

DEGEL

תורה וחכמת ישראל מקהילת עלי צליון
TORAH AND JEWISH STUDIES FROM ALEI TZION

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שנה טובה ומתוקה

RABBI DANIEL AND NA'AMAH ROSELAAR

DEVORAH, ELISHEVA, NETANEL AND CHANANYA

TOGETHER WITH KEHILLAT ALEI TZION, WISH THE ENTIRE COMMUNITY

A HAPPY NEW YEAR

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Notes from the editor

The Mussaf of Rosh Hashana frames the shofar blasts around three themes: malkhiyot, zikhronot and shofarot. In Sefer HaIkkarim R. Yosef Albo links these three sections to what he regards as the three essential elements of the Jewish faith: in God, His role in history and Revelation. In malkhiyot when we declare God to be King, we affirm our belief in Him as the creator and sustainer of the world. In zikhronot we acknowledge that He records the past, as He observes and remembers our deeds. In shofarot we recall the shofar that sounded at Sinai as the Torah was given.

This edition of *Degel* touches on these three themes. Neil Clarke develops a careful and close analysis of Rav Soloveitchik's view of interfaith relations, which goes to the core of how R. Soloveitchik understood the relationship God has with the Jewish people, how other faith communities also reach out to God, and why that must be treated with dignity.

David Pruwer has examined different attitudes within the Jewish tradition towards the study of history, from the Bible and Talmud to thinkers of the twentieth century and beyond. As we would expect, there is a multiplicity of voices and he has identified unexpected positions from surprising sources.

Those who believe Pruwer has made a case for the validity of Jewish historical study can turn to articles by Gemma Grunewald and me. Grunewald presents a fascinating picture of how the trial of Adolf Eichman was seen in Britain and reported in the British press. She highlights a moment when the British Left was trying to reconcile its traditional support for Israel with other values.

I have looked at an almost forgotten group of Orthodox religious leaders, the rabbis of Germany who did not follow Rav Hirsch out of unified kehillot and into separatist communities. R. Hirsch's successors in London

and New York were so successful in recreating one strand of pre-War German Orthodoxy, that few realise that there were others. The Orthodox opponents of separatism had a philosophy and a vision which are very relevant to the problems we face today.

We now move into the theme of shofarot and the echoes of Sinai in the halakha we live by every day. Rabbi Roselaar sets out some of the sheilot and teshuvot that have crossed his desk over the past year. On a more abstract plane, Mordechai Gedalla scrutinises the concept of hiddur mitsva from the Talmud to the Rishonim and Aharonim. It is a style of essay that was made popular by the great R. Shlomo Yosef Zevin. His *Mo'adim b'halakha* is a classic now well known to the English speaking public in translation. Simon Levy has taken an essay from another work, *L'Or Hahalakha*, which is still only available in Hebrew, and presented R. Zevin's masterly analysis of the theme of redemption in our daily prayers.

I have completed the editing of this edition from New York, so I am especially indebted to those who helped without needing to be accosted in shul. In addition to the authors, I must thank Yolanda Rosalki for the beautiful cover illustration; the sub-editors Joshua Freedman, Jemma Jacobs, David Pruwer and Edward Zinkin; Eliot Kaye who greatly helped with fundraising, Sandy Tapnack who oversaw the finances and everyone who placed a greeting or advertisement, and made it possible for you to hold this issue in your hands. In particular, I am grateful to Lucinda and Martin Glasser who have dedicated this issue in memory of Martin's grandfather Dr Emil Glasser.

ז"נ ר' אברהם יצחק בן ר' בנימין ז"ל

I hope *Degel* enhances your Yamim Noraim, and I wish all readers a Shana Tova!

BEN ELTON

Questions and answers from Alei Tzion

RABBI DANIEL ROSELAAR

Members of Alei Tzion ask a wide range of halakhic questions, in person, by email and sometimes by text. Some of the questions are personal in nature while others have communal implications. What follows is a selection of the questions that I have been asked during the course of the past year together with the answers that I provided.

May one chew gum before Shaharit?

The Talmud in Masekhet Berakhot states that a person should not eat before he or she prays in the morning.

¹ Two verses are cited in support of this prohibition – ‘lo tokhlu al hadam’ which is interpreted to mean that one should not eat until one has prayed to the Almighty to preserve his life, and ‘ve’oti hishlahta aharei gavekha’ which is interpreted to mean that one who eats before praying is displaying a sense of arrogance by satisfying himself before addressing Heaven.²

The Shulhan Arukh rules that whilst one may not eat before one prays it is permitted to drink water because there is no issue of arrogance.³ The Aharonim extend this leniency to include tea and coffee but debate whether one may add sugar and milk because that may be regarded as an unnecessary self-indulgence.⁴ Some authorities are permissive in this regard, but only because this is a normal way for these beverages to be consumed.

Unlike water, chewing-gum can hardly be regarded as essential and the sugary flavourings smack of self-indulgence. Consequently chewing-gum should not be consumed before prayer in the morning.

How early can the first Mincha minyan commence on winter Shabbat afternoons?

The Shulhan Arukh rules that one may commence Mincha half an hour after midday, which in Temple times was the earliest time that the afternoon sacrifice was ever offered.⁵

The Rema notes that halakhic times are measured according to halakhic (or ‘seasonal’) hours and thus midday is not necessarily 12 noon but whatever time the midpoint between morning and evening is. The Mishna Berura assumes that since plag haminha and minha ketana are measured according to seasonal time, the half-hour between hatsot and minha gedola should also be measured in this way (which will be a leniency in the short winter days and a stringency in the long summer days).⁶ However, he does not record an unambiguous ruling because he also raises the possibility that since this extra half hour is required to ensure that one does not accidentally pray before midday, perhaps thirty clock-minutes are all that is required irrespective of the time of year.

In their eagerness to pray early (for understandable reasons), some people have suggested that perhaps keriat haTorah could commence within the first half hour following midday, with the proviso that the Amida is not recited until the half hour has elapsed. Rav Eliezer Waldenberg addresses this possibility.⁷ He rejects it on the grounds that the Mishna refers to this leining as ‘Shabbat be’minha’, which suggests that it must be read at a time when Mincha itself may be recited.⁸ He further cites various Kabbalistic sources to the effect that Ashrei and Uva L’tsion also should not be recited before the time of minha gedola.

Somewhat surprisingly, the Aharonim do not properly address the considerations of the Mishna Berura about seasonal versus clock-minutes and the general practise seems to be strict – namely, to wait 30 clock-minutes in the winter and half of a seasonal hour in the summer. However, since a convincing rationale has been presented to suggest that times of *tefilla* follow seasonal hours, my recommendation would be that the early Mincha can commence half a seasonal hour after *hatsot* with the aim

of not beginning the Amida until thirty clock-minutes after *hatsot*.

My minhag is to observe avelut during the first 33 days of the Omer. Am I permitted to attend and participate in a wedding that is held just before Rosh Chodesh Iyar?

R. Moshe Feinstein presents three reasons for allowing you to attend this wedding:⁹

1. The prohibition of weddings during the mournful part of the Omer only applies to those who are getting married, but not to those who are merely joining in with the celebrations. Since someone who observes the avelut of the Omer during the month of Iyar is allowed to get married at the end of Nissan, his guests are allowed to participate in the festivities.¹⁰
2. The observances of avelut for weddings and haircutting do not necessarily have to be synchronized. One might refrain from haircutting during the first part of the Omer and refrain from wedding celebrations during the latter part of the Omer.
3. Since there is no strong halakhic preference for when to observe the avelut of the Omer, a person may alter his minhag from year to year. Accordingly, even without accepting the first two leniencies, this year you could observe the avelut during the later part of the Omer which would mean that you can participate in the wedding without any hesitations.

The s'khakh blew off our sukka on Friday night. What should we do about eating Shabbat lunch?

Several points need to be addressed when answering this question:

1. May the s'khakh be replaced on Shabbat? A Jew may not replace even part of the s'khakh on Shabbat or Yom Tov because of the laws of boneh and the prohibition against constructing a protective canopy.¹¹ On Yom Tov one may ask a gentile to attend to the necessary repairs, but not on Shabbat.¹² Consequently, in the case under discussion there is no way of making the sukka kosher.
2. How should the Shabbat meals be eaten when one does not have a sukka? An analogous case is discussed by the Rema in the Shulhan Arukh with regard to a person who finds that the lamps in his sukka are extinguished and he is not able to eat his

meal there without proper illumination.¹³ In such an instance he should endeavour to find a friend or neighbour who can make space for him in their sukka. However, if it is unduly awkward for him to do so he may eat his meal at home since the requirement to use a sukka is waived in cases of significant inconvenience or discomfort (*mits'ta'er*). Thus in our instance, ideally one should try to find a neighbour who can make room for some extra guests but otherwise the meal may be eaten at home.

3. Was the sukka ever kosher? A sukka must be able to withstand normal weather conditions.¹⁴ If this is not the case, then it is not kosher even if the skhakh has not yet blown off. This is a very real problem if light matting is used as skhakh because even fairly light gusts of wind can cause it to be dislodged. In such instances I would recommend that one ties the s'khakh to the supporting poles with some sort of string. Even though the Mishna Berura advises that ideally one should not do this it is a preferable alternative to having s'khakh that might blow off.¹⁵

A colleague gave me a bottle of non-kosher Champagne as a gift. Can I pass it on to a neighbour as a present?

The Shulhan Arukh states that one may not get any benefit from *stam yenam* (i.e. wine produced by gentiles).¹⁶ This is a rabbinic *gezera* that was enacted so as to ensure that one does not get benefit from wine that was used for idolatrous purposes which is subject to a biblical prohibition. The Rema references a Geonic view that since nowadays wine is rarely used for idolatrous purposes, *stam yenam* may not be consumed but benefit may be derived from it. Though various Rishonim and the Rema are uneasy with this leniency and recommend that one does not rely on it to trade in *stam yenam*, they endorse it in certain instances, for example, if one has already acquired a bottle of such wine. Accordingly, this bottle of Champagne may be passed onto a non-Jewish colleague or neighbour.

Is it permitted to pray in a multi-faith prayer room?

The Mishna in Masekhet Avoda Zara states that one should not enter an idolatrous city.¹⁷ Commenting on this Mishna the Rambam adds that though our current political situation means that we cannot avoid living in such cities, one must certainly not enter an idolatrous temple. This ruling is cited by the Shah and contemporary Aharonim rule that it applies also to Christian churches.¹⁸

The issue of a multi-faith chapel (at Cornell University), which would serve the religious needs of the different faith groups in the community, was addressed in a letter written by Rav J B Soloveitchik in 1950 in which he expressed firm opposition to such a concept.¹⁹ He argued that the very essence of Jewish worship, which focuses on man's ability to speak to God, is so vastly at odds with the nature of Christian worship, that depicts man as a passive participant in the encounter with God, that the two cannot co-exist side-by-side. His view was that halakha is 'unequivocally opposed' to the use of a multi-faith chapel and that 'the idea of a common house of prayer is absolutely irreconcilable with the Judaic philosophy of worship.'

However, it seems to me that multi-faith prayer rooms, such as those that are frequently found in hospitals and airports, are somewhat different to both conventional churches as well as multi-faith chapels and several points need to be addressed:

1. Generally, such facilities do not have any religious appurtenances or symbols in them, presumably in an attempt to make them as all-inclusive and non-offensive for a variety of different faiths.²⁰ Consequently, we must question whether in such instances they still have the status of a church or place of Avoda Zara. This question is addressed by R. Eliezer Waldenberg, who ruled that a church without religious iconography is still off-limits to Jews because of the nature of the worship that takes place there.²¹
2. Notwithstanding the previous point, it can cogently be argued that a place is defined as a church only if it is designated as a place of regular and formal worship. Multi-faith prayer rooms are primarily quiet areas that function as facilities for ad hoc prayer. Organized services are not usually held there and they lack the formality and exclusive designation of a proper church.²² They serve as spaces that are available for prayer purposes, rather than being consecrated for such purposes and this is evidenced by the use of the term 'prayer room' rather than 'chapel'.
3. A further consideration is the fact that very often such prayer rooms are for the most part used for Muslim prayer and only seldom for Christian prayer. For example, Heathrow airport has a specifically Christian chapel, shared by the various different denominations, as well as several multi-faith prayer rooms, used primarily by Muslims. Even if they are to be regarded as regular places of worship, these

facilities would have the status of a mosque rather than a church and many authorities maintain that it is permissible for a Jew to enter a mosque (and even to pray therein).²³

Consequently, it would seem that when necessary it is permitted to pray in a multi-faith prayer room. However, from a meta-halakhic perspective I would discourage one from using such facilities unless there is no other realistic alternative. I believe that we regard our mode of Avodat Hashem as something uniquely special and as such we should feel ill at ease with the notion of being just another religion in the roster of faiths that might choose to worship in that particular room.

A man has broken his leg and needs help getting in and out of the shower. May his wife help him when she is a nidda?

The Shulhan Arukh rules that if a man is unwell his wife may assist him with many essential tasks even if she is a nidda, but that if possible she should avoid activities which are of an intimate nature.²⁴ Getting in and out of the shower falls into this latter category and thus she should avoid assisting him in this regard. Furthermore, the Terumat Hadeshen suggests that one of the reasons why leniencies may be employed when a husband is unwell is because he has a reduced libido and is thus less likely to request his wife to be intimate even if they do come into physical contact.²⁵ A man with a broken leg might be in some discomfort but there is no reason to believe that his libido is reduced and thus the essential grounds for the leniency are redundant.²⁶ The best practise in such circumstances would be to ask a close friend to provide the necessary assistance.

I rent an office that I share with a non-Jew. Am I required to put a mezuzah on the door?

This question can be divided into two parts: a) Does an office require a mezuzah? and b) Does a property shared with a gentile require a mezuzah?

Regarding the first part of the question, the Shulhan Arukh states that shops do not require a mezuzah.²⁷ This is a somewhat perplexing ruling since storage areas do require a mezuzah.²⁸ Two solutions appear in the poskim. Pit'hei Teshuva explains that the shops which are exempted from a mezuzah are temporary structures which are erected only for the duration of a trade fair.²⁹ Alternatively, Taz suggests that storage areas might be used or accessed at any time of day or night and thus require a mezuzah, but since shops are only used during

the day and the shopkeepers do not access them at night they are exempt from mezuzah.³⁰ Accordingly, Pit'hei Teshuva would require an office to have a mezuzah whereas the Taz would maintain that it is exempt. Normative practice is to affix a mezuzah but without reciting a brakha.

Regarding the second part of the question, Rema rules that a property shared with a gentile does not require a mezuzah.³¹ Taz explains that the requirement of a mezuzah on a shared property is a function of the words 'lema'an yirbu yemeikhem...' – 'in order that your days should be lengthened ... on the land which the Lord gave to you' and this concept is not applicable to gentiles (to whom the Land of Israel was not given as an inheritance).³² Shakh disagrees and states that the exemption is practical because of a concern that the gentiles will think that the mezuzah is some form of witchcraft and will therefore damage it.³³ The Arukh Hashulhan concurs with this approach and rules that if no such concern exists a mezuzah should be affixed.³⁴

May an avel lead the service on Shushan Purim and on Yom Ha'atsmaut or Yom Yerushalayim?

The Rema quotes the Maharil to the effect that even though an avel should usually lead the service, the minhag is that he does not do so on Shabbat and Yom Tov.³⁵ However, there are different practices regarding festive days other than Shabbat and Yom Tov. Some authorities allow an avel to lead Shaharit on Hanuka and Rosh Hodesh provided that someone else leads Hallel and Mussaf.³⁶ The Vilna Gaon and the Arukh Hashulhan rule that an avel should not lead Shaharit on days when Hallel is recited, but he may lead the other services.³⁷ The Mishna Berura also cites customs that an avel does not lead any of the services on Hol Hamoed (which is very much like Yom Tov), or even on days when Lamenatse'ah is omitted towards the end of Shaharit.³⁸

The custom in our Kehilla is in accordance with the final practice cited above, and avelim do not lead any of the services on Hanuka, Rosh Hodesh or Hol Hamoed. Accordingly they should also not lead services even on Shushan Purim, nor on Yom Haatsmaut or Yom Yerushalayim, all of which are days when Lamenatse'ah is omitted.

Can a girl go round to a boys' flat when three boys are there? Can she go round even if two of the boys are not there but have keys and could come home at any time?

The laws of yihud, which define the circumstances under which people of opposite genders may be alone together, are very pertinent, especially for young singles in a kehilla such as ours.

The first aspect of this particular question that needs clarifying is whether a woman may ever be alone with three men. The Mishna in Kiddushin states that one woman is permitted to be alone with two men and the Gemara adds that at night, or out of town, at least three men must be present.³⁹ However, the Talmud further cites the view of Rav that such situations are permitted only if the men are outstandingly pious (more so even than himself), but not in the case of most men even if they are known to be God-fearing. Rambam and the Shulhan Arukh rule in accordance with the strict view of Rav and maintain that there is a *yihud* prohibition unless at least three men and three women are present.⁴⁰ But Rosh and Rema rule leniently and allow one woman to be alone with two or three men, provided of course that they have the reputation of being God-fearing.⁴¹

Accordingly, it would seem that if only one of the male flatmates is present it is prohibited for a girl to spend time there. But the Gemara states a further halakha, that if the door of the house is open to the street (*petah patuah*) there is no problem of yihud and Rambam and Shulhan Arukh rule accordingly.⁴² To decide whether this leniency is pertinent to the situation in question requires us to clarify what is regarded as an open doorway. Aharonim are divided about whether the door must be actually open (R. Akiva Eiger) or if the leniency can be applied even if the door is closed, so long as it is not locked (Arukh Hashulhan).⁴³ An even more lenient approach is suggested by R. Moshe Feinstein who ruled that even if the door is locked, if there is a likelihood that people might ring the doorbell and expect to be admitted the rule of *petah patuah* may be applied.⁴⁴ In the case in question, since the other keyholders to the flat could return home at any time, there would be no prohibition of *yihud* according to the latter two opinions.

A final, though most important, point to bear in mind is the view of several Aharonim that the leniency of *petah patuah* does not apply in instances where the people involved are very comfortable with one another.⁴⁵ While some authorities dispute this restriction, the sentiments motivating it are quite compelling, especially if the couple

in question are dating or engaged. In such circumstances they would be well advised to ensure that they do not find themselves in situations that could lead them to compromise their halakhic integrity.



Rabbi Daniel Roselaar is the Rav of Alei Tzion. He previously held pulpits at Watford and Belmont Synagogues. He learnt at Yeshivat Har Etzion for eight years, received the semikha from the Israeli Chief Rabbinate and is currently completing an MA at Birkbeck, University of London, in Jewish education and halakha.

¹ TB Berakhot 10b

² Melakhim I 14:9; Vayikra 19:26

³ Shulhan Arukh Orah Hayim (OH) 89:3

⁴ See Mishna Berura (MB) sk 22 and Arukh Hashulhan 23 (note that the Arukh Hashulhan actually refers directly to the MB in this instance).

⁵ OH 233:1

⁶ Shaar Hatsiun sk 8

⁷ Tsits Eliezer 10:20

⁸ Megilla 31a. However, see also Minhat Yitshak 6:53 who is of the opinion that on a Taanit Tsibbur the Torah can be read immediately after midday.

⁹ Iggerot Moshe OH 1:159

¹⁰ Hatam Sofer OH 1:142 disagrees with this assertion. Thus, whilst R. Moshe Feinstein maintains that a person may attend a wedding at the end of Nissan and also after Lag b'Omer, the Hatam Sofer requires one to exercise restraint according to one or other of the minhagim.

¹¹ MB 637 sk 1

¹² MB ad loc. See *Shemirat Shabbat Kehilkhata* (new edition) Introduction Chapter 1 footnote 65 that a gentile is allowed to replace the s'khakh on Yom Tov because Tosafot Shabbat 85a (v'harrodeh) maintains that since (ho'il) building is permitted on Yom Tov for the purpose of making cheese which is a food-related activity, the prohibition in other contexts is only rabbinic. This leniency may then be combined with the leniency of the Ittur who maintains that even a Torah prohibition may be done by a gentile for the purposes of a mitsva. This leniency does not apply to Shabbat.

¹³ OH 640:4

¹⁴ OH 628:2

¹⁵ OH 628 sk 26

¹⁶ Shulhan Arukh Yo're De'a (YD) 123:1

¹⁷ Avoda Zara 11b

¹⁸ YD 149 sk 1. For example, Iggerot Moshe YD 3:129, Yehaveh Daat 4:45, Tsits Eliezer 14:91.

¹⁹ Rabbi JB Soloveitchik (ed N Helfgot), *Community, Covenant & Commitment Selected Letters and Communications* (New York 2005) Chapter 1.

²⁰ However, sometimes the architecture in such prayer rooms is deliberately church-like and designed to convey a sense of Christian spirituality. Rav Soloveitchik argues that this is akin to having religious symbols on display.

²¹ Tsits Eliezer ad loc. Magen Avraham OH 144 sk 17 and Biur Halakha ad loc indicate that such churches may be converted into synagogues without undergoing any structural changes. However, this leniency only means that the building itself does not become assur b'hana'a through the worship that took place there, but whilst it is still being used for such worship the building retains the status of a site of idolatry.

²² See Teshuvot Binyan Tsion 63 who makes this argument in a slightly different context.

²³ Aseh Lekha Rav 9:13 who notes that the Cave of Makhpela functions as both a synagogue and a mosque.

²⁴ YD 195:15

²⁵ Cited by the Bet Yosef YD 195

²⁶ This might not be the case if the person has been injured in a serious accident or has recently undergone surgery to mend the leg.

²⁷ YD 286:11

²⁸ YD 286:2

²⁹ sk 10

³⁰ sk 10

³¹ YD 286:1

³² sk 2

³³ sk 6

³⁴ sk 2

³⁵ YD 376:4. However, in Darkhei Moshe he cites the Rokeah and other Rishonim to the effect that an avel may lead the service even on Shabbat and Yom Tov.

³⁶ MB 581 sk 7

³⁷ See MB ad loc. YD 376:14. MB rules accordingly in 671 sk 44 and 683 sk 1

³⁸ MB 671 sk 44. Ma'amar Kaddishin at end of OH 132

³⁹ Kiddushin 80b, 81a

⁴⁰ Rambam Issurei Bi'a 22:8, Shulhan Arukh Even Ha'Ezer (EH) 22:5

⁴¹ Kiddushin 4:21

⁴² EH 22:9

⁴³ See Pit'hei Teshuva sk 8, Arukh Hashulhan EH 22:6

⁴⁴ Iggerot Moshe EH 4:65

⁴⁵ Arukh Hashulhan ad loc.

Hiddur mitsva

MORDECHAI GEDALLA

The histories of religion and beauty are long and intertwined. One only has to think of the magnificent cathedrals, synagogues and mosques of the world to realise that physical attractiveness has an important part to play in religious devotion, regardless of creed. Even the most dour Reformed strains of Christianity found a use for some form of visual beauty in the sacred interior of a church, usually taking the form of an ornate calligraphic interpretation of the Decalogue painted directly onto the wall.¹ Within the Jewish tradition, religious beauty is usually catalogued under the heading ‘hiddur mitzvah’. This concept of beauty is also referenced across Hazal too, though not always by this name. The principle source is a Baraita found in several places across the Talmud that reads:

For it was taught: This is my God, and I will adorn him (‘Ve’anvehu’) (Shemot 15:2): [i.e.,] adorn thyself before Him in [the fulfilment of] precepts. [Thus:] make a beautiful sukka in His honour, a beautiful lulav, a beautiful shofar, beautiful fringes, and a beautiful Scroll of the Law, and write it with fine ink, a fine reed-pen, and a skilled penman, and wrap it about with beautiful silks. Abba Saul interpreted, and I will be like him: be thou like Him: just as He is gracious and compassionate, so be thou gracious and compassionate.²

The derivation of this idea from this particular verse is difficult to understand, because the word ‘Ve’anvehu’ is hard to translate. ArtScroll follow Onkelos in parsing ‘and I will build him a Sanctuary’, using the verbal root NVH’s meaning of living space, especially within the context of Jerusalem.³ Rashi gives a second explanation, which links the verb to meanings of beautification, an interpretation which echoes the teaching of Rabbi Yishmael found in the Yerushalmi, who explains that while it is impossible for Man to beautify his Creator, one can beautify the mitzvot one does in His service.⁴

The concept of the beautification of mitzvot is aired again in Bava Kamma (9a), this time under the name ‘hiddur mitsva’. Here, a Beraita states that it applies up to a third, leaving an unresolved Amoraic inquiry as to whether that means one should add a third onto one’s mitsva activities, either in price or in magnitude, or whether one should add 25%, which becomes a third of the new total. This is a technical debate which reveals little about the nature of hiddur mitsva until one considers the corollary of the passage, which is the following statement of Rabbi Zeira: ‘up to a third is from him, beyond that is from God.’ Rashi and Tosafot both interpret this to mean that God rewards someone who spends more than a third on hiddur mitsva, both in this world and the next, but the *Nimukei Yosef* takes a more legalistic approach, maintaining that spending a third is obligatory.

While it is impossible for Man to beautify his Creator, one can beautify the mitzvot one does in His service.

This debate touches upon another line of inquiry within hiddur mitsva, namely whether it is a Biblical or Rabbinic law. The *Nimukei Yosef* seems to think it is Biblical in origin, which is an approach also taken by the Hayei Adam (1:68:5). Other commentators seem to think that it is Rabbinic, which has the major difference of not requiring one to add hiddur to one’s avodat Hashem in cases of doubt.⁵ For example, if one is in possession of a kosher etrog, one would only need to spend an extra 25% on a more mehudar specimen, according to the view that hiddur mitsva is Rabbinic.⁶

In order to explore this fascinating concept in more depth, three examples of mitzvot which have close associations with hiddur will be considered, in order to

uncover more about the relationship between religious practice and aesthetic appeal.

A dry lulav

The festival of Succot relates more to the concept of hiddur than perhaps any other of the major festivals, thanks to the Biblical commandment of Arba Minim, which involves taking for oneself ‘the fruit of goodly (hadar) trees’.⁷ Much of the commentary on this verse aims to explain how an etrog meets the various criteria of Hadar set down in the Gemara, whether it is related to the taste of the fruit in comparison to the tree itself, or to the etrog’s growing habits.⁸ Ramban goes as far to say that the etrog represents all of the desires of Mankind (being the fruit that tempted Adam and Eve to sin in the Garden of Eden), and its use in conjunction with the rest of the Arba Minim represents us doing away with our temporal desires in our prayers for rain and sustenance.⁹ This concept of hiddur becomes a practical issue when it comes to Arba Minim, but its role extends beyond that of the etrog. While it has become customary to spend much time and money on an etrog that is of uniform colour and of perfect symmetry, and a lulav which is perfectly straight, the concept of hiddur goes beyond simple enhancement of the mitsva, it can render a set of Arba Minim entirely pasul.

The concept of hiddur goes beyond simple enhancement of the mitsva, it can render a set of Arba Minim entirely pasul.

The first Mishna in the third chapter of Masekhet Sukka rules that a dry lulav is unfit for use. The Gemara explains that the reason for this is that a dry lulav is lacking from the Biblically required ‘hadar’, and that this concept of hadar affects the kashrut for all seven days of the festival.¹⁰ The Yerushalmi suggests that this is due to the pasuk that states ‘The dead praise not the Lord’, meaning that something which has withered and died is not fit for use in Divine worship.¹¹ The Ba’al HaMaor goes further, comparing the Arba Minim to a sacrifice, which must not be subject to a blemish. These explanations avoid the problem that Tosafot finds in the simple reading of the Gemara, which he argues contradicts several other sugyot which imply that a dry lulav should not affect the kashrut of any of the other Arba Minim beyond the first day of Succot.¹²

Rashi however, chooses to explain the Gemara by using the verse of ‘Zeh Eli Ve’anvehu’, which we have so far understood as being the general source that mitsvot should be done in the best way possible. This explanation of Rashi is problematic: how can the concept of hiddur mitsva arise in such a manner as to undo a mitsva that would otherwise have been done in a manner that is completely satisfactory? The Gemara brings other cases within the world of Arba Minim that relate to hiddur, most notably the ruling that one has to bind the Arba Minim together, yet there is no indication whatsoever given in that case that the mitsva has not been performed if the lulav was not bound to the other species.¹³

Meiri picks up on this difference between the hiddur of binding the arba minim together and that of a dry lulav. He explains that ‘a dry lulav has exhausted its moisture, and has thus removed its splendour in the same manner of a person who has lost his vitality; this is comparable to the reason given in the Yerushalmi of ‘The dead praise not the Lord.’ However, an unbound set of Arba Minim has not lost its splendour and is thus fit for use post facto.’¹⁴ For Meiri, the fact that a dry lulav has been inherently and terminally damaged is crucial to understanding the role of hiddur in Arba Minim; an unbound lulav is merely lacking something which is appropriate but is fundamentally functional but a dry one is forever exhausted of its abilities to be used in the service of a mitsva.

They constitute an exhortation to perform all of our obligations in the most thorough and beautiful way possible.

Rav Soloveitchik expands on this difference to describe two separate attributes within the concept of hiddur mitsva. For Rashi, the requirement of arba minim fulfilling some aspect of hiddur is a condition within the mitzvah of arba minim itself, and therefore must be complied with in order to fulfil the mitsva. The other types of hiddur that have been listed by the Gemara in Shabbat and Bava Kama are ways to perform mitsvot in better ways. Perhaps they constitute an exhortation to perform all of our obligations in the most thorough and beautiful way possible. But they are all external to the mitsva concerned.¹⁵ For Rashi, a dry lulav is completely removed from the general principle of ‘Zeh Eli Ve’anvehu’ due to its defect and is therefore unfit for use. Rav Soloveitchik notes further that a damaged lulav is

referred to by the Rambam as having a ‘mum’, or a blemish.¹⁶ The use of this term is borrowed from the world of animal sacrifices, where it denotes an animal that is no longer fit for sacrificial use. So too, a dried lulav is blemished and is thus removed from sacramental use by its intrinsic lack of hiddur.

A deficient Sefer Torah

The Baraita used by the Gemara to describe the role of hiddur mitsva expends much detail in the various embellishments that are appropriate for a Sefer Torah; not only should the Sefer itself be beautiful but the ink, quill and quality of the workmanship should all be of the highest order.¹⁷ Rambam clarifies that the extent of the workmanship required for the best-possible Sefer Torah includes writing all the calligraphic crowns properly, writing all the enlarged and minimised letters correctly, leaving the proper gap between the five books on the parchment and keeping a consistent gap between the lines on the parchment.¹⁸

Rambam uses the word ‘shina’, or ‘changed’, in this passage to denote someone who deviates from these embellishments, but the Sefer Hahinukh – who otherwise quotes from the Rambam verbatim on this issue – uses the word ‘shaga’, which implies that one who does not write a Sefer Torah with all the correct trimmings is negligent in some small way.¹⁹ Tannaitic sources already proscribe the use of two different grades of parchment within the same Sefer Torah so as to avoid problems of hiddur mitsva.²⁰ While it would be perhaps logical to assume that post-Temple Judaism’s most sacred ritual object would attract a host of ornamentations, some of these augmentations create practical legal issues.

In three separate places, the Gemara records an argument between Rabbi Yehuda and the Rabbanan regarding a Sefer Torah whose names of God were not written with the correct intention.²¹ Rabbi Yehuda holds that this situation can be rectified by tracing over the letters with a quill and the correct intention, thus retro-actively imbuing the letters with the appropriate sacred intent, while the Rabbanan argue that such a practice is not enough to rectify the situation, because of ‘Zeh Eli Ve’anvehu’; Rambam rules like the Rabbanan in this regard.²² The citation of the argument on Gittin 54b sheds more light on how hiddur mitsva is related to tracing a quill over letters, deciding that even Rabbi Yehuda would agree with the Rabbanan in a case where multiple words needed tracing over, on the grounds that the parchment would then become ‘kimnumar’, or blotchy.

There is debate among the Aharonim as to the extent of the problem of writing the name of God without the proper intent. Rabbi Akiva Eiger notes that the Gemara never uses the word pasul to describe the position of the Rabbanan, but the phrase ‘Ein Hashem min hamuvhar’ meaning only that the name of God should only be written in the best possible way.²³ R. Akiva Eiger concludes from this terminology that a Sefer Torah afflicted in such a way is subject only to Rabbinical embargo as opposed to a Biblical one (it is seemingly the Rambam who first exchanges pasul for ‘ein Hashem min hamuvhar’, implying that the injunction is Biblical in origin).²⁴ His son-in-law, the Hatam Sofer, felt that the external lack of hiddur of a blotchy Sefer Torah was not in and of itself the problem that the verse ‘Zeh Eli Ve’anvehu’ proscribes, but what the verse sets out to state is that all acts that relate to God Himself must be done in the most mehudar way possible.²⁵ According to this, anything that relates to the name of God in a Sefer Torah must be written with the utmost care and precision, making this ban on the name of God written without proper intent a Biblical issue.

