique nature of the web-based halachic discourse. It goes without saying that the language which some of the inquirers choose to use when approaching a rabbi would not have been considered appropriate in any other medium, be it a traditional form of responsa or a face-to-face consultation. Moreover, even though Elimelech and Gotliv’s study suggested that some people would treat a rabbi’s online answer in the same way they would treat a more traditional form of consultation, the above example reveals that many surfers who feel that a rabbinic answer does not conform to their own worldview do not hesitate to voice their opinion, politely or not.

Another example of the way visitors to the websites can voice their opinions regarding the authority of the rabbi’s answer can be seen in a question sent to the *Kipa* website regarding the permissibility of praying in the *Shira Hadasha* congregation in Jerusalem.²⁶ *Shira Hadasha* [“A New Song”] is a Modern-Orthodox congregation, which unlike most Orthodox synagogues, allows women to lead certain parts of the service, this while still adhering to Orthodox law and conceding that even in its most liberal interpretation it cannot be completely egalitarian.²⁷ The responding scholar, Rabbi Ronen Lovitz, provided a very short answer without indicating any halachic sources of it—“in my opinion, it is permissible.” While the answer is by itself controversial, as the congregation’s status is under dispute in Israeli Orthodoxy, the most interesting aspect about it is the surfers’ responses to the answer. The *Kipa* website allows its visitors to “tag” the scholarly answers there, in the same manner as in the *YouTube* video service. Surfers can choose from a list of hundreds of categories, or add categories themselves, and thus allow other visitors who are interested in answers that fit a certain category to find them more easily. Naturally, this feature allows the visitors to manipulate the site’s search engine, just as happened in this case.

Lovitz’s answer, positive as it was, was given the following tags: “Infidels,” “Heretics,” “Women,” “Conservatives,” “*Shira Hadasha*,” “Women Singing,” “Women’s Prayer,” and “Reform.” Thus, anyone who clicks on the category “Infidels” will find the answer regarding this congregation. As it seems, some readers who encountered the answer found it too liberal for their taste, and sensed that Lovitz was not adhering to the boundaries of the religious enclave (a term coined by Emmanuel Sivan to describe fundamentalist societies)²⁸

so they felt it was their duty to put the answer in context. This demonstrates how the surfers' participation in these websites influences the legal discourse, which was traditionally limited to scholars and was rarely influenced by lay people.

Even though the responding scholars may not approve of these trends, the fact of the matter is that by continuing to answer such questions, and by allowing the visitors to post their comments, this discourse is receiving rabbinic legitimization. While a more thorough examination of the rabbi's image and authority in light of the web-based discourse is well beyond the scope of this article, the fact that it differs from more traditional discourses is definitely clear. Another aspect that distinguishes online Q&A from traditional responsa—their reliance on authoritative Jewish legal sources—will be discussed in the next section.

Q&A WEBSITES AND AUTHORITATIVE JEWISH TEXTS—A CASE STUDY

The treatment of online websites featuring a rabbinic Q&A section as part of the ongoing responsa genre presents a methodological problem. As was already seen in the examples presented above, online Q&A are characterized by several features distinguishing them from more traditional forms of the genre, especially in terms of the brevity of the answers and the scholars' limited reliance on traditional authoritative sources. In this section, I will review questions and answers dealing with one topic—the permissibility of inviting non-Jews to a Passover Seder—in light of traditional sources on the matter and previous scholarly answers.

While classical Jewish legal sources do not specifically discuss the participation of Gentiles in a Passover Seder, they do relate to the issue of inviting non-Jews to a Jewish house on a festival (as opposed to a Sabbath). Maimonides' *Mishneh Torah* explains that one is only allowed to cook on a festival food that will be consumed by Jews observing the festival, this based on the idea of *okhel nefesh*, expressed in the book of Exodus.²⁹ Thus, he continues, one is not allowed to cook “for Gentiles or dogs”³⁰ on a festival and it is therefore prohibited to invite a non-Jew during a festival, so that one would not be tempted to cook an extra dish for the non-Jewish guest.³¹ If a non-Jew arrives uninvited during the festival, he is to eat only from the foods already prepared.

