# Instant Responsa: Towards Halakhic Realism?

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This article seeks to evaluate the phenomenon that has developed in recent decades of halakhic responsa that are extremely terse and lack argumentation (or contain minimal, usually informal argumentation). These responsa range from Rabbi Ḥayyim Kanievsky’s laconic responsa (a.k.a. “postcard responsa”) to the “S.M.S. responsa” by Rabbis Shlomo Aviner and Shmuel Eliyahu. Both are part of a phenomenon that can appropriately be termed “instant responsa.” This article analyzes the nature of this phenomenon, the changes that it has brought about in halakhic discourse, and the meaning of these changes for understanding the process of halakhic decision-making and the boundaries of the halakha. In performing this analysis, the article also investigates the degree to which the theoretical model of Legal Realism can be applied to the halakha. In doing so, it offers an interpretation of the relevant aspects of this model: the boundaries of the law and the nature of the judicial process. Legal Realism is usually considered to be an innovation of American legal scholars but was actually formulated nearly a generation earlier by the Italian sociologist and political theorist Vilfredo Pareto (1848–1923) who depicted detailed formal legal reasoning as an artificial covering over the real considerations that enter into judicial decisions. Ostensibly, “instant responsa” reveal that the same is true of halakha. However, this article concludes that applying this model (that developed as an approach to modern legal systems) to the halakha will lead to our missing certain special characteristics of the halakhic system. The article therefore offers a revised “halakhic realism,” by the means of which we can offer a better interpretive analysis of the boundaries of halakha and the process of halakhic decision-making.