GESHER

BRIDGING THE SPECTRUM OF ORTHODOX JEWISH SCHOLARSHIP

A PUBLICATION OF THE STUDENT ORGANIZATION OF YESHIVA
RABBI ISAAC ELCHANAN THEOLOGICAL SEMINARY

IN MEMORIAM
HARAV DR. SAMUEL BELKIN
1911 - 1976 5671 - 5736

. . . A restless Lithuanian yeshiva *talmid,* student, who was my friend, Dr. Belkin. He also dreamt. He also became a visionary . . . Let me tell you, Dr. Belkin's standards of *lamdus,* of *halachik* scholarship were very high. He dreamt of a generation of young American Jews who would combine both an excellent Torah education with the capability of participating in the scientifically oriented and technologically minded complex American economy.

However, Dr. Belkin had another dream. And this second dream was bolder, more daring than the first dream. This was his original dream. No one shared his opinion, not even people who were very close to him . . . He wanted to show the Jewish, as well as the non-Jewish community that the Orthodox Jew is as capable of establishing scientific, educational institutions as the non-Jew or the secular Jew is . . .

The above are excerpts of the eulogy delivered by Harav Joseph B. Soloveitchik at Dr. Belkin's funeral, April 20, 1976.

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A special thanks is due Philip Kazlow, President of the Student Organization of Yeshiva, who played a central role in the production of this issue of GESHER.

We would also like to take this opportunity to thank Neil Maron and Henry Kamioner, officers of SOY, for their support.

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PREFACE

This year's edition of *Gesher* is both a bicentennial and a sabbatical edition — *Gesher* has not been published for seven years! We are, therefore, very pleased to rejuvenate SOY's scholarly publication and we hope to continue its past tradition of excellence.

There is no central theme to *Gesher*. Instead, it is a collection of articles from students and faculty which encompass a broad range of topics — Bible, Halacha, Jewish history, philosophy and literature. In this way it is hoped that by creating a spectrum of Judaica, *Gesher* will offer the reader some diversity as well as give him an indication of the kind of work that is being done at Yeshiva.

The question remains, however, as to what is the *raison d'etre* of such a journal. The answer can be found if one places *Gesher* in the context of modern Jewish history. When the Jew was emancipated — that is, given social, economic, and political rights by the ruling powers of Western Europe in the late eighteenth and nineteenth centuries — he was forced to enter the modern secular world in exchange for these rights. The challenge was enormous. The Jew was compelled to confront modernity by asking himself if the values of Western culture could be reconciled with his religion. Many answered resoundingly in the negative and two dichotomous camps were formed from this group. The secularists, of whom Baruch Spinoza was perhaps the most notable leader, argued that the Jew must totally abandon his religion and embrace the modern world, while certain religious elements, led by the renowned Rabbinic scholar, Hatam Sofer, contended that genuine Judaism could only be preserved if the Jew rejected the modern world. The balance of other Jewish movements and individuals found a middle-ground whereby they felt able to accommodate Judaism with modernity. Members of this group are found in all sectors of Jewish life — from the neo-Orthodox (Samson Raphael Hirsch) to the Reform and Conservative. Indeed, Yeshiva University must also be understood in this context. The fundamental philosophy which lies behind our institution

— the notion of "Torah Umadah" — is an attempt to synthesize the values of Torah with the values of culture and science.

While there are, to be sure, many serious problems that have resulted from Emancipation — assimilation and intermarriage are perhaps the most salient today — one also cannot deny its blessings. In this respect institutions such as Yeshiva have made incalculable contributions to Judaism. Part of that contribution involves the development of Jewish *Wissenschaft,* or Jewish scholarship, on an advanced level. *Gesher* therefore plays a significant role as a journal of Jewish *Wissenschaft.*

In this bicentennial season we would be remiss if we did not mention the crucial role played by America in the development of Yeshiva. The United States — with her advancement of cultural pluralism — has nurtured a fertile environment for the development of a Jewish university. She has encouraged the development of a Jewish culture as well as the cultures of all of her minorities. Thus, journals such as *Gesher* serve as constructive contributions to American society.

In closing we would like to thank all those who worked tirelessly to make *Gesher* a reality this year. Special mention goes to our devoted staff as well as to our contributors who met the exigencies of time to submit their articles. We hope you enjoy the fruits of their labors.

THE EDITORS

Jordan Cherrick Shelly Senders

Rabbi Dr. Norman Lamm, former spiritual leader of the Jewish Center of New York and Erna and Jakob Michael professor of Jewish philosophy at Yeshiva University was recently invested as Yeshiva's third President following the passing of Dr. Belkin. We are deeply honored to print Dr. Lamm's essay and we feel it is a fitting addition to this journal dedicated in memory of Dr. Belkin.