Hiddur mitsva is not simply a way of making our religion more aesthetically pleasing, but refers to the way with which we relate to God.

Regardless of whether or not the issue of the proper intent in writing God’s name is Biblical or not, we can see from this particular case that hiddur mitsva is not simply a way of making our religion more aesthetically pleasing, but refers to the way with which we relate to God. The Yerushalmi quotes the Beraita found across the Bavli (Shabbat 133b), but replaces the reference to Sefer Torah with one to Tefillin.²⁶ Although the Yerushalmi omits all the references the Bavli makes to the quality of the workmanship that is desirable to the parshiyot of the Tefillin, probably because they are not on public display, it is clear that all items that carry inherent holiness must be crafted in the most apt way, to the point that failure in this regard can invalidate the item.

This idea is expressed by the Rishonei Ashkenaz and the Rema, who quotes from the Mordecai that the parshiot of the Tefillin should be written in the best way possible, despite the fact that the script will never be seen by more than a handful of people.²⁷ The Gemara in Menahot makes it absolutely clear that it is better to write a Sefer

Torah from scratch – or even to correct one letter in an old scroll – than to buy a ready-completed one.²⁸ As with a lulav, such an important item needs an element of hiddur for it to function properly, and if it is not present, the Sefer Torah is not fit for use.

Hannuka

Hannuka is another festival in which Hiddur takes a central role. This is a result of the Gemara in Shabbat 21b, which describes the basic requirement for fulfilling the mitzva of kindling Hannuka lights as being one candle per person per night. This basic requirement is augmented by a ‘mehadrin’: lighting on each night according to the number of people found in the household. This is further enhanced by a ‘mehadrin min hamehadrin’ of lighting a different number of lights for each night, the precise nature of which is subject to a debate between Bet Shammai and Bet Hillel. While the intricacies of this debate lie beyond the scope of this article, I want to discuss the way in which the two levels of hiddur interact – both with each other and with the basic requirement.

It would be perhaps most logical to assume that the mehadrin min hamehadrin is a direct offshoot of the mehadrin level of observance. This is the simple understanding of Rambam’s ruling that should one decide to fulfil the mitzva as mehadrin min hamehadrin: every member of the household should have the requisite number of lights kindled for them as per the day of the festival.²⁹

The distinguishing feature of mehadrin min hamehadrin observance is that it results in a clear indication of what day of the festival has been reached.

Tosafot dissents from this position, holding that the mehadrin min hamehadrin observance builds from the basic level of observance and not from the mehadrin level, and therefore anyone observing the mitzva mehadrin min hamehadrin must only light one set of lights for the household.³⁰ The reasoning of Tosafot is very simple: the distinguishing feature of mehadrin min hamehadrin observance is that it results in a clear indication of what day of the festival has been reached. If many people are having the festive lights kindled on their behalf by the master of the house, the day of the festival is not apparent

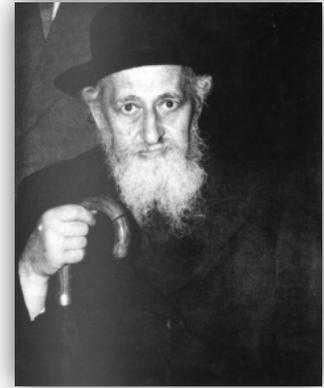
anyone viewing the lights from outside the house.³¹ Thus, the crucial role the lights play in *pirsumei nisa* (publicising the Hannuka miracle) is lost. We therefore need to understand how both Rambam and Tosafot understand the interplay between hiddur mitzva and *pirsumei nisa*.

It has already been clearly shown by the Brisker Rav (Rabbi Yitshak Zev [Reb Velvel] Soloveitchik) that the Rambam understands that any hiddur that relates to the Hannuka lights must be in place when the lights are first lit, i.e. when the most basic observance of the mitzva is carried out.³² This is because the Rambam understands that mehadrin and mehadrin min hamehadrin observance are both extensions of the original requirement, but only in the sense that they add to the number of lights that are visible to the people in the street. As a result, these layers of hiddur have no impact on the *pirsumei nisa* that the Hannuka lights provide, and therefore, there is no need for them to make clear the number of days that have passed.

However, Tosafot understands that the motive behind mehadrin min hamehadrin observance is to delineate more clearly how many days have gone past, which in turn relates to the concept of *pirsumei nisa*. As a result, mehadrin min hamehadrin observance is indeed an enhancement, because in addition to publicising the miracle of the oil in a general sense, it also reminds the person seeing the lights how many days the miracle lasted.³³ This debate provides a clear view into the workings of the concept of hiddur mitzva. On the one hand, seemingly as understood by the Gemara in Shabbat 131b, hiddur mitzva is a way of quantitatively adding to a mitzva. On the other though, hiddur acts as a qualitative measure, by making the mitzva clearer in its purpose and function within the corpus of a religious lifestyle that Judaism demands.

A third, or more?

All of the examples given here seem to ignore the Gemara that describes hiddur as forming a third of one’s mitzva; it is impossible to imagine how one would light a third more Hannuka lights without running into some arithmetic



R. Velvel (Yitshak Zev)
Soloveitchik, the Brisker Rav

difficulty on most of the nights of the festival. It is for this reason that the Brisker Rav felt that the mehadrin practices described on Hannuka were not sourced from the verse of ‘Zeh Eli Ve’anvehu’, but from a different, more preferable way of going beyond the basic line of obligation.³⁴ This may be true for Hannuka, but it cannot be said to be true in all other cases, where the hiddur observance represents a more natural progression from the basic observance, rather than the arbitrary addition of lights depending on the size of the household or the rate of progression of the event concerned. In the case of a sacred item itself, hiddur is of paramount concern because when one creates an item that is imbued with holiness, it is imperative that it is made in the best way possible.

Similarly, an item used for a mitsva – like a lulav – must be intrinsically perfect, because to approach God with imperfect devotional items suggests an integral lack of understanding for the perfection and infinite nature of God. Hiddur is such a crucial concept for the same reason that a physically imperfect kohen cannot serve in the Temple, for he does not inspire complete confidence and inspiration in those who depend upon him to perform his duties properly.³⁵

After leaving Hasmonian High School, Mordechai Gedalla learnt at Yeshivat Har Etzion for two years. He has a BA in History from Queen Mary, University of London, and is about to begin an MPhil in Early Modern History at St Edmund’s College, Cambridge.

¹ A. Pettegree, ‘Art’, in A. Pettegree (ed.), *The Reformation World* (London, 2000), 461–490

² This quotation is taken from Bavli, Shabbat 133b, and the translation is that of Soncino.

³ See Tehillim 79:7 and Yeshayahu 33:20

⁴ Yerushalmi, Sukka, 3:1

⁵ See Ritva, Sukka 11b, s.v. U’farinan

⁶ Bet Yosef, Orakh Hayim, 576

⁷ Vayikra 23:40.

⁸ Bavli, Sukka 35a

⁹ Peirush HaRamban al HaTorah, 23:40

¹⁰ Bavli, Sukka, 29b

¹¹ Yerushalmi, Sukka, 3:1.

¹² Tosafot ibid, s.v. ‘Ba’inan Hadar VeLeika’.

¹³ Bavli, Sukka, 33a. See Rambam in Hilkhhot Sukka 7:6 and Hagahot Maimanot.

¹⁴ Bet HaBehira leRabeinu HaMeiri, Sukka 29b.

¹⁵ Harrerei Kedem, 1:139.

¹⁶ Mishneh Torah, Hilkhhot Lulav, 8:9.

¹⁷ Bavli, Shabbat 133b.

¹⁸ Mishneh Torah, Hilkhhot Sefer Torah, 7:8–9.

¹⁹ Sefer Hahinukh, 613, s.v. Veyizaher.

²⁰ Massekhet Soferim, 2:11.

²¹ Bavli, Shabbat 104b and Gittin 20a and 54b.

²² Mishneh Torah, Hilkhhot Tefilin, 1:15.

²³ She’eilot Uteshuvot of R. Akiva Eiger, 70.

²⁴ The question put before R. Akiva Eiger concerned a Sefer Torah that missed out the phrase ‘el Yosef’ in Bereishit 48:3, raising fears that the next phrase, which also contained the word ‘el’ (this time referring to a name of God) was written in place of the preposition el, without the special intent that a name of God requires. His answer was to write the missing phrase above the extant words, which is a solution not without difficulty, but as R. Eiger held that the problem of intent was only Rabbinic, he could afford to be lenient in this situation.

²⁵ Hidushim on Lulav Hagazul.

²⁶ Yerushalmi, Pe’a, 1:1.

²⁷ Shulhan Arukh, Orakh Hayim, 32:4.

²⁸ Bavli, Menahot, 30a and Sanhedrin, 21b. The Sha’agat Aryeh (34) holds that correcting an old Sefer Torah is not enough to fulfil the mitsva of writing a Sefer Torah for oneself, even if only one letter was left unchanged. It is not clear to the author how this interpretation of the Gemara in Sanhedrin fits with the Gemara in Menahot, which clearly implies that writing even one letter suffices to fulfil the mitsva, which is how the Rambam concludes in Hilkhhot Mezuza 7:1, and the Hagahot Maimanot, ibid. 7:1:1.

²⁹ Mishneh Torah, Hilkhhot Hannuka, 4:1. The language used to describe the Rambam’s position deliberately describes all other members of the household in a passive conjugation: compare to the language of the Rema in Shulhan Arukh, Orakh Hayim 671:2, and see Hidushei HaGriz al HaRambam, Hilkhhot Hannuka, 4:1.

³⁰ Tosafot Shabbat 21b, s.v. Vehamehadrin

³¹ See note 28.

³² Hidushei HaGriz al HaRambam, Hilkhhot Hannuka 4:1.

³³ Levush, 671:2.

³⁴ Hidushei HaGriz al HaRambam, Hilkhhot Hannuka 4:1

³⁵ Sefer Hahinukh, 275.

The concept of גאולה established in תפילה

RABBI SHLOMO YOSEF ZEVIN, TRANSLATED AND EDITED BY SIMON LEVY

Rav Shlomo Yosef Zevin was born in 1888 in Kazimirov near Minsk. His early influences were a mixture of Lithuanian (he studied in Mir) and Hasidic (he learnt with R. Shemaryahu Noah Schneerson, the leader of a branch of Habad). He received semikha from R. Schneerson, the Rogachover Gan and R. Yehiel Michael Epstein (the Arukh HaShulhan).

He struggled to maintain Jewish observance under the Russian Communist regime, and edited Torah journals, including Yagdil Torah, in modern Hebrew, with R. Yehezkel Abramsky, later of the London Beth Din.

Although from a non-Zionist background, when Rabbi Zevin settled in Israel in 1935 he began teaching at the Mizrahi-affiliated Bet Midrash L'morim. He also served as a member of the Israeli Chief Rabbinate Council. He



Rav Shlomo Yosef Zevin

wrote with great love and admiration of Chief Rabbi Isaac Herzog in *Men of the Spirit* (ed. Leo Jung, New York 1964). He wrote against exempting yeshiva students from army service and would go to hear R. Yehuda Leib Maimon recite 'sheheheyanu' on Yom Ha'atzmaut and respond 'amen'.

In 1947 the first volume of the *Encyclopedia Talmudit* was published under his editorial oversight and R. Zevin continued to serve as editor-in-chief until his passing in 1978. In 1959,

he was a recipient of the Israel Prize for Rabbinic Literature. His work *Moadim*

B'Halakha has become a classic and has been translated into English. The following is an essay published in *L'Or Hahalakha*, as yet untranslated, which contains essays on both practical and abstract halakhic topics. In the light of R. Zevin's Zionist sympathies, it is appropriate to present an essay on redemption

The Geula, Redemption from Exile, presents itself in our berakhot in Kriat Shema and Tefilla.

Within the Kriat Shema, the concept of Geula appears twice, once in Emet V'Yatsiv during Shaharit and again in Emet v'emuna of Maariv, although both of them conclude with the words גאול ישראל.

Within Tefilla, we encounter Geula in the seventh section of the Amida in the berakha of 'Re'eh v'Anyeinu' when we also conclude with similar sentiments, גאול ישראל.

Each of these berakhot are different. The berakha of Emet V'Yatsiv is concerned solely with the Redemption that occurred during the time that the Jewish people left Egypt. The berakha of Emet v'emuna is related to both the past redemption and the future redemption of the

Jewish nation, whereas the Berakha in the Amida refers only to the future redemption. The Gemara questions the change in tense when it asks:

'In Kriat Shema and Hallel on the night of Pesah we use the phrase גאול ישראל (past tense), but why in the Amida do we use the phrase גאול ישראל (future tense)?

'It is a request for mercy.'¹

The Rashbam elucidates this by explaining that we are praying for our future redemption.² Even though the berakha of Emet v'emuna contains the ideas about the future redemption, it still concludes with the words גאול ישראל, because it seeks to connect the two redemptions and to imply in that just as God redeemed us from the

Egyptians, we believe that he will redeem us again in the future.³

Emet V'Yatsiv

This berakha is different from the other berakhot that surround the Kriat Shema, and from most other berakhot in general. Most berakhot are only Rabbinic in nature, whereas this berakha is scriptural in origin.⁴ Even according to those opinions that hold the recital of the Shema is Rabbinic, this berakha is Biblically mandated as we see from the Gemara in Berakhot that says:

‘Rav Yehuda says: If there is a doubt as to whether you have said Kriat Shema, it is not to be repeated, whereas if a doubt exists regarding Emet V'Yatsiv, you must repeat it. What is the reason? Kriat Shema is Rabbinic, Emet V'Yatsiv is a Biblical obligation.’⁵

The reason for its Biblical status is the mention of Yetsiat Mitsrayim, and the remembrance of that occurrence is mandated by the pasuk, ‘לְמַעַן תִּזְכֹּר אֶת-יְהוָה צֹאֲתֶךָ מֵאֶרֶץ מִצְרַיִם, כִּי יֵצֵא יְהוָה מִצְרַיִם, כִּי יֵצֵא יְהוָה מִצְרַיִם.’⁶ It follows that should a person say the third paragraph of the Shema, which includes a mention of Yetsiat Mitsrayim, there would be no need in a case of doubt to repeat the berakha.⁷

This berakha ends with the phrase “בְּרוּךְ אַתָּה ה'”, but does not begin with this formula.⁸ The reason is the halakhic principle of *חברותה* *הסמוכה*, whereby if a berakha is connected to another berakha, it does not require such an opening.⁹ Even in this case where the recital of the Shema separates the previous berakha from Emet V'Yatsiv, we still consider it as if there has been no separation.¹⁰ We add the word *אָמֵת* to the end of the Shema in order to fulfill the pasuk of ‘וְה' אֱלֹהִים אִמֵּת’.¹¹ This practice [of connecting the Shema with the surrounding tefillot] provides further evidence for the suggestion that this berakha is a continuation of the berakha directly before the Shema.¹² Tosafot, among others, claims that the rule that pasukim do not constitute a pause between berakhot is derived from this berakha.¹³ Tosafot also claims that a berakha that is placed directly after pasukim does not require the usual beginning as it is clear where the berakha begins.¹⁴ On the other hand, others claim that since Emet V'Yatsiv does not begin with *בְּרוּךְ אַתָּה ה'*, this is a proof that a berakha is able to begin without this phrase.¹⁵

What is the essence of this berakha? It is clear from Rashi that the berakha is focused on the actions that God carried out on behalf of our ancestors when we left Egypt¹⁶. As a result, the Gemara writes the following: ‘A

mention of Yetsiat Mitsrayim is required in the berakha of Emet V'Yatsiv. Rebbi says that a mention of God's Kingship is also necessary. Others say that we must mention the splitting of the sea and the last of the ten plagues, the Killing of the Firstborn. R. Yehoshua ben Levi says that all of the above are essential and that we conclude the berakha with the phrase *וְיִשְׂרָאֵל וְגוֹאֲלוֹ צוּר*.¹⁷ It is clear from this halakha that these concepts are critical to this berakha, and any change requires a repetition of the berakha.¹⁸ This is in contrast to most berakhot, where a change in wording, or even missing out some of the berakha does not necessitate a repetition.¹⁹

Geula and tefilla

A very important concept within the berakha following the Shema (whether Emet V'Yatsiv or Emet v'emuna) is *צריך לסמוך גאולה לתפילה* – we are required to connect the berakha of redemption to the Amida that follows directly afterwards, ending the berakha prepared to begin the Amida immediately.²⁰ This has its roots in the Gemara that explains that there are three times in halakha when we require immediacy, *תכף לשמיכה שחיטה*, *תכף לגאולה*, *תכף לנטילת ידיים* after washing hands, our case of geula and tefilla and after shehita before the berakha on the shehita.²¹ The Gemara expands upon the necessity to connect *גאולה* and *תפילה* when it tells us that ‘a person who does not connect *גאולה* and *תפילה* is compared to a man who visits the King and knocks on his door. When the King answers, he finds the man continuing to knock on the door.’²² Rashi explains that once we have approached God with our praise for his salvation of the Jewish People (the knocking at the door), we should immediately begin our list of requests.²³

A person who does not connect גאולה and תפילה is compared to a man who visits the King and knocks on his door. When the King answers, he finds the man continuing to knock on the door.

What is the exact meaning of the phrase *צריך לסמוך גאולה לתפילה*? Is it the requirement that *תפילה* should follow *גאולה* or that *תפילה* must be prefaced by *גאולה*? This is an argument among the Rishonim. It is clear from the Gemara that it is acceptable to recite Maariv while it is

still day, but someone who does so has not fulfilled his obligation of saying the Shema in its correct time, namely once night has arrived. Rashi answers this problem by saying that this is indeed so, and the only reason that such a person would say Shema at an early Maariv would be to ensure that there are words of Torah in his תפילה. Once night has arrived, he is obligated to repeat the Shema. Among a myriad of questions that Tosafot asks on this Rashi is whether, if Rashi is correct, we find that there is no connection between גאולה and תפילה after the Shema is read a second time, if one holds that tefilla must follow גאולה.²⁴ The Meiri and Ra'avad state that we have fulfilled our obligation of תפילה through our early Maariv, where both concepts are present.²⁵

The Meiri further states that it is necessary to repeat both the Shema and its berakhot once night arrives, implying that the only purpose of the berakhot in our earlier תפילה was to ensure a connection between גאולה and תפילה. As a result, we are forced to say that according to the Meiri and Ra'avad, the presence of תפילה requires a mention of גאולה before it, since we only say the berakhot of the Shema in our early Maariv because we follow this with the Amida. If the opposite was correct, and the mention of geula always required a subsequent tefilla, we would be forced to repeat the Amida as well after dark. Tosafot's question would indicate that he believes that גאולה must indeed be followed by תפילה.

The way in which the principle of תפילה גאולה is written also suggests that גאולה has primacy, as it is written first, and we attach תפילה once גאולה is already present. The Tslah writes that although this seems to be the case, the Gemara makes it clear that the optimum time for the Shema in the morning is Amud HaShahar (when a person can distinguish between the white and blue strings of his tsitsit) whereas the ideal time for the Amida is sunrise (a later time).²⁶ Although it would be better to begin Shema at its correct time, the custom was to delay the recitation of the Shema until just before sunrise in order to תפילה גאולה. Delaying the Shema for the sake of the Amida suggests that תפילה is the more important of the two.²⁷

The concept of תפילה גאולה is so important that it overrides the principle of praying communally. The Rashba writes that if a person enters a Bet Kneset and finds the minyan praying, he must not pray with the congregation, but rather begin the Shema in order to connect גאולה and תפילה.²⁸ Even if the kehilla were saying Kedusha and Barakhu, a solitary congregant must not pause between גאולה and תפילה.²⁹

On Shabbat, there is an argument as to whether we are also required to connect גאולה and תפילה. The Shulhan Arukh writes that since we learn this concept from the pasukim that mention צרה ביום and we know that Shabbat is not a יום צרה, we refrain from establishing this concept on Shabbat.³⁰ Others hold that since the connection exists to enable us to request our needs more respectfully, and on Shabbat we do not make requests in our prayers, the connection is not necessary.³¹ There are however those who hold that there should be no differentiation between Shabbat and the rest of the week.³²

Emet V'Emuna

The berakha of גאולה that we say during Maariv, Emet v'emuna, refers to the future redemption, as well as the redemption from Egypt. We are showing God that we have faith that He will redeem us from the hands of our enemies as He did in the past.³³ The change from 'yatsav' in the morning to 'emuna' at night reflects the phrase from Tehillim, לַהֲגִיד בְּבֹקֶר חֶסֶדְךָ וְאֶמוּנָתְךָ בְּלֵילוֹת, that is, while it is good to talk of God's kindness in the morning, at the night we should reflect upon His faithfulness.³⁴ The Tur writes that the reference to גאולה in Emet v'emuna was instituted either to show our faith in the future redemption, or to show that we have faith that God will return our souls to us in the morning.³⁵

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There are commentators who hold that we do not say the third paragraph of the Shema at night and therefore that we also do not say Emet v'emuna, since the word Emet is connected to the end of the Shema.³⁶ Instead, we say the following prayer, מודים אנחנו לך ה' אלהינו שהוצאתנו מארץ מצרים ופדתנו מבית עבדים ועשית לנו נסים וגבורות על הים until we reach Ga'al Yisrael.³⁷

There is a further discussion regarding the conclusion to this berakha on a Yom Tov, when we conclude by saying ברוך אתה ה' מלך צור ישראל וגואלו. The Bah writes that this seems to be indicating the present tense, whereas the primary purpose of this berakha is to reflect upon a past

גאולה.³⁸ He therefore suggests that we change the tense and replace the final word with **וְנִצְּלוּ**. The Taz similarly questions this wording and writes as follows: ‘I remember in my youth that there was an old doctor that went in his old age to Erets Yisrael, who asked the Maharam of Lublin about this ending, because it seems to contradict the Gemara, and he did not have an answer.³⁹ I similarly asked the Bah and other great Rabbanim and they had no answer....’⁴⁰ The Taz answers his own question by saying that since **גּוֹאֲלֵנוּ** indicates the present tense, it can be used in conjunction with either the past or future tenses.⁴¹

In any case, Aharonim suggest that it is correct to conclude this berakha on Yom Tov as we would on a week day, namely with the words **נִצְּלוּ יִשְׂרָאֵל**.⁴² In a manuscript, I saw a different approach. In Erets Yisrael the custom was to complete this berakha on all occasions, whether day or night, Yom Tov or hol with the words **מֶלֶךְ צוֹר יִשְׂרָאֵל וְגּוֹאֲלֵנוּ**, whereas in Babylon they always ended with the words **נִצְּלוּ יִשְׂרָאֵל**. Over time, the minhag of Babylon was accepted.⁴³

The question of whether this berakha in Maariv must be connected to גאולה is discussed by the Amoraim. ‘R. Yohanan says that a Ben Olam Haba (one who will enjoy the World to Come) is someone who connects גאולה and תפילה during Maariv, whereas R. Yehoshua ben Levi says תפילות באמצע תקנום. This means that the Hakhamim instituted the three Amida prayers between the Shema of Shaharit and the Shema of Maariv.⁴⁴ There are two possible reasons for their argument:

Possibility 1: They argue about a verse, **וּבְשָׁכְבְּךָ וּבְקוּמְךָ**: ‘when you lie down and when you rise up’.⁴⁵

- R. Yohanan holds that this understands a commonality between lying down and rising. Just as in the morning the Shema is before Tefilla, similarly the Shema said when we lie down precedes the Amida;
- R. Yehoshua ben Levi understands the relationship of lying down to rising differently. Just as when we rise, Shema is closer to sleep than Tefilla (i.e. before Tefilla), also when we lie down (saying Shema is closer to sleep, i.e. after Tefilla).

Possibility 2: They argue about reasoning:

- R. Yohanan holds that since the redemption from Egypt was at night, we must connect גאולה and תפילה at night.
- R. Yehoshua ben Levi holds that since the redemption was not complete until the day, the גאולה at night is not as important.⁴⁶

The halakha is established like R. Yohanan.⁴⁷ However, the Geonim write that since Maariv is not obligatory, there is no need to connect גאולה and תפילה.⁴⁸ As a result, we conclude that, unlike the case at Shaharit, communal prayer takes precedent over the connection between גאולה and תפילה.⁴⁹

The Amida

The seventh berakha in the Amida deals with גאולה. The Gemara questions this placing and asks: ‘Why do we say the berakha of גאולה in the seventh berakha? Rava says, “In the future we will be redeemed in the seventh (millennium), so the Rabbanim established this as the seventh berakha.” But Mar says, “In the sixth millennium there will be kolot, in the seventh there will be wars and at the end of the seventh Moshiah ben David will come. The wars are the beginning of the redemptive process.”⁵⁰

In the future we will be redeemed in the seventh (millennium), so the Rabbanim established this as the seventh berakha.

Rashi writes that the גאולה that we refer to in the Amida is not a reference to the גאולה from exile, since the concepts of the ingathering of the exiles, the rebuilding of Jerusalem and the re-establishment of the Davidic dynasty each have their own separate berakha.⁵¹ Instead, this berakha is a plea to God that He saves us from our current troubles, and it is placed as the seventh Berakha only as a hint to the future Redemption.⁵² This explanation of Rashi fits well with the continuation of the Gemara which argues as to the correct placement of the berakhot of גאולה, סליחה, רפואה, and concludes that סליחה comes before גאולה and רפואה. The Gemara quotes the pasuk from Tehillim that says **הַסֵּלִיחַ לְכָל-עֲוֹנוֹתַי; הָרַפָּא, לְכָל-תַּחֲלוּאַתִּי. הַגּוֹאֵל מִשַּׁחַת תַּיִיכִי** (He who forgives all my iniquities; who heals all my diseases, and redeems my life from the pit) to show that גאולה and רפואה must follow סליחה, but גאולה comes before רפואה since the symbolism of the seventh berakha overrules the order indicated by the pasuk.⁵³ Nonetheless, the pasuk from Tehillim that refers to **הַגּוֹאֵל מִשַּׁחַת תַּיִיכִי, גאולה**, is clearly a reference to God’s salvation of His people from their current difficulties, rather than a reference to a future redemption.

The Midrash Tehillim take the opposite approach when it says *הַאֲמוּנִים נִצְרָה*, God preserves the faithful – these are the Jewish people who every day say *יְשׁוּעָה לְיִשְׂרָאֵל* but have still not been redeemed, and they say *בְּיְרֵשׁוּלַיִם* and Jerusalem has not yet been rebuilt.⁵⁴ God says: “The Jewish People have not yet been redeemed but at the time that they return, pray and believe that I will redeem them in the future - they are called *הַאֲמוּנִים נִצְרָה*.”⁵⁵ This Midrash suggests that the *גְּאוּלָּה* that we refer to in the Amida is the future *גְּאוּלָּה*, not just a *גְּאוּלָּה* from current woes.

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¹ Talmud Bavli, Pesachim 117b

² Rashbam, Pesachim 117b

³ Shulhan Arukh, Arukh Hayim, siman 236

⁴ Rambam, Hilkhoh Brakhot 8:12 and Hilkhoh Kriat Shema 1:17

⁵ Talmud Bavli, Berakhot 21a

⁶ Devarim 16:3

⁷ Talmud Bavli, Berakhot 21a

⁸ Talmud Bavli, Berakhot 46a and Rambam, Hilkhoh Berakhot 11:1

⁹ Rashi and Tosafot in Berakhot 46a

¹⁰ See 10

¹¹ Yirmiya 10:10

¹² Rashbam, Pesachim 104b

¹³ Tosafot, Pesachim 104b

¹⁴ See note 14

¹⁵ Rashba, Berakhot 11a

¹⁶ Rashi, Berakhot 12a

¹⁷ Yerushalmi, Berakhot 1, 6; Tur, Siman 66

¹⁸ Rashba, Berakhot 11a; Shulhan Arukh HaRav, 66:12

¹⁹ See note 19.

²⁰ Talmud Bavli, Berakhot 9b; Shulhan Arukh, Siman 66,8

²¹ Talmud Bavli, Berakhot 42a

²² See note 23

²³ Rashi on note 23

²⁴ Rashi and Tosafot are found in Berakhot 2a

²⁵ Meiri, Berakhot 2°; Ra'avad – ‘Tamim de'im’, siman 220

²⁶ Rav Yehezkel Landau of Prague (also known as the Noda beYehuda) on Berakhot 4b

²⁷ Talmud Bavli, Berakhot 9b

²⁸ Responsa of the Rashba, Part 1, siman 236

²⁹ Tosafot, Berakhot 13b and Shulhan Arukh, Arukh Hayim, 66, 9 (The Rokeah, siman 321 disagrees with this and writes that once can pause to say these communal prayers)

³⁰ Rama, Arukh Hayim, 111; Or Zarua, Part 1, siman 14 in the name of Rabbenu Tam

³¹ Sha'agat Arie, Siman 16

³² Bet Yosef, Arukh Hayim, sSiman 111; Sha'agat Ari'e

³³ Rashi, Berakhot 12a

³⁴ Tehillim 92,3

³⁵ Tur, Arukh Hayim, siman 66

³⁶ Talmud Bavli, Berakhot 14b

³⁷ Rashi

³⁸ Bah, Arukh Hayim, siman 66

³⁹ Whose name seems to be Reb Shlomo, the Doctor from Lublin (see Toldot Hakhmei Yisrael, Volume I, 115)

⁴⁰ Se'if katan 6

⁴¹ He relies on Rashi on Iyov 1:5

⁴² Sha'arei Teshuva, 66:12; Mishna Berura, 66:33. For those that do not say piyutim, this question does arise.

⁴³ See Perushim Vehidushim BeYerushalmi, by Louis Ginzberg – Volume I - Berakhot, chapter 1 and 2, New York, 217

⁴⁴ Talmud Bavli, Berakhot 4b – as a result, since the Amida comes before the Shema, there is no need to connect תפילה and גאולה

⁴⁵ Devarim 6:7

⁴⁶ In *Shiurim Lezekher Avi Mori*, R. JB Soloveitchk asks why the Rambam differentiates between the immediate connection needed in the morning and the less pressing need in the evening. The Rav concludes that the Rambam must be implying that during the day, one must connect geula and tefilla to achieve a *redemptive* model, whereas at night there may be an interruption. The Rav explains that there were two stages to the *גאולה* in Egypt: the night, which featured merely the first part of the redemption, and the morning, which brought about the full execution of God's plan to bring the Bnei Yisrael out of Egypt. At night, at Maariv, when the redemption still had not been completed, the first step of geula is not compelling enough to demonstrate God's greatness. Therefore the *לפלה* is not used to emphasize *גאולה* but only to improve our tefilla. Just as we say *pesukei dezimra* to prepare us and purify us for the shaharit tefilla, so too *גאולה* purifies and redeems us in preparation for the Maariv tefilla. In support of this point, the Rav points out that we are more than willing to interrupt the evening *לפלה* with *kaddish*, an interruption that is built into the tefilla! Further, we cannot possibly have an obligatory *גאולה* unit during a prayer service

that is not itself obligatory. Thus we know that this סמוך גאולה לתפילה cannot be one with its primary focus on גאולה. Rather, its purpose is to enhance our tefilla. (The Rav seems to contend that the focus on גאולה is more than an attempt to have greater success with our tefillot. Ideally, the connection between גאולה and תפילה should echo what occurred when the Jews were freed from Egypt, echoing perhaps the Midrash (Shemot Rabba 22:3) that says it was only when the Jewish people were purified by experiencing גאולה — when God took them out of Egypt — that they were able to sing Az Yashir. So too we must have our minds and souls purified by גאולה to commence tefilla)

⁴⁷ Rambam, Hilkhhot Kriat Shema, 7, 18; Tur Shulhan Arukh, Arukh Hayim, 236:2. Although the Rambam does

state in Hilkhhot Tefilla 11, 17 and 19 that the need for a direct connection is not as great as it is at Shaharit.

⁴⁸ Tosafot, Berakhot 4b in the name of Rav Amram Gaon

⁴⁹ Rav Hai Gaon in his Teshuvot (quoted by the Rosh and Rashba at the start of Berakhot) and Shulhan Arukh, Arukh Hayim, 236. This is in direct contrast to the halakha in Shaharit that we discussed earlier in this piece.