This prohibition was reinforced in the *Shulḥan Arukh*, Joseph Karo's definitive sixteenth-century codification of Jewish Law.³² Karo not only repeats Maimonides' assertion that one is not allowed to cook

for a non-Jew³³ or invite a non-Jew during a festival, but also adds that there is no prohibition against feeding one's Gentile servant, a non-Jewish messenger or a Gentile who came without notice,³⁴ as 'there is no fear of [cooking] extra' dishes in such cases. In his commentary on the *Shulhan Arukh*,³⁵ Rabbi Moses Isserles (also known as the *Rema*) added that for the sake of feeding a non-Jewish servant, one is allowed to add more food to a pot in which one cooks one's own food, but not in other cases. Isserles also adds that if one bakes in a non-Jew's oven, and has to give the oven's owner one loaf, they should not decide which loaf is to be given prior to baking, as then it would be considered cooking for a Gentile; instead he should wait until all the loaves are ready before making the designation.

When looking at the various answers given to the question of inviting non-Jews for the Passover Seder on the different Jewish Q&A websites, it is surprising how rarely this legal issue is mentioned, regardless of the scholar's stance on the matter. Rabbi Eli Kaplan, for instance, was asked this question and answered that there is no problem with Gentiles joining the Seder table, as long as they do not touch an open bottle of wine.³⁶ Similarly, an inquirer who asked whether his mother-in-law's Philippine caregiver can join them for the Seder was answered by Shmuel P. Gelberd³⁷ that it is "not only permissible, but a *Mitsvah*."³⁸ When asked about special considerations in such a case, Gelberd answered that one should make sure that the Gentile does not touch a bottle of wine. It is worth noting that neither of these answers contained any reference to legal sources.

Two other answers that not only failed to provide scholarly references but also did not even base themselves on a halachic principle were offered by Rabbis Zalman Melamed and Shmuel Eliyahu. Similarly to the previously reviewed question, Rabbi Eliyahu was asked about the permissibility of a Philippine caregiver attending a Seder.³⁹ He replied that it is permissible, but "is it desirable? If she will not be insulted, she had better not – she does not belong there." If the worker is likely to get insulted, he added, "it is impermissible to insult anyone, even a Gentile." Rabbi Melamed was approached by an inquirer who wished to know if it is permissible to have a Christian guest for the Seder.⁴⁰ The rabbi answered that he "sees no point" in doing so, as it "impairs the Seder." He also noted that one possible exception to this ruling is a guest who is in the midst of a conversion process.

Rabbi Yuval Sherlo was asked about a family in which the wife is a convert to Judaism, and they wanted to know if it is permissible to invite her parents (who are not Jewish) to the Seder.⁴¹ Sherlo replied that there is no legal prohibition against inviting Gentiles to a Seder, and that some prominent rabbis used to do so while other avoided it.

However, he ends, due to “our uncompromising struggle against intermarriage, the issue here is more complicated.” He ended his answer by summarizing that while generally it is permissible to invite non-Jews, “in this case it is, of course, inappropriate”. One reader responded to Sherlo’s answer and wondered if the rabbi understood the question correctly, as “the woman already converted, and this is not a case of intermarriage, God forbid.” That being the case, what reason can there be for not allowing the woman’s parents to join the family on a holiday? Sherlo replied by saying that he “noticed all the details,” and that he “does not fear intermarriage with the woman’s parents.” Avoiding contact with non-Jews, he continues, is a general categorical prohibition in order to avoid intermarriage, and one does not look at every individual case. Similarly to the previous answers reviewed, Sherlo did not provide any references to scholarly sources in his reply.

