INTRODUCTION

By virtue of his great learning, his wide-ranging activity on behalf of the Central Conference of American Rabbis (CCAR) and the Union of American Hebrew Congregations (UAHC), the personal respect and affection his colleagues had for him, and his sheer longevity, Solomon Bennett Freehof was one of the central figures of American Reform Judaism in the twentieth century. This book is the first critical study of his crowning achievement, his responsa.

Son of a sofer and mohel from Ukraine who claimed descent from the first Lubavitcher Rebbe, Freehof was born in London in 1892 and moved with his family to Baltimore in 1903. He entered the Hebrew Union College (HUC) in 1911 and was ordained in 1915, a year after receiving his B.A. from the University of Cincinnati. He immediately joined the College faculty as an instructor in liturgy and remained there until 1924, with time off in 1918−19 for chaplaincy service with the AEF in France. While teaching at HUC he earned a Doctor of Divinity degree with a dissertation on “Personal Prayers in the Talmud.” In 1924 he became rabbi of Kehilath Anshe Mayriv Congregation in Chicago, and in 1934 moved to Pittsburgh to serve as senior rabbi of Rodef Shalom Congregation, retiring in 1966. He died in 1990.

Freehof was one of the most influential members of the CCAR in the twentieth century. He served on its Liturgy Committee for over twenty years and was its chairman during the 1930s when it carried out a major revision of the Union Prayer Book. He served as vice-president of the CCAR in 1941−43 and president in 1943−45, years when the intense controversy over Zionism that culminated in the founding of the American Council for Judaism threatened to split the Reform rabbinate and the movement. During World War II he also chaired the CCAR’s Emergency Committee on Placement, recruiting rabbis for the military chaplaincy and overseeing their replacement in civilian pulpits. From the outbreak of the world war until after the end of the Korean War he also chaired the Responsa Committee of the National Jewish Welfare Board’s Committee on Army and Navy Religious Activities (CANRA),
a position which required him to work closely with Conservative and Orthodox rabbis to decide questions of Jewish ritual practice in a military context. Throughout his career he was an active member of the UAHC-CCAR Joint Commission on Jewish Education, authoring a number of books on liturgy and Bible for youth and adults. From 1959–1967 he served as President of the World Union for Progressive Judaism, traveling frequently to Europe, Israel, and South Africa.

As senior rabbi of the largest and most prestigious synagogue in Pittsburgh, Freehof was a prominent figure in the local community. He excelled at fulfilling that rabbinic role so near and dear to earlier generations of American Jews, representing Judaism to the Christian community. This he did primarily through his Sunday morning lecture-sermons and his Wednesday morning book reviews. A dynamic and gifted preacher and public speaker, he regularly drew an attendance of hundreds, by no means limited to the Jewish community. He was also a frequent speaker on radio and in various public forums.

Freehof is best known, however, as Reform Judaism’s most distinguished authority on questions of Jewish law and practice. His interest in halakhah dated back to his student days, as he recalled years later: “[Professor of Talmud Jacob Z.] Lauterbach naturalized me into the halakhah.” His status as Lauterbach’s outstanding protégé was the reason he became the CCAR’s representative on the military Responsa Committee. That experience, in turn, provided him with the expertise to emerge in the late 1940s as the CCAR’s chosen authority on questions of Jewish practice. He wrote his first responsum for a CCAR colleague in 1942 and joined the CCAR Responsa Committee in 1947. In 1955 he succeeded Israel Betan as chairman of the committee, remaining in that position until 1976. He continued to answer questions until his death, though the bulk of his responsa were written between 1950 and 1970. In addition to the thirty-three responsa he submitted to the CCAR during his chairmanship, between 1960 and 1990 he published eight volumes including nearly 600 responsa, while sending out informal responses to at least that number of inquiries.