⁵⁰ Talmud Bavli; Megilla 17b

⁵¹ These occur later in the Amida as the Berakhot of Teka Shofar Gadol, V'liYerushalaim Irkha and Et Tsemah

⁵² Rashi, Megilla 17b

⁵³ Tehillim 103,3-4

⁵⁴ Tehillim 31, 24

⁵⁵ Midrash Tehillim, ed. S. Buber, 31

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Misunderstanding in good faith: Confronting Rav Soloveitchik's position on interfaith dialogue

NEIL CLARKE

Whatever the telos of religion, be it salvation, perfection, or ontological redemption, it is the dispensation of all mankind¹

Rav Soloveitchik's approach to other faith communities is a complex one that defies simple classification.^{A,2} On the one hand, a Jew has to view his religion as exclusive with its 'system of dogmas, doctrines and values... best fitted for the attainment of the ultimate good'.³ Conversely, faith also stems from a universal experience that is a permanent and unassailable feature of all who are made betselem Elokim. Once we have developed the technical ability to confront the universe and determine our role within it, we are placed in an ontological quandary. That quandary that can only be given adequate expression in the life of a religious community. Our interaction with other religions is made particularly problematic, both on the practical and cognitive plane, precisely because we recognise them as *bona fide* religions whilst also acknowledging their 'paradoxically inexpressible cravings of the individual for and his linking up with his Maker'.⁴

This problem finds its most famous exposition in a talk Soloveitchik gave in Spring 1964, later to be published as *Confrontation*, where he outlines the parameters of interfaith discussion. It was written in response to a process that began in 1960 when Pope John Paul XIII charged Cardinal Bea with preparing a draft on the relationship between the Catholic Church and the Jewish people. This led to a dialogue, largely conducted by Abraham Joshua Heschel, which culminated in *Nostra Aetate*. This document renounced the doctrine that the



Rav Soloveitchik

Jews were guilty of deicide and of a Catholic mission to the Jews.

Yet, right from the off, Soloveitchik opposed any Orthodox Jew having an official position at the ecumenical council, even as an observer. When *Nostra Aetate* was finally produced, he called it a piece of 'evangelical propaganda' as it enlisted Jews in locating Judaism within a Christian worldview (albeit in a much improved place).⁵ While Catholics are more than welcome to view Judaism in their own Christian eschatological terminology, any change to those terms should be an entirely internal process. *Confrontation* reiterates that we are not 'brethren' even though 'separated', as Soloveitchik understood *Nostra Aetate* to imply, nor would any similar formulation be appropriate where our religions are understood in relation to one another.⁶ It states that any interaction between faiths must be fully cognisant of each other's uniqueness and otherness.

^A See the glossary of technical terms at the end of this article.

R. Reuven Kimelman states: 'Rarely has a talk, subsequently an essay, been more consequential or more provocative to Christian-Jewish relations'.⁷ Nor has one been more misunderstood. It is taken for granted that while Soloveitchik allowed co-operation on practical matters, he forbade Orthodox Jews to have any *religious* dialogue with those of another faith. This conclusion can be found to this day on Orthodox blogs and newspapers, as piskei halakha given in the Soloveitchik's name and in talks by rabbinic leaders.⁸ Yet, this view is supported neither in practice nor theory.

It is taken for granted that while Soloveitchik allowed co-operation on practical matters, he forbade Orthodox Jews to have any religious dialogue with those of another faith.

Such a simplistic notion can be dispelled by the fact that *Lonely man of faith* (LMF) – perhaps Soloveitchik's most widely read essay – was first delivered to a Catholic audience at St. John's Seminary in the very same year as *Confrontation* was written. In this essay, he talks about matters pertaining to faith in general, and their relation to Judaism in particular, such as covenant, faith and redemption. Equally challenging to this crude reading is an amusing tale told to R. Shalom Carmy by R. Walter Wurzbarger about the Rabbinical Council of America's (RCA) understanding of Soloveitchik's position:

When RCA officers balked at organizational participation in a Catholic initiated conference on 'Man as the Image of God,' on the grounds that this was 'theology,' the Rav remarked sarcastically that a conclave on 'Man as a Purely Naturalistic Being' would not have set off the same alarms.⁹

Lastly, we can point out both the multitude of religious Christian thinkers, (e.g. Kierkegaard and Otto) that Soloveitchik uses in his works, and his comparison of Judaism and Christianity's views as to the 'naturalness' of humanity in *The emergence of ethical man*. Admittedly, this analysis is done on Soloveitchik's own terms, and did not involve 'dialogue'. Nonetheless, it should at least impel us to apply nuance to the view that comparison to another faith is essentially fruitless.

Nor can the popular, received, view be found within the pages of *Confrontation* itself. We are categorically told that involvement with all mankind in a 'cosmic

confrontation does not...rule out the second personal confrontation of two faith communities'¹⁰ As we will see, while Soloveitchik does limit the specifics of the dialogue to universal matters, the act of dialogue is done *as* faith communities. He says of this discussion:

Jewish rabbis and Christian clergymen cannot discuss socio-cultural and moral problems . . . in agnostic or secularist categories. . . . We [rabbis and clergymen] evaluate man as the bearer of God's likeness. We define morality as an act of *imitatio Dei*, etc. Even our dialogue at a sociohumanitarian level must inevitably be grounded in universal religious categories and values.¹¹

This position is, however, rather puzzling. If we are engaging with *everyone* on matters of social concern, why should we attempt to co-operate with faith communities in particular rather than their identities as human beings? As I will discuss later the answer lies with the fact that a religious person approaches ethics as a specifically religious act.

From the universal to the particular

I will argue that Soloveitchik's distinction is not one between religious discussion and practical action, with the former prohibited and the latter permitted. Rather, his position can be more fruitfully described as making a distinction between *two kinds* of religious discussion. The distinction is most adequately expressed by the contrast he makes between the universal and public in religion on the one hand, and the individual and private on the other. We can discuss the *specifics* of universal matters, while discussion of private experience is only allowed if it remains on the level of subjective impressions. The major counterargument in *Confrontation* comes when Soloveitchik says that 'our common interests lie not in the realm of faith, but in that of the secular orders.'¹² Yet, he introduces a major caveat in his footnote:

The term 'secular orders' is used here in accordance with its popular semantics. For the man of faith, this term is a misnomer. God claims the whole, not a part of man, and whatever He established as an order within the scheme of creation is sacred.¹³

Understanding Soloveitchik's view of *faith* will illuminate why there are no 'common interests' in this particular realm, but also why this does not invalidate communication taking place in *religious* categories.

In that vein, our analysis will be philosophical, rather than halakhic or historical, exploring the contours of Soloveitchik's view of the 'universal faith community'.

The reasons for this stem from the nature of *Confrontation* itself. While it is clear that he is forbidding official dialogue with the Catholic Church, this view does not flow from a position on Christianity itself. For example, he avoids the classical halakhic discussion about Christianity's status vis-à-vis avoda zara. Indeed, *Confrontation* conspicuously lacks any of the classic features of pesak halakha.

Instead, the first half of the essay lays out three possible responses to reality based on a typological reading of Bereshit, without any apparent application to interfaith dialogue. *Non-confronted man* is the carefree, aesthetic type who is untroubled by his position in the world and cares for no reality beyond his immediate experience. A man engaged in a *Single Confrontation* is alienated from his environment, realising his uniqueness and otherness from the rest of creation. He is a subject-knower set against an impersonal objective external world. Heroically, he tries to assimilate the environment through cognising and bring order to it, despite never being capable of complete success. A *Double Confrontation* occurs when one confronts the existence of another who is also individual and estranged from their environment. They can formulate plans together, aiding each other with their first encounter. However, intimacy only comes when we 'withdraw' from understanding the other, for that would be to treat them as an object rather than a unique, subjective being. These are the three types of response open to an individual as he or she faces the world and others. Having discussed the individual encounter with the world, Soloveitchik now moves to describing that of the community.

Reticence in discussing the private faith experience of another, is the biggest compliment that Soloveitchik can give.

The second half of *Confrontation* describes how, as a *faith community*, Jews bear a double charismatic load. While we may formulate plans on universal matters, we must resist attempts by Christians to 'understand' our inexhaustible faith. However, the ramifications of extending the types that Soloveitchik painstakingly applies to *individuals*, to *communities* as a whole, are not clear. Nor do we see how the double confrontation, epitomized by the intimate embrace of Adam and Eve, can apply to different religions where no such union is possible. This missing link is vital in

understanding both *why* he was against dialogue with the Catholic Church and how his views on interfaith dialogue can extend beyond this specific instance. It is this link, sourced from his other writing, that is the contribution of this essay. We will see how reticence in discussing the private faith experience of another, is the biggest compliment that Soloveitchik can give.

Faith is subjective, unique and cannot be communicated

First, we will aim to understand why Soloveitchik forbids interfaith theological discussion based, as it is, on man's relationship to God. Later, this will give us greater clarity on why other aspects of religious discussion are permissible.

Although all aspects of our religious life are correlated with one another, it is the subjective relationship with God that is the essence of faith, and our desire to interpret the world in light of that relationship.

According to Soloveitchik, the God-man relationship expresses itself in the triad of private experience, objective norms and judgements, and concrete acts in the external world.¹⁴ Although all aspects of our religious life are correlated with one another, it is the subjective relationship with God that is the essence of faith, and our desire to interpret the world in light of that relationship. Our childlike emotional connection is in many ways an instinctive response to spiritual reality. Commenting on *Likkutei Torah's* approach to the symbolism of matsa, as representing the boundless and unqualified trust benei Yisrael put in God on the night of redemption, he says approvingly:

'It is the naive approach of the child, a commitment based not on a rationally explicable reason, but on an inner, intuitive, emotional, inexpressible experience.'¹⁵

This pre-rational faith defies objective analysis and remains inseparable from our experience of the world and will often give rise to various conflicting existential states (e.g. God's remoteness and His immanence). Nonetheless, for Soloveitchik, it is this experience that forms the existential background of all religion.

This is hardly what we might expect of *Halakhic man* who prides himself on his exoteric and adult religion and forms the bedrock of much of Soloveitchik's thought! Indeed, in the derash above, hamets represents the fully grown individual who interprets his experience within the categories of a sensitive intellect. Yet, while this greater sophistication show '*homo theoreticus* in his full glory and majesty', they 'can never bring man into the presence of God.'¹⁶ The religious person, unlike the scientist, cannot ignore the qualitative aspects of reality and work wholly in concepts and abstractions. The reason is that concrete acts – the very things halakha conceptualises – are themselves objectifications of the spirit. A visceral and spiritual feeling underpins the legal framework of halakha. As a result, for the religious mind, 'the world he knows is identical to the world he experiences.'¹⁷ It is through entering into the ideal world of halakha that a Jew can claim full flourishing of his cognitive, creative personality and also maintain his connection to the primitive experience that gives it living content.

Soloveitchik perceived his inability to communicate to his students the link between halakha and subjective religiosity, to be his greatest failure:

They lack the experiential component of religion, and simply substitute obscurantism for it.... How can I convey experiences to my students? I simply do not know how... My students are my products as far as lomdus is concerned. They follow my method of learning... However, when it comes to my philosophical experiential viewpoint, I am somehow *persona non grata*. My ideas are too radical for them.¹⁸

An inability to communicate religious experience, and the loneliness that results, comes from the nature of faith itself. Yet, contemporary man exacerbates this problem by 'searching not for a faith in its singularity and otherness'.¹⁹ They are committed members of religious communities but deny as superfluous the withdrawal and sacrifice involved in genuine faith. They do not appreciate that every faith is unique to its community and inevitably unintelligible to other communities. One can never fully translate faith into terms that other religions can comprehend:

Each faith community is engaged in a singular normative gesture reflecting the numinous nature of the act of faith itself, and it is futile to try to find common denominators.²⁰

To deny this feature, as he writes in *Confrontation*, is to eschew the *Double Confrontation* in favour of a *Single Confrontation*. Looking for commonalities between faiths diminishes the grandeur of both.

Looking for commonalities between faiths diminishes the grandeur of both.

Understanding the rootedness of Jewish – and indeed any – religion in the subjective faith experience, goes a long way to explaining why different faiths are prevented from fully understanding one another. For we can ask, where do we locate the *logos* (rationality) of a religion such that we can compare it to another? The answer cannot lie in the faith experience of religion itself, which is *prior* to any rationalisation. While we would not have any access to 'religious reality' without it, and the religious *logos* interprets the output of this experience, there is no logical insight to be gained from introspection of subjective experience alone. In other words, while experience is in need of interpretation, it does not itself provide one. There are numerous philosophical reasons why this is so, but the theological reason is thus:

How can a finite mind understand the infinite? How can the temporal mind perceive the eternal? The theologian in this context cannot comprehend the essence of the absolute and eternal except through the use of negative attributes.²¹

In other words, a direct interpretation of 'infinity within finitude' leads to nought. For Soloveitchik, the infinite that can be touched through faith cannot be fully understood in rational categories.

Can we not, perhaps, find the *logos* of religion in its cognitive judgements, that is, its reasoned positions or dogmas, considered apart from religious experience? Such statements about (metaphysical) reality, surely, are comparable across religions and can be debated between them. This seems to hold even if we concede the imperative nature of experience in religious life. It might be that we would never have been awakened to the possibility of religion without experience. Let us even say that experience alone provides *evidence* for the propositions, such that there is no way to independently judge their truth. Nonetheless, we should still be able to *formulate* and *understand* the beliefs of a religion independent of our personal religious experience. Thus, even if interreligious debate was futile, we would still be in a position to understand another religion's views.

Yet, for Soloveitchik, a belief that is understandable apart from religious experience is not a religious belief at all. For example, when talking about rational demonstrations of God's existence, he says that their problem 'consists in their being exactly what they were meant to be by those

who formulated them: abstract logical demonstrations divorced from the living primal experiences in which these demonstrations are rooted'.²² Attempts at a purely logical inference would invariably be based on certain assumptions about substance and causality and fall prey to the philosophical objections of Hume and Kant. While we may experience God *in* creation, we do not infer him *through* creation. A doctrinal or intellectual layer adds no more than the reality already vouchsafed to us. In a similar criticism of proofs, doctrines, metaphysical speculations and demonstrations, Rabbi S.R. Hirsch comments, 'In reality, the most mature mind of a philosopher knows no more about the essence of God than the simple mind of a child'.²³ Abstracted from our personal experience into 'the realm of mere believing or thinking, our doctrines are reduced to empty phrases'.²⁴

A religion's cognitive judgements, then, are but a 'freezing' of its subjective, experiential, non-rational, content, and a more generalised statement of what is encoded in concrete halakhic acts. But, they cannot capture a thought like a photograph to render a portion of spiritual reality known. They are but one step on the path of the spirit whereby our intuitive experience tries to express itself in that can only partially contain it: 'They saw in you in both old age and youth; the hair of your head grey and black'.²⁵

Our utterances about God and His attributes are less assertive *about* Him, than expressive of our encounter *with* Him. Most accurately, they are powerful aspirations to know God and are 'indicators that are directed towards its final end'.²⁶ This is not to denigrate these judgements or render them relative or optional. For these encounters provide 'the most certain of all certainties, the truest of all truths'.²⁷ Yet, it has to be recognised that while we consider them to be *emet*, they are not *propositional* truths. They are not like mundane fact, capable of being verified, explained, shared and understood.

How then, can even two members of the same community understand one another's proclamations about faith? In the ritual of a faith community:

Not only hands are joined, but experiences as well; there, one hears... the rhythmic beating of hearts starved for existential companionship... experiencing the grandeur of the faith commitment.²⁸

Unlike the amorphous and undifferentiated encounter with God, or the generalised and conflicting statements which result; ritual is the working-out of the faith commitment in all its particulars. Concrete

manifestations of faith (prayers, physical acts of worship, articles of faith) are the objective correlatives of the spirit and form the 'facts' of religious life. They can be measured, quantified and most importantly *shared* in a way that religious introspection cannot. Ritual allows for a common mode of approaching God; meaning that while we cannot completely grasp the content of another's utterance, it allows us to share the same aspirations.

Ritual allows for a common mode of approaching God; meaning that while we cannot completely grasp the content of another's utterance, it allows us to share the same aspirations.

It is the objective components of a religion that serve as the best candidate, as we shall see, for the derivation of its *logos*. The *prima facie* issue we run against, however, is that a ritual grounded in an inexpressible faith shares the same problems discussed above. First, if an image of faith can *only* be drawn through the particular cult in which it is manifest, there is no universal faith-language for describing exactly the features of this picture. If words cannot transmit our faith to those of a different doctrinal persuasion, then pointing to a pair of tefillin cannot achieve understanding by those with a different way of life!

Secondly, even as actions give greater expression to *our* faith, they do not give any extra *justification* for it. There is no reason to predict in advance that an encounter with the *noumenal* (ein-sof) should give rise to the *phenomenal* impressions we receive; nor that the *infinite* should be codified in the *finite* responses we enact. We hold fast to our response with childlike simplicity but have nothing to say to those who package their response in a way we find foreign. Considered simply as a result of meeting God in creation, one way cannot be conceived of as objectively better; such terms make no sense because faith is not cognitive.

Such is faith, not so, religion.

From faith to religion: From the ethereal to the objective, and back again

Soloveitchik believed that essence of halakha is cognitive: 'When halakhic man approaches reality, he comes with his Torah, given to him from Sinai, in hand...well furnished with rules, judgements, and fundamental principles, draws near to the world with an *a priori* relationship'.²⁹ First, we translate religious subjectivity into objective phenomena that are standardised and measurable, according to fixed rules given to us via revelation. In essence, this process seeks to ascertain the ideal halakha ought to look like? Secondly, we bring this conceptual system to bear on creation, cognising the latter in relation to the former. The greatest hope of halakhic man is to see the ideal halakha actualised in the external world. During this movement, the anarchic religious experience will be tamed within the practical boundaries that God Himself has set. What then is halakha? It is 'the objectifying instrument of our religious consciousness... the matrix in which the religious *hylo* is cast'.³⁰

While in many religions man finds God, only in Judaism does God meet man.

Does this intellectual performance of *Halakhic man* and cognition of the spirit in accordance with fixed epistemological criteria, contradict what we have said earlier about faith? No, for like *Cognitive man*, *Halakhic man* 'has no wish to passively cognize reality as it is in itself'.³¹ As we have said, it is impossible to cognise the *noumenal*, and creation does not recommend one set of perceptions over another. This is why creation is not sufficient and revelation is wholly necessary. *While in many religions man finds God, only in Judaism does God meet man.* Further, the object of cognition is different. 'The Halakha reversed the spiritual direction of *homo religiosus*' such that '[h]e is not concerned with interpreting God in terms of the word but the world under the aspect of God'.³² We are led to a Divinely-ordained mode of meeting God, rather than a better knowledge of God per se.

Although each religion, including our own, claims unique authenticity, we can agree that the *function* of each religious system is the same. They provide a cognitive

means of interpreting religious reality, organising the outputs of religious experience and commanding us to act in accordance with them. Religion allows us to act as 'partners with God in the act of creation', taking the *tohu vavohu* of our experience and moulding it into coherent forms. Once actualised, we will be able to continually meet God through our actions. Perhaps only Judaism is *ideal* and *fully redemptive*, but the *telos* of religion is common to all mankind.

It is by participation in these cognitive-practical systems that the beliefs themselves become categories of the intellect, rather than mere expressions of the soul. Our assertions are given structure and meaning; allowing us to understand religious reality through the actions they generate. The mystery of *tsimtsum*, of 'contraction,' in the halakha does not touch upon questions of cosmogony, but rather to law and judgement.³³ The Halakha, however, is not particularly concerned with the metaphysics of time, the halakhic outlook on time is practical and ethical in nature.³⁴ Therefore, if the Torah spoke at length about creation it did not do so in order to reveal cosmogonic secrets and metaphysical mysteries.³⁵ Rather, it is 'a fundamental ethico-halakhic postulate'.³⁶

Halakha gives practical expression to faith which is abstract. However, if one is discussing the *philosophy* of Judaism, the methodological arrow is reversed. One takes these halakhic concepts and *reconstructs* the subjective; finding out what they have to say about our internal spiritual life and the way we view the world.

For example, by examining the fine halakhic details of *teshuvah*, Soloveitchik seeks to uncover a Jewish view of time. Equally, 'problems of freedom, causality, God-man relationship, creation and nihilism could be illuminated by halakhic principles', as well as ego, space and substance.³⁷ As such, through examining the 'what' of halakha, we can build up a view of the *Weltanschauung* of Judaism. Here we note that halakha is not conceived as a *practical* system, but as a *cognitive* one that encodes Jewish belief derived from our relationship with God.

According to Soloveitchik, then, the *logos* of a religion can be reconstructed from the details of its religious system, taken as an objectification of its faith experience. Here he is not simply claiming that we could not come to certain beliefs, or understand them, aside from the context of a religious system. He is also claiming that while a statement made in the context of a religion is important within the system, it does not say anything *beyond* the system. The notion of 'time' as contained in halakha is not comparable to that expressed by physicist, poet or artist

all of which are valid as a way of viewing reality in their own terms. Thus, Jewish concepts are only understandable in relationship to the experience it is structuring and expressing.

What is true of Jewish concepts is also valid for the ideas of any religion. To judge the validity of a religious viewpoint from an objective, rational standpoint would require you either to intuit their faith experience independently of having already accepted a cognitive system *a priori*; or, analyse the viewpoint independently of any subjective aspects. Yet, this is precisely what Soloveitchik claims to be impossible. He makes this point again when discussing the correlation which some say exists between Maimonides' *Guide for the perplexed* and Thomas Aquinas' *Summa theologica*. He says:

Any objective series in the field of religion can neither be understood nor explained on its own merit. The subjective track must be explored, for sometimes the identical objective constructs may represent antipodal subjective aspects.³⁸

In other words, the concepts of two religions (two 'objective series') may look identical and yet cannot be equated on the basis of this surface-level similarity. As *all* religious systems can only be understood in relation to their subjective aspects, the concepts may express fundamentally different ideas. However, given that we cannot fully grasp the subjective encounter due to its infinite nature (the very reason we needed a religious system in the first place), our attempt to understand it involves an 'infinite regression' that 'takes place along the stationary track left behind the objectifying "logos"'.³⁹

We can only truly understand another religion's doctrines if we already accept that religious system.

In short, and putting aside issues of truth and falsity, we can only truly *understand* another religion's doctrines if we already accept that religious system. A religion can only be comprehended from within its conceptual framework. This is particularly difficult for Jews who have their own system of beliefs. This inability to access other religious is not of necessarily tremendous import given that Judaism is sufficient – and in our view, ideal – for understanding matters of the spirit. But it does mean that if we do engage in an inter-religious encounter and discuss each other's *logos*, we are either taking part in a

make-believe conversation or are casting as irrelevant the genuine faith that underlies our religious systems. If there are ethical or religious reasons for not showing this lack of respect, the only recourse is to completely avoid talking about the theological *logos*:

*Non-interference with and non-involvement in something which is totally alien to us is a *conditio sine qua non* for the furtherance of good-will and mutual respect.*

Non-interference with and non-involvement in something which is totally alien to us is a *conditio sine qua non* for the furtherance of good-will and mutual respect.⁴⁰

The compliment of silence

We can now see that a refusal to engage in dialogue around a religion's theological doctrines is neither a denigration of another's religion or an injunction against religious dialogue of a different kind.

The refusal to discuss Christian beliefs does not come from an evaluation of those particular beliefs but as a result of the *telos* of faith in general. This disproves the claim that discussions between members of different faith-groups cannot contain religious content. To the extent that one discusses a religious *telos*, one is having a religious discussion! It cannot be identified in mundane terms nor explained away by a non-religious system. Moreover, as we have discussed, talking about faith concepts must come from the perspective of a *particular* religious system. Thus, even to elucidate the universal features of faith must come from the perspective of a particular faith commitment. This only constitutes a terminal problem with regards to theology (the *logos*) because it deals solely with the private aspects of faith that members of other religions do not share.

Secondly, our silence in matters of faith is not an act of *defiance* against other beliefs. It does not merely resemble a conciliatory and imperfect alliance on the battlefield of practical action where there is a 'coalition of interests'. On the contrary, it is an act of *deference* to the grandeur of the faith commitment that they exemplify. This is not because Soloveitchik is a pluralist, but because to the extent that we categorise their religious views at all, we must entirely do so from within our own system of beliefs. Yet, to

structure one's encounter with them as the 'community whose beliefs are *x according to us*' (positive or negative) is to treat them as *objects* rather than *subjects*. To insist that other faiths submit to our representations is an arrogant self-assertion. Refraining from understanding other religions recognises the multiplicity of *faith* without distorting the canons of one's own.

Thirdly, only through understanding *why* we cannot talk about such issues can the positive aspect of the inter-religious encounter be put in context. Just as abstention from theological dialogue was not a brute fact but intimately connected to the very structure of religious experience, so too is the impulse to engage in the ethical encounter with other faiths. Understanding that the theological *logos* is problematic because it centres around the private in religion, allows us to see why discussion about universal matters of religion is less so. Equally, in the way that a theological debate objectifies other individuals, a different kind of encounter can promote our individual dignity. It is to our ethical actions in light of faith, to which we now turn.

Religious ethos, Divine command

How should I act in daily life? How should I live according to the will of God? What are the divine attributes I must accept?' - these are problems of the *homo religious*... He sets an adamant face towards an encroaching milieu and strives to change it.⁴¹

If, for Soloveitchik, the religious person is defined by the questions he asks of reality, then even the most mundane of actions can be viewed as a response to those problems. We have already seen in the realm of ritual and cult, how we are led to externalise our experience of an infinite God into objective forms that can be cognised. This is no less true of the ethical:

Any encounter with God, if it is to redeem man, must be crystallised and objectified in a normative ethico-moral message... [This is] true of the universal faith community in general.⁴²

The subjective encounter must invoke a concrete response, for if religiosity is arrested in mental inwardness moral corruption will ensue. If we subtract the ethical norm, removing our actions from the light of public and critical reason, the subjective current 'frees every dark passion and every animal impulse in man'.⁴³ A genuine response to the Divine must be, in Meiri's words, 'bound by the [ethical] ways of religion', rather than lead to escapism.⁴⁴ He even goes so far as to suggest that the

worth of a philosophical or religious doctrine can be measured by its ethical standards and whether it leads to the advancement of man. It is in the cultivation of the most objective ethical norms that different faith communities can find common ground.

God commands us to work with the rest of humanity to promote human dignity and majesty.

Ethical norms can be understood by those of any religion, and where opinions converge, different religions can work together to realise their shared vision. God commands us to work with the rest of humanity to promote human dignity and majesty. Indeed, it is precisely because of the command to 'fill the earth and subdue it' and the implicit responsibility involved therein, that *Confrontation* bids us to work with other religions. We would have gladly, had others let us, joined in the work of helping the needy, protecting man's rights and alleviating human suffering.

However, as with ritual, the objective forms must be considered in conjunction with our subjective faith experience. As members of a faith community, we are not rooted in a technically-minded civilisation, but in the realm of the spirit. In Soloveitchik's opinion, imperatives such as a prohibition against murder 'though included in any system of secular ethics, are nonetheless specific religious commandments'.⁴⁵ The outcomes suggested by a religious and secular ethic may be remarkably similar, but is conducted against an entirely different background. He infers that 'we must distinguish between the objective form delivered by the ethos and the unique, subjective religious content'.⁴⁶ Our faith conditions the very essence of the norm (our motivation for enacting it, the envisioned endpoint, the manner of implementation etc) and gives it a different *timbre*. Nevertheless, the quest for dignity has to be done in universal terms understandable by all.

How, then, can Soloveitchik allow for an interfaith discussion of morality when it is based on the very same categories of private faith which we are destined not to understand and we cannot discuss? Chief Rabbi Sacks suggests an answer inspired by Rabbi Yitshak Reines' interpretation of why one makes a blessing on commandments between man and God but not on those of an interpersonal nature.⁴⁷ In the former, it is the intentional act (*peula*) that is essential and it is this mental dedication to God that is made explicit in the blessing. Commandments between man and man, on the other

hand, the effect (nifal) is uppermost and thus no such declaration is needed. The quest for dignity – in R. Sacks' words, the 'meta-mitzvah' between man and man – is unaffected by the *specific* religious reasons that justify it.

In Soloveitchik's terms, while the ultimate aim of the cult is to *reconstruct* the subjective, the ethos aims to *construct* the most objective norm. With the cult, we start with the objective forms of the religion as given and travel inwards to understand our private relationship with God. With the ethos, our religious experience impels us to articulate objective principles as to how the world and humanity should be, and construct concrete plans to achieve this outcome. In this task we focus on the objective form (both universal belief and practical activity) rather than the subjective content that animates it. Nonetheless, that subjective content does animate another's ethical actions *is* important. As the Catholic Phillip Cunningham says:

While it is surely true that one's innermost selfhood and its relationship to God cannot be communicated to another, it seems to me equally certain that the *reality* of another's relationship to God *can* be divined.⁴⁸

The interests may only be overlapping and may be predicated on a different set of experiences and doctrines. However, the fact they are predicated on their experience with God, lifts the actions from the realm of the mundane to that of the Divine.

Closeness and distance in the ethical relationship

We can see that Soloveitchik recognises and values the religious motivations that lie behind the ethical actions of those from other religious traditions in a way that goes beyond simply encouraging co-operation. Even if various religious communities embark upon courses of ethical endeavours for different, and often incommunicable theological motivations it is still important to be aware of a mutual religious ethos.

Soloveitchik recognises and values the religious motivations that lie behind the ethical actions of those from other religious traditions.

It is this ethos that compels us to be like the prophets who 'were above all, men of action, dominated by an all-consuming passion for reform and change'.⁴⁹ Thus,

communicating this ethos is what binds us together in a common *religious* project. Absolutely central to this project is that this communication does not focus on theological matters. Such discussions would be ethically reprehensible, and as explained earlier, would demonstrate a lack of respect for the other.

Understanding both the closeness and distance implied in a religious ethic will help us understand the contours of permissible dialogue.

The first aspect of Soloveitchik's ethical system that is relevant to this issue concerns the motivation for action. For Soloveitchik, the underlying motivation, rather than the objective content, characterises an act as ethical. This distinction is brought to the fore through a comparison of human and natural or biological actions. Humans, like animals, have biological urges which they seek to enact. In an ideal world, there is no distinction between what one is naturally inclined to do and what one is morally required to do. This is because 'ethical designs are woven into the cosmic texture, [where] a natural existence is the background against which the ethos should be seen'.⁵⁰

The only difference, then, between a natural and ethical act is in the reason for which it is done. It is only in his relationship to a transcendent God that man rises to the higher level of ethical behaviours. The Divine Command 'brought forth the ethical norm, which is experienced quite differently than the biological must...Not only does God inform man of his biological propensities but He commands him to follow them'.⁵¹

How does a Divine Command qualitatively change the experience of an act? The *Single Confrontation* took place when man was ripped from his unreflective unity with nature. While it allowed him to consciously use his natural abilities to 'fill the earth and subdue it', it entailed the loss of a relationship and caused him to look upon the world as an *impersonal* objective order. Our relationship to God acts as a corrective to that loss:

With the revelation of the personal God – whose very essence-existence is ethically infinite and whose creative dynamics is ethical activity, the whole universal drama is converted into an ethical drama.⁵²

This *Double Confrontation* allows us to both engage in the universal drama and see it in *personal* terms.

Thus, an ethical relationship between any two individuals must be one where the purpose of their action is to help them foster a relationship with God. For example, it is through Divine Command turning the biological into the ethical that the 'erotic love of zakhar-nekeva would

become the ethical love of *ish v'ishto*.⁵³ Two people are joined by common ethical duty and purpose, acting in accordance with nature, in solidarity with an ethical God.

The same must be true with regard to ethical relationships between people from different faith communities. The world contains people, institutions and conditions that depersonalise humanity, cause suffering and abuse nature. All these, caused by human sin, have impaired our ability to continually meet God through creation: 'God wanted ethical fellowship, solidarity; man chose tension and enmity'.⁵⁴ Joint ethical activism seeks to correct this situation.

To reform the world means to achieve communion with God, while failure to do so leads to estrangement. It is this which must be communicated in religious dialogue where we, for example, explain that our actions are *imitatio Dei*. Engaging in practical co-operation alone would render our encounter completely *natural* and *impersonal*. Instead, raising our joint project to an ethical level, must be viewed as helping us achieve engagement with God. As we have seen, this is a legitimate and achievable goal of all who are *betselem Elokim*.