Another interesting answer was given by Rabbi Uri Sharki.⁴² Sharki was approached by an inquirer who wanted to know if there is a difference between the case of a Philippine caregiver living with an elderly Jew and the case of a “practically assimilated Jew” [*sic.*] living with a non-Jewish partner, as both cases are relevant to his family. Unlike the previous rabbis examined, Sharki did mention the prohibition against cooking for a Gentile on a festival and indicated Moses Isserles’ reservation regarding cooking for one’s servant, stating that this is also the case with regard to the Philippine caregiver. If a Jew *has* to host a Gentile during a festival, he stresses, it should be made sure that all the food is prepared in advance and heated on a hot-plate, like on a Sabbath. At this point, the rabbi’s answer arrives at a twist—he states that these guidelines fit a “regular” festival, but that the Passover Seder has a unique nature that requires special considerations.

According to Sharki, since the Paschal Lamb—of which it is said “no uncircumcised person shall eat thereof” (Exodus 12:48)—was to be eaten during the biblical Seder, even in contemporary times when there is no temple and a lamb is not sacrificed, “the spirit of the holiday dictates separation from the Gentiles, unlike Sukkot [Festival of Tabernacles], which emphasizes the connection to the positive aspects of the Nations of the World.” Thus, if one finds oneself in a situation where one must invite a non-Jew to a Seder, he should not encourage the Gentile to come and only invite them if he has no choice, and “of course, [one] should not come from the point of view of fraternity amongst the nations, which has no place on this holy setting that is unique to the Israelite people.” Sharki adds that in his opinion one should be strict and not let the non-Jew taste the

Afikoman, as it is a symbol of the Paschal Lamb,⁴³ and thereby “emphasizes the difference between Israel and the nations.”

Similarly to Rabbi Eli Kaplan, who emphasized that the non-Jewish guest should not touch an open bottle of wine, Rabbi Sharki was also concerned with this issue. Even though the inquirer stressed that he would pour the wine and not the non-Jewish guests, Sharki asserted that this is not enough, as pouring the wine into the Gentile’s glass on top of left-over wine⁴⁴ would render the entire bottle prohibited. Moreover, he stated, one must demand of the non-Jewish guest to wash his own glass as it becomes *muqtsah*—an item which is not to be touched during a Sabbath or a festival. This ruling, for which Sharki did not provide any sources or rationale, is surprising, as pasteurized (or “cooked”) wine, which kosher wine usually is, is generally considered permissible even when touched by a non-Jew.⁴⁵ This is also the opinion expressed in an answer by Rabbi Abraham Yossef, who ruled that a Gentile may participate in the Seder, but that the host must make sure that the wine served at the table is pasteurized, as well as in a similar answer by Rabbi David Lau.⁴⁶

Rabbi Lau provided another interesting answer to a similar question.⁴⁷ In this case he wrote that he does not see a problem in inviting a non-Jew to the Seder, and while it is permissible to let the non-Jew eat unleavened bread, it is forbidden to let him eat the Matza over which one recites a benediction in order to fulfill the commandment of eating unleavened bread (*Matsat Mitsvah*). Unlike the previous answers reviewed, the rabbi cites several sources in his reply and refers the readers to two commentaries on the *Shulḥan Arukh*—the *Ṭurei Zahav* (167:18) and *Kaf HaḤayim* (167:140)—that cite a third source, Rabbi Menahem Recanati’s *Ta’amei HaMitsvot*. In this book, it is explicitly mentioned that one should not let a non-Jew eat a *Matsat Mitsvah*.

Interestingly, Rabbi Lau refers the reader to another section from Rabbi David Halevi Segal’s *Ṭurei Zahav* (512:6), which may appear peculiar at a first reading. This section, in which the author comments on the prohibition of inviting a non-Jew during the festival, discusses a halachic “loop-hole” (*ha’arama*) mentioned in the *Shulḥan Arukh* (512:2) dealing with a situation in which a non-Jewish army asks a Jewish household to prepare food for the soldiers during a festival. According to this concept, based on a Talmudic story (*Beitsa* 21:1), one can declare that some of the food prepared for the soldiers is designated to feed a child, but not specify which of the loaves are intended for the soldiers and which ones go to the child. Thus, any of the loaves could theoretically be the ones prepared for the child, and therefore it is permissible to prepare them. The *Ṭurei Zahav* rejects this loop-hole and stresses that it is not permitted to cook for a