Freehof’s responsa cannot be understood apart from the ongoing debate within Reform Judaism over ritual observance—what Reform Judaism demanded of its adherents, who had the authority to make that determination, and on what basis. Freehof, who supported the reappro-
priation of ritual that began in the interwar years but opposed any attempt to declare ritual observances obligatory, advocated turning to responsa for guidance because in a Reform context they were merely advisory, and because they would serve to reconnect Reform Jews with the riches of the halakhic literature, mistakenly jettisoned in Reform’s earlier, more radical phase. In conjunction with his call for more use of responsa as the most appropriate way to guide Reform Jewish practice, he proposed an original theory identifying the evolutionary principle underlying the halakhah with the same evolutionary principle he saw at work in Reform Judaism, which he identified as minhag. This theoretical framework served as the basis for his 1944 book, *Reform Jewish Practice and its Rabbinic Background*, which in turn informed all his subsequent responsa work.

The years of Freehof’s peak activity coincided with the disintegration of what Jonathan Sarna has termed the prewar Jewish “subculture,” as Jews increasingly entered the larger arena of American life. The popular “tri-faith” model of American religiosity placed Jews as a religious group on equal footing with Protestants and Catholics. The sharp decline in antisemitism in the wake of Hitler’s genocide facilitated the entry of Jews into neighborhoods, colleges and universities, and professions where they had previously not been welcome. The Jewish community’s center of gravity moved from the city to the suburbs, where Jews lived in greater or lesser concentrations sprinkled among a Christian majority, rather than in identifiably Jewish urban enclaves. This new social context offered unprecedented opportunities, but also raised unprecedented challenges, particularly for Reform Jews, whose religious ideology and orientation were born out of the desire to be part of the society around them, and for whom halakhic boundaries lacked *ipso facto* validity.

Not surprisingly, therefore, questions on mixed marriage, conversion, Jewish status, gentile participation in the synagogue, and in general what is or is not “Jewish”—what Freehof called questions about “living in an open society”—constituted a plurality of his published responsa and an even larger plurality of his unpublished correspondence. Indeed, even after the CCAR had adopted his rules regarding marriage, mixed marriage, and conversion—and, by implication, Jewish status—individual rabbis and laypeople turned to him for guidance in situations...
where the boundaries between Jewish and not Jewish were ambiguous or blurred. As he proudly wrote in 1978, “All these are new questions, the product of modern life. Orthodoxy brushes them aside. Reform Halacha faces them and deals with them.”

The postwar decades also redefined the fault lines within American Jewry. The line between “German” Reform Jews and the rest of the Jewish community virtually disappeared. In 1921 young Rabbi Jake Marcus confided to his diary that since Sol Freehof wanted to marry “a girl who is cultured, educated, and good looking and will not wince when a Yiddish word is spoken . . . ,” the two friends had concluded that they had better marry “Russian” girls, because “if a boy of Russian descent married a girl of German descent the chances are that she would look down upon him and his family and the marriage would not be successful.”

But the distinction between the “Russians,” whose numbers overwhelmed the “Germans,” mattered less and less as immigration became a thing of the past. The tide of postwar prosperity moderated or eliminated the economic disparities between the two groups, while the growing number of college-educated east Europeans reduced the “culture” gap. The presence of so many east Europeans in the Reform rabbinate and the corresponding interwar shift away from classical Reform made it easier for more east Europeans to enter the movement in the postwar years. While east Europeans had been joining Reform temples between the world wars, those households tended to be exceptionally highly acculturated and very well off. The postwar east European influx—many of whom had first been exposed to Reform by Reform military chaplains, whose services were often less identifiably Reform in order to be inclusive—was less willing to divest itself of its Yiddishkayt. Instead of the carefully controlled, top-down reappropriation of ritual set in motion by Rabbi Jacob Schwarz and the Commission on Ceremonies, change was now unsystematic and might be initiated by the rabbi or by some fraction of the membership. Many congregations experiencing conflicts over the presence or absence of “traditional” practices turned to Freehof to resolve their problems.

Even as the fault lines separating Reform Judaism from the rest of the Jewish community disappeared, however, a new fault line was developing, between an increasingly militant Orthodoxy and the rest of the community. Freehof’s attitude toward Orthodoxy was a complex amal-
gam of respect for learning, nostalgic yearning for the warm piety his parents and his childhood home exemplified for him, disdain for the rightward shift of contemporary authorities, and a deep intellectual conviction that adherence to Orthodoxy was flying in the face of history. Though he resisted Reform attempts to create a code in part because he did not wish to create controversy with the Orthodox, at the same time he was a fierce opponent of attempts to enforce Orthodox standards of observance upon Jewish communal institutions and events.