However, this engagement with others must be limited by the respect of distance. Indeed encroaching upon the ability of others to act within the bounds granted to them by God prevents such a relationship. Soloveitchik says:

The act of overreaching myself and reaching out after something that does not belong to me, invasion of existential areas that are beyond my sphere of existence, constitutes the springwell of sin.⁵⁵

Hamas, zenut, violence and sexual licence are all examples of straying beyond what is justly mine and illegitimately interfering with the prerogatives of others, destroying the tools by which people jointly grow close to God.

This applies to faith also. As we have seen, faith (unlike revealed religion) is a completely *natural* means to approach God. It is generated through the questions we ask of reality and the attempt to see the infinite within the finite. While religion drives us towards ethical activism, we must restrict ourselves to our own sphere to allow space for others.

We will find rapprochement with God in our joint ethical project if we do so without overstepping the boundaries that exist between ourselves and the Unknowable Absolute. Equally, we can only be reciprocal partners with other people if we do not attempt to obliterate the metaphysical distance separating us, or attempt an exhaustive understanding of the individual's experiences, questions

and anxieties. One can only be an *ezer* (a helpmate, engaging in passionate action on joint projects) if one is also *kenegdo* (set against them, as a unique person).

One can only be an ezer (a helpmate, engaging in passionate action on joint projects) if one is also kenegdo (set against them, as a unique person).

To do otherwise would be an act of depersonalisation, where other people become a *means* through which your project is fulfilled. This is typical of the hedonist, self-obsessed and without boundaries. Other people become 'abstract magnitudes' – objects to be manipulated in service of a practical, utilitarian outcome. Their worth is exhausted by the role they play (in this case, enabling the hedonist's enjoyment); without reference to the existential self that exists apart from all roles, and in whose service the role is performed.

Trampling on the innermost selves of others takes many forms:

Adam of today wants to appear as master-hero and to subject Eve to his rule and dominion, be it ideological, religious, economic, or political.⁵⁶

One cannot simply exploit others to carry out an ethical project. To enlist others in following particular precepts without regard to the fact that they have their own genuine but unique motives for doing so, would be an act of religious domination.

For Soloveitchik, then, ethical co-operation involves both closeness and distance. We need to communicate what kind of world we envision, which will appear in religious terminology. We both have a religious motive to meet God through the world; and in working together, we *ipso facto* recognise the other's potential to do so. Yet, this means we have a fundamental duty of non-interference in the existential space (i.e. the religious passions) of another that is incomprehensible to us. Silence in matters of theology indicates my respect for the genuine divine impulse towards the ethical act felt by the other, an impulse I cannot share and I must not make subordinate to my own.

The paradox of ethical communication

Religious discussion is important in highlighting the two elements of a religious ethos that we have laid out; the passionate yearning to meet God and the ethical restrictions needed to respect the dignity of all who seek to do so. As quoted earlier, the community's ethos 'must inevitably be grounded in universal religious categories and values'.⁵⁷ It is these that come across as a religion portrays its vision for an ethical society. Were there to be no communication at all, there would be nothing to close the abyss between two human beings and no cause to cooperate. Were this interaction to be devoid of the religious categories that justify the co-ordinated action, it would reduce the encounter to an impersonal, pragmatic and utilitarian one. Soloveitchik comments:

If the relationship of the non-Jewish to the Jewish world had conformed to the divine arrangement for one human being to meet the other on the basis of equality, friendship and sympathy, the Jew would have been able to become fully involved together with the rest of humanity in the cosmic confrontation.⁵⁸

Soloveitchik would certainly not condone that we also abrogate the equality, friendship and sympathy required for the cosmic confrontation. As such, religious discussion that honours the subjective integrity of faith must certainly play a part in the encounter.

Discussing *why* we seek to be ethical (e.g. *imatatio Dei*) and *what* that looks like, does not go against Soloveitchik's strictures about not trying to understand their faith. In fact, such discussion is necessary to promote such a view! This is due to the paradoxical nature of the *word* 'which at times enlightens, at times, confounds; at times, elucidates, and at other times, emphasizes the unintelligible and unknowable'.⁵⁹ Elucidating the ethos reveals its universal nature in its applicability to all mankind and the objective constructs it results in. Yet, it also reveals our ethos' singular nature, based as it is on a *logos* that will be unintelligible to others. Religious language means that 'two faith communities which coordinate their efforts when confronted by the cosmic order may face each other in the full knowledge of their distinctness and individuality'.⁶⁰

In our earlier discussion detailing why ethical categories were permissible despite their incommensurability with those of other communities, we cited Sacks' suggestion that our quest for dignity is unaffected by the specific

reasons that justify it. This is indeed true, but acts as a *philosophical heter* that allows for discussion *despite* the unknowability of another's faith, rather than assigning any inherent positive value to the discussion. Given what we now know, we can fill this answer out.

Were another religion completely arrested within its inner faith experience, rendering it esoteric and unable to communicate with others, it would lead to barbarism. Out of view of public reason, it would pursue the full demands of the cult (e.g. child sacrifice) without being cognizant of the ethos that constrains it. This is why being able to communicate with others about a joint ethical project assures us that another faith is redemptive, honouring the restrictions that allows faith to be expressed in the world. On the other hand, if experience leads us to think that someone's religion can be wholly understood in universal-ethical terms, we might think they are ignorant of what it is to be a believer in the first place: 'In its attempt to freeze subjective religiosity into solid and stable forms, religion prefers the cult to the ethos'.⁶¹ Communication that occurs in religious categories assures us that their religious experience (unintelligible to us) is expressed in a cult (alien to us). It is this type of experience which we are trying to protect.

As such, religious discussion is possible *because* their faith is unknowable. We can work together while *making it clear* that we are each motivated by a singular faith. This potentially makes other religions the perfect partners for creating the world we use natural means to express our individual relationship to God. Consequently:

We are ready to enter into dialogue on such topics as War and Peace, Poverty, Freedom, Man's Moral Values, the Threat of Secularism, Technology and Human Values, Civil Rights, etc., which revolve about religious spiritual aspects of our civilization. Discussion with these areas will, of course, be within the framework of our religious outlooks and terminology.⁶²

In such a scenario we can be an *ezer* to another faith community while simultaneously making it clear we are *negdo* as well.

A word about *ezer kenegdo*:

Dr Alan Brill complains that one of the worst parts of the *ezer kenegdo* analogy is people's propensity to compose 'folksy marriage analogies'.⁶³ Comparing the ideal relationship between Judaism and Christianity to one that exists between husband and wife could be thought to obscure the main issues. Worse, it could mislead us into

believing that Judaism is closer to Christianity than we think. It may appear that I am making such an analogy! However, it is important to realise that Soloveitchik himself *does* extend the idea of ezer kenegdo beyond that of husband and wife. He says:

Coalescence of two incompatible existences into one is prompted by the ezer kenegdo... it is not exclusively committed to the man-woman relationship. It may become all-inclusive extending to a multitude of individuals engaged in a common project and bearing the hardship and suffering for an identical ideal.⁶⁴

While in the case of husband and wife, sexual motivation dictates one of the *means* of the union, it is not the *cause*. The cause is the act of communication that raises us from our individual experience, to act together with another person to fulfil the Divine summons. Within and between communities, *individuals* can communicate to that same end.

When a Jew and Christian meet; it is not the engagement of two communities, but rather the meeting of two individuals created betselem Elokim.

This answers the first question posed at the beginning of the essay as to why the categories Soloveitchik applies to individuals are applied to communities as a whole. Faith lies completely with the individual: 'The great encounter between God and man is a wholly personal private affair incomprehensible to the outsider - *even to a brother of the same faith community*'.⁶⁵ Consequently, interactions between communities are merely the joint projects of the individuals contained within them. When a Jew and Christian meet; it is not the engagement of two communities, but rather the meeting of two individuals created betselem Elokim. The question is: to what extent can these individuals communicate their experiences?

It is at this point that the marriage analogy ends, for the domain of communication varies. Members of a single faith community do not have the intimate modes of expression available to husband and wife. Individuals of different faith communities do not have the same systems (e.g. halakha) which those within a particular religion utilise for co-ordinating their God encounters. Those outside of any religion miss an aspect to their lives which

those of all faiths share. And so on. This answers our second question as to how the Double Confrontation can take place even where the union as epitomised by Adam and Eve is not possible. Namely, the *nature* of the ezer kenegdo relationship is the same for any two individuals, but the *locus* of such a relationship varies. One must foster a *personal* relationship with members of other faiths but this be done, for reasons specified previously, through the *ethical encounter*.

I will close my argument by illustrating the nature of this relationship through a 'folksy marriage analogy' of my own. The love that a wife feels for her husband (or vice versa) will be unique to her and something that no-one outside the relationship could fully understand. Others may agree that her husband is handsome or clever, but these do not exhaust her commitment and she knows that they do not grasp the full import of these statements anyhow. As such, they live a life of modesty; reticent to shout about their relationship to others. However, someone who loves their own husband will understand what it means for others – in general terms – to uniquely love *their* husbands. As such, she will seek to join with others to build a community that honours this kind of relationship, giving people the space to express their love without interference from others. This marriage analogy can be applied to the world of faith.

Confronting Confrontation

We are now in a position to give an overview of Soloveitchik's position, in light of his disapproval of official *theological dialogue*, such as Heschel's meeting with the Catholic Church:

[I]t is important that the religious or theological logos should not be employed as the medium of communication between two faith communities whose modes of expression are as unique as their apocalyptic experiences.⁶⁶

We should communicate in a medium other than the theological one.

One may initially read this – and indeed many have – as forbidding religious communication between faiths. This mistake comes from conflating discussing *theology* (the religious or theological logos) with religious discussion in general. We now know that the *logos* is just one possible area of discussion, but the religion's *telos* and *ethos* are others. Far from forbidding communication, it implies that we *should* communicate in a medium other than the

theological one. Given that the *telos* can be framed in a philosophical medium and the *ethos* within universal religious categories, there is potential scope for discussion.

Earlier, our analysis of the difficulties in discussing the theological logos, served to illustrate the philosophical barriers that apply to that type of communication alone. Its subject matter is the most intimate and private aspect of our religious experience- the way a faith expresses its relationship to God. It is this relationship which finds its objectification in the religious *cult*: the prescribed actions, articles of faith, and religious texts. To specify the *logos* would then be to find out what these objective elements of the religion have to say about how we approach and experience the Divine. While our beliefs are truly cognitive, theology doesn't say anything metaphysical or cosmological. Rather, they express truths about how *we* meet God within creation. Thus, it is an intellectual error to think that religious doctrine and practice, based on a unique faith experience, can be fully understood by those without that experience.

Given that our 'modes of expression' are conditioned by our theology, it is easy to see why religious discussion may lead to this intellectual error. However, official theological dialogue is not forbidden simply because of the incommensurability of two religions, or indeed because of the *possibility* of error. After all, Soloveitchik lamented the fact that his students did not understand the uniqueness of each individual's religious faith and yet this does not preclude Jews talking to each other in a theological mode. Equally, given that the *ethos* draws its expressions from faith, it is possible that people may philosophically err. Nonetheless, understood correctly, it is our uniqueness that adds an extra dimension to that encounter.

Rather, official dialogue which builds an entire practical programme around understanding another's faith in theological categories compounds the problem into an *ethical* infraction. To use this 'understanding' to evaluate the worth of another person's faith experience, in terms of how their religion's beliefs and practice fit with one's own is inconsonant with religious tolerance:

Religious tolerance asserts itself in the knowledge of the existence of a variety and plurality of God-experiences

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and in the recognition that each individual is entitled to evaluate his great unique performance as the most redeeming and uplifting one.⁶⁷

To ignore their unique experience of God, and measure their religion by an external standard, is an act of intellectual and spiritual hamas, 'overreaching myself and reaching out after something that does not belong to me, [an] invasion of [an] existential area... that [is] beyond my sphere of existence'.⁶⁸

Consequently, in terms of the Catholic Church's appeal to have Jewish involvement in their Ecumenical Council:

I do not deny the right of the community of the many [Christianity] to address itself to the community of the few [Judaism] in its own eschatological terms. However, building a practical program upon this right is hardly consonant with religious democracy and liberalism.⁶⁹

Christians can hold whatever beliefs they like about Judaism. However, for a Jew to submit themselves and their religion to the evaluation of the Church, is degrading to our religious dignity.

It may be that *Nostra Aetate*, as Heschel claimed, is 'the First Christian discourse dealing with Judaism—which is devoid of any expression of hope for conversion'.⁷⁰ Nevertheless, Christians should recognise that even to ask us to be complicit in a positive evaluation is to trespass on our independent faith experience, which cannot be understood on their terms. Soloveitchik is worth quoting at length:

We are not ready for a meeting with another faith community in which we shall become an object of observation, judgment and evaluation, even though the community of the many may then condescendingly display a sense of compassion with the community of the few and advise the many not to harm or persecute the few. Such an encounter would convert the personal Adam-Eve meeting into a hostile confrontation between a subject-knower and a knowable object. We do not intend to play the part of the object encountered by dominating man. Soliciting commiseration is incongruous with the character of a democratic confrontation. There should rather be insistence upon one's inalienable rights as a human being, created by God.⁷¹

Heschel managed to convince the Pope that 'the existence of Jews as Jews is so holy and so precious that the Church would collapse if the Jewish people would cease to exist'.⁷² Soloveitchik, by contrast, thought that the council should simply be asked for a condemnation of anti-Semitism.⁷³ We can only confront them when we

are seen as betselem Elokim, with religious experiences beyond their sphere of existence.

There is nothing wrong with discussion in itself. It is precisely the act of communication that allows people to take part in a common project, while at the same time, highlighting their uniqueness.

We can conclude that there is nothing wrong with discussion in itself. It is precisely the act of communication that allows people to take part in a common project, while at the same time, highlighting their uniqueness. This is the *ezer kenegdo* relationship that translates an alone-existence into a shared one. It is precisely because it precludes this relationship and thus, defeats the point of discussion that one is forbidden to engage in an encounter whose *raison d'être* is to discuss theological matters. Given that the theological deals *only* with what is unique, any discussion will naturally employ only one religion's terminology (*contra negdo*) and thus implicitly involve the subjugation of the other (*contra ezer*).

Any joint project that does not fall to this ethical infraction is at least theoretically permissible. More strongly, discussion that highlights both joint concerns and the uniqueness that underlie those concerns is commendable. Such is the case with the *ethos* which is rooted in faith but directed outwards to the world, a place of common concern. As noted previously, topics such as war and peace 'will, of course, be within the framework of our religious outlooks and terminology'.⁷⁴ Given that there is no impulse to equate religious beliefs in such an encounter, beliefs conditioned by the theological logos cease to be threatening. Equally, we have noted that in *The lonely man of faith* where *telos*, the nature of faith and religion as such are all discussed, Soloveitchik utilises theological examples from other religions. This is because these thinkers are being used to highlight our uniqueness. Thirdly, even discussing another religion's theology where there is no encounter (e.g. in an academic paper) seems acceptable. Obviously, in all three examples, one has to be careful not to objectify faith or cross any philosophical boundaries. However, there is nothing that bars those activities *per se*.

According to Gerald Blidstein, it was precisely Soloveitchik's wish for shared spiritual discourse (of the permitted kind) between Jews and Gentiles that led him to propose that all candidates for the rabbinate be trained in the philosophy of religion.⁷⁵ Yet, it must be admitted, that he did not believe many to be capable of such discussion. Equally, as R. Brill points out, 'the most important observation about *Confrontation* after forty years is that most who fight for its maintenance have not read it'.⁷⁶ They do not understand the philosophical viewpoint laid out in this essay, and so will be less able to draw the line between acceptable and unacceptable discussion. Only those who he trusted (Rabbi Wurzburger for example) would be allowed to engage in religious dialogue with officials of other faiths. As Kimelman points out, *Confrontation* 'serves as a prohibition for the many and a permission for the few'.⁷⁷ Thus, more is allowed in theory than in practice.

Yet, even though the opportunities for dialogue may be limited in practice, enforcing his rulings in a bureaucratic way (without understanding the philosophy behind it) will either entirely ignore or run counter to the spirit in which it was intended. Wittgenstein, who also emphasised the need to limit speech, said of his *Tractatus*:

[M]y work consists of two parts: of the one which is written here, and of everything which I have *not* written. And precisely this second part is the important one. For the ethical [which *cannot* be said] is delimited from within [what strictly speaking, *can* be said]... In brief, I think: All of that which *many* are *babbling* today, I have defined in my book by remaining silent about it.⁷⁸

The same can apply to Soloveitchik's view of interfaith dialogue. It is certainly imperative that one restrict oneself to those topics where discussion is permitted to avoid imperilling the integrity of Judaism. Yet, the importance of the encounter lies precisely in *what is not said* and that it *cannot be said*. Silence in the face of another's private faith experience is, far from being derogatory, a recognition that they have an important dimension to their life that cannot be fully captured in words. It is this subtlety that, in good faith, has not been understood. No good Faith could be.

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Glossary

Contextual definition of key words:

Cult: This is the sum of the objective components of the religion that express or cultivate our relationship with, and devotion to God (e.g. articles of faith, rituals, prayers). For Soloveitchik, these are gestures related to our private experience of God. Thus, the cultic elements are correlates of the subjective, non-rational faith which will not be entirely comprehensible to those outside the cult. It is not used in its derogatory usage as something irrational or conspiratorial. It is entirely positive unless unconstrained by the ethos.

Logos: Loosely, the *philosophy of Judaism*. It consists of reasoned discourse about the foundations and grounds of the religion, providing the shared framework around which spiritual dialogue can take place. It can include elements such as the theological justification of the cult and our ultimate eschatological vision.

Telos: Loosely, the *philosophy of religion*. It concerns the end or purpose of religion; not conceived as an event or extrinsic result, but as something inherent in to religion or faith as such- its teleology. For example a large part of *Lonely man of faith* discusses what it means to have faith irrespective of what faith that is or any historical circumstances.. *The Halakhic mind* looks at the methodology religion must employ to cognise reality.

Ethos: Loosely, *religious ethics*. This is not meant simply in terms of proscribed or forbidden actions but pertains to what Soloveitchik would call 'halakhic anthropology'. Namely, it will lay out the character of an ideal man and a vision of what an redeemed world looks like. This will involve articulating religious values and beliefs such as the notion that ethical designs are woven into nature.

Halakha: This is *not* meant in the sense of practical action, ritual or *pesak halakha*. It is the conceptual system given to us on Sinai, which is studied and developed through *lomdus*. It is conceived of as a *cognitive* (rather than practical) system for *understanding* the world under a spiritual aspect.

¹ J.B. Soloveitchik, *Halakhic Mind* (henceforth: HMi), (New York, 1986), 79

² Rav Soloveitchik will be referred henceforth as 'Soloveitchik'

³ J.B. Soloveitchik, (1964), 'Confrontation' (henceforth: C), *Tradition: A Journal of Orthodox Jewish Thought*, 6 (2), 19

⁴ C, 23

⁵ R. Kimelman, , *Rabbis Joseph B. Soloveitchik and Abraham Joshua Heschel on Jewish-Christian Relationships*, *Edah Journal* (2004), 6-7

⁶ C, 21

⁷ R. Kimelman, , *Rabbis Joseph B. Soloveitchik and Abraham Joshua Heschel on Jewish-Christian Relationships*, *Edah Journal* (2004), 7

⁸ For example, see:

<http://www.theyeshivaworld.com/article.php?p=5269>. R. Hershel Shachter told 'Jewish Israel':

<http://jewishisrael.ning.com/profiles/blogs/now-there-arose-new-rabbis-in>. For a clarification of R. Shachter's own views that build on his understanding of the Rav: http://www.torahweb.org/torah/special/2004/rsch_mikdash.html#_ednref3. Those talks include one I heard from Dayan Ivan Binstock. See also the range of Rabbinic figures who cite their opposition to any form of interfaith dialogue on the (alleged) opinion of Soloveitchik: http://www.torahweb.org/torah/special/2004/rsch_mikdash.html#_ednref3

⁹ S. Carmy 'Orthodoxy is Reticence' – *Taking Theology Seriously*,

http://www.bc.edu/dam/files/research_sites/cjl/texts/center/conferences/soloveitchik/sol_carmy.htm

¹⁰ C, 20

¹¹ J.B. Soloveitchik, 'On Interfaith Relationships' (henceforth: OIF), as cited in M. Soloveichik, 'A Nation Under God: Jews, Christians, and the American Public Square', *The Torah u-Madda Journal*, 14, 66

¹² C, 24

¹³ C 28, footnote 8

¹⁴ HMi, 68

¹⁵ J.B. Soloveitchik, *Festival of Freedom* (henceforth: FF), (Jersey City, 2006), 63

¹⁶ FF, 65

¹⁷ HMi 40

¹⁸ J.B. Soloveitchik, , 'A talk to the Wurzweiler School of Social Work', as cited in A. Rakeffet-Rothkoff, *The Rav: The world of Rabbi Joseph B. Soloveitchik, Volume 2*, (Jersey City, 1999),

¹⁹ J.B. Soloveitchik, , 'The Lonely Man of Faith' (henceforth: LMF), *Tradition: A Journal of Orthodox Jewish Thought*, 7 (2).63

²⁰ LMF, 18 - 19

²¹ J.B. Soloveitchik, *U'Vikashtem Misham* (henceforth: UM) (Jersey City, 2008), 23

²² LMF, 32 (footnote)

²³ S.R. Hirsch, 'Education according to the Eight Psalm'; as cited in translator's introduction to *Horeb: A Philosophy of Jewish Laws and Observances*, trans. I. Grunfeld, (Hindhead, Surrey 1962), xlii

²⁴ S.R. Hirsch, Commentary on Shemot (29:4)

²⁵ Anim Zemiroth

²⁶ UM, 14

²⁷ UM, 12

²⁸ LMF, 28

²⁹ J.B. Soloveitchik, *Halakhic Man* (henceforth: HMa), (Philadelphia 1991), 19

³⁰ HMi, 85

³¹ HMa, 18

³² HMi, 45

³³ HMa, 49

³⁴ HMa, 121

³⁵ HMa, 100

³⁶ HMa, 105

³⁷ HMi, 101

³⁸ HMi, 72

³⁹ HMi, 73

⁴⁰ C, 25

⁴¹ HMi, 78- 79

⁴² LMF, 38-40

⁴³ HMi, 55

⁴⁴ Meiri on Avoda Zara 26a

⁴⁵ HMi, 69

⁴⁶ HMi, 69

⁴⁷ Sacks, J, *The Voice of Judaism in the Conversation of Mankind*,

http://www.bc.edu/dam/files/research_sites/cjl/texts/center/conferences/soloveitchik/sol_sacks.htm

⁴⁸ P. Cunningham, *Rabbi Joseph Soloveitchik on Interreligious Dialogue - 40 Years Later: One Catholic's Reflections*,

http://www.bc.edu/dam/files/research_sites/cjl/texts/center/conferences/soloveitchik/Cunningham_23Nov03.htm

⁴⁹ HMi, 79

⁵⁰ J.B. Soloveitchik, *The emergence of ethical man* (henceforth: EEM), (Jersey City, 2005), 186

⁵¹ EEM, 113 - 114

⁵² EEM, 114

⁵³ EEM, 114

⁵⁴ EEM, 131

⁵⁵ EEM, 121

⁵⁶ C, 16 - 17

⁵⁷ OIF, as cited in M. Soloveichik, 'A Nation Under God: Jews, Christians, and the American Public Square', *The Torah u-Madda Journal*, 14, 66

⁵⁸ C, 19

⁵⁹ C, 15

⁶⁰ C, 20

⁶¹ HMi, 69

⁶² OIF as cited in M. Soloveichik, 'A Nation Under God: Jews, Christians, and the American Public Square', *The Torah u-Madda Journal*, 14, 65 - 66

⁶³ A. Brill, *Confrontation in the World of 2004*,

http://www.bc.edu/dam/files/research_sites/cjl/texts/center/conferences/soloveitchik/Sol_Brill.htm

⁶⁴ EEM, 113

⁶⁵ C. 24 (emphasis added)

⁶⁶ C, 24

⁶⁷ OIF, as cited in G. Blidstein, 'Rabbi Joseph B. Soloveitchik's Letters on Public Affairs', *The Torah u-Madda Journal*, 15, 6

⁶⁸ EEM, 121

⁶⁹ C, 23

⁷⁰ A. Heschel, 'A Conversation with Dr. Abraham Joshua Heschel' as cited in R. Kimelman, , *Rabbis Joseph B. Soloveitchik and Abraham Joshua Heschel on Jewish-Christian Relationships*, *Edah Journal* (2004), 6

⁷¹ C, 21

⁷² *ibid*

⁷³ As relayed by R. Kimelman, , *Rabbis Joseph B. Soloveitchik and Abraham Joshua Heschel on Jewish-Christian Relationships*, *Edah Journal* (2004), 7

⁷⁴ OIF as cited in M. Soloveichik, 'A Nation Under God: Jews, Christians, and the American Public Square', *The Torah u-Madda Journal*, 14, 66

⁷⁵ G. Blidstein, 'Rabbi Joseph B. Soloveitchik's Letters on Public Affairs', *The Torah u-Madda Journal*, 15

⁷⁶ A. Brill, *Confrontation in the World of 2004*, http://www.bc.edu/dam/files/research_sites/cjl/texts/center/conferences/soloveitchik/Sol_Brill.htm

⁷⁷ R. Kimelman, , *Rabbis Joseph B. Soloveitchik and Abraham Joshua Heschel on Jewish-Christian Relationships*, *Edah Journal* (2004), 9

⁷⁸ L. Wittgenstein, letter to Ficker, as cited in R. Monk, *Ludwig Wittgenstein: The Duty of Genius* (London, 1991), 178

Remembering the days of old: The ambivalent approach to history in Jewish thought

DAVID PRUWER

זָכֹר יָמוֹת עוֹלָם, בֵּינֵנוּ שָׁנוֹת דֶּר-דָּדִיר; שְׂאֵל אֲבִיךָ וְיַגִּדָּה, וְזָמְרִיךָ (דְּבָרִים ל"ב: ז).

Remember the days of old; inquire into the years of the generations. Ask you father and he will inform you, you elders and they will tell you (Devarim 32:7)

Today, the study of history is an uncontroversial and rather commonplace feature of society. Historians are honoured within academic scholarship, popular literature and often religious thought too. The voices of those who challenge the legitimacy of the historian and his field present a truly atypical and sparse breed. However, as the foundations of modern historical scholarship were being established, a number of influential nineteenth century thinkers expressed extreme ambivalence over the worth of history. In 1873, Nietzsche composed one of the most scathing critiques of history ever written: 'The unrestrained historical sense, pushed to its logical extreme, uproots the future, because it destroys illusions and robs existing things of the only atmosphere in which they can live'.¹ As modern historiography began to tread its first steps, Nietzsche railed against the catastrophic effects that history inflicts upon mankind.

Nietzsche was not alone in his contempt towards the negative elements of history. Kierkegaard also effusively explained that history's value was inherently limited by its impotence in being able to understand and aid religion; faith 'is a paradox, which history can never digest'.² This explosion of invective against history appears excessive and extreme in the eyes of those schooled with an appreciation for this field and its numerous benefits.

However, this scepticism towards history has numerous echoes within Jewish thought too. Indeed, Jewish thought has provided an exceptionally hospitable breeding ground for questioning the very foundations of historical study.

An overview of history in Jewish thought

In his seminal study on Jewish history, *Zakhor*, Yosef Yerushalmi asserted that, for the greater part of Jewish history, historical studies have simply been neglected.³ The gaping void in Jewish historiography separating the Jewish-Roman historian Flavius Josephus from the nineteenth century *Wissenschaft* historians can hardly escape detection and is a clear sign of this neglect.⁴ Arnaldo Momigliano has similarly drawn attention to the reality that the only genre of historical writing which was pursued with any constancy was the 'history of the transmission of learning', the study of the chain of tradition.⁵ Even Ibn Ezra lamented the absence of historical studies within the Jewish world; blaming the 'indolence' which led to this deficiency, 'they did not succeed ... to write their chronicles, and to remember their histories and traditions. It would have been fitting that they should not have ignored and despised such matters'.⁶ For most, however, the neglect of history was no mere coincidence, but rather formed an ideal worldview. The Rambam's description of history as a field comprising 'no wisdom, no purpose other than wasting time with useless matters' is paradigmatic of the 'unhistorical' approach towards the past adopted by

many medieval Jewish thinkers.⁷ The Shulhan Arukh went one step further by issuing an outright prohibition on the study of ‘the books of wars’.⁸ This recurring theme led R. J. J. Shachter to conclude that ‘historical “truth”, per se, as an independent value in and of itself, has not fared well in the Jewish tradition.’⁹

‘Historical “truth”, per se, as an independent value in and of itself, has not fared well in the Jewish tradition.’

While the problematic nature of history has presented a noticeably perennial theme throughout Jewish thought, the advent of modernity radically widened the gulf already separating these two worlds. From the mid-nineteenth century, Jewish thinkers across the religious spectrum began to develop systematic theories dedicated to drawing attention to the grave dangers involved in the study of history. R. Hirsch initiated a long tradition within German orthodoxy that openly expressed consternation over the threat academic history posed to the sacred Jewish world.¹⁰ Building upon the path paved by his Frankfurt predecessor, R. Shimon Schwab evoked a most extreme anti-historical vision of the past: ‘Rather than write a history of our forbears, every generation has to put a veil over the human failings of its elders and glorify all the rest which is great and beautiful.’¹¹

In a significantly more moderate manner, R. Hayim Ozer Grodzinski was also to emphasise the triviality of history in the Jewish worldview:

‘Torah luminaries never took upon themselves to probe the history of the People of Israel... Even the few great sages who did deal with history approached it sporadically and incidentally, devoting the majority of their time to knowledge of Torah... They delved into the words of our rabbis and not into their histories or places of residence.’¹²

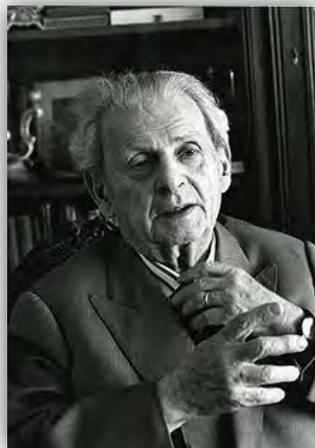
Interestingly, the urge to resist history not only permeated the recesses of the yeshiva world, but had also travelled to Jewish thinkers immersed within the world of philosophy too. Hermann Cohen, Franz Rosenzweig, Leo Strauss and Emmanuel Levinas, all revered in the Western

philosophical canon, devoted extensive portions of their oeuvres to elaborating and explicating the flaws of history in a most extensive manner.¹³ This animosity displayed towards history, while differing from person to person in important ways, presents an unusual unifying theme amongst such an array of eclectic thinkers. The responses they developed to defend Judaism against the historical onslaught invites particularly close examination given that the challenges they confronted still face Judaism today.

The importance of historical memory to Jewish thought is naturally given its most powerful thrust by the Torah itself.

The central question this study seeks to address is why history in particular has experienced such difficulty in gaining acceptance within the Jewish tradition. What particular facets of this field merited such hostile criticism? After all, the copious benefits afforded by an historical awareness cannot go unnoticed. On the pragmatic plane, countless historians have observed that an intimate knowledge of past mistakes offers mankind a ‘limitless experiential resource’ to aid future challenges and avoid further blunders.¹⁴ Santayana’s aphorism ought to alert us to the dangers involved in avoiding history: ‘when experience is not retained, as among savages, infancy is perpetual. Those who cannot remember the past are condemned to repeat it’.¹⁵ Furthermore, learning of man’s triumphs and achievements can undoubtedly provide critical inspiration to a generation in urgent need of stimulus.

The importance of historical memory to Jewish thought is naturally given its most powerful thrust by the Torah itself. Moshe’s valedictory address to Benei Yisrael contains the injunction to ‘remember the days of the world, consider the years of many generations’.¹⁶ This command, as explained by R. Aharon Lichtenstein, is not merely of pragmatic import, but additionally presents a wealth of spiritual value too; offering ‘limited apprehension of the working of Providence’ and ‘insight into *tselem Elokim*’.¹⁷ History, to cite Herder, is the book ‘of the human soul in times and nations’.¹⁸ In the halakhic realm, critical history also frequently allows one to



Emmanuel Levinas

construct a more accurate and comprehensive image of specific positions taken by Rabbinic authorities.¹⁹ Jewish philosophy cannot brusquely disregard these multiple advantages of history without providing a most rigorous justification. Ironically, some historical perspective is needed to shed light upon this move to resist history.