non-Jew on a festival, even if one finds oneself under pressure to do so. In order to stress this point, the author returns to the Talmudic discussion on which the prohibition is founded, according to which one is allowed to invite a non-Jew on the Sabbath but not on a festival. According to the *Turei Zahav*, as it is generally inappropriate to eat with a non-Jew, the Talmud only allows the invitation of a Gentile on a Sabbath in cases when the Jew is under pressure to do so. Thus, he concludes, one can only trust the loop-hole mentioned in the *Shulhan Arukh* in extreme cases, in which the joy of the festival is at stake.

Rabbi Lau's reference to this paragraph, denying the validity of social interaction with non-Jews, is puzzling in light of the positive nature of his answer. While it is possible that the scholar added this reference in order to demonstrate that he is aware of the *Turei Zahav's* stance on the matter and chose to rule otherwise, Rabbi Lau's reply to a reader's comment on his ruling may reveal otherwise. Five years after the original answer was published, a surfer commented on it and asked whether one should forbid inviting a non-Jew during Passover due to the prohibition on cooking extra dishes. The rabbi's reply was "we do not add decrees (*g'zeirot*) in a place where peaceful relations (*Darkhei Shalom*) [are maintained]." The term *Darkhei Shalom* is commonly used in halachic literature, often in the context of interfaith relations, as a reason for decrees set by the rabbis in order to avoid conflict, fights, or quarrels.⁴⁸ Thus, it appears that even though Rabbi Lau may agree with the *Turei Zahav's* assumption that eating with non-Jews is to be avoided in the first place, he considers current circumstances to be such that refusing social contacts with non-Jews may damage interfaith relations, and therefore the decree prohibiting the invitation of non-Jews on a festival does not currently apply.

Another example of an answer in which the rabbi considers current circumstances to override the prohibition against inviting Gentiles on a festival can be seen in a response by Rabbi Yuval Sherlo to an inquirer who wondered if he is allowed to host a non-Jew who is in the process of converting to Judaism, and whether section 512 of the *Shulhan Arukh* dictates special considerations in preparing the meal.⁴⁹ Sherlo responded that first of all, great rabbis (*G'dolei Yisrael*) throughout the ages used to invite non-Jews to their Seder table, and secondly, that it is a great *Mitsvah* to host a person who is in the midst of a conversion process, and that the Halacha that the inquirer quoted does not contradict the Halachic obligation to embrace the convert. Similarly to the other responses by Sherlo reviewed here, no sources were cited to support his opinion.

CONCLUSIONS

The review of the answers given on the websites reveals their most problematic feature (when trying to classify them as part of the ongoing halachic discourse)—namely, their failure to cite earlier authoritative sources. The fact that many of the scholars did not feel obligated to relate to the legal issue of cooking for a non-Jew on a festival may appear surprising, but this is not necessarily a phenomenon unique to the web discourse. In fact, the only traditional rabbinic responsum I have found dealing with the permissibility of hosting a non-Jew on a Passover was by Rabbi Moshe Feinstein, one of the most prominent halachic authorities of the twentieth century, which also did not relate to this issue.⁵⁰ In his responsum, Rabbi Feinstein related to the prohibitions on non-Jews handling wine and to a prohibition against teaching Torah to non-Jews. Thus, the more striking feature of those websites is not the scholars who related to other halachic issues, but rather the rabbis such as Zalman Melamed and Shmuel Eliyahu who did not even try to mask the fact that their answers were based solely on their personal opinion. A possible explanation for this phenomenon, I would argue, is that the classification of the online Q&A genre is not only difficult from an outsider's perspective, but is not yet clear to the inquirers themselves and to the responding scholars.