The fault line between religious and secular ethnic ideologies of Jewish life also faded in the postwar years. The establishment of the State of Israel in 1948 rendered moot the controversy over Jewish nationalism and brought virtually all American Jews together in support of the new state. Synagogue affiliation, like church affiliation, reached an all-time high, with the result that the synagogue, rather than the JCC or any other explicitly cultural or ethnic institution, emerged as the definitive American Jewish institution. Though ethnicity had lost the battle to be the defining principle of American Jewish life, nevertheless, in many, if not most, of the new suburban synagogues, religion was just a cloak for ethnic solidarity, with attendance generally higher for social and cultural events than for services. However, for Reform leaders like Freehof, who had a deep commitment to a Jewish religious path rooted in distinctive beliefs, the absence of emphasis on the religious element in synagogue life was a problem. Freehof therefore defended the legitimacy and authenticity of Reform as opposed to Orthodoxy or Conservatism, and also of Judaism as opposed to Jewishness (even while affirming Jewish peoplehood).

Freehof himself was no neo-traditionalist. In many ways his own notion of Reform Judaism could be labeled "a broad and pleasant middle-class establishmentarianism . . . [,.] the Jewish segment of the new North American religion." But he did succeed admirably in making Reform Jews aware of their connection to the rabbinic tradition, and in putting the question of the relationship between Reform and halakhah squarely back in the movement’s consciousness for the first time since its earliest days.

Chapter 1 of this study describes the role of responsa in the early Reform movement and the establishment of the CCAR’s Responsa Com-
mittee, and surveys the Responsa Committee’s activity prior to Freehof’s chairmanship.

Chapter 2 outlines the convergence of circumstances that led to Freehof’s emergence as an arbiter of Reform practice even prior to his accession to the chairmanship of the Responsa Committee. Ironically, his opposition to a code of Reform practice played a significant role in this development, as did the expertise he acquired during World War II as chairman of the Responsa Committee for Jewish military chaplains, as well as his general prominence within the CCAR.

Chapter 3 analyzes Freehof’s views on ritual observance and halakhah in Reform Judaism. It shows that Freehof charted a centrist course in the currents of Reform thought. Though he approved of the Columbus Platform’s renewed appreciation for ritual, he opposed encouraging—or expecting—Reform Jews to return to ritual practices they had abandoned, arguing that popular minhag should be determinative unless it was at odds with Jewish values. The theory of the relationship between halakhah and minhag—law and custom—he expounded in the introduction to his 1944 *Reform Jewish Practice and its Rabbinic Background* was the basis on which all his subsequent responsa work rested.

Chapters 4–8 analyze his published responsa and unpublished correspondence on a select number of topics: marriage and divorce, especially mixed marriage (Chapter 4); conversion and Jewish status (Chapter 5); Shabbat and kashrut (Chapter 6); and the limits of appropriate Reform practice (Chapters 7 and 8). The large number of questions he received about these topics indicates that these were the issues that troubled Reform rabbis and laypeople in the postwar decades. In Chapter 9 I offer my conclusions about the significant aspects of Freehof’s responsa.

Chapter 10 concludes this study by examining the work of the Responsa Committee since Freehof. In truth, this subject deserves its own book. In this limited context I have chosen to focus only on what I consider the most important aspects of the post-Freehof Responsa Committee: its increasingly participatory process; the central role of all three post-Freehof committee chairs in the project to create Reform halakhah; and the committee’s heightened profile within the Reform movement as the result of its involvement in several highly public and controversial issues.
Readers expecting close analysis of Freehof’s halakhic reasoning will be disappointed. In most cases I have not done so because, paradoxically, it is not crucial for understanding the positions he took. Given his purpose in consulting the legal literature as well as his negative evaluation of Orthodox decisors of the modern era, it is not surprising that he felt free to ignore the conventions of halakhic jurisprudence. I have focused, however, on several instances when he was egregiously tendentious in his use of the sources, because these reveal significant elements of his thought.

It is my hope that this study of Freehof’s responsa will not only raise his prominence in scholarly considerations of Reform Judaism, but will also add to the understanding of American Judaism and religion in America broadly considered.