The rise of Historicism

The aversion towards history initially surfaced as a response to a fundamental shift in the conception of history at the turn of the nineteenth century. The renewed odium towards history within modern Jewish thought drew much of its élan from this clash. Accordingly, before analysing the modern Jewish perspectives, some of the key underlying features of nineteenth century historiography must first be addressed. In this period, an historical attitude developed positing that any past phenomenon could only fundamentally be understood by critically examining the contextual milieu and contributing causes of a given event. The linchpin of this philosophy was recently summarised by Walter Schultz: 'we are historical beings right to the inner core of our humanity'.²⁰ In this view, the historian was charged with the duty to forget all philosophical convictions and grand schemes of history as the historical event was to be examined in complete isolation. This perspective later came to be known as historicism.²¹

The presumption that no universal end-goal of history existed also constituted an emblematic feature of historicism. The narrative of mankind thus appeared as a diverse assortment of unconnected and discrete phenomena rather than a cogent and contiguous flow of events. In Meinecke's terminology, history was 'a countless number of individual foci, each charged with energy, and each carrying a particular destiny'.²² In short, this strand of historiography sought to elevate history into a rigid scientific methodology whereby events could be completely and systemically dismantled into a number of causes. As we shall later see, due to the heavy emphasis on causality within history, determinism was never too distant from this historical attitude.²³

This critical approach to history attracted the founders of the *Wissenschaft des Judentums* movement who began to subject Jewish history to the same strictly scientific approach. No longer was history to be 'a handmaiden of dubious repute' and merely tolerated by Judaism.²⁴ This

school of Jewish historians ensured that history would now ascertain the definitive value of Judaism. The leading *Wissenschaft* historian, Heinrich Graetz was to declare proudly that 'the totality of Judaism is discernable only in its history. Its complete nature, the sum of its powers, becomes clear only in the light of history'.²⁵ Many contemporaneous figures began to realise that subjecting Judaism to such unbounded historical criticism would ultimately damage the sacred nature of Jewish history. Judaism, it was feared, would be transformed into just one phenomenon amongst many in the annals of world history.²⁶

The eternal value of Torah beyond history

For many Jewish thinkers, one of the principle dangers involved in adopting a strongly historicist approach towards the past risked holding the insights of the Sages as hostages to their times. Viewing an idea as a purely historical phenomenon detracted from its sacredness and its ability to touch the hearts and minds of the present. It was in this vein that Leo Strauss, the German political philosopher, outlined the critical flaw of historicism. He described that historicism was critically hindered because its belief that 'all human thought is historical' meant that it was 'hence *unable ever to grasp anything eternal*'.²⁷ Indeed, many of the more



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radical scholars within the *Wissenschaft* movement, such as Abraham Geiger, deliberately and explicitly utilised historicist methods on halakhic decisions to neutralise the mandate of earlier rabbis in the modern world. R. Hirsch's strong criticism of history was deliberately aimed to stymie the attempts of the nineteenth century reformers to justify their programme of religious reform. R. Hirsch announced that 'instead of complaining that it is no longer suitable to the times, we should recognise only one legitimate complaint: that the times are no longer suitable to the Divine Word'.²⁸ R. Hirsch feared that the *Wissenschaft* movement was renovating Judaism into nothing more than a cabinet of curiosities. In R. Hirsch's footsteps many sought to underscore the eternal nature of the Torah, transcending both time and space, whose force is as binding today as in ancient history.

Twentieth century Jewish existentialists also sought to accentuate the counter-historical nature of both the Torah She'bikhtav and the Torah She'beal Peh. Levinas was to posit that Gemara is not to be viewed as an antiquated and irrelevant manuscript. Rather, 'the Talmud, despite its antiquity... belongs, as paradoxical as this might seem, to the *modern history* of Judaism'.²⁹ Franz Rosenzweig was also to maintain the belief that Divine truth, particularly manifest within halakha, supersedes any particular historical context and maintains its integrity for eternity. Halakha does appear within history, but it is most certainly not crushed by history's heavy load. Rosenzweig asserted:

'God withdrew the Jews from historical time by arching the bridge of His Law high above the current of time which henceforth and to all eternity rushes powerlessly along under its arches.'³⁰

One must only remove the incidental historical veil of the past to reveal the kernel of eternal essence concealed within.

For both Rosenzweig and Levinas, it was of crucial importance to emphasise the fact that Judaism continues to seek its vitality from a distant yet ever present past. One must only remove the incidental historical veil of the past to reveal the kernel of eternal essence concealed within.

The presence of Jewish historical experience

The binding nature of halakha in contemporary society was not the sole concern of Jewish thinkers in their negation of historicism. Modern Jewish thought was also adverse to the particular methodology advocated by historicists. The historicist was urged to distance himself from his subject area to enable the objective and impartial analysis of evidence. Leopold von Ranke, the father of German historicism, expressed the need to examine the past with neutrality and from a critical distance; to 'see with *unbiased eyes* the progress of universal history'.³¹ Conversely, central to Jewish thought is the notion that one should not be distant from the past, but rather re-enter it. Thus, it was not only halakha which transcended time, but collective Jewish experience too. For Judaism, the past remains a ubiquitous feature of contemporary life. Throughout the vast corpus of halakha and Jewish philosophy

imperatives abound which urge the individual to experience and re-enter the past. The obligation to 'view oneself as if one left Egypt oneself' is paradigmatic of the belief that one can experience the past.³² Importantly, such attempts are not only possible, but even laudable.

It was perhaps this conviction which led Rabbi Yehoshua ben Levi to exclaim that 'every day the heavenly voice resounds from Mount Horeb'.³³ Another formulation of this concept is the notion in the Torah itself that the entire Jewish people, even those not yet born, were present at Matan Torah: 'Neither with you only do I make this covenant and this oath; but with him that stands here with us this day before the Lord our God, and also with him that is not here with us this day'.³⁴ One need only be familiar with a few pages of Gemara and its commentators to realise that its methodology flies in the face of historicist conception of time. Conventional barriers of chronology are overtly flaunted and all ages are arranged in 'an ever-fluid dialogue with one another'.³⁵

Many of the plentiful Jewish philosophical works produced in the last century sought to emphasise this fundamental counter-historical 'fraternity' across time.³⁶ Consequently, Levinas could write of 'the unity of the consciousness of mankind, claiming to be *fraternal* and one throughout time and space'.³⁷ Similarly, Rosenzweig inveighed against those who viewed Jewish history as inaccessible to the modern man. Rosenzweig explained that Judaism rejects 'historical memory' which remains 'a fixed point in the past that becomes more past every year by one year', and instead an intimacy to the past is advocated, being 'always equally near, really not at all past, but *eternally present*'.³⁸ Not only do ideas transcend their temporal dwellings, but in addition historical experience is able to transcend the vicissitudes of time and etch their effect on the modern consciousness.

Judaism rejects 'historical memory' which remains 'a fixed point in the past that becomes more past every year by one year', and instead an intimacy to the past is advocated, being 'always equally near, really not at all past, but eternally present'

What we can see is that the animosity towards history found in much Jewish literature was not aimed at history

per se, but only the particular brand of this field which sought to separate the past from the present. However, if one is able to overcome this tendency, a historical awareness is notably endorsed by Judaism. After all, many ideas laced within the fabric of halakha encourage one to embrace past collective experience. Voices in the Gemara also felt that there exists a collective spirit which glides above the rise and decline of mortal individuals; 'there is no communal death'.³⁹ Evidently, an acute awareness of past suffering and victory plays a central role in conditioning the modern mindset.

The theory of historical progress

Another important feature of modern historiography which aggravated the dissonance between history and Jewish thought was the theory of historical progress. The Enlightenment heralded an era in which the theory of progress had become almost synonymous with the field of history. Many eighteenth century philosophers viewed 'the past as a period of ignorance and unhappiness from which men had emerged into a present that was clearly better'.⁴⁰ In essence, the notion of progress purported that mankind was travelling on a constant and steady path towards societal and moral improvement. This conception of history, which came to be known as the 'Philosophy of History', attracted some of the Enlightenment's most eloquent advocates.⁴¹ It was Hegel who ultimately bequeathed this theory in its most developed form to the modern world.⁴²

Understandably, a range of philosophers were quick to enumerate the multiple flaws of this theory. Spengler's damning indictment is representative of the most common attack on the notion of 'progress'. He asserted that this universal theory of progress is a 'quaintly conceived system of suns and planets', in which the ground of Western Europe is 'arbitrarily' declared sacrosanct as all remaining cultures are forced to 'revolve around in modesty'.⁴³ For Spengler, and a host of other thinkers, the very notion that contemporary Western culture ought to establish the benchmark for progress around the world and throughout history was an audacious and highly conceited belief.⁴⁴

Perhaps predictably, this theory of historical progress has experienced a troubled relationship with Judaism too.

First, the heavy emphasis on free will in Jewish thought entails the worrying possibility that progress is not inevitable. Indeed, statements replete in the Gemara, such as R. Yohanan's 'the son of David will come only in a generation that is either altogether righteous or altogether wicked', highlight the notion that society might gravely deteriorate in the final days prior to the final redemption.⁴⁵ The inexorable progress of mankind was by no means a guarantee.⁴⁶

Another salient feature of the Hegelian conception of progress is the confident vision of contemporary Western society as being necessarily 'superior' to past ages and cultures. In this view, the historical process has validated current trends and pronounced all other previous competing movements as deficient. Latent within this notion of progress is a total acceptance of the status quo as an improvement upon the past. However, for Jewish thought, the prevalence and pervasiveness of any

particular trend in society is, in of itself, an irrelevance. Judaism has always vociferously advocated combing the depths of its own rich tradition for moral and political guidance rather than pure acceptance of the present. Indeed, it was this very motivation which underpinned Levinas' aphorism on history:

'The most ancient of claims is [Judaism's] claim to a separate existence in the political history of the world. *It is the claim to judge history* – that is to say, to remain free with regard to events, whatever the internal

logic binding them. It is the claim to be an eternal people.'⁴⁷

Supine resignation to the vicissitudes of time is simply not an option for the Jew who wholeheartedly rejects the determinism latent within the theory of inevitable historical progress. In this respect, an over-awareness of history can be most damaging and constricting not only in realm of theory but also in that of action. Excessive care to preserve that which has survived from the past often induces deep wariness and hesitancy at the prospect of creative change.⁴⁸ In a lecture dedicated to the analysis of historicism, Isaiah Berlin explained that such a deterministic view of history divests the individual of moral culpability and responsibility, with potentially worrying consequences.⁴⁹



Franz Rosenzweig

A deterministic view of history divests the individual of moral culpability and responsibility, with potentially worrying consequences.

It was this very insight which motivated Nietzsche's disgust at history; 'the historical sense makes its servant passive and retrospective'.⁵⁰ History, in Nietzsche's eyes, quashed man's inner yearning to seek the establishment of an ideal world. Instead, history encouraged a comfortable retrospective acquiescence of what history had bequeathed to contemporary society. However, the possibility of such fundamental personal transformation and the potential rejection of current trends are key principles in the world of Judaism, and specifically in that of teshuva. The Rambam writes that one seeking to repent 'ought to change his name, saying: I am changed, I am not that same person who sinned'.⁵¹ In a similar vein, R. Soloveitchik understood that repentance incorporated 'a creative gesture which is responsible for the emergence of a new personality, a new self'.⁵² Total severance from past actions and the divestment of established habits are actively encouraged when guided with authentic motivations. In this particular respect, both Nietzsche's critique of history and R. Soloveitchik's conception of the creative halakhic personality unite in their common loathing of moral lethargy and the stubborn resistance to improvement.⁵³

The act of repentance is imbued with such immense power that it is even capable of rewriting history. This notion underpins Reish Lakish's understanding of teshuva: 'Great is repentance, for because of it, premeditated sins are accounted as errors'.⁵⁴ R. Soloveitchik also emphasised that teshuva entailed a total re-creation of the past: 'The future imprints its stamp on the past and determines its image'.⁵⁵ R. Soloveitchik's view of teshuva presents a clear sign that past actions are not simply to be tolerated and accepted, but deserve repeated scrutiny and overhaul if necessary.

Concluding remarks

We have seen a range of counter-historical views found in modern Rabbinic and Jewish philosophical thought. Over the course of this study it has emerged that these thinkers were not encouraging an all encompassing rejection of history.⁵⁶ They merely wished to warn their contemporaries of the manifold dangers involved in relying too heavily upon history. Even Nietzsche, whose

lack of verbal restraint we have already witnessed, emphasised that history is only problematic if taken to an extreme; it is only 'by excess of history' that 'life becomes maimed and degenerate'.⁵⁷ Whether they were concerned with the preservation and protection of halakha or the cultivation of a creative and authentic Torah personality, this group of thinkers ultimately indicated that there is a limit to the amount history can achieve.⁵⁸

A retrospective glance at the past may indeed yield a wealth of historical causes, universal laws of time and sociological motivations. But what became unmistakably apparent was that history could not grasp what ultimately lay one step beyond the flow of historical causality, the realm of faith and freedom.

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¹ F. Nietzsche, *The uses and abuses of history*, trans. Adrian Collins (New York, 1957), 42

² S. Kierkegaard, 'Training in Christianity' in R. Bretall ed., *A Kierkegaard anthology* (Princeton, 1946), 392. For a more extensive formulation of Kierkegaard's perspective on history, see S. Kierkegaard, *Concluding Unscientific postscript*, trans. D. Swenson (Princeton, 1941).

³ Y. Yerushalmi, *Zakhor: Jewish history and Jewish memory* (Seattle, 1982), 31

⁴ A. Momigliano, *The classical foundations of modern historiography* (Los Angeles, 1990), 27. L. Kochan, in his *The Jew and his history* (New York, 1977) has provided another study on the different perspectives taken on history within Jewish thought. He follows a similar track to the one taken by Momigliano and Yerushalmi. Bonfil has argued that medieval Jewish thought did indeed develop a number of historical perspectives in R. Bonfil, 'Jewish attitudes towards history and historical studies in pre-modern Times' in: *Jewish History* 11 (Spring 1977), 21.

⁵ A. Momigliano, *The classical foundations of modern historiography* (Los Angeles, 1990), 22

⁶ Moshe Ibn Ezra, *Sefer ha-Iyunim yeha-Diyunim: Al ha-Shirah ha-Ivrit*, ed. and trans. A. Halkin (Jerusalem, 1975), 50-51

⁷ Rambam, *Perush Hamishnayot, Sanhedrin*, 10:1; S. Baron 'The historical outlook of Maimonides' in

Proceedings of the American Academy for Jewish Research, Volume 6 (1935), 11.

⁸ Shulhan Arukh, Orakh Hayim, 307:6

⁹ J.J. Schacter, 'Facing the truths of history' in *The Torah u-Madda Journal* 9 (1998-1999), 202. This multidimensional article presents a most extensive analysis of the positive role of history within Jewish thought.

¹⁰ For an analysis of R. Hirsch's understanding of history as a response to the *Wissenschaft* movement, see M. Breuer, *Modernity within tradition: The social history of Orthodox Jewry in Imperial Germany* (New York, 1992), 55-89

¹¹ R. Sh. Schwab, *Selected writings: A collection of addresses and essays on hashkafah, Jewish history and contemporary issues* (Lakewood, N.J., 1988), 233-234. For a discussion on the debate between R. Shimon Schwab and R. Mordechai Schwab on the role of critical history in Judaism, see N. Kamenetsky, *Making of a Godol: Study of episodes in the lives of great Torah personalities* (Jerusalem, 2004), xxiv-xxvii.

¹² Haskamah to R. Yehudah Lifshitz, *Dor Yesharim* (1908)

¹³ D. Myers, *Resisting History: Historicism and its discontents in German-Jewish thought* (Princeton, 2003)

¹⁴ J. Tosh, *Why history matters* (Hampshire, 2008), 7

¹⁵ George Santayana, *The life of reason* (New York, 1954), 82

¹⁶ Devarim, 32:7

¹⁷ R. A. Lichtenstein, 'Torah and general culture: Confluence and conflict' in: *Torah's encounter with other cultures*, ed. J.J. Schacter (New Jersey, 1997), 241

¹⁸ J.G. Herder, *Die entstehung des historismus* (Berlin, 1936), 394

¹⁹ D. Berger 'Identity, ideology and faith: Some personal reflections on the social, cultural and spiritual value of the academic study of Judaism' in: *Study and knowledge in Jewish thought*, <http://hsf.bgu.ac.il/cjt/files/Knowledge/Table.htm>.

²⁰ Walter Schultz, *Philosophie in der veränderten Welt* (Pfullingen, Neske, 1972), 492-493

²¹ The term 'Historicism' only gained wider acceptance for this historical perspective in the early twentieth century. For a good summary of the etymological development of 'Historicism' see C. Rand, 'Two meanings of Historicism in the writings of Dilthey, Troeltsch, and Meinecke' in: *Journal of the History of Ideas*, Vol. 24/4 (Pennsylvania, 1964), 504-505

²² F. Meinecke, *Historicism: The rise of a new historical outlook*, trans. J. E. Anderson (London, 1972), 380-81

²³ E.H. Carr, *What is History?* (New York, 1962), 113

²⁴ Y. Yerushalmi, *Zakhor: Jewish history and Jewish memory* (Seattle, 1982), 84

²⁵ H. Graetz, *The structure of Jewish history and other essays* (New York, 1975), 65

²⁶ Y. Yerushalmi, *Zakhor: Jewish history and Jewish memory* (Seattle, 1982), 89

²⁷ L. Strauss, *Natural Right and History* (Chicago, Chicago University Press, 1953) p. 12

²⁸ R. S.R.Hirsch, "Der Jude und seine zei" in: *Jeschurun* 1 (1854), 17

²⁹ E. Levinas, *Nine Talmudic readings*, trans. Annette Aronowicz (Bloomington, 1990), 6

³⁰ F. Rosenzweig, *The star of redemption*, trans. Barbara Gelli (Madison, 2005), 339

³¹ L. von Ranke, *The secret of world history*, trans. Roger Wines (New York, 1981), 259

³² Talmud Bavli Pesahim 116b.

³³ Pirkei Avot, 6:2

³⁴ Devarim, 29:13-14.

³⁵ Y. Yerushalmi, *Zakhor: Jewish history and Jewish memory* (Seattle, 1982), 17.

³⁶ For an excellent description of Levinas' view on history in his Jewish writings, see S. Moyn, 'Emmanuel Levinas's Talmudic readings: Between tradition and invention' in *Prooftexts*, 23:3 (October 2003), 338-36

³⁷ E. Levinas, *Nine Talmudic readings*, trans. Annette Aronowicz (Bloomington, 1990), 6

³⁸ F. Rosenzweig, *The star of redemption*, trans. Barbara Gelli (Madison, 2005), 323

³⁹ Talmud Bavli, Horayot, 6a

⁴⁰ C. Becker, *The heavenly city of the eighteenth century philosophers* (New Haven, 1970), 122

⁴¹ Kant, Voltaire, Condorcet and Ferguson have all developed detailed theories of historical progress in this fashion. See J. Bury, *The idea of progress* (London, 1921).

⁴² For a contemporary articulation of this theory of progress see F. Fukuyama, *The end of history and the last man* (New York, 1992)

⁴³ O. Spengler, *The decline of the West: Volume 1: Form and actuality*, trans. Charles Atkinson (London, 1980), 17

⁴⁴ Perhaps the earliest proponent of this argument against universal history was Herder, in J.G.. Herder, *Philosophical writings*, trans. Micheal Forster (Cambridge, 2002), 298

⁴⁵ Talmud Bavli Sanhedrin 98a

⁴⁶ Judaism, needless to say, wholeheartedly embraces the eschatological vision of a Messianic era of perfection. However, prior to this redemption, the inexorable march of human progress is by no means inevitable or certain.

⁴⁷ E. Levinas, *Difficult freedom: Essays on Judaism*, trans. Séan Hand (Baltimore, 1990), 199

⁴⁸ F. Nietzsche, *The uses and abuses of history*, trans. Adrian Collins (New York, 1957), 18

⁴⁹ I. Berlin, *Historical inevitability* (Oxford, 1954). Karl Popper also found the methodology of historicism to be particularly problematic, see K. Popper, *The poverty of Historicism* (London, 1988).

⁵⁰ F. Nietzsche, *The uses and abuses of history*, trans. Adrian Collins (New York, 1957), 49.

⁵¹ Rambam, *Hilchot Teshuva*, 2:4

⁵² R. J.B. Soloveitchik, *Halakhic man*, trans. Laurence Kaplan (Philadelphia, 1983), 112

⁵³ Daniel Rynhold has provided an excellent comparison of the philosophies of Nietzsche and R. Soloveitchik in D. Rynhold, 'Modernity and Jewish Orthodoxy: Nietzsche and Soloveitchik on life affirmation, asceticism and repentance' in *Harvard Theological Review* (2008), 101, 253-284.

⁵⁴ Talmud Bavli Yoma 86b

⁵⁵ R. J.B. Soloveitchik, *Halakhic man*, trans. Laurence Kaplan (Philadelphia, 1983), 115

⁵⁶ In this respect, Yeshayahu Leibowitz was unique. Leibowitz strongly advocates the complete severance of Jewish life from history. His 1980 lecture on 'Ahistorical thinkers in Judaism' emphasised that "The service of God as crystallised in the halakhah is an ahistoric reality. Historical vicissitudes and changes have no bearing on man's posture before God.' See Y. Leibowitz, *Judaism, human values, and the Jewish State*, ed. E. Goldman (Cambridge Mass., 1992), 96-105.

⁵⁷ F. Nietzsche, *The uses and abuses of history*, trans. Adrian Collins (New York, 1957), 12

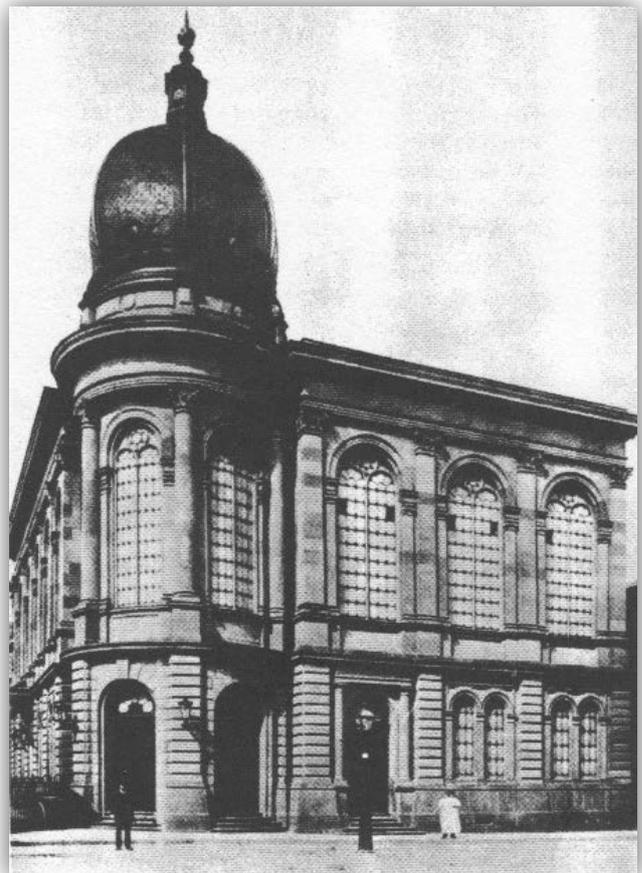
⁵⁸ E. Levinas, *Nine Talmudic readings*, trans. Annette Aronowicz (Bloomington, 1990), 6.

Austritt and its Orthodox opponents: the debate over secession in traditionalist German Jewry, 1876-1939

BEN ELTON

Rabbi Samson Raphael Hirsch (1808-1888) left a permanent mark on the history of Judaism with his advocacy of two hugely influential ideas: Torah im derekh erets and Austritt. A great deal of ink has been spilt defining and disputing the meaning of Torah im derekh erets, and what exactly R Hirsch intended when he proposed an education that combined Torah with secular subjects. Some have argued that his position was merely a hora'at sha'a, a necessary but temporary emergency measure to make the best of a bad situation, while others contend that he sought a full fusion of Torah teachings with the best that the wider world had to offer in order to foster the complete Jew.¹ This article will not add to that debate, which is as much a contemporary controversy as it is a historical problem.

Perhaps less discussed is R Hirsch's equally passionate commitment to Austritt, the policy of complete institutional separation of Orthodox and non-Orthodox Jews, and the creation of a wholly independent Orthodox community, the austrittsgemeinde. Even less well known are the views of those Orthodox rabbis who opposed Austritt, and who wished Orthodox Jews to remain part of the general Jewish community, the grossgemeinde.² In this article I want to trace a number of streams among the grossgemeinde Orthodox. The first was founded by R Seligman Baer (Yitshak Dov) Bamberger, the Wurzbürger Rav (1807-1878) and was a pragmatic opposition to Austritt under certain circumstances. R. Bamberger's approach was continued by his grandson, R. Isak (Yitshak) Unna, the Rabbi of Mannheim (1872-1948).



Gemeindeforthodox synagogue in Frankfurt

This view was shared to some extent by R. Esriel Hildeshiimer, founder of the Berlin Rabbinical Seminary (1820-1899). He was willing to support secession under pressing circumstances, and led a secessionist congregation himself, but always hoped for communal unity under the

right conditions. What made R. Hildesheimer distinct from R. Bamberger and R. Unna was his greater ideological commitment to unified communities.

The different approaches to Austritt, among both those in favour and those against, came from different understandings of what the Jewish community was and could be in the context of modernity.

There were some Orthodox rabbis who identified the same principles that made communal unity desirable as R. Hildesheimer identified, but gave them a still greater priority. They opposed Austritt entirely, and on principle. The great figures in this tradition were R. Marcus Horowitz (1844-1910), rabbi of the Orthodox Jews within the *grossgemeinde* of Frankfurt am Main, and his successors R. Nehemiah Anton Nobel (1871-1922) and R. Jacob Hoffman (1881-1956). The different approaches to Austritt, among both those in favour and those against, came from different understandings of what the Jewish community was and could be in the context of modernity. Before I examine Austritt's opponents and their arguments, I will first set out the ideology of Austritt itself, and its historical background.

Austritt and its origins

From the Middle Ages and into the eighteenth century, Jewish communities lived on the goodwill of the local ruler. Conditions varied widely, including the trades open to Jews, residence rights and internal religious autonomy. Indeed, in many cases the coming of the modern state made matters worse for the Jews, interfering as it did in the lives of its citizens as never before. In some places, such as Altona, the Jews were well treated and left to look after their own affairs. The Frankfurt community, however, though large and prosperous, lived under highly restrictive conditions. Jews were forced to live in the ghetto and were refused access to any craft or trade other than finance. Their circumstances were made worse by the ever more repressive *General Regulations* of 1730 and *Revised General*

Jewish Regulations of 1750, which even sought to control the Jews' right to marry and have children.³

The death of Frederick the Great and the succession of Frederick William II in 1786 raised Jewish hopes for amelioration. After a number of false starts, the *Edict on the civil status of Jews in the Prussian States* of 1812 was passed which made Jews citizens of the state and ended the jurisdiction in civil matters of the rabbis and their *Batei Din*, although many Jews still used them voluntarily.⁴ Gabriel Riesser (1806-1863), a highly assimilated Jew who was nevertheless not prepared to convert to Christianity, argued that Jews were simply Germans who happened to maintain certain religious beliefs and practices, like Catholics, Protestants or anyone else.⁵ In 1847 the law officially recognised the Jewish community for the first time. The Jews were to be treated like any other religious group, under the supervision of the state. They had to elect a lay board which would have

complete control over the community and could appoint religious functionaries as they saw fit. Rabbis were regarded in law not as clergymen in the Christian sense, but as communal employees.⁶ The community would be financed by a compulsory tax to be paid by all members of the community into a central fund.

This placed Orthodoxy in a vulnerable position. A group of Reform-minded laymen could capture the leadership and restructure the community as they pleased. By the 1840s Reform was gaining

ground; the disciples of Moses Mendelssohn seeking radical changes to Jewish creed and practice. A 'Temple' was opened in Hamburg in 1818 with prayers in German, a choir and an organ.⁷ The Reformist tendency spread throughout Germany, including to Frankfurt where an increasing number came under its influence. The most passionate variety of Reform was represented by the *Verein der Reformfreunde* which opposed all ritual and dietary laws including circumcision. Life for Orthodox Jews in Frankfurt became increasingly difficult as material support for the necessities of Orthodox life, such as Jewish education and *mikvaot*, was reduced or withdrawn.⁸

The rabbi of Frankfurt, the Orthodox but aged R. Solomon Abraham Trier and his supporters looked on these developments with alarm. In an attempt to find a compromise in 1843 the *gemeinde* board elected a moderate, Leopold Stein, as R. Trier's associate rabbi.



R. Esriel Hildesheimer

However, although Stein was an opponent of the extremists in the Verein he was himself a Reformer. R. Trier resigned in protest and Stein became the rabbi of Frankfurt.⁹ With a Reform rabbi in place the last protection for traditional Judaism was gone. By 1849 a group of traditional Jews in Frankfurt decided that they could not allow matters to continue. They petitioned the government to allow them to set up an independent community. Permission to secede entirely from the general community was withheld, the government decided that all Jews must continue to belong to and finance the state-sanctioned community, but they were allowed to set up their own religious society, which became the Israelitische Religionsgesellschaft (IRG).¹⁰

By 1849 a group of traditional Jews in Frankfurt decided that they could not allow matters to continue.

The group that founded the IRG was small. In 1850 it only had about 60 members, rising to around 100 the next year. They were not ultra-conservatives on Hungarian lines. They wanted Orthodox leadership combined with a modern, cultured and moderate orientation which they felt would appeal to young Jews who had assimilated German intellectual currents. Their rabbi needed to be able to speak eloquently and display his secular education as well as his Torah learning and traditionalist credentials. They first invited R. Michael Sachs of Berlin, brother in law of Chief Rabbi Nathan Adler and a Wissenschaft-inclined traditionalist. R. Sachs declined the offer and the IRG turned to the Chief Rabbi of Moravia, R. Samson Raphael Hirsch, who accepted in 1851.¹¹

R. Samson Raphael Hirsch's ideology of Austritt

From the start, then, the IRG was, to some extent, a secessionist movement. In R. Hirsch it had a leader who was fully committed to the cause. R. Hirsch did not even recognise the *grossgemeinde* as a real Jewish community. For him, only a community based on Torah could be considered a Jewish community. He believed that the IRG was in fact 'the sole Jewish community established in this city'.¹² In his view, the *grossgemeinde* was run by Reform religious and lay leaders, bent on extirpating traditional Judaism and willing to use the powers of the civil authorities to do so. While it remained anything other

than entirely Orthodox it was totally illegitimate and Orthodox Jews could have no part in it.

R. Hirsch articulated this view from his early days in Frankfurt. In the 1860s he wrote:

'Wherever Jews who share the timeless Jewish loyalty to Torah dwell in one locality they should unite of their own free will so that, together, they may preserve the Torah and translate it into living reality. Even if there were only ten, or five, or even just two of them they would constitute the true Kehillah to whose loyal efforts God would look for the accomplishment of the Torah mission in that particular locality. After all, it is pure delusion to think that those who accept the inviolable, binding authority of the Law can constitute one religious community together with those who do not accept the Law.'¹³

To do so, according to R. Hirsch, would be no different to forming a community with Jews who had converted to Christianity, for though they remained Jews, both non-Orthodox Jews and apostates had equally abandoned the Torah.¹⁴

Therefore, Torah-true Jews everywhere had to band together to form legitimate authentic kehillot, no matter how small, and separate as much as possible from Reform run communities.¹⁵ Importantly, for R. Hirsch the nature of the community was in theory different to the degree of observance of its members, as long as they accepted the authority of the Torah in principle. Accordingly, any Jew not only could join, but must join the IRG, as long as he had *brit mila* and had married within the faith.¹⁶ Otherwise, level of religious observance was not relevant, unless a member wished to join the council, in which case he could not publicly break Shabbat or eat non-kosher food.¹⁷ In practice, however, non-observant members of the IRG were extremely rare and did not feel comfortable.¹⁸

Passing the Law of Secession

R. Hirsch achieved his goal, the legalisation of secession, as a result of the profoundly negative attitude of the Chancellor of Germany, Otto von Bismark towards the Roman Catholic Church. In 1873 Bismark took advantage of disputes among German Roman Catholics to weaken the Church by allowing its members to secede and establish new congregations sanctioned by the German Ministry of Religion. He extended this right beyond the Catholic Church to Protestants, but not to Jews.¹⁹ R. Hirsch saw his chance and began to lobby for the Law of Secession to be extended to the Jewish community.