It appears that the genre is situated at a mid-point between traditional responsa—with some scholars basing their answers firmly within the written halachic discourse—and face-to-face consultations—which by their very nature can be much less formal. While a rabbi would not have been able to publish a conventional responsum containing only the phrase, “in my opinion, yes,” this response is more than acceptable in a face-to-face situation. One might have expected, however, that the nature of a given answer would be dependent on the question, but the above case-study revealed otherwise. The answers given to what were essentially very similar (if not identical) questions varied tremendously not only in content, but also in style. As mentioned before, this middle-ground between conversational and written styles—or between “talk” and “text”—is characteristic not only of religious Q&A websites, but also of internet-based discourse in general.⁵¹ Recently, Rabbi Yuval Sherlo published a responsum titled “*Hilkhot Talk-Backim*” [Laws of ‘Talk-Backs,’ or internet comments] in which he emphasized that halachically speaking, internet comments should be treated the same way as an oral expression of opinions, and are subject to the same laws limiting what a person is allowed and not allowed to say.⁵² He also stressed that one must keep in mind that the medium is after all different from an oral conversation: “one

should be aware that unlike speech, an internet comment lasts forever, and comes up in search engines, so its implications [can be] more severe.”

When the responding scholars adopt an informal style, do not base their answers on authoritative sources and, basically, knowingly remove their online answers from the tradition of well-researched scholarly responsa, they diminish their scholarly authority. The fact that many of these websites offer their visitors the option of responding anonymously to the scholarly answers reinforces the notion that online Q&A is more like an informal conversation than legally binding rulings. In fact, the type of language used in the readers' comments is far more informal than the language used when consulting with a rabbi face-to-face. This type of open, egalitarian discourse receives further legitimacy by the rabbis not only allowing the posting of these comments, but also responding to the comments themselves.

As noted before, this article does not attempt to fully discuss the influence of online Q&A on scholarly authority, but wishes rather to characterize the genre and point to the special features that distinguish it from previous models of Jewish legal discourse. It is clear, however, that the influence of this new genre on the halachic world is enormous from the perspectives of both the scholars and their followers. While online Q&A websites are very different from traditional responsa, they present scholars and laymen with an opportunity for lively, egalitarian discourse, which can challenge pre-existing halachic conceptions. Unfortunately, the cases reviewed in this article demonstrate that so far, this new medium has failed to produce serious, challenging discussion, and instead promotes superficial answers from the scholars' side, and foul language from the surfers' side. Nevertheless, the genre is still relatively young, and it is still possible that in the long run, the benefits of Q&A websites may become more prominent, and help produce a more sophisticated discourse.

UNIVERSITY OF CALGARY

WEBSITES EXAMINED

<http://www.kipa.co.il>
<http://www.moreshet.co.il>
<http://ravsharki.org>
<http://www.yeshiva.org.il>
<http://www.ynet.co.il>

NOTES

I wish to express my thanks to Dr. Eliezer Segal of the Department of Religious Studies at the University of Calgary for his helpful comments during the writing of this article.

1. Zvi Yanir, "Minyan," *Kipa*. 29 Sivan, 5767. <http://www.kipa.co.il/ask/show/121568>.

2. John Suler, "Text Talk: Psychological Dynamics of Online Synchronous Conversations in Text-Driven Chat Environments," in the *Psychology of Cyberspace*, 1997, <http://users.rider.edu/~suler/psycyber/texttalk.html>.

3. While this phenomenon prevails quite extensively also in the Muslim world, a discussion of Muslim websites is well beyond the scope of this article.

4. Israel Moses Ta-Shma, Shlomo Tal, and Menahem Slae, "Responsa," in *Encyclopedia Judaica*, vol. 17, Ra-Sam (Macmillan Reference USA, 2007), pp. 228–39; Menaḥem Elon, *ha-Mishpaṭ ha-'Ivri: toldotav, meḳorotav, 'ekronotav* (Jerusalem, 1973), p. 1223.