"BY WORD, ON PARCHMENT, IN STONE"

An Appreciation of Dr. Samuel Belkin, Z. L.

Torah is taught by word, on parchment, and in stone.

The divine revelation is transmitted in three different ways: by means of the Oral Law; by means of the Written Law; and by means of engraving, such as that on the Tablets. *

Even as this is true for divine teaching, so is it true for human education as well. The teacher is one who, by profession, emulates God, he realizes the principle of *imitatio Dei.* Just as God is a Teacher, so is the human educator.

I wish to follow the rubric of these three ways — by, word, on parchment, in stone — to offer a brief appreciation of one of the greatest educators of our times, my late, revered, and beloved teacher, Dr. Samuel Belkin, of blessed memory, whose giant mantle has now been placed on my own narrow shoulders.

His "oral law" consisted not only of his *sheurim* — they were all models of clarity and organization as well as profundity — but of his personality as well: those human qualities that have to be experienced in order to be appreciated.

As a teacher, he was a paragon of sweetness and generosity as well as lucidity. I regard it as a great privilege that

* This theme is a modification of the interpretation by R. Shneur Zalman of Liadi. *Likkutei Torah* to *Be'hukotai.*

I was able to be his student for one year, the last year that he taught a class. His interest extended to every aspect of our lives, not only the intellectual and the spiritual, but the physical and material as well.

There were certain paradoxes that seemed to be inherent in his complex character and produced a tension of opposites. Thus, he had a great deal of toughness in his exercise of leadership, but he was extremely tender. He was a man who could be forceful if need be, yet he was fundamentally very shy. As much as he was outgoing in public, he was a reserved and a very private individual. He had a public posture, but a rich inner life of which few people knew.

Through it all, he had enormous charm, endless courage, what he referred to as "divine optimism," and a capacity for growth. He was a thoroughly loyal man, who never betrayed a colleague, a student, or a friend.

Finally, his "oral law," included a capacity for accelerated living. I suspect that those who so often wished him, "may you live to 120 years," had their prayers vindicated, in a manner of speaking: he crammed 120 years into barely 65! Ordained at 17, the youngest president of a college in this country when he was in his early thirty's, he worked for his beloved institution until the very last minute. On his very deathbed he worried about Yeshiva. For the great majority of his life, he was a fully functioning adult — he matured early, and he kept young and active and vital to the very end. His prematurely white hair and the deep lines etched into his pleasant face by the crushing burdens of his office and his private agonies were deceptive if they gave the impression that his visionary passion had begun to dim.

His "engraving on the tablets" symbolized his great public and practical achievements. The difference between the written law and the engraving on the tablets is this, that the former consists of ink on parchment, whereas the latter means the words are engraved in the stone itself. Ink may adhere very well to parchment, but ultimately the ink and the parchment remain two separate substances, whereas the letters engraved

into stone are organically united with it; there is only one substance, not two.

Like Moses cutting God's word into stone, Dr. Belkin placed stone upon stone and brick upon brick to provide a place for God's word, Torah.

He suffered for Yeshiva University, sacrificed for it, supported it, led it, built it. He was vitally concerned with every facet and aspect of this great school. His ideas and values and insights are carved into the university itself, in every brick and every stone — and in the many minds and hearts of those who passed through its portals.

The name of Dr. Samuel Belkin is indelibly and organically united with that of Yeshiva University — forever.

His "written law" are his books and articles and monographs, the repository of his masterful scholarly insights. He was an expert in many field — in Halakhah, as a teacher of Talmud; as an authority in Hellenistic literature, in Midrash, and in Philo.

His scholarly works included *Philo and the Oral Law,* which was his doctoral thesis; a number of articles on Philo and Midrash and Zohar; *In His Image* — a splendid popular book on the philosophy of Halakhah which is required reading for all who would be informed on the *Weltanschauung* of the Sages and the Halakhah.

It would be fatuous of me to essay a summary of his intellectual contributions in a brief memorial tribute, especially in view of the wealth of material that remains in as yet unpublished manuscript form. Yet one example of his mode of thought may be illuminating to Yeshiva students particularly.

Dr. Belkin disagreed with many scholars of the historical school who see in the controversies between the Pharisees and the Sadducees, as well as in the controversies amongst the Tannaim, social, economic and political causes. While these may have played a role, Dr. Belkin is profoundly convinced that the major differences lie in differing religious perceptions and divergent philosophical attitudes.