R. Hirsch restated his arguments that a non-Orthodox community was no Jewish community at all. A true Jewish community could only be one based on authentic Torah principles; there simply was no other definition. Orthodox Jews and Reform Jews had nothing religiously in common because they disagreed about the most basic theological points. R. Hirsch repudiated the idea that there was such a thing as Orthodox Judaism and Reform Judaism. There was only Judaism, and anything that departed from his understanding of it was simply illegitimate. There was not the slightest reason for Jews to belong to a community that supported a non-Jewish religion, in which category he included Reform Judaism.²⁰ He asserted that when the board of the general community 'chose the path of Reform it forfeited entirely' the rights of a Jewish community. If Reformers wished to follow their religious path then they could found a voluntary association, but a community run on Reform lines instantly invalidated itself.²¹

R. Hirsch made this point forcefully in his memorandum to the Prussian Parliament in 1873:

'We testify that there is no wider gap between any of the various Christian denominations than there is between Reform Judaism and Orthodox Judaism...If the recognition or non-recognition of a basic principle is a criterion of differences within a religion, there can be no greater religious gap than that existing between the Jew who accepts the Divine origin and therefore the eternal inviolability, of Jewish religious law based on the Bible and Oral Tradition and the Jew who denied[s?] the Divine origin and inviolability of this law...For a long time there has been no common ground between these two trends with regards to religious beliefs...Therefore the two trends cannot possibly have the same rabbis, the same liturgy, the same pulpit, the same schools – indeed they can share none of the institutions indispensable to the Orthodox Jew for performing the religious duties imposed on him by the dictates of his conscience.'²²

A non-Orthodox community was one from which Orthodox Jews must withdraw, especially as membership involved paying taxes to support Reform institutions. To force Orthodox Jews to remain part of a general community was to transform the community from a religious into a political institution. This was contrary to emancipation, and undermined the equality of Jews as citizens because it made Jews a separate nation. R. Hirsch did not consider Jews to be a political nation at all, but simply a people defined solely in terms of their religion.²³

R. Hirsch went on to point out that forcing Orthodox and Reform Jews into the same community could only lead to religious strife, coercion and repression of religious freedom. Orthodox Jews would inevitably form their own religious associations like the IRG, but would simultaneously be forced by an act of massive illiberalism to belong to and support institutions in which they wanted no part. R. Hirsch appealed for this not to be permitted and for the freedoms given to Christians to be extended to Jews.²⁴ These political arguments based on liberal principles and the ideology of emancipation won the day. On July 28 1876 the Law of Secession was amended to apply to Jewish communities and R. Hirsch believed he had achieved his objective.²⁵

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Impact of the Law of Secession

For R. Hirsch the Law of Secession made the situation more acute. Now membership of the general community was voluntary, to remain a member when that community was dominated by Reform was to declare one's allegiance to Reform Judaism and therefore, by definition, one's repudiation of Orthodoxy. R. Hirsch concluded that to remain a member under these circumstances was wholly forbidden. R. Hirsch declared secession a personal and absolute religious obligation. However, in response to the passage of the Law of Secession, the general community took urgent steps to keep Orthodox members affiliated. Although the general Board refused the IRG's proposal for joint administration of certain facilities such as the cemetery and hospital, it did state that Orthodox members would have reserved places on the boards of the cemetery and hospital within the general community and Orthodox members would not have to pay taxes towards the upkeep of Reform institutions. In January 1877 the grossgemeinde amended its by-laws to put its promise on an official footing.²⁶

It was no good, according to R. Hirsch, for the general community to make religious provision for the Orthodox in this way. Orthodox and Reform synagogues could not exist side by side within the same institutional framework. Such arrangements would lack all sincerity and integrity, they would be mere game playing, for 'if Orthodoxy is

truth, then Reform must be falsehood. If, on the other hand, Reform is truth then Orthodoxy must be a lie'.²⁷ Religious convictions could not be reduced to the level of personal taste, divorced from unyielding supporting principles, but that is exactly what communities supporting varying religious streams would represent. As a result R. Hirsch declared continued membership of the grossgemeinde an 'issur'.²⁸

Nevertheless, the majority of the members of the IRG, led by R. Moses Mainz, a founding member, accepted the offer of the grossgemeinde.²⁹ They retained the membership of both the general community and the IRG. This defiance of the explicit ruling of R. Hirsch, which became a long term feature of the community, extended even to the leadership of the IRG, its sometime president Louis Feist and the spokesman of independent Orthodoxy, Jacob Rosenheim, who belonged to both communities.³⁰

Advocates of secession turned outside Frankfurt for support. Arguably the leading halakhist in Germany at the time was R. Seligman Baer Bamberger, Rav of Wurzburg who had already shown sympathy towards Austritt. In 1872 389 rabbis, including R. Bamberger, had declared the secession of the Orthodox community in Vienna mandatory.³¹ On 1 February 1877 R. Bamberger wrote in support of R. Hirsch's position in Frankfurt.³² This prompted further concessions from the grossgemeinde. Its Board agreed to set up and support Orthodox institutions, including a synagogue, mikva, butchers and a Rabbi, all under Orthodox administration.³³ R. Bamberger was then invited by pro-Austritt members of the IRG to come to Frankfurt to persuade R. Mainz to change his mind. But, as a result of the additional concessions and his meeting with R. Mainz, a shocking change of mind took place. R. Bamberger concluded that secession was not mandatory in Frankfurt, and confirmed his view when asked by a Frankfurt newspaper in March 1877. This came as a major blow to R. Hirsch and an open correspondence on the question of Austritt ensued between the two.³⁴

R. Seligman Baer Bamberger and pragmatic opposition to Austritt

R. Hirsch sent the first open letter, which pulsed with incredulity that R. Bamberger, his erstwhile ally against Reform, could sanction what R. Hirsch considered the hillul Hashem of giving legitimacy to a heretical community. He derided the additional concessions made by the grossgemeinde as entirely insufficient. He accused R. Bamberger of exceeding his authority as Rav of another

town and impinging on R. Hirsch's authority, and, most cutting of all, of strengthening heresy, being 'mahzik minut' and undermining the Torah-true IRG, its institutions, and thereby the very survival of Orthodox Judaism in Frankfurt.³⁵

R. Bamberger concluded that secession was not mandatory in Frankfurt

R. Bamberger was deeply wounded and could not fail to reply. He did so in terms as sharp as those R. Hirsch had addressed to him. He pointed out that now that the grossgemeinde was prepared to facilitate Orthodox institutions it had in effect ceased to deny 'the strict and sacred binding authority of the Torah'. They might do many 'irresponsible, reprehensible' things 'in grave violation of the sacred principles of the Torah', but they could no longer be considered deliberate (lehakhis) heretics, they were merely mistaken, and this meant that it was not *necessary* to break all ties with them as a matter of principle. Rather, the question became a practical one. If the general community would give the necessary assurances, there would be no need to secede. Individuals could choose to do so, but there were no halakhic grounds for declaring it mandatory.³⁶

The Frankfurt grossgemeinde gave assurances that the Orthodox institutions would be run by an Orthodox Board with an Orthodox Rav, which would put them beyond the reach of the Reform Board, who would be unable to interfere.³⁷ As R. Bamberger wrote: 'A board of trustees that is religious in the true, authentic sense of the term must be elected and installed to make certain that the directives of the moreh tzedek [Orthodox rabbi] will be duly carried out. If such completely satisfactory guarantees for the implementation of these conditions will really be given, secession will no longer be mandatory'.³⁸

R. Bamberger turned to R. Hirsch's suggestion that to remain within the grossgemeinde was to give recognition and legitimacy to Reform. How could this be true, asked R. Bamberger, in a case where the Orthodox had made such a protest against the practices of the community that they had insisted on the creation of separate institutions? Finally, R. Bamberger addressed the practical question of Jews who were not so ardent as to join the IRG. They had remained in the grossgemeinde (for assorted reasons including sentiment, family ties and inertia) but were inclined towards Orthodoxy. If the concessions of the

grossgemeinde were rejected they would be without Orthodox institutions. R. Bamberger did not dispute that they could use the institutions of the IRG, which were made available to them, but the truth was that they did not. Were they to be left without a synagogue, butchers, mikvaot?³⁹ R. Bamberger concluded by restating his support for the Law of Secession and for the IRG, but also his view that secession was not mandatory.⁴⁰

R. Hirsch composed a lengthy and yet more biting reply attempting to rebut R. Bamberger point by point.⁴¹ The rupture between the two great leaders of German Orthodoxy was terrible and complete. When R. Bamberger died the next year, R. Hirsch did not attend the funeral.⁴²

Modernity and the essence of the disagreement between R. Hirsch and R. Bamberger

We can now see the fundamental differences behind their divergent views. For R. Hirsch there was an absolute imperative to disassociate from any non-Orthodox institutional framework, not only because it supported heresy and anti-halakhic practices, but also because it was essentially not Jewish. Even if a community under Reform leadership gave every assurance about Orthodox rights and was true to its word, it remained illegitimate, and, as association with such as community legitimised and strengthened heresy, it was forbidden. R. Hirsch's view spread. Berlin, Cologne, Strassburg and other cities in Germany also witnessed secessions and the establishment of austrittsgemeinden.⁴³

R. Bamberger took a different approach. For him the question was very much one of safeguarding Orthodox religious life. If a community persecuted the Orthodox, as was the case in Vienna or Frankfurt before 1877, they demonstrated their contempt for the Torah and that they were heretics of the most deliberate kind. Under these circumstances secession was mandatory to protect Orthodoxy and the Orthodox. However, if the general community respected and supported Orthodox institutions, there was no objection to remaining a member, although secession was permitted. By safeguarding Orthodox rights, the Reform leaders of the community had demonstrated they were not *minim lehakhis* – consciously rebellious heretics, merely deeply misguided. Continued association was therefore possible, and even desirable to support the non-aligned Orthodox

Jews who remained in the grossgemeinde through indifference or inertia.

*By safeguarding Orthodox rights, the Reform leaders of the community had demonstrated they were not *minim lehakhis* – consciously rebellious heretics, merely deeply misguided.*

On a human level, it seems likely that these differing attitudes had much to do with the personal history of R. Bamberger and R. Hirsch. R. Bamberger had been the respected and authoritative Rav of Wurzburg, he knew about Reform and it troubled him, but there had been little personal trauma. R. Hirsch had seen the persecution of the Orthodox by Reformers for twenty five years and had been involved in many bitter personal battles. We cannot be surprised that he should fight tirelessly for secession and when the opportunity arose grasp it tightly, rejecting all compromise.

In a more ideological vein, David Ellenson has argued, following Tonnies, Berger and others, that these differing views came as a result of different understandings and reactions to modernity and secularisation. R. Hirsch's vision of the new social and religious context was a radical revision of the definition of a Jewish community. It was not composed of all Jews, or all Jews who had not converted to another faith. It was composed of theologically right-thinking Jews. For all intents and purposes others were not Jewish and could not form a Jewish community. This was R. Hirsch's answer to what he saw as the wide-scale importation of heresy by modernity into the Jewish world. That impact could not be ignored; rather it changed utterly the way the Jewish community must be defined. Modernity undermined or dismantled traditional communities. They could no longer be held together or reconstructed, their time was over. In the religious sphere they were replaced by 'much smaller groups of confirmatory individuals'. There was a 'privatisation of religion' whereby faith organisations became more like clubs or associations than executive arms of society at large.⁴⁴ R. Hirsch embraced this change, and set to remodel the Jewish community to reflect it.

Others, like R. Bamberger, tried to resist these changes as much as possible. He was a rabbi of the old school. He

clung to the pre-modern notion of a united Jewish community, with wayward members no doubt, but still one body. Even if R. Bamberger had to accept that changes in society meant there had to be a separate Orthodox synagogue and Rav within a general community, he adhered to the older vision of Jewish society in other matters. This was a view taken by the great rabbinical leader of Eastern Europe, R. Yitshak Elhanan Spektor, who wrote in 1886 that even Jews who were uncircumcised (as long as they had not apostatised) should be counted for a minyan and included in the community in order to keep them as much as possible within the fold and to keep open the possibility of a full return to traditional life and thought. For R. Spektor someone was either Jewish or not, and anyone who was Jewish should be embraced as much as possible by the community.⁴⁵ R. Hirsch's greater awareness of modernity convinced him that the process of secularisation had rendered redundant forever the old style Jewish community. It was no longer a case of some Jews being more observant than others; now a large section of Jewry rejected traditional Judaism in principle. The whole religious basis for a united community had disappeared and the Orthodox must strike out on their own.⁴⁶

For R. Spektor someone was either Jewish or not, and anyone who was Jewish should be embraced as much as possible by the community.

We might develop this analysis and suggest that while R. Bamberger and R. Hirsch both wanted to perpetuate the old style communities embracing people of all levels of observance, they disagreed about the forum. R. Bamberger still held that the complete community of all Jews could function in this way. R. Hirsch, meanwhile, wanted to recreate the pre-modern communities among those who accepted the theological principles that held sway in the pre-modern period. Those who did not were to be effectively regarded as apostates, and excluded in the traditional way. This perhaps is at the root of R. Hirsch's willingness to allow non-observant Jews to join the IRG, indeed his insistence that they join. Such Jews always existed and always belonged to kehillot. As long as they did not oppose traditional Judaism on principle they were admissible. They might not become leaders of the community, but that was a different matter. That is why R. Hirsch considered his community the legitimate successor

to the ancient community of Frankfurt: it was made up of Jews of all levels of observance, but who had a common acceptance of the principles of traditional Judaism.

R. Esriel Hildesheimer, caution and ambivalence

R. Bamberger's death in 1878 did not end the opposition to Austritt on pragmatic grounds that he had initiated. Some who had supported R. Hirsch in 1876 later softened their position. R. Esriel Hildesheimer was one such. He had taken R. Hirsch's side against R. Bamberger. When R. Hirsch published his open reply to R. Bamberger, R. Hildesheimer wrote to his Frankfurt colleague 'I cannot express in words how pleased I was with the exhaustive and irrefutable arguments, in spite of the deep pain over the distressing circumstances.'⁴⁷ The final phrase already indicated R. Hildesheimer's ambivalence. He was greatly troubled by the split within Orthodoxy over the issue. He told Ludwig Stern of the Teacher's Seminary in Wurzburg 'this sad matter has distracted me from my work many hours, and it has caused my many sleepless nights in which I have shed many tears'.⁴⁸ He took R. Hirsch to task for the sharpness of his letters to R. Bamberger, telling him 'I do dissent from several passages directed against Bamberger which appear to me to be too strong. They make it even less likely for a bridge to be built from our congregation to those who are "secessionists"'.⁴⁹

Nevertheless, R. Hildesheimer did all he could to bolster R. Hirsch's position at the time of the 1876 secession. He wrote to a leading Orthodox anti-secessionist in Frankfurt, the banker Lippman Mainz, admonishing him for opposing R. Hirsch '[it] is totally incomprehensible to me that you, my friend, offer such opposition to the establishment of a holy congregation'.⁵⁰ When the grossgemeinde offered R. Hildesheimer's student, R. Israel Goldschmidt the post of Orthodox rabbi within the general community, R. Hildesheimer urged him to turn down the appointment. He thought R. Hirsch would regard R. Goldschmidt's acceptance as a personal insult and the result would be a bitter dispute and hillul Hashem.⁵¹ R. Hildesheimer was himself the Rav of the secessionist community in Berlin, the Adass Yisroel.⁵²

Yet, R. Hildesheimer's position was more complex than this might suggest. While he recognised that secession was sometimes necessary, as R. Bamberger also recognised, he did not consider it a matter of pure principle. In his view, each case had to be judged on its merits. Adass Yisroel Berlin had called R. Hildesheimer in 1869 because the general community had appointed a liberal rabbi, Joseph

Aub, who removed all references to the return to the land of Israel from the prayer book and introduced an organ into the service. When the Orthodox asked for a traditional rabbi to be engaged alongside him, the board elected none other than Abraham Geiger, the leading scholar of the Reform movement. The Berlin Orthodox, like the IRG in 1851, had no alternative but to secede.⁵³

For R. Hildesheimer it was not only permitted but a 'noble deed' to try to keep communities united, because even Jews who rejected the Torah remained Jews.

That would not be true in all cases. For R. Hildesheimer it was not only permitted but a 'noble deed' to try to keep communities united, because even Jews who rejected the Torah remained Jews. All Jews, whatever their behaviour or views, were 'living members of the organism of Klal Yisrael'.⁵⁴ Therefore, if Orthodox interests could be safeguarded then there was in his view no justification for secession. R. Hirsch was aware of this position and had therefore assured him in 1876 that Orthodox Jews would not exploit the secession law, but only use it when absolutely necessary. R. Hildesheimer maintained that stance and the musmakhim from the Berlin Rabbinical Seminary served in both unified and secessionist congregations.⁵⁵ Even in cases where secession was necessary, R. Hildesheimer was not willing to jettison the old idea of a Jewish community entirely. David Ellenson has argued that in such situations he came to see the Jewish community as existing on two levels: in religious matters separatism might be necessary, but in other matters the old community of all Jews still existed. For R. Hildesheimer, unlike R. Hirsch, Reformers had not wholly disqualified themselves as Jews in all contexts.⁵⁶

This difference of view explains the increasing divergence between R. Hirsch and R. Hildesheimer. R. Hirsch hardened his position greatly over the twelve years following secession. In 1876 he had offered to share governance of the Frankfurt Jewish cemetery and hospital with the grossgemeinde. He had written about the importance of maintaining friendly relations with individual Jews, whatever their theological views, in order to be a positive religious influence.⁵⁷ By the end of his life R. Hirsch was a total separatist.⁵⁸ He refused to co-operate with the non-Orthodox even on social issues.

R. Hirsch opposed membership of B'nai Brith, whereas R. Hildesheimer was an active member of its Berlin branch.⁵⁹ R. Hirsch refused to work with the Alliance Israelite Universelle, and failed 'to see how a man imbued with proper Jewish thought can attach himself to it, because it included non-Orthodox Jews. On the other hand, according to his grandson, R. Hildesheimer held that 'it was obligatory to participate in Jewish organisations with non-Orthodox Jews' on social and communal questions, so R. Hildesheimer did work with the Alliance, and with Heinrich Graetz of the Breslau Seminary, which R. Hildesheimer opposed, to help Jewish orphans in Jerusalem and with Liberal rabbis to combat anti-Semitism and attacks on the Talmud, all to R. Hirsch's consternation.⁶⁰

Some other Austritt rabbis took a similar approach to R. Hildesheimer. R. Ezra Munk, his successor in the Berlin Adass Yisroel was on friendly terms with a wide range of Jews, including those outside his community, in a way that was typical of Berlin Austritt Orthodoxy and distinguished it from Frankfurt.⁶¹ The willingness of R. Emanuel Carlebach of Cologne to work with the non-Orthodox on some matters attracted severe criticism from more hard line advocates of separation and led him to offer (unsuccessfully) his resignation as rabbi, and may have contributed to his early death at the age of 54.⁶²

R. Hirsch's successor and son in law, R. Solomon Breuer tried unsuccessfully to exclude any non-Austritt rabbis from leadership positions in the newly formed worldwide Orthodox association, the Agudat Yisrael.

R. Hildesheimer may have refused to join the cross-denominational Verband der Rabbiner in Deutschland (Union of German Rabbis) when it was formed in 1884, but he preached in grossgemeinde Orthodox synagogues of members of the Verband.⁶³ He founded the Vereinnigung traditionell-gesetzestreu Rabbiner Deutschlands (Association of Traditionally Torah-True Rabbis in Germany), which included Orthodox grossgemeinde rabbis, and which R. Hirsch's followers refused to join. They formed instead the Orthodoxer Rabbinerverband (Association of Orthodox Rabbis) in

1907, which admitted only rabbis of Austritt communities as members.⁶⁴ Similarly, in 1912 R. Hirsch's successor and son in law, R. Solomon Breuer tried unsuccessfully to exclude any non-Austritt rabbis from leadership positions in the newly formed worldwide Orthodox association, the Agudat Yisrael.⁶⁵ Like R. Bamberger, then, R. Hildesheimer supported Austritt as a necessary recourse if Orthodox interests were in danger, but he did not want it extended further than necessary, and certainly not into social or non-religious communal matters such as combating anti-Semitism or helping those in need in Erets Yisrael. He espoused what Ferziger has called a 'sympathetic separatism' which maintained as much contact with the non-Orthodox as possible.⁶⁶ This was because he did not redefine the Jewish community as R. Hirsch had done. R. Hirsch, by contrast became ever more opposed to co-operation with non-Orthodox Jews, or even Orthodox Jews who themselves co-operated.

R. Isak Unna: opposition from within

R. Hildesheimer's successor in his pragmatic opposition to the unlimited extension of Austritt was R. Isak Unna. R. Isak Unna (1872-1948) was the grandson of R. Bamberger and was a primary inheritor of the impulse to keep Jewish communities united, whenever possible.⁶⁷ He served as the Orthodox rabbi of the grossgemeinde of Mannheim. In 1923 he and his allies founded, and he became the first leader of, the Achduth-Vereinigung gesetzestreuer Juden Deutschland (Union of Torah-Faithful Jews in Germany) as an alternative to the newly exclusive Agudat Yisrael. R. Unna set out his stall at the founding assembly of Achduth. While separation was necessary if Orthodox rights were being trampled on, where they were upheld there was no need for secession. Furthermore the principle of Austritt could not be extended to all communities. Many were simply too small to support both a general and austrittsgemeinde, not least because secession divided the Orthodox. He accused R. Breuer of turning sectarianism into a dogma.⁶⁸

R. Unna stressed the practical benefits for Orthodoxy of remaining within the grossgemeinde. There they would have greater access to non-Orthodox Jews, increasing their ability to have a positive influence. They could ensure that cross-communal institutions maintained halakhic principles (we will see later that this was achieved in Frankfurt), maximising observance to Orthodox

standards. As he wrote, 'we will be able to work for the authority of Torah and combat those erroneous tendencies connected to Judaism only if we are found in the midst of the community', just as Shimon ben Shetah entered the Sadducee-dominated Sanhedrin in order to purify it.⁶⁹ R. Unna thought that his era was the perfect time to win back Jews for Orthodoxy. Reformers were no longer as extreme in their opposition to Orthodoxy or traditional Judaism. Reform Judaism itself was widely seen as a failure, even among non-Orthodox Jews. Young Jews were starting to return to tradition. Austritt may have been necessary in some places in the 1870s, but was no longer.⁷⁰

R. Unna rejected the suggestion that Orthodox members of the grossgemeinde were aiding sinners. If funds raised from the Orthodox were spent only on the Orthodox there could be no objection.⁷¹ Indeed, because of the balance of the population within the grossgemeinden, Reformers were actually subsidising the Orthodox. Orthodox participation was positive because it diminished the resources that could be used to support Reform.⁷² As for the suggestion that mere membership accorded legitimacy, R. Unna was incredulous at the possibility: 'It is well known that we do not affirm their deeds. We emphasise repeatedly our opposition to them. We do not enter their synagogues, nor do we join in their prayers or religious ceremonies'.⁷³ R. Unna thereby combined complete disdain for Reform Judaism with a strong pragmatic commitment to communal unity.

R. Unna made another crucial distinction in an essay 'The principle of secession and the co-operation of the Orthodox' in 1924. He made a distinction between the *eda* and the *kahal*. The *eda* was a religious community, whereas the *kahal* was a social and political entity, a state within a state. In the pre-modern period the *kehilla* had encompassed both. All members of the *kehilla* were *shutafin* – partners, who were halakhically responsible for the conduct of the *kehilla*. But, R. Unna argued, the modern Jewish community was quite different to the pre-modern *kehilla*. Each member was not responsible for the activity of the whole in the same way. Mere belonging to the grossgemeinde did not make an Orthodox member responsible for the goings-on inside a Reform temple.⁷⁴ This too was a redefinition of the Jewish community, but a rather different one to R. Hirsch's. Rather it was a crystallisation and theoretical conceptualisation of the distinction R. Hildesheimer had already made between two levels of community: the religious and the social.⁷⁵

This stance has led Ellenson to conclude that R. Unna opposed Austritt on pragmatic grounds alone. However, he also cites evidence that points to R. Unna's principled and ideological opposition to secession, to which we might give more weight than Ellenson does himself. R. Unna upheld the principle that 'kol Yisrael arevim zeh bazeh' (Sanhedrin 27b), that all Jews are responsible for one another, whether they were technically members of the same community or not. One Jew's sin was every Jew's sin, and secession did not alter that fact. This, he said 'is no mere sermonic flourish but...a halakhic principle of decisive practical importance'.⁷⁶ Within Klal Yisrael all Jews had reciprocal responsibility for one another, which could not be abandoned by secession, except under the most pressing circumstances. R. Unna called in aid R. Yitshak Elhanan Spector of Kovno. R. Spector insisted that areivut extended to all Jews who had not gone so far as to convert to another religion. Their sins were not theirs alone, but fell on all of Klal Yisrael, and therefore, argued R. Unna, there was an obligation to work with them, to turn them back to authentic Judaism. As we have seen, he believed grossgemeinde Orthodoxy was the best way to achieve that.⁷⁷

R. Unna upheld the principle that 'kol Yisrael arevim zeh bazeh' (Sanhedrin 27b), that all Jews are responsible for one another.

At the core, then, was not pure pragmatism, but a religious commitment to all Jews, whatever their views, however wrongheaded they may be. Nevertheless, R. Unna did not go as far as some in his ideological opposition to Austritt. That fell to the Orthodox rabbis of the grossgemeinde in the eye of the intellectual storm swirling around Austritt, in Frankfurt itself.

R. Marcus Horowitz and ideological opposition to Austritt

We have seen that in 1876 R. Hildesheimer urged his student, R. Israel Goldschmidt, not to accept the post of grossgemeinde Orthodox rabbi in Frankfurt so as not to antagonise R. Hirsch. When, in 1878, the post was offered to another student, and this time to a pupil who was arguably R. Hildesheimer's talmid muvhak, R. Marcus (Mordekhai) Horowitz (1844-1910), R.

Hildesheimer offered similar discouragement; this time without success.⁷⁸

R. Horowitz was convinced that 'in all communal matters, people with diverse religious convictions but with a united sense of responsibility for the greater community of Israel, must labor together'.

R. Horowitz defied R. Hildesheimer despite their close relationship because, unlike the figures we have already discussed, R. Horowitz was not a pragmatic opponent of Austritt. Rather, he was an ideological supporter of grossgemeinde Orthodoxy. For him taking the appointment in Frankfurt was a matter of principle. R. Horowitz possessed an over-riding sense of the importance and reality of Jewish unity, of the essential oneness of Israel.⁷⁹ Whereas R. Hirsch defined Jews for the purpose of creating communities as those who accepted the Torah, R. Horowitz's view was much closer to that held by R. Spector and others in the East. Everyone who had not become an actual apostate was part of the Jewish community, and it was essential to work with them. As Isaac Heinemann wrote, R. Horowitz was convinced that 'in all communal matters, people with diverse religious convictions but with a united sense of responsibility for the greater community of Israel, must labor [sic] together'.⁸⁰ Jacob Rosenheim claimed that R. Horowitz's motivation was the need for greater centralisation in the face of anti-Semitic attacks, but as we have seen, R. Hildesheimer worked across the community to combat anti-Semitism while remaining much less enthusiastic for gemeinde Orthodoxy.⁸¹ R. Horowitz's spur was something more.

Unlike the advocates of Austritt, R. Horowitz was a Jewish nationalist. The young R. Joseph Soloveitchik, fresh from the East, was shocked in the 1920s when he heard a famous German Orthodox rabbi said 'that he had more in common with a German than he had with an irreligious Polish Jew. Certainly, he added, I am closer to R. Chaim Ozer because the Shulchan Aruch binds us together, but what connection have I to such a one?'⁸² That reflected the view of many German Orthodox rabbis and leaders. Jews were only a nation through their shared loyalty to the Torah, they were in fact merely a religious community. R. Horowitz rejected this denationalised approach. He clung

to a much more practical concept of Jewish nationhood, indeed a much more traditional understanding of it. He attacked an essay critiquing Jewish nationalism by Chief Rabbi Moritz Gudermann of Vienna (1835-1918), writing 'in it he states that Judaism does not favour the ideal of nationalism, but rather sees world citizenship as its ideal. We cannot accept this opinion nor see it as a true conception of our faith. No component part of the Messianic thought tends to minimize nationalism. To the contrary! It tells us that all nations will serve one God, but they will always maintain their individual identity'.⁸³

R. Gudermann's essay was, of course, an attack on Zionism, and just as it followed that those who wished to de-emphasise the national character of Judaism were opposed to Zionism, so, as we would expect, R. Horowitz was sympathetic to religious Zionism. He censured secular Zionism for declaring that it had no connection to religion, he was unsure whether it would meet with any success, and he feared that it might actually impede efforts to settle the land. R. Horowitz was one of the rabbis who condemned the First Zionist Congress in 1897.⁸⁴ However, he also praised a number of aspects of Zionism. Its recognition of the national element of Judaism, its recognition that Jewish security ultimately lay in Jewish sovereignty and independence, the encouragement it gave to a revival of the Hebrew language and for the Zionists' courage and determination. Unlike R. Hirsch, for whom the Messianic era was of theoretical importance only, R. Horowitz cherished the Zionists' 'vision of a new home in the land of our holy memories'.⁸⁵ The same convictions that animated R. Horowitz's belief in the reality of the national element of Judaism and the common bond among Jews whatever their beliefs and practice – made him also an opponent of Austritt.

R. Horowitz's commitment to *gemeinde* Orthodoxy manifested itself in a number of ways. He was the Deputy Chairman of the cross-denominational General Association of Rabbis in Germany, which R. Hildesheimer had refused to join.⁸⁶ He considered that his role as the Orthodox rabbi of the Frankfurt community made him responsible for the halakhic standards of all Jews in Frankfurt, whichever synagogue they belonged to. He was responsible for all halakhic matters concerning meat, the hospital, nursing home, *hevra kadisha* and issues concerning personal status. He sought to raise halakhic standards, even among Reform Jews. He insisted that building work on the new Reform temple stop on Shabbat, even though ways could be found to permit it technically. R. Horowitz argued that building on Shabbat would throw Judaism into disrepute, and all Jews should

be a source of *kiddush* and not *hillul Hashem*. When asked why he was concerned with an institution he did not associate with, nor regard as legitimate, he replied that it was being built by the *gemeinde*, and until it was handed over to the Reform congregation he was responsible for its construction. While it was within his power to minimise halakhic violations, he would do so.⁸⁷

R. Horowitz was able to extract major concessions for Orthodoxy from the community in return for accepting his appointment.

R. Horowitz was able to extract major concessions for Orthodoxy from the community in return for accepting his appointment. He insisted that his status should be the same as that of the Reform rabbi, that there should be a new Orthodox synagogue as fine as the Reform temple, a new mikva and a range of religious authority described above.⁸⁸ Nevertheless, he was met with strong opposition from the *austrittsgemeinde*. They compared the retention of an Orthodox section of the *grossgemeinde* as placing a *mezuzah* on a house of idolatry. Some members of the IRG would cross the street to avoid walking past R. Horowitz's synagogue. R. Solomon Breuer sought to exclude R. Horowitz from all Orthodox organisations, whether within Germany or internationally, and he was not invited to the Hamburg conference of 1909 which led to the creation of the *Agudat Yisrael*. That did not stop some leading members of the IRG, such as Jacob Rosenheim and Louis Feist admiring him and forging a warm personal connection.⁸⁹

R. Nehemiah Anton Nobel: Klal Yisrael

The office of Orthodox Rav of the Frankfurt *grossgemeinde* would attract only the most convinced opponents of Austritt, such as R. Horowitz himself. His successor was just as committed to the unified community as an ideal, and just as distinguished a Talmudist. R. Nehemiah Anton Nobel (1871-1922) was another close student of R. Hildesheimer, who adopted his teaching about the essential unity of Klal Yisrael. After his graduation from the Berlin Rabbinical Seminary and from Berlin University he became rabbi of a small congregation in Cologne and then of the *Austrittsgemeinde* of Koenigsberg, but resigned after a few months. After an

unsuccessful application to be rabbi of the grossgemeinde of Cologne, he went to study philosophy under the non-Orthodox neo-Kantian Hermann Cohen, who had an enormous influence on R Nobel's intellectual development and is a further manifestation of R. Nobel's inclination for deep engagement with non-Orthodox thinkers. He critiqued and disputed Cohen, but remained a huge admirer.⁹⁰ He was not only a student of the non-Orthodox, he was also a teacher. Franz Rosensweig was entranced by a sermon he gave on Pesach 1920 and subsequently attended his Talmud shiur.⁹¹ After studying with Cohen, R. Nobel returned to the rabbinate and took posts in Leipzig and Hamburg before succeeding R. Horowitz in 1910. He answered the call from the Frankfurt community by quoting Isaiah 61:1: 'The spirit of the Lord is upon me, because the Lord has anointed me to bring good tidings to the humble.' This reflected R. Nobel's absolute sense of mission in leading not a separatist but a unified community.⁹² He never believed that there would not be religious disputes within unified communities, and he did not draw back from pressing the Orthodox position, but he felt this had to be done with respect and on a case by case basis, and not by simply dismissing opponents as 'other' or 'outside'. In 1897 he described his vision of rabbinic office:

'I hold that a rabbi can fulfil his task successfully only if he stands above all parties within and outside his community. He himself must have a firm and unflinching standpoint – one not given to appeals – on all the religious issues of his time. For myself this standpoint is that offered by Judaism in its historical tradition...But I consider it my duty to examine every religious trend within Judaism, to meet it with objective arguments only, and to treat representatives of opposition movements and viewpoints with the kind of respect we owe to ardent opponents. I want to lay greater stress in my public activities on that which united trends than on those causes which separate them.'⁹³

R. Nobel's emphasis on the Jewish historical tradition was important. He conceived of the Jewish people not just as a confessional group, like R. Hirsch had done, but as a people developing through history.⁹⁴ The Torah was essential to the eternity of the Jewish people, but so was its past, as he wrote 'there is a unity of Judaism. That unity is guaranteed by the eternity of the Torah. It is guaranteed to us by the common history, which we have experienced.'⁹⁵ R. Nobel argued that the Prophets themselves regarded the national as well as the religious



R. Anton Nehemiah Nobel

element as vital, writing 'the prophets looked upon the decline of the Jewish state as a decisive breach of its own existence', because while the religious aspect remained the national aspect had been diminished.⁹⁶ It followed that the grossgemeinde was the only appropriate model, because only a unified community reflected Klal Yisrael the nation, as opposed to an austrittsgemeinde which would only be a faction, made up of individuals with similar theological views.