5. Elon, p 1215.

6. *Ibid.*, pp. 1219–20.

7. Ever since Rabbi Jacob ben Asher's codification of Jewish Law (The *Tur*, or "Four Columns"), it is customary to divide Halacha into four major categories. *Orah Ḥayim* deals with matters related to everyday liturgical practice; *Yoreh De'ah* is concerned with ritual prohibitions; *Even Ha'Ezer* deals with family law; and *Hoshen Mishpaṭ* deals with financial and juristic aspects of Jewish Law.

8. Elon, *ha-Mishpaṭ ha-'Ivri: toldotav, meḳorotav, 'ekronotav*, pp. 1220, 1246–49.

9. The trend did not spread, however, to the Jewish communities residing in the Ottoman Empire, where Jewish judicial autonomy remained as it was before. Elon, *ha-Mishpaṭ ha-'Ivri: toldotav, meḳorotav, 'ekronotav*, pp. 1246–49.

10. *Ibid.*, pp. 1247–49.

11. This requirement is often based on the Pirkei Avot Mishnah advising an individual to accept the authority of a rabbi and avoid doubt (Avot 1:17). It is worth noting, however, that questions were at times presented to more than one scholarly authority, and in some cases scholars requested that the question will be presented to other scholars, especially in cases of a precedential ruling. See *ibid.*, p. 1259.

12. Also known as Religious-Zionism, this sector is a group of Israeli Orthodox Jews who see themselves as committed to the values of Zionism and generally accept the supremacy of Israeli secular law. While the sector is often associated with the political right, and especially the West-Bank settlements, it is quite diverse, both politically and in its adherence to Jewish Law. See Susan Hattis Rolef, "National Religious Party (NRP)," in *Encyclopedia Judaica*, vol. 15 (2007), <http://go.galegroup>

.com/ps/i.do?id=GALE|CX2587514603&v=2.1&u=ucalgary&it=r&p=GVRL&sw=w.

13. Naama Elimelech and Yael Gotliv, "The Effect of Focus of Control and the Expression of the 'Real Me' on Authority Compliance in the Internet versus Face-to-Face" (Unpublished, Bar Ilan University, 2006).

14. Shih-Hsun Lin, *Online versus face-to-face counseling: An examination of session evaluation and empathy* (Minneapolis, 2005).

15. See Mohammed El-Nawawy and Sahar Khamis, *Islam Dot Com: Contemporary Islamic Discourses in Cyberspace* (New York, 2009), 24; Jürgen Habermas, *The structural transformation of the public sphere: An inquiry into a category of bourgeois society* (1989), p. 36.

16. Yuval Sherlo, *Rashut HaRabim* (Petah Tikvah: Yeshivat HaHesder Petah Tikvah, 2002), pp. 17–18. The answer is quoted from the *Moreshet* website. See <http://www.moreshet.co.il/web/shut/shut2.asp?id=2485>.

17. Cass R. Sunstein, "Neither hayek nor habermas," *Public Choice*, Vol. 134 (2008), p. 91.

18. Specifically, See Joseph Karo, *Shulhan Arukh* (Century, 16): Y.D. pp. 242–44.

19. Haim Navon, "She'elah Hatsufah Meo'd - Lama LaRav Ein Zaqan?," *Kipa*. 28 Tevet, 5768. <http://www.kipa.co.il/ask/show/139692>

20. The Talmud forbids the consumption of *Halav Nokhri*—any milk product which was produced from milk milked by a non-Jew without a Jew watching the milking process—presumably due to the fear of farmers mixing the milk of kosher and non-kosher animals (B. T. *Avoda Zara*, 2:3). Prominent contemporary rabbis allowed the consumption of milk in industrial societies, as all dairy farms are supervised by the government and there is no fear that the milk of a non-kosher animal will be sold as plain milk (see Moshe Feinstein, "Letters of Igrot Moshe, seven volumes," *New York* (1960): Y.D. 1:47.). Other scholars permitted the use of milk powder produced by non-Jews, claiming that it was not included in the original prohibition (see Zevi Pesah Frank, *Har Tsevi: He'arot U-Ve'urim Be-Sugyot Ha-Shas* (Y.D 103.) These rulings, however, were not universally accepted, and some strict Orthodox authorities only allow the consumption of *Halav Yisrae'l*—milk that was produced in the presence of a Jew.