For instance, the Sadducees held that a master must pay for damages incurred by his slaves. The reason they gave is this: if a man is responsible for damages incurred by his animals, such as an ox, though he is not responsible for the moral tone of the animal's life, then certainly he is responsible for his slave's torts, because he is responsible for the observance of the *mitzvot* by the slaves. The Pharisees answer to this was: No! There is a fundamental difference between the two categories. Animals have no minds of their own, whereas slaves do.

Objectively viewed, it would seem that the Sadducees have compelling logic on their side. Given the system of slavery, if a slave is my real property, then I should be responsible for the damage he inflicts.

Here is an example where economic determinism makes no sense. The Pharisees were poorer than the Sadducees. It was amongst the Sadducees that most slave-holders were found. Yet in this law, it would seem that the Pharisees rather than the Sadducees sided with the slave-owner, since they did not require him to pay the bills for the damages inflicted by his slaves.

However, Dr. Belkin points out that this Halakhic controversy issues from different philosophical orientations. The Pharisees advocated the sacredness of the human personality. A slave has a mind of his own, and therefore a responsibility of his own. "No human being can so completely become the property of another so as to lose all his individuality." The absolute ownership of a human being is alien to the Pharisees' philosophy, to the Rabbis' concept of the dignity of man. Therefore too, the slave is responsible himself for his own observance of the commandments; and one who kills even a pagan slave is guilty of a capital crime.

Dr. Belkin was possessed of a creative and fecund intellect. How much more he could have done for the world of scholarship were it not for all the onerous burden he bore in providing schooling for the entire community!

The Talmud (in *Kiddushin*) tells us that during the

Hadrianic persecutions, the Rabbis gathered in Lydda were of two minds concerning which is more important, study or practice. Whatever may be the nuances of this controversy, Dr. Belkin's words about the differences in opinion are so very much applicable to his own career and life.

> Living in a society in which scholarship was a prerequisite for practical contributions to the well-being of the community, many a scholar in ancient times must have faced this problem. Should he isolate himself in an ivory tower and dedicate his entire life to the study of the Torah or should he apply his knowledge to public service?

This same dilemma aggravated his restlessness. His nostalgia for the world of Torah and scholarship was filled with pathos. No matter how much recognition he received for his historic practical achievements, he always yearned for his own participation in the life of the mind. There was a poignant quality — both disturbing and pleasing — to this aching longing. I remember one of my very last conversations with him, when he told me that he was looking forward to retirement so that he could get back to "this" — pointing to a large number of books and papers piled up on the floor — and make a contribution to scholarship that he thought only he could. Alas, that joy was not to be his, and the benefit of the fruit of his research was not to be ours!

The only adequate substitute I can think of for this unrequited love and this unfulfilled dream is an act of compensatory communal *limmud ha-Torah*. His students, and students' students, must dedicate more time than they normally would to their scholarly endeavors in Halakhah and Jewish thought. His friends and his countless admirers must redouble their efforts to assure the survival and continued improvement of the institution whose history so organically embraces his biography. Only by means of this collective supererogatory undertaking can we hope to complete what he was not privileged to do in his own lifetime.

The Mishnah's Tractate *Avot* concludes with the words,

liphum t'zarah aggra, "according to the pain is the reward." That is so if we read the last word as *aggra,* which means "reward." But the word can also be read *iggra,* "high places."

God alone will grant my revered *Rebbe* his reward, his *aggra,* for all the pain he endured in this life on behalf of Torah and Israel. But for us, we must acknowledge that he reached the *iggra,* the very zenith of Jewish life. He attained genuine greatness, and placed all of us in his debt. It caused him much pain to attain this *iggra,* high place. And it causes us much pain to know that we have lost him from the top of the mountain. There is a void, an emptiness at the summit of our lives. I know it, I think, better than most others. Sitting alone in the President's office on the fifth floor of Furst Hall, I experience the brooding presence of my mentor, my teacher, my predecessor. I think of his towering achievements, and I feel dwarfed: his ghost haunts me. But then I feel him gently beckoning me onward and upward: his memory inspires me.

What he achieved and taught and was, will remain an inspiration not only for me and not only for us, but for generations; not only by word, on parchment, and in stone, but also in the hearts and souls and minds of countless students and friends and ordinary Jews whose Jewish posterity and the Jewish posterity of their children and grandchildren will now be more assured, thanks to him.

May his memory be a blessing.

On May 25, 1943, Dr. Samuel Belkin was appointed as the second president of Yeshiva University. Below, reprinted in its entirety, is the inaugural address delivered by Dr. Belkin to the University at that time.