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This approach manifested itself in R. Nobel's activities. Like R. Horowitz he joined the cross-denominational General Association of Rabbis in Germany, and became its president in 1921. He taught at Franz Rosensweig's Frankfurt *Lehrhaus* which hosted primarily non-Orthodox speakers. While unquestionably Orthodox, he

criticised aspects of Orthodox life and certain Orthodox positions if he felt that was appropriate. He felt that Orthodox Judaism had stagnated and was in need of revival: religious life had become a matter of rote and routine. This revival had to be on the basis of a lively and developing halakha, meeting the needs of contemporary society and thereby allowing itself to become the basis of the complete life of the Jew. Rabbis steeped in the halakha and embedded in its traditional exposition could release 'the inner substance of the law and its creative power'.⁹⁷ R. Nobel did this in two major ways, and against opposition from some Orthodox elements, by creating an eruv in Frankfurt and allowing women to vote in communal elections.⁹⁸

While R. Horowitz was sympathetic to aspects of Zionism, R. Nobel was an active advocate. He argued that Zionism could be a shared aim of Jews of many different religious persuasions, because the questions were essentially political and economic, and that it therefore provided a great opportunity for Jewish unity. He attended his first Zionist conference in 1899. He was a religious Zionist and co-founded *Misrachi* in 1904. He urged that the aim of a Jewish state in the Land of Israel should be 'religious renaissance' which, typically, he held could not come from 'narrowmindedness and intolerance...strife, quarrel and mutual recrimination'. He called such manifestations 'a complete misconception of the spirit of religion'.⁹⁹ Profound religious conviction could, in fact, promote tolerance, as he wrote, 'tolerance is a weakness when it grows out of anxious wavering. Tolerance is a strength when it is based in a firmly grounded and deeply rooted persuasion.'¹⁰⁰

Within the general communal framework R. Nobel was an advocate of the Orthodox position. His openness towards those with different opinions did not lead him to neglect his own convictions. He stated that 'tolerance would stop being a virtue if it turned into tolerance against ourselves'.¹⁰¹ In his induction sermon in Königsberg he declared that his aim was to fight Reform, which he declared 'un-Jewish'. He strongly opposed any attempt to undermine the halakha, asserting 'whoever attacks the existence of the law, attacks the existence of Judaism itself. And he walks, willingly or not, in the footsteps of Paul.'¹⁰² R. Nobel had to balance this fierce critique of Reformers against the commitment to tolerance we have already identified. As he said, 'genuine exponents of the religious ideal are not so fearful as to be intolerant'.¹⁰³ This careful balancing can be seen in R. Nobel's response to the publication in 1912 of *Guidelines*

towards a programme for Liberal Judaism, by the Reform rabbis' association.

'Genuine exponents of the religious ideal are not so fearful as to be intolerant'

The *Guidelines* denied both the binding nature and the Divine origin of halakha and turned the emphasis away from ritual towards the ethical imperatives in Judaism. The Austritt rabbis' association condemned the *Guidelines* as 'a total break from the principles of Judaism as the Orthodox camp had long ago realised' and restated their contention that there was no 'religious unity of Judaism'. The more moderate Association of Traditionally Torah-True Rabbis in Germany highlighted the practical difficulties for *grossgemeinden* created by the adoption of such a radical platform and they issued a protest signed by 111 rabbis. R. Nobel refused to sign, because of the severity and personal nature of its terms. That did not mean that he was not profoundly critical of the content of the *Guidelines*. He described them as turning Judaism into an imitation of Protestant Christianity; he argued that the drafters of the *Guidelines* had made a fundamental error in trying to separate halakha and ethics, usually associated with the Prophets. This was precisely what Christian opponents of Judaism argued and the Liberal rabbis were now adopting their disdain for Judaism. For R. Nobel there was 'no division between the "rigid" halakha and "flowing" prophetism, between the sobriety of law and the intoxication of poesy'. On the other hand, R. Nobel defended the sincerity of the Liberal rabbis, he called their motivations 'pure and fine ones', to prevent more Jews drifting from Judaism. They were simply 'mistaken' in thinking that their solution was the right one.¹⁰⁴

The protest by Orthodox rabbis led to a major dispute with the Boards of *grossgemeinden*, who accused them of interfering in community affairs by denying the legitimacy of their Reform colleagues, duly elected by communities. Orthodox rabbis restated their protests and the argument intensified. Eventually the Boards backed down and confirmed that the status quo that existed before the publication of the *Guidelines*, whereby Orthodox rabbis handled personal status issues, would continue to hold. Rachel Heuberger has argued that the moderating position of R. Nobel, holding the two sides shakily together, 'prevented a deep rupture in the community in the long

run'. Liberal rabbis never again tried to revise the status quo and R. Nobel's prestige increased.¹⁰⁵

When R. Nobel died in 1922 his care for the whole community was, appropriately enough, noted by both Dayan Jacob Posen of the Orthodox community within the grossgemeinde and the renowned Reform rabbi, Leo Baeck, the first in homiletical, *rabbonisch* vein, and the second in more abstract theological terms. Dayan Posen took over R Nobel's Talmud shiur at the end of the week of shiva and introduced the first session by referring to the story in Sanhedrin 37a of the death of R. Zeira. The unobservant Jews of his generation asked themselves 'until now this little man has prayed for us; who will now take care of us?' That made them consider their ways and return to the fold.¹⁰⁶ Leo Baeck had earlier hailed R. Nobel as the 'given leader' of all German Jewry.¹⁰⁷ At R. Nobel's death he discussed his 'strong and lively feeling for Jewish community wholeness' and his conviction that amongst different types of Jews 'the consciousness of belonging together and forming one entity can develop its social, political and religious creative strength.'¹⁰⁸

R. Nobel's successor in Frankfurt, Rabbi Dr Jacob Hoffman, is the last figure we will consider, as the last great spokesman of gemeinde Orthodoxy before the Shoah.

R. Jacob Hoffman: the last voice of gemeinde Orthodoxy

Like those other leaders of German Orthodoxy, R. S.R. Hirsch and his son-in-law and successor, R. Solomon Breuer, R. Jacob Hoffman (1881-1956) was not German, but Hungarian. He was born in Papa. He studied for nine years at the Pressburg Yeshiva under R. Simha Bunim Schreiber (the Shevet Sofer, grandson of the Hatam Sofer), who gave him semikha. Hungarian Orthodoxy disapproved of secular education but R. Hoffman graduated from a gymnasium as an external student to enable him to go to university. R. Hoffman joined the Ahavat Zion Association and was a delegate to the 1904 Mizrahi Conference in Pressburg, in the face of a condemnation of Mizrahi by 120 rabbis. R. Hoffman took a number of rabbinical posts early in his career, in Vienna, Kostel in Moravia and Radautz in Austria before being elected to succeed R. Nobel in Frankfurt in 1922.¹⁰⁹

R. Hoffman's outlook was well suited to the grossgemeinde Orthodox of Frankfurt. On Shabbat Hannuka 1926 he expressed the inclusivity combined with loyalty to tradition that marked opponents of Austritt:

'Standing as we do on the foundation of traditional Judaism we are not entitled to demand of the Jewish individual all or nothing. On the contrary, we should greet with joy any Jewish action, indeed any Jewish inclination. Again, we base ourselves upon traditional Judaism, we are not entitled to challenge the Jewish individual: you are desecrating halakha and you have no place in our congregation. You have no part in the God of Israel and you have no part in our congregation. For, as Rabbi Yohanan taught us "a Jew – any person who denied idolatry is called a Jew." In other words, any Jew who recognises one God is still a Jew and has a part in our congregation. Any Jew who seeks a link to Judaism is welcome.'¹¹⁰

Standing as we do on the foundation of traditional Judaism we are not entitled to demand of the Jewish individual all or nothing.

He restated his position at the induction of R. Joseph Carlebach as Chief Rabbi of Hamburg-Altona in 1936. He set out his vision of the community rabbi, as someone who did not limit himself to narrow groups but led the community as a whole and became involved in whatever associations allowed him to have a positive influence. This was the meaning of 'arevut' – Jewish mutual responsibility, and this was the responsibility of a leader in Klal Yisrael, a notion that embraced all Jews.¹¹¹

Like his predecessors, R. Hoffman was a member of both the cross-denominational General Association of Rabbis in Germany and the Association of Traditionally Torah-True Rabbis in Germany. He became a leading halakhist of the Torah-True Association and had to deal with a number of complex issues, which often brought him into conflict with the Austritt community.¹¹² As we noted, R. Nobel allowed women's suffrage and established an eruv. The IRG opposed both and some even suggested that the Orthodox section of the grossgemeinde should secede if women were allowed to vote. R. Hoffman had to issue statements restating his predecessor's position on both issues, and was particularly strong in his rejection of women's suffrage as a reason to secede.¹¹³

He further demonstrated his commitment to the grossgemeinde system in a teshuva to the Orthodox rabbi of the Cologne grossgemeinde in 1929. The Orthodox had

recently won a small majority (11:10) on the communal Board, the question now arose as to whether they should use their position to enforce religious changes on the Reform section of the community. R. Hoffman opposed this suggestion, for the practical reason that it could set a precedent that whichever branch of the community had a majority could impose its will on the other sections. That would destroy the basis of Orthodox-Reform coexistence in the *grossgemeinden*. This could be interpreted two ways. Either R. Hoffman was looking to Orthodoxy's bet interests in the long term, and judged that anti-Reform action by the Orthodox in Cologne would lead to reprisals later, or, more boldly, he sacrificed potential short term halakhic advantage for the sake of maintaining the stability of unified communities.¹¹⁴

Like his predecessors, R. Hoffman administered the religious affairs of communal institutions and served as the *Av Bet Din*.¹¹⁵ He made particular provision for the *Ostjuden* – Jews from Eastern Europe – who generally associated with his community and not the IRG as a result.¹¹⁶ He re-established the *yeshiva* in Frankfurt founded by R. Horowitz and continued by R. Nobel, which taught both Torah and secular subjects. His contribution to the *yeshiva* was so great it became known as the Hoffman'sche *Jeschiwa*. Its purpose was to give students a thorough grounding in Talmud and halakha so that after a period in a rabbinical seminary, most probably the *Hildeshiemer* in Berlin, they would emerge as competent Talmudists and halakhists. The *yeshiva* taught Talmud using both the Hungarian and Lithuanian methods and attracted students from both Germany and Eastern Europe.¹¹⁷

R. Hoffman's conflicts with *Austritt* Orthodoxy became more intense after the Nazi's came to power in 1933. Marc Shapiro has analysed the debates over stunning before *shehita* as a result of Nazi legislation passed in April 1933.¹¹⁸ Shapiro does not call attention to the role that the conflict between *gemeinde* and *Austritt* Orthodoxy played in the discussions. R. Hoffman led the way in trying to find a halakhic solution for the requirement to stun and organised experiments in a Frankfurt slaughterhouse. He invited representatives of the IRG, who declined to attend. R. Hoffman was supported in his search of a leniency to allow *shehita* to continue in Germany by R. Unna, but R. Joseph Jonah Horowitz, Rabbi of the IRG, wrote to R. Hayim Ozer Grodzinski in Vilna to appeal to him not to issue a lenient ruling.¹¹⁹

The difference in approach to the issue of stunning between *Austritt* and *gemeinde* Orthodox leaders can be traced to their different constituencies. R. Horowitz could

be fairly certain that members of the IRG would either stop eating meat or import expensive meat (members of the IRG were generally well off) if kosher meat became impossible to produce in Germany. R. Hoffman in Frankfurt and R. Unna in Mannheim had to worry about all the Jews in their cities, for whom they felt halakhically responsible, but whom they knew might very well eat non-kosher meat if kosher meat became unavailable or costly. If a way could be found within halakha to maintain the production of kosher meat, they were determined to find it. As R. Joseph Carlebach of Hamburg wrote 'the rabbis of community Orthodoxy have made great sacrifices in the question of stunning. They felt...the pressure of the public, the communities and the communal leadership.'¹²⁰

R. Hoffman and others hoped that an umbrella organisation could be created to which all Orthodox groups could belong.

There were concerted efforts in the late 1930s to bring about some reunion of all Orthodox groups in Germany. There was no prospect that the *austrittsgemeinden* would rejoin the *grossgemeinden*, but R. Hoffman and others hoped that an umbrella organisation could be created to which all Orthodox groups could belong. This was strongly opposed by the Frankfurt secessionists in terms formulated by their leading ideologue, Isaac Breuer.¹²¹ Next there were attempts to create a single Orthodox rabbinic association to replace both the 'Torah-true' group that included both *gemeinde* and *Austritt* Orthodox rabbis and the 'Orthodox' association that included only secessionists. The Association of Orthodox Rabbis agreed on the condition that all members of the 'Torah-true' grouping left the cross-denominational General Association, of which R. Horowitz had been Vice President and R. Nobel President. Rabbis who were members of both were deeply insulted by this stipulation, which they felt delegitimized their teachers and mentors who had belonged, and led, both organisations. R. Hoffman himself wrote 'if the other side insists on its condition, which clearly vilified respected members of our association, particularly those no longer alive – we are then duty bound to oppose the merger'. Neither side would move and the initiative failed.¹²²

One of the major obstacles was R. Hoffman himself. Two aspects of his communal activity caused particular

opposition amongst the secessionist. First there were his long standing Zionist commitments. R. Hoffman was a leading and vocal Zionist. He delivered a eulogy for Herzl in Pressburg in 1904 as a young man of 23, and he was a regular delegate at Zionist Congresses from the same age.¹²³ He spoke at the Twelfth Congress in Carlsbad in 1921, was the leader of the German Mizrahi delegation at the Basel Congress of 1927 and contributed to the German Mizrahi journal, *Zion*. Within Mizrahi he disputed with Eastern European members over the level of co-operation with other sections of the Zionist movement. R. Hoffman advocated maintaining friendly relations with a wide spectrum of Zionist groups.¹²⁴ This was partly in order to promote Mizrahi ideology, but it went deeper. As with his predecessors it was another manifestation of his concern for the unity of Klal Yisrael. He wrote:

‘For us, membership in the Zionist movement is more than a formal matter; it is of the essence. It is an integral part of Mizrahi ideology to promote the concept of Klal Yisrael...It is not enough to work in homogeneous circles for our ideals. We believe it our duty to work in larger organisations and associations for our goals, and to put the religious cultural systems we have created – or helped to create – at the disposal of all.’¹²⁵

This stance was not universally popular in community Orthodox circles, but naturally met with the strongest resistance from the secessionist groups associated with the anti-Zionist Agudat Yisrael, who came to regard R. Hoffman as the leading thinker and spokesman for German religious Zionism.¹²⁶ Isaac Breuer pointed specifically to R. Hoffman’s role in Mizrahi as a stumbling block in the way of agreement. His standing was such that he could not be excluded, but his affiliations made his inclusion impossible.¹²⁷

A second point of contention was R. Hoffman’s membership of the Reich Representation of German Jews (later changed to ‘Jews in Germany’) and of its presidium, formed after the Nazis came to power. R. Hoffman was the only Orthodox member of the presidium. The secessionists opposed the creation of the body in principle, as it was cross-denominational, and was particularly irked by the election of R. Hoffman to a leadership position. As always, secessionist and community Orthodoxy disagreed about the way to relate to bodies that embraced all Jews. Supporters of Austritt took the view that any organisation on which the Orthodox and the non-Orthodox sat together gave legitimacy to varieties of Judaism which they regarded as

inauthentic. Community Orthodox held that on non-religious matters co-operation was possible, both to maintain Orthodox interests and because whatever their theology Jews remained Jews and Jewish unity and mutual responsibility required co-operation.¹²⁸

In March 1937 R. Hoffman was expelled by the Nazi authorities as a Hungarian (he had received German citizenship but it had been revoked) supposedly hostile to the state. A remarkable result of this expulsion was that German Orthodoxy finally came together. The departure of R. Hoffman removed a major obstacle to unity, and a little over a year after R. Hoffman left Germany, Austritt Orthodoxy joined the Reich Representation.¹²⁹

Conclusions

It has become a cliché to assert that Orthodoxy is as much a product of modernity as Reform or Conservative Judaism. It may be a cliché, but it is true. Orthodoxy was the result of the meeting of traditional Judaism and modernity. Austritt and *gemeinde* Orthodoxy were each institutional responses to the advent of modernity and the end of the widespread and generally automatic, acceptance of traditional Jewish beliefs and a commitment, in theory at least, to Jewish practice.

Advocates of Austritt took the view that the transformations wrought by modernity meant the end of the classical *kehilla*. For R. Hirsch and his followers the only commonality between Jews was the Torah; Jews who accepted and those who rejected the Torah could not coalesce into communities. The ‘Torah-true’ must secede and create their own communities of the faithful, which would be the true successors of the communities of old, which they certainly perceived to be religiously homogenous. For the opponents of Austritt, this was not the case. While secession might be necessary in some cases to protect Orthodox interests, it was not something to be desired. For the more sceptical sympathisers with Austritt, such as R. Hildesheimer, and the pragmatic opponents of Austritt, like Rabbis Bamberger and Unna, if there was no pressing need to secede the old *kehillot* could be maintained, because co-operation remained possible on non-religious matters, with safeguards to enable Orthodox Jews to maintain their religious standards.

Principled opponents of Austritt, such as Rabbis Horowitz, Nobel and Hoffman, took this a step further. They were passionately committed to a broad definition of Klal Yisrael and to the concept of *arevut* – Jewish mutual responsibility. While R. Hirsch and his followers responded to modernity by redefining the Jewish community in tight theological

terms, Orthodox opponents of Austritt clung to pre-modern notions of Jewish peoplehood that embraced both the religious and the national. In this sense they were the true traditionalists.

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¹ See B. Pelta 'Rabbi Samson Raphael Hirsch's view of secular studies in the thought of Rabbi Joseph Elias: Some critical observations' *Hakirah, the Flatbush Journal of Jewish Law and Thought* 7 (Winter 2009), 69-80, for a good, short overview of the debate.

² Before the secession controversies, and to some extent afterwards, the (general) community was simply the *gemeinde*, but I will refer to it as the *grossgemeinde* throughout for the sake of clarity. The unified community was also known as the *einheitsgemeinde*.

³ H.M. Graupe, *The rise of modern Judaism: an intellectual history of German Jewry 1650-1942* (New York 1979), 85-94

⁴ *Ibid.*, 128-129

⁵ *Ibid.*, 185-191

⁶ Ismar Schorsch, 'Emancipation and the crisis of religious authority: The emergence of the modern rabbinate' in Werner Eugen Mosse, et al., eds., *Revolution and evolution: 1848 in German-Jewish history* (1981), 238

⁷ H.M. Graupe, *The rise of modern Judaism: an intellectual history of German Jewry 1650-1942* (New York 1979), 170

⁸ M. Breuer, 'Samson Raphael Hirsch' in L. Jung (ed.) *Guardians of our heritage* (New York 1958), 279-280

⁹ N.H. Rosenbloom, *Tradition in an age of Reform: The religious philosophy of Samson Raphael Hirsch* (Philadelphia 1976) 96-98

¹⁰ *Ibid.*, 98-19

¹¹ *Ibid.*

¹² Elliott Bondi and David Bechhofer (ed.), *The collected writings of Rabbi Samson Raphael Hirsch VI* (New York 1997), 82

¹³ Elliott Bondi and David Bechhofer (ed.), *The collected writings of Rabbi Samson Raphael Hirsch VI* (New York 1997), 81

¹⁵ *Ibid.*, 84-85

¹⁶ Only men could be members.

¹⁷ M. Breuer, 'Samson Raphael Hirsch' in L. Jung (ed.) *Guardians of our heritage* (New York 1958), 284-285

¹⁸ A.S. Ferziger, 'Constituency definition: The Orthodox dilemma,' in Jack Wertheimer (ed.), *Jewish religious leadership: Image and reality* (New York 2004), 547-548

¹⁹ Elliott Bondi and David Bechhofer (ed.), *The collected writings of Rabbi Samson Raphael Hirsch VI* (New York 1997), 153-154

²⁰ M. Breuer (trans. E. Petuchowski), *Modernity within tradition* (New York 1992) 294-297

²¹ Elliott Bondi and David Bechhofer (ed.), *The collected writings of Rabbi Samson Raphael Hirsch VI* (New York 1997), 170

²² *Ibid.*, 158-159

²³ M. Breuer (trans. E. Petuchowski), *Modernity within tradition* (New York 1992) 294-297; Elliott Bondi and David Bechhofer (ed.), *The collected writings of Rabbi Samson Raphael Hirsch VI* (New York 1997), 175

²⁴ *Ibid.*, 155-169

²⁵ *Ibid.*, 154

²⁶ M. Breuer, 'Samson Raphael Hirsch' in L. Jung (ed.) *Guardians of our heritage* (New York 1958), 286-287; Elliott Bondi and David Bechhofer (ed.), *The collected writings of Rabbi Samson Raphael Hirsch VI* (New York 1997), 189-190

²⁷ Elliott Bondi and David Bechhofer (ed.), *The collected writings of Rabbi Samson Raphael Hirsch VI* (New York 1997), 174

²⁸ *Ibid.*, 197

²⁹ *Ibid.*, 190

³⁰ A.S. Ferziger, 'Constituency definition: The Orthodox dilemma,' in Jack Wertheimer (ed.), *Jewish religious leadership: Image and reality* (New York 2004), 563

³¹ M. Breuer, 'Samson Raphael Hirsch' in L. Jung (ed.) *Guardians of our heritage* (New York 1958), 287. Another signatory was R. Shmuel Freund of Prague, who had given Chief Rabbi Hermann Adler *semikha* in 1862.

³² Elliott Bondi and David Bechhofer (ed.), *The collected writings of Rabbi Samson Raphael Hirsch VI* (New York 1997), 238-239

³³ *Ibid.*, 241

³⁴ *Ibid.*; M.L. Bamberger, 'Seligmann Baer Bamberger' in L. Jung (ed.) *Jewish leaders* (Jerusalem 1964), 192-193

³⁵ Elliott Bondi and David Bechhofer (ed.), *The collected writings of Rabbi Samson Raphael Hirsch VI* (New York 1997), 198-225

³⁶ *Ibid.*, 242, 237

³⁷ *Ibid.*, 242-243

- ³⁸ Ibid., 243
- ³⁹ Ibid., 242-243
- ⁴⁰ Ibid., 250
- ⁴¹ Ibid., 254-317
- ⁴² N.H. Rosenbloom, *Tradition in an age of Reform: The religious philosophy of Samson Raphael Hirsch* (Philadelphia 1976), 118
- ⁴³ N.H. Rosenbloom, *Tradition in an age of Reform: The religious philosophy of Samson Raphael Hirsch* (Philadelphia 1976), 119
- ⁴⁴ D. Ellenson, *After emancipation* (Cincinnati 2004), 257-258
- ⁴⁵ A.S. Ferziger, 'Constituency definition: The Orthodox dilemma,' in Jack Wertheimer (ed.), *Jewish religious leadership: Image and reality* (New York 2004), 555-556
- ⁴⁶ D. Ellenson, *After emancipation* (Cincinnati 2004), 244-245
- ⁴⁷ M. Breuer, 'Samson Raphael Hirsch' in L. Jung (ed.) *Guardians of our heritage* (New York 1958), 287
- ⁴⁸ D. Ellenson, *Rabbi Esriel Hildesheimer and the creation of a modern Jewish Orthodoxy* (Tuscaloosa 1990), 90
- ⁴⁹ Ibid., 93
- ⁵⁰ Ibid., 88
- ⁵¹ Ibid., 93
- ⁵² Ibid., 61-62
- ⁵³ Ibid., 54-55
- ⁵⁴ Ibid., 92. R. Hirsch believed too that a Jew, even if he was baptised, remained a Jew (Elliott Bondi and David Bechhofer (ed.), *The collected writings of Rabbi Samson Raphael Hirsch VI* (New York 1997), 81) but held that this did not mean that such Jews could form part of an authentically Jewish community. R. Hildesheimer did.
- ⁵⁵ Ibid., 93-94
- ⁵⁶ Ibid., 72
- ⁵⁷ A.S. Ferziger, 'Constituency definition: The Orthodox dilemma,' in Jack Wertheimer (ed.), *Jewish religious leadership: Image and reality* (New York 2004), 546
- ⁵⁸ D. Ellenson, *Rabbi Esriel Hildesheimer and the creation of a modern Jewish Orthodoxy* (Tuscaloosa 1990), 99
- ⁵⁹ Ibid., 93-94
- ⁶⁰ Ibid., 99-100, 110-113, 102-103
- ⁶¹ A.S. Ferziger, 'Constituency definition: The Orthodox dilemma,' in Jack Wertheimer (ed.), *Jewish religious leadership: Image and reality* (New York 2004), 551
- ⁶² Ibid., 557
- ⁶³ D. Ellenson, *Rabbi Esriel Hildesheimer and the creation of a modern Jewish Orthodoxy* (Tuscaloosa 1990), 96
- ⁶⁴ Ibid., 85; Y. Zur, Rabbi Dr Jacob Hoffman, the man and his era (Jerusalem 1999), 19-20
- ⁶⁶ A.S. Ferziger, 'Constituency definition: The Orthodox dilemma,' in Jack Wertheimer (ed.), *Jewish religious leadership: Image and reality* (New York 2004), 548
- ⁶⁷ D. Ellenson, *After emancipation* (Cincinnati 2004), 259
- ⁶⁸ Ibid. 270
- ⁶⁹ Ibid., 272
- ⁷⁰ Ibid., 276
- ⁷¹ Ibid., 271-272
- ⁷² Ibid., 275
- ⁷³ Ibid.
- ⁷⁴ Ibid., 273-274
- ⁷⁵ Cf. R. Joseph Soloveitchik's distinction between a 'covenant of fate' formed when the Jews left Egypt and covenant of destiny' made at Sinai, expressed in *Kol dodi dofek*. 'J.B. Soloveitchik *Fate and destiny* (Hoboken New Jersey, 1992), 42 ff.
- ⁷⁶ D. Ellenson, *After emancipation* (Cincinnati 2004), 270
- ⁷⁷ Ibid., 271-272
- ⁷⁸ D. Ellenson, *Rabbi Esriel Hildesheimer and the creation of a modern Jewish Orthodoxy* (Tuscaloosa 1990), 94
- ⁷⁹ I. Heinemann, 'Marcus Horovitz' in L. Jung (ed.) *Jewish leaders* (Jerusalem 1964), 266
- ⁸⁰ Ibid., 263
- ⁸¹ Ibid., 264
- ⁸² J.B. Soloveitchik, *The Rav speaks: Five addresses* (Jerusalem 1983) 147
- ⁸³ 267
- ⁸⁴ M.A. Meyer, 'Liberal Judaism and Zionism' in S. Almog, J. Reinharz, A. Shapira (eds.) *Zionism and religion* (Hanover, New Hampshire 1998), 94
- ⁸⁵ I. Heinemann, 'Marcus Horovitz' in L. Jung (ed.) *Jewish leaders* (Jerusalem 1964), Ibid., 266-268
- ⁸⁶ Y. Zur, Rabbi Dr Jacob Hoffman, the man and his era (Jerusalem 1999), 19
- ⁸⁷ A.S. Ferziger, 'Constituency definition: The Orthodox dilemma,' in Jack Wertheimer (ed.), *Jewish religious leadership: Image and reality* (New York 2004), 459-561
- ⁸⁸ Ibid., 559
- ⁸⁹ Ibid., 563-564
- ⁹⁰ E.E. Mayer 'Nehemiah Anton Nobel' in Jung (ed.) *Guardians of our heritage* (New York 1958), 565-567
- ⁹¹ Ibid., 577
- ⁹² Ibid., 580
- ⁹³ D. Ellenson, *After emancipation* (Cincinnati 2004), 263-264
- ⁹⁴ R. Heuberger, 'Orthodoxy versus Reform: The case of Rabbi Nehemiah Anton Nobel of Frankfurt a. Main' *Leo Baeck Institute Yearbook* (1992) 37(1), 50
- ⁹⁵ Ibid., 52

- ⁹⁶ E.E. Mayer 'Nehemiah Anton Nobel' in Jung (ed.) *Guardians of our heritage* (New York 1958), 570
- ⁹⁷ R. Heuberger, 'Orthodoxy versus Reform: The case of Rabbi Nehemiah Anton Nobel of Frankfurt a. Main' *Leo Baeck Institute Yearbook* (1992) 37(1), 50
- ⁹⁸ *Ibid.*, 49
- ⁹⁹ E.E. Mayer 'Nehemiah Anton Nobel' in Jung (ed.) *Guardians of our heritage* (New York 1958), 570-571
- ¹⁰⁰ R. Heuberger, 'Orthodoxy versus Reform: The Case of Rabbi Nehemiah Anton Nobel of Frankfurt a. Main' *Leo Baeck Institute Yearbook* (1992) 37(1), 52
- ¹⁰¹ *Ibid.*
- ¹⁰² *Ibid.*
- ¹⁰³ E.E. Mayer 'Nehemiah Anton Nobel' in Jung (ed.) *Guardians of our heritage* (New York 1958), 571; R. Heuberger, 'Orthodoxy versus Reform: The case of Rabbi Nehemiah Anton Nobel of Frankfurt a. Main' *Leo Baeck Institute Yearbook* (1992) 37(1), 51
- ¹⁰⁴ R. Heuberger, 'Orthodoxy versus Reform: The case of Rabbi Nehemiah Anton Nobel of Frankfurt a. Main' *Leo Baeck Institute Yearbook* (1992) 37(1), 54
- ¹⁰⁵ *Ibid.*, 56
- ¹⁰⁶ E.E. Mayer 'Nehemiah Anton Nobel' in Jung (ed.) *Guardians of our heritage* (New York 1958), 572
- ¹⁰⁷ *Ibid.*
- ¹⁰⁸ R. Heuberger, 'Orthodoxy versus Reform: The case of Rabbi Nehemiah Anton Nobel of Frankfurt a. Main' *Leo Baeck Institute Yearbook* (1992) 37(1), 56-57
- ¹⁰⁹ Y. Zur, *Rabbi Dr Jacob Hoffman, the man and his era* (Jerusalem 1999), 1-9
- ¹¹⁰ *Ibid.*, 26
- ¹¹¹ *Ibid.*, 68-69
- ¹¹² *Ibid.*, 37-38
- ¹¹³ *Ibid.*, 38, 28
- ¹¹⁴ 39-40
- ¹¹⁵ *Ibid.*, 28
- ¹¹⁶ *Ibid.*, 27-28
- ¹¹⁷ *Ibid.*, 48-58
- ¹¹⁸ M.B. Shapiro, *Between the yeshiva world and Modern Orthodoxy: The life and times of Rabbi Jehiel Jacob Weinberg 1884-1966* (Oxford 1999) 117-119
- ¹¹⁹ Y. Zur, *Rabbi Dr Jacob Hoffman, the man and his era* (Jerusalem 1999), 40-44
- ¹²⁰ *Ibid.*, 47
- ¹²¹ *Ibid.* 69-72
- ¹²² *Ibid.*, 73-76
- ¹²³ *Ibid.*, 4-5
- ¹²⁴ *Ibid.*, 31-34
- ¹²⁵ *Ibid.* 34-35
- ¹²⁶ *Ibid.*, 35
- ¹²⁷ *Ibid.*, 71
- ¹²⁸ *Ibid.*, 65-68
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The Eichmann trial in the British media

GEMMA GRUNEWALD

The Eichmann trial has entered the history books as one of the key media events of the twentieth century. Not only did it generate a wealth of literature and increase interest in the extermination of the Jews during the Second World War, but it brought the newly established State of Israel to the forefront of the international stage. A total of 376 journalists from fifty countries across the globe travelled to Jerusalem for new details of arguably the most shocking crime of the modern era.¹ On trial was one of the murderers of six million Jewish men, women and children. In the immediate aftermath of the Second World War those Jewish survivors who arrived in Western Europe, the Americas and Israel tended to remain silent about their experiences. Indeed, it was not until 1972 that the word 'Holocaust' entered *The Barnart Dictionary of New English since 1963*, as 'the destruction of European Jewry in World War II'.² Following Nuremberg in 1945, the Eichmann trial rekindled an interest in the Nazi persecution of the Jews, allowing the world to hear their story.³

The trial marked the first great turning point in the march of the Final Solution from the periphery to the centre of public awareness.