21. A halachic dispute exists regarding the order of the biblical passages contained in the *Tefillin* (phylacteries), and two accepted versions are used today—one according to the custom set by Rashi (Rabbi Shlomo Yitshaki) and one according to the custom set by his grandson *Rabeinu Tam* (Rabbi Jacob ben Meir). The *Shulhan Arukh* states that even though Rashi's version is universally accepted as correct, a God-fearing man should wear both types of *Tefillin*, either at the same time or one after another. See *Shulhan Arukh*, 34:2.

22. "Differentiating"—A term used in the Orthodox jargon to signify that the speaker considers an actual comparison between the two terms to be religiously inconceivable.

23. For further reading see Elliott Horowitz, "The Early Eighteenth Century Confronts the Beard: Kabbalah and Jewish Self-Fashioning," *Jewish History*, Vol. 8, (1994), pp. 95-115.

24. A person who embraced Orthodoxy by himself, and did not grow up in an observant household.

25. A [somewhat derogatory] term describing the Israeli National-Religious population, which tends to favor wearing a knitted *Kipa*. Rabbi Navon, obviously, belongs to this community, wears a knitted *Kipa*, and is clean-shaven.

26. Ronen Lovitz "Shira Hadasha", *Kipa*. 8 Av, 5767. <http://www.kipa.co.il/ask/show/125660>

27. For a more elaborate discussion of the Halachic ideas behind this type of congregations, see Daniel Sperber "Kvod Habriyot v'Kvod HaTsiibur," *De'ot*, Vol. 16 (2003), pp. 17-20.

28. Emmanuel Sivan, "The Enclave Culture," in *Fundamentalisms comprehended*, Vol. 5 (Chicago, 1995), pp. 11-68. According to Sivan, the main impulse for the creation and development of fundamentalist movements is the fear of losing members to outside communities. The author, who was influenced by anthropologist Mary Douglas' Cultural Theory, claims that the enclave is often a community's response to problems with its boundaries—neighboring main-stream communities may seem appealing, members tend to slip away, and the future of the enclave appears to be at stake. Since the community lacks the resources to punish or reward its members, the only control it has over them is moral persuasion. It situates itself as an opposition to the outside society and basically tells its members they can choose whether they wish to be "inside" or "outside."

29. When discussing the laws of the first and seventh days of Passover, it is stated that "no manner of work shall be done in them, save that which every man must eat, that only may be done of you" (Exodus 12:16). Moses Maimonides, *Mishneh Torah*, Hilkhot Yom Tov, 1:8.

30. Maimonides explains the biblical phrase "that only may be done of you" as "of you and not of Gentiles, of you and not of dogs (1:13), this based on Bavli, *Beitsa*, 21:2.

31. *Mishneh Torah*, 1:13.

32. Yosef Karo, *Shulhan Arukh*, sec. O.H. 512.

33. The *Magen Avraham* (Rabbi Avraham Gombiner) adds in his commentary on the *Shulhan Arukh* that this is the case also when dealing with Karaites, but states that other authorities dispute this ruling (Magen Avraham, 512:1).

34. The *Turei Zahav* (Rabbi David Halevi Segal) adds that according to the *Tur* (Rabbi Jacob Ben Asher) one should also ask the Gentile if the amount of food already cooked will suffice. The *Turei Zahav* explain that this is based on the Talmudic story of Marimar and Mar Zutra (*Beitsa*, 21:2) who were paid a visit by a non-Jew during a festival and asked him if the food would be sufficient for him, and wonders why Maimonides did

not find this condition necessary. The *Tur*'s (Rabbi Jacob ben Asher) explanation of this issue is that it is the Jew who is not allowed to cook an extra dish, and this has nothing to do with whether the Gentile finds the food sufficient. Thus, according to Segal, it is unnecessary to ask this question before serving the food already cooked.