The trial marked the first great turning point in the march of the Final Solution from the periphery to the centre of public awareness. In the words of David Cesarani, the trial 'was the catalyst for an upheaval in perceptions of the Second World War and marked the beginning of a fundamental transformation of consciousness, the birth of 'The Holocaust'.⁴ It provided Israeli survivors with their first opportunity to relate their experiences to the nation



Eichmann in 1942

and the world as a whole. Eichmann's abduction by Israelis in 1960 and his trial by an Israeli court in 1961 exemplified the Jewish emergence from powerlessness. Although Mossad's Operation Eichmann kindled a wave of anti-Semitic acts of violence in South America, where right-wing fanatics devastated Jewish cemeteries and laid bombs in synagogues, the trial educated the world about the Nazi



Eichmann on trial

extermination of the Jews, and provided an opportunity for populations to remember and reflect on genocide.

The indictment against Eichmann contained fifteen charges in all: four described as crimes against the Jewish people, seven under the remit of crimes against humanity, one war crime and three for membership of hostile organisations. The trial lasted four months and attracted a large proportion of the world's media for its duration. It was the first trial in Israel that utilised modern technology, from broadcasting the event on Israeli radio each day, to allowing Capital Cities Broadcasting Corporation to televise the trial to American audiences. Moreover, the event, from capture to execution on May 31 1962, strengthened Israel's claim to represent Jewish people, including those in the Diaspora.⁵ Although only Israel was prepared to risk an international incident by removing Eichmann from Argentina and bringing him to justice, the trial did trigger the 1963-5 Frankfurt Auschwitz Trials in Germany. There was a shift of mentality under Adenauer, the Chancellor of the Federal Republic, from one of 'forget', to one of justice.

Accounts of the trial

The Eichmann trial attracted the publication of a wide range of literature. A bibliography compiled in 1969 revealed that more than a thousand works had been written on Eichmann and his arrest and trial: Hannah Arendt's book alone had resulted in over 250 reviews.⁶ This article is not intended as yet another critical or supportive piece focused solely on Arendt but, like any study, it is necessary to briefly outline the arguments previously made. Arendt's *Eichmann in Jerusalem: A report on the banality of evil*, first published in several instalments in *The New Yorker* in 1963, generated significant discussion. Arendt argued that Eichmann was

not the crazed lunatic the world wished him to be, but rather a normal human who was subjected to a totalitarian regime. She emphasised that almost anyone facing such indoctrination would have acted in a similar fashion to the Nazi criminal on trial. To Arendt everyone in the Nazi regime was culpable for the Holocaust and guilt could not rest on one individual.

According to Arendt, Eichmann was made a scapegoat for the crimes of Nazi Germany. Furthermore, she attacked the form of the trial, perceiving it as an act of pure vengeance. It was neither a look to the future, nor an attempt to prevent similar atrocities, but rather a reversion to the past. She used the reference by Gideon Hausner – the Attorney State General and representation for the prosecution – to Pharaoh and Haman in his opening speech as evidence that the trial was weakened by the portrayal of the Holocaust as a continuation of past anti-Semitism, rather than a distinct and unique historical event.⁷ In Arendt's mind the use of survivor testimony and the focus on victims made the trial dull and employed political means that rendered it void of justice.

However, Arendt's harsh criticism of the trial has been challenged and many now reject her conclusions. The use of survivor testimony during the trial was a move away from the documentary evidence used at Nuremberg. Those who suffered were able to transform themselves from speechless victims into survivors through the use of words. The Eichmann trial enacted memory in order to alter the future. One of the products of the trial was the mass education of citizens of the State of Israel in the history of the dreadful catastrophe which befell the Jewish people. Israeli youth had grown up with the impression that the Jews in the Diaspora had not tried to defend themselves. The focus of the trial on victims allowed the alteration of this perception of European Jewry.

From his kidnapping to his execution, Adolf Eichmann appeared in the British press almost every day.

From his kidnapping to his execution, Adolf Eichmann appeared in the British press almost every day. Although the attempted invasion of Cuba by American-backed anti-Communist exiles on 17 April 1961 and the Berlin Wall Crisis of August the same year swept the trial from the front pages, the name Eichmann could still often be found somewhere in the news.⁸ Even though David Cesarani does briefly touch on British press reactions to the trial in

his biography of Eichmann and his subsequent work *After Eichmann*, there are certainly more questions that need answering. First, did the British political class and public regard Eichmann's kidnapping as a rightful act of justice for the State of Israel or did Britain, concerned about the effect it would have on Anglo-German and Anglo-Jewish relations, oppose the trial? We also need to explain why, in the midst of the Cold War, and in a country with a relatively small Jewish community, the trial occupied such a prominent position in public opinion. In this piece I will address the British press reactions to the kidnap, sentence and execution of Adolph Eichmann.

Kidnapping

Across the British political spectrum, different attitudes to the State of Israel were held, and it would be natural for associated newspapers to take different avenues and stances in their reporting of the capture. Surprisingly, however, the papers remained relatively silent, barely reporting Eichmann's kidnapping at all.

Historically, many in the Labour Party supported Zionism and the establishment of a Jewish State in Palestine. Israel was perceived by the Left as a socialist construct in the Middle East, with the concept of the *Kibbutz* particularly appealing. This helps to explain the Left's reporting of the Eichmann trial.

The British Labour Party favoured the creation of a Jewish socialist state in the Middle East. In 1937, when the government Royal Commission recommended the partition of Palestine, the Labour Party remained a staunch supporter of Jewish resistance to this policy. To them, the creation of a full Jewish state in Palestine was a step on the path to decolonisation, and at the same time, the foundation of an almost British, socialist enclave in the area. Cesarani emphasises:

For over a decade there was almost a honeymoon period between the Jewish state and the social democratic left. Israel offered a new image of the Jew as farmer, worker and citizen-soldier, striving to realise a democratic dream in the Middle East that was hugely attractive to socialists who had been politicised during the inter-war years and who had lived through the Nazi period.⁹

It is not surprising that British power in Palestine was handed over to the Jewish population in 1948 under a Labour government: 'Partition seems to offer at least a chance of ultimate peace. We can see none in any other plan.'¹⁰ The ideological support that Zionism had acquired in the Labour movement during the 1930s could finally find its political expression in the Labour Party's

response to the Nazi extermination of the Jews.¹¹ Yet the kidnapping of someone from a foreign territory to stand trial in another raised issues of human rights that the Left would find uncomfortable. As a supporter of both Israel and human rights, Leftist opinion would seem contradictory. It could not support Israel's case whilst also oppose kidnapping in general. This explains the lack of publication of the kidnapping: it was better to say nothing than to discredit the justification of its support of the State of Israel.

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The silence surrounding Eichmann's kidnapping ended in June when *Time* magazine published a fairly accurate exposé on his capture. On 10 June 1960 Argentina notified the Security Council of its plan to seek United Nations (UN) action if Israel failed to return Eichmann. Its anger against Israel was brought to the forefront of public debate. Following this, opinion pieces could be found across the British press concerning the kidnapping. In line with its support of Israel, voices on the Left took a positive angle. The *Daily Herald* emphasised that while 'this kind of body-snatching is not a habit we want to see spreading', most people 'will find it impossible, in this particular case, to get very indignant.'¹² *Guardian* letters to the editor, by and large, supported Israeli actions. Marie Collins from northwest London wrote that 'the present Argentine Government should be pleased that they are at last rid of him [Eichmann] and should expel the rest of the Nazi war criminals in their midst in order that they may stand trial for their inhumanity to mankind.'¹³

This response from Left-leaning newspapers also followed from the facts that papers such as *The Guardian* attracted a relatively high Jewish readership. Although almost impossible to prove, it is probable that many who wrote into the paper were either Jewish or existing supporters of Israel. Furthermore, by 1960 Labour was losing the 'Jewish vote'. Ernest Bevin's decision in 1945 to uphold the terms of the 1939 White Paper had been greeted with severe dismay in Anglo-Jewry.¹⁴ The White Paper limited Jewish immigration to Palestine to 15,000 over the next five years, at which point it would cease altogether unless

the Arab community consented to its continuation: it is clear why many Jews would have been distraught over Britain's decision to uphold this agreement.

The Suez Crisis in the following decade finally signalled the end of close Labour-Jewish political relations.¹⁵ The lack of Labour support over Britain's initial collusion with Israel made its mark on Anglo-Jewry. In addition, Hugh Gaitskell, leader of the Labour Party, had likened Anthony Eden, the Conservative Prime Minister, to a policeman whose policy had been 'to go in and help the burglar shoot the householder'.¹⁶ The comparison of Israel with a thief was not easily or quickly forgiven, and opened the way for the Conservatives. Perhaps, by treating the kidnapping of Eichmann favourably, the Labour Party was trying to make amends with the Jewish community, which had a steadily increasing political voice in Britain.

Conservatives did not believe that they needed to canvass for Jewish political support.

Labour, of course, was enjoying the freedom of Opposition. By 1960 Britain was in the midst of successive Conservative governments. In October 1959 the Conservatives had increased their majority to a hundred seats, the only occasion in modern times that a party has managed to improve its vote at four successive elections.¹⁷ After the Second World War, the political right was far more focused on retaining the British Empire, including Palestine. It had been far less supportive of the creation of the State of Israel throughout the earlier twentieth century. For many on the Right, the creation of the Jewish State was not only a mark of weakness and another loss of territory on behalf of the British, but a final disappointment for the Arabs in the area, with whom the British had worked since the end of the First World War. The *Daily Telegraph* exemplified this point the day after the creation of the State of Israel in 1948: 'As things are, the material prosperity induced by British policy and, so largely, by Jewish enterprise is melting away. All that it has taken twenty-seven years to do may be undone in as many weeks.'¹⁸ Moreover, the Right could also perceive Israel, a socialist construct, as a communist sympathiser and therefore a threat in the Middle East.

Furthermore, in contrast to the Left, the Conservatives did not believe that they needed to canvass for Jewish political support. Support for the Right traditionally came from the middle to upper classes, those who were affluent

and lived a comfortable existence. In 1961, over forty percent of Anglo-Jewry, about 200,000 people, was located in the upper two social classes, and therefore their proclivity towards the Conservatives was almost inevitable. Geoffrey Alderman uses the defeat of the Orthodox and much-respected communal leader Dr Bernard Homa, who had stood as a Labour candidate in Hendon South in 1951 and 1955, to illustrate that the new affluent Jewish suburbanites would enter the Conservative camp of their own accord.¹⁹ Indeed Alderman's 1974 survey of party preferences of Jews in the marginal constituency of Hendon North demonstrates this progression to the Conservative Party. Approximately 59 per cent intended to vote Conservative, whilst only fifteen percent remained committed Labour supporters. As Alderman remarks, 'Hendon North is Conservative because so many Jews live there.'²⁰

The traditional Conservative newspapers were therefore not under the same pressure as publications such as the *Guardian*. The reaction to the Eichmann kidnapping from the *Daily Telegraph* were highly negative. Its writers argued that the illegal nature of Eichmann's arrest would render any future trial invalid and set a poor example to the world. This is neatly illustrated by an extract from a letter by an S. Proud, published on 7 June 1960: '[T]he methods used to achieve the kidnapping of Eichmann on foreign territory, plus the mass outpourings of prejudiced comment, condemnation and antagonism that followed against this man, preclude any possibility of a fair and impartial trial.'²¹ Although the Right-wing press may have criticised the kidnapping, by and large it was accepted. On 23 June 1960, final approval from Britain, and indeed the world, was reached with Resolution 138 of the Security Council. Although it was a long, drawn out process requiring many draft statements, the UN finally concluded that: 'Mindful of the universal condemnation of the persecution of the Jews under the Nazis and of the concern of people in all countries that Eichmann should be brought to appropriate justice for the crimes of which he is accused.'²² It merely requested the Israeli Government make 'appropriate reparation' to Argentina.

The kidnapping of Eichmann was questioned extensively in the legal world.

The kidnapping of Eichmann was questioned extensively in the legal world. The first issue was whether a country can legally bring someone to trial whom they abducted

from another territory. The press repeatedly raised this point throughout the two years that the event spanned. J. Drake from Bristol in *Reynold's News* summarised the opinions held:

I hope that Israel will be able to assure the world that Adolf Eichmann was not kidnapped from another country. If Israel cannot give this assurance we are left with the alarming knowledge that international kidnapping has become officially a weapon of Israeli policy. The enormity of Eichmann's offences has nothing to do with the case.²³

Leslie Green made the argument that although the capture of Eichmann may have been illegal, once he arrived in Israel, once in the country, the State had a duty to prosecute him under national law.²⁴ Perhaps out of guilt over the Nazi extermination of the Jews during the Second World War or maybe even indifference, the British government did not protest against the capture of Eichmann. The State of Israel was not only able to kidnap a foreign individual, but also received support and acclamation for its actions from some areas of the press.

Sentence

The trial of Adolf Eichmann coincided with a period when capital punishment was figuratively in the dock. Although in England the death sentence was not repealed for all crimes except treason and piracy until 1965, the debate surrounding the capital punishment was already prevalent in the public arena. The Second World War put on hold the work of the Howard League for Penal Reform and the National Council for the Abolition of the Death Penalty, but the abolitionist movement was rejuvenated with the general election of 1945. Clear political party lines were drawn, with Left-leaning newspapers campaigning for abolition such as the *Guardian*, the *Daily Herald*, the *Daily Mirror*, *Reynold's News*, *The Observer* and the *New Statesman*, while the Conservative government could rely upon the support of newspapers such as the *Daily Telegraph* and the *Daily Mail*.

From his capture, debate about Eichmann's sentence featured across the British press. Never before in Israel had the death penalty been given. Indeed, capital punishment only existed for those found guilty of treason during war time and under the Nazis and Nazi Collaborators (Punishment) Law. The execution of Eichmann therefore represented a watershed in Israeli history. At the time of his execution, *The Jewish Chronicle* described the consideration involved in killing Eichmann in the Jewish State, as well as the case for clemency. Mercy, it was argued, would 'win

approval for Israel and the Jews in various parts of the world, whereas a death sentence would arouse sympathy for Eichmann and others like him'.²⁵ There was concern in the Diaspora that the murder of the Nazi by Jews would arouse anti-Semitism.

This claim can be substantiated by the events that occurred in Argentina following Eichmann's capture and in London during the trial. Synagogues were burnt, Jewish cemeteries were destroyed, and, during a Warsaw Ghetto uprising memorial service at the Princes Theatre in High Holborn, a Land Rover bearing pamphlets and placards pulled up and the eight men inside proceeded to shout profanities at the passing Jews. It was further argued that Eichmann's crimes were of such a magnitude that no punishment could possibly meet the case. Finally, mercy would be a supreme act of kindness from the Jewish people; a highly fitting action for a Jewish state.

The *Guardian* reported on 28 December 1961 that 'the newly formed Colchester and East Essex branch of the National Campaign for the Abolition of Capital Punishment has passed a resolution calling for a reprieve for Adolf Eichmann'.²⁶ Sir Victor Gollancz, a co-founder of this organisation, attacked the death penalty by publishing a pamphlet, prior to the start of the trial, entitled *The Case of Adolf Eichmann*. He, like many others, stressed that the prosecution of the Nazi criminal was a show trial, and that Eichmann was being tried as a scapegoat for the sins of both Nazi Germany and all those countries that did not speak out against the extermination of the Jews, Britain included.²⁷ Furthermore, he argued that 'if six million have been slaughtered, what can it profit to make the number six million and one?'²⁸ Although part of London-Jewry, indeed the son of a rabbi, Gollancz was a staunch supporter of the Labour party and an abolitionist. He used the Eichmann trial to expose his views once more in the public arena.

Reynold's News, the *New Statesman* and the *Guardian* all published opinion pieces concerning Eichmann's fate. On 5 June 1960, *Reynold's News* gave prime of place to an article by Paul Potts, a well known poet and friend of the Jewish people, which made clear his clear aversion to capital punishment. Potts argued that as a newly established state in the modern world, Israel should act as a role model and must not inaugurate the death penalty in her country: '[T]he court should refuse to pass the death penalty, not just refrain from passing it ... Israel has the legal right to execute him if he is found guilty, but Israel also has the moral need not to.'²⁹

This point was also made in a letter to the editor in *The Jerusalem Post* in December 1961. David Charles Rose, from Magdalen College, Oxford, expressed his distress at the thought that, 'at a time when capital punishment is a tottering cause here and has been abolished in so many countries, it should be introduced in Israel, heir to the great traditions of Jewish civilisation.'³⁰ Capital punishment can quite easily be viewed as an act of state-orchestrated murder. It can come across as an act of vengeance, and although on the surface it seems that the punishment fits the crime, the punishment itself is a crime.

The arguments against the death penalty found their expression in the columns of the daily papers reporting Eichmann. *The Guardian*, for instance, in May 1960, published a letter to the editor in which the author argued that:

Capital punishment is supposed to be both a deterrent and an atonement. But surely even the staunchest supporter of capital punishment cannot imagine that any future member of the Eichmann species, intending to organise and direct the slaughter of five million human beings, is likely to be inhibited by a threat of retribution...³¹

The *Guardian* letter therefore argued that 'to hang him would thus be a futile attempt at wreaking vengeance'.³² Eichmann committed premeditated murder. Moreover, he did so fully aware of the consequences he would face if and, by 1944 when, Germany lost the war. Richard Crossman appealed to the Israeli government not to execute Eichmann in his controversial *New Statesman* article entitled 'The Faceless Bureaucrat' [reference?]. Crossman argued that idea of the death penalty acting as a deterrent in the Eichmann scenario was unfounded. Eichmann was fully aware that if caught he would face punishment, albeit not necessarily death, but continued in his acts. Moreover, it is likely that any future Eichmanns would not regard their predecessor's execution as a reason to halt their own actions.

Although Left-leaning newspapers did discuss the sentence Eichmann received, they did so to a much less extent than those on the Right. This was due, perhaps, to the Left's much more delicate position. It was staunchly abolitionist, yet in the case of a man guilty of orchestrating the murder of millions of men, women and children, it was in a quandary. Eichmann was certainly not a traditional criminal; he was much worse. He was responsible for meticulously and cold-bloodedly organising the transportation that led so many to their fate. To say unequivocally that he did not deserve death was certainly out of place, yet to argue that he should be

executed would be to contradict their views on the death penalty. Moreover, the Left was concerned about the effect the Eichmann Trial would have on British anti-Semitism. Even more so than the trial, the sentence cast upon Eichmann could incite hatred towards the Jews. Not only had Israel put on trial this Nazi war criminal in a legally questionable manner, but it was now sentencing him to death. This made it even easier to label the country, and, by proxy, all Jews, as both powerful and vengeful. In this situation it seemed easier simply to not report the sentence or execution in depth.

The Left was concerned about the effect the Eichmann Trial would have on British anti-Semitism.

The Right, on the other hand, not only felt that it was morally legitimate to hold the trial in Israel, but was more tolerant of the arguments in support of capital punishment. The *Daily Express* even printed: 'Adolf Eichmann is to hang. Whether this wretch lives or dies is of no importance.'³³ The Right acknowledged that Eichmann's crimes were on an unprecedented scale and therefore transcended the traditional arguments surrounding the death penalty. Rather than highlighting the moral problems with capital punishment, the Right instead emphasised that death was actually not punishment enough for a man such as Eichmann: '[N]obody[,] after all, suggests that hanging or shooting Eichmann could possibly constitute retribution for the crimes on the scale of those he committed.'³⁴ Although the saying 'an eye for an eye, a tooth for a tooth' does seem to be quite fitting for a murder suspect, death does not actually seem to constitute an adequate punishment. In death, the murderer cannot atone for his sins, nor suffer with the guilt of his actions.

In some cases, Right-leaning papers openly supported the move by the Israeli Supreme Court. In a letter to *The Spectator*, Clement Halfon from North London argued that, in casting the death sentence upon Eichmann, Israel was following legal procedure and fulfilling justice. Under the law in which Eichmann was found guilty, death was the only rightful judgment. Halfon wrote that:

If the Israelis decided to display clemency in such a case, they would defy the very end which they claimed to pursue when Eichmann was captured and presented with the most dignified of trials. To ask that a man's life be spared on account of the very multiplicity of his crimes

can hardly be regarded as a teaching of the most elementary and basic principles of justiciary praxis.³⁵

The Daily Telegraph stated that the Eichmann ordeal 'ended in a swift, clean, necessary act'.

The *Daily Telegraph* stated that the Eichmann ordeal 'ended in a swift, clean, necessary act'.³⁶ In typical fashion, the Conservative paper supported the sentence passed upon the war criminal. As a supporter of capital punishment, it was only logical that the paper accepted the death of Eichmann: 'In a sense the whole process was a grand and dignified remonstrance against all the wrongs that Jewry has suffered through the ages; and no penalty other than the extreme could have been imposed by the court.'³⁷ In the eyes of supporters of capital punishment therefore, the Eichmann trial simply came to its inevitable conclusion.

The Eichmann trial allowed the debates surrounding capital punishment to be broadcast under the guise of a public interest story. The arguments concerning the death penalty could find expression in a real situation in the modern world. Should the man responsible for the death of six million innocent civilians face the so-called ultimate punishment known to man? The Left, horrified by Eichmann's crimes but also unwaveringly abolitionist and afraid of inciting anti-Semitism, did not know how to react, and decided to limit dialogue about the outcome of the trial. The Right, on the other hand, had no such divided impulses and were able to give much greater coverage.

Conclusion

The Eichmann trial caused a sensation in the British press. Building on Nuremberg, it legitimised the disclosure of the past and the detailing of the horrific happenings that occurred during the Nazi era concerning the persecution of the Jews. It brought the ideas of genocide and human nature to the forefront of public debate and focused the minds of the British public on the place of Israel in the world. Furthermore, it opened a whole realm of legal questions about retroactive laws, jurisdiction and the death penalty.

The contemporary reactions of the British public often depended upon their political affiliation. The trial coincided with a period of Labour fear over the loss of Jewish support following Ernest Bevin's policy towards Palestine after the Second World War, which was

compounded by Labour's policy over Israel's involvement in the Suez Crisis in 1956. The Jewish population of Britain was becoming steadily more affluent, moving from the East End of London to the northern suburbs: places such as Hendon, Golders Green and Edgware. With this came a move in political support from Labour to the Conservative Party. The Left, aware of this alteration, was concerned with trying to maintain its Jewish vote and therefore limited its criticism of the State of Israel and limited references to the Eichmann trial, which it found morally difficult. In addition, the Left feared that excessive publication of the trial would incite anti-Semitism.

The trial occurred at a time of heightened opinions towards the death penalty in Britain. The Left was abolitionist and therefore the execution of Eichmann could only lead to disapproval of the State of Israel. In keeping with its pro-Jewish policy, the Left did not report the sentence or execution of Eichmann in depth. The Right, on the other hand, was able to use the Eichmann trial to foster debate about capital punishment in Britain. From his kidnapping to his death, Eichmann appeared in relative abundance in the Right-leaning newspapers. The political right was able to separate the legal questions of the trial from the concept of morality. Although agreeing with the Left that the capture and trial of Eichmann did contravene international law, the Right was able to acknowledge that the State of Israel did have a moral claim to try Eichmann, and therefore had less problems printing details about the event. Moreover, the Right had no qualms about criticising the Jewish State. The Conservative Party did not canvass for the Jewish vote because Anglo-Jewry was slowly but inexorably switching its political allegiance. Whatever condemnation of the Eichmann trial came from the Right did not alter this.

The Eichmann trial did result in the realisation of the fears of the British Left. Anti-Semitic attacks did rise following the Israeli announcement that the notorious Nazi war criminal would face trial in the Jewish State. Even though negative views about the State of Israel were expressed, and in some ways the Jewish state was portrayed as vengeful, the trial announced to the globe that no longer would the Jewish people sit in silence and allow life to continue without a discussion of the past. In the words of Rubenstein, 'every Israeli came to identify with the Jewish people who perished in the Holocaust'.³⁸

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¹ T. Cole, *Images of the Holocaust: The myth of the 'Shoah Business'* (London 1999), 67

² *Ibid.*, 2

³ S. Felman, 'Theatres of Justice: Arendt in Jerusalem, the Eichmann Trial and the redefinition of legal meaning in the wake of the Holocaust' in *Critical Enquiry* (Chicago), Vol. 27 (Winter 2001), 201-238, 230

⁴ D. Cesarani, *Justice Delayed* (London 1992), 186-7

⁵ Jeffrey Shandler, *While America watches: Televising the Holocaust* (Oxford, 1999), 130

⁶ T. Cole, *Images of the Holocaust: The myth of the 'Shoah Business'* (London 1999), 8

⁷ H. Arendt, *A report on the banality of evil: Eichmann in Jerusalem* (New York, 1963), 19

⁸ D. Cesarani, *After Eichmann: Collective memory and the Holocaust since 1961* (London, 2005), 328

⁹ D. Cesarani, *The Left and the Jews: The Jews and the Left* (London, 2004), 63

¹⁰ *Manchester Guardian*, 1 December 1947, 4

¹¹ C Collette and S. Bird, *Jews, Labour and the Left*, (Aldershot 2000), 149

¹² *Jewish Chronicle*, 17 June 1960, 15

¹³ *Guardian*, 13 June 1960, 8

¹⁴ G. Alderman, *Modern British Jewry* (Oxford, 1992), 339

¹⁵ G. Alderman, *The Jewish community in British politics* (Oxford, 1983), 133

¹⁶ *Ibid.*

¹⁷ J. Ramsden and G. Williams, *Ruling Britannia: A political history of Britain 1688-1988* (London, 1990), 438

¹⁸ *Daily Telegraph*, 15 May 1948, 2

¹⁹ G. Alderman, *The Jewish vote in Great Britain since 1945* in *Studies in public policy* (Glasgow, 1980), No. 72, 14

²⁰ W. Rubenstein, *The Left, the Right and the Jews* (London, 1982), 118

²¹ *Daily Telegraph*, 7 June 1960, 12

²² *Arrest of Adolf Eichmann on charges of war crimes 1960*, June 1960, FO 371/151269, File R1661. Security Council Resolutions, *Question relating to the case of Adolf Eichmann, Resolution 138*, 13 June 1960, [<http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/157/27/IMG/NR015727.pdf?OpenElement>, accessed 14 April 2010].

²³ *Reynold's News*, 5 June 1960, 6

²⁴ L.C. Green, 'The Eichmann Case' *Modern Law Review* 5 (1960), 512-513

²⁵ *Jewish Chronicle*, 1 June 1962, 24

²⁶ *Manchester Guardian*, 28 December 1961

²⁷ V. Gollancz, *The Case of Adolf Eichmann* (London, 1961), 22-50

²⁸ *Ibid.*, 60

²⁹ *Reynold's News*, 5 June 1960, 6

³⁰ *Jerusalem Post*, 22 December 1961

³¹ *Guardian*, 30 May 1960, 12

³² *Ibid.*

³³ *Daily Express*, 16 December 1961

³⁴ *Spectator*, 14 April 1961, 500

³⁵ *Spectator*, 19 January 1962, 70

³⁶ *Daily Telegraph*, 2 June 1962, 8

³⁷ *Ibid.*

³⁸ R. Rubenstein, *After Auschwitz: History, theology and contemporary Judaism* (London: 1996), 228

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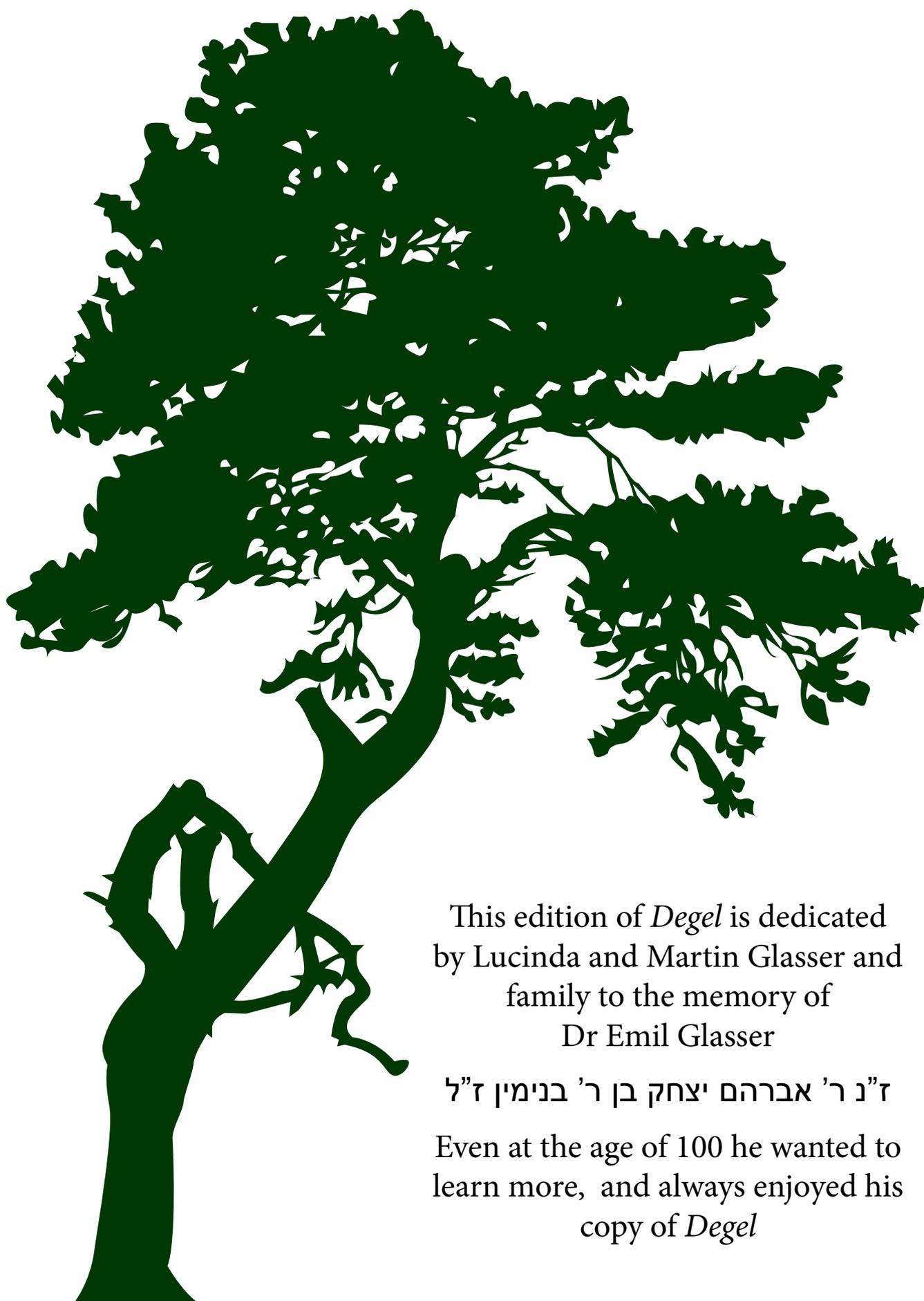
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