35. The *Rema*'s commentary is considered an adaptation of *Ḳaro*'s work on the Ashkenazi custom.

36. Eli Kaplan, "Goy *B'Shulḥan Seder*", *Y-Net*, 15 April 2008. <http://www.ynet.co.il/articles/0,7340,L-3532105,00.html>. The prohibition regarding "*Yayin Nesekeh*"—non-Jews handling wine—is universally practiced among the Orthodoxy. See *Ḳaro*, *Shulḥan Arukh*, sec. Y.D. 123 section 47.

37. While Gelberd answers Halachic questions on the *Moreshet* website, it is specified in the site that he has no rabbinic ordination, and is referred to as "Mr."

38. Shmuel P. Gelberd, "*Eruaḥ Goy b'Leil HaSeder Pessaḥ*," *Moreshet*. 12/3/2004. <http://www.moreshet.co.il/web/shut/shut2.asp?id=36922>.

39. Shmuel Eliyahu, "*Ovedet Zarah b'Leil HaSeder*," *Kipa*. 14 Nissan, 5764. <http://www.kipa.co.il/ask/show/40496>.

40. Zalman Melamed, "*Seder Pessaḥ 'Im Notsrim*," *Yeshiva*. 7 Nissan 5764. <http://www.yeshiva.org.il/ask/?id=6157>.

41. Yuval Sherlo, "*Hazmanat Goyim l'Leil HaSeder*," *Kipa*, 4 Iyar, 5767. <http://www.kipa.co.il/ask/show/116856>.

42. Uri Sharki, "*Iruaḥ Goy b'Seder Pessaḥ*," *Rabbi Sharki's Lessons and Writings*, 20 Nissan 5768. <http://ravsharki.org/content/view/1811/741/>.

43. The *Afikoman* is the last piece of unleavened bread eaten during the Passover Seder. According to the Mishna, one is not to eat an *Afikoman* after the Paschal Lamb (B.T. *Pesaḥim* 10:8).

44. The cup is filled four times during the Seder.

45. See *Ḳaro*, *Shulḥan Arukh*, sec. Y.D. 123:3.

46. Avraham Yossef, "*Leil Seder*," *Moreshet*. 8 March 2003. <http://www.moreshet.co.il/web/shut/shut2.asp?id=100153>; Lau, David, "*Klalim l'Eruaḥ Goy b'Ḥag Pessaḥ*," *Moreshet*, 14 March 2004. <http://www.moreshet.co.il/web/shut/shut2.asp?id=37019>.

47. David Lau, "*Hazmanat Goy l'Erev Lel HaSeder*," *Moreshet*, 27 March 2004. <http://www.moreshet.co.il/web/shut/shut2.asp?id=298>.

48. Meir Bar-Ilan and Shlomo Y. Zevin, *Entsiklopedyah Talmudit: le-inyene halachah, ba-'arikhat Me'ir Bertin [u]Shelomoh Yosef Zevin* (Jerusalem, 1947), Vols. 7, *Drakhei Shalom*. Thus, alms giving to poverty-stricken non-Jews is allowed, in order to maintain peaceful relations. See *Ḳaro*, *Shulḥan Arukh*, section 251:1.

49. Yuval Sherlo, "*Oreaḥ Goy b'Leil HaSeder*," *Moreshet*. 21 March 2007. <http://www.moreshet.co.il/web/shut/shut2.asp?id=86399>.

50. Moshe Feinstein, "Letters of Igrot Moshe" 7 volumes (New York, 1960), YD 132.

51. See Suler, "Text Talk".

52. Yuval Sherlo, 2010. "*Hilkhot Talk-Backim*," *Yeshivat Hesder Petah Tiqvah*. <http://www.ypt.co.il/show.asp?id=38509>.