PRESIDENTIAL INAUGURATION

I am deeply touched by this impressive ceremony and no one can remain unmoved in the face of such an intellectual audience and by the eloquent words spoken here. I believe that one of the essential qualities which belong to the office of the President of a school of higher learning is the appreciation of the fact that whatever honors he may receive, he must accept them as offerings upon the altar of the institution. It is in this light that I accept the beautiful sentiments which were expressed here today. I also wish to thank most heartily all the representatives of the American Colleges, the learned societies, and the friends of the Yeshiva and Yeshiva College for honoring us with their presence.

I shall always look upon this historic event as a tribute not to myself, but rather to the sainted memory of the sage and scholar in Israel, the founder of the Yeshiva College, the late Doctor Bernard Revel, who marched with events and often determined them, and whose contribution to the American Jewish community was already tested by time and trial. I pray to the Almighty that I may be instrumental in the materialization of the dreams and visions of the Founder. If I should achieve this goal, I will consider my administration a success.

The world today, in the midst of its greatest struggle for the survival of the democratic heritage, stands at the crossroads of history. We have dedicated our lives and resources not only to the winning of the war, but also to the establishment of peace, and to the achievement of a permanent victory against brute force and tyranny.

Great efforts are being made now to recreate a new world after this deluge and cataclysm. The decisions which will be reached now may fix our course for centuries to come, and if

a great crisis will recur in future years, it will spring primarily from the indecisions of today. It is a dangerous illusion, however, to assume that the fine plans which our great democracies are formulating will, in themselves, put an end to the periodic slaughter of innocent men and women. Much more is necessary. If we expect to fashion a better world, we should first analyze the fundamental causes that have brought so much misery and misfortune to a century which could have rightfully claimed to be the most advanced in human civilization, a century which could have drawn easily from the common pool of human efforts, achievements, and experiences.

The social, political, and economic conflicts which rage now in the world and which are being decided on the battle fields by the blood of our heroic sons and daughters are the direct result of the crisis in our moral and spiritual life. This crisis, is, of course, reflected also in the field of education.

There was a time when people thought that education alone would bring the salvation of humanity and that human knowledge would save mankind from all misfortune. The twentieth century may indeed be characterized as the age of knowledge and scientific discovery. Never in the history of the world has knowledge been so widely disseminated as in the present age. But never, too, in the history of the world have human knowledge and scientific research been used for such destructive purposes as they are today. Whatever technical progress the world has made is being used destructively by those whose science is of the twentieth century but whose morals are of the dark ages and the jungle. One cannot remain unmoved by the dangerous conditions which were created by the great progress of science on the one hand and on the other by the new philosophies which tend toward the regimentation of human thinking and the enslavement of the human spirit.

We must conclude, therefore, that knowledge alone, which is the cause of all material progress, of all the inventions and discoveries, of all the advancement of the human intellect, can never provide a moral mode of living, nor serve as a salvation for mankind. The philosophy of education which

assumes that knowledge can discipline the human intellect and that therefore it can also control the art and the science that are the fruit of the intellect, is only partially true. It is true that civilization cannot make any progress without knowledge, without observation of facts and the sober imagination of the human mind. Nevertheless, knowledge by itself cannot serve as a means of preserving the civilization which mankind has created. For the products of human knowledge can be used as constructive as well as destructive forces in life.

If our present-day educators are frankly alarmed at the fact that Europe with its ancient seats of learning, with its great universities has failed to stem the force of tyranny and brutality, it is primarily due to the fact that the modern age has overestimated the guiding influence that secular and material knowledge may exercise on the conduct of human beings. The knowledge of the natural sciences and technology, of social science and the humanities has not failed us, but we have failed in our expectation that these branches of learning would, by themselves, serve a purpose which is not within their domain — namely, the creation of an ideal society. Edward H. Carr in his book, *The Conditions of Peace*, accurately remarked: "It is not knowledge that has failed us, but *will*, not experts but *leaders*. Our civilization is in danger of perishing for lack of something with which we have dispensed for the last 200 years but with which we can dispense no longer, a deliberate and avowed moral purpose involving the call for common sacrifice for a recognized common good."

The complete divorcement between scientific research, which is based upon the creative ingenuity of man, and the spiritual and moral ideals, which are based upon divine knowledge, has brought disastrous consequences to our social order. The two decades between the two world wars, particularly in defeated Europe, have been periods of cynicism and skepticism. It became almost a mark of sophistication to question moral values and to rationalize every pagan concept. People failed to recognize that the violation of spiritual and moral codes which are the product of thousands of years of human experi-

ence and which are a part of the divine origin of the human race, cause the disintegration and self-annihilation of our social order just as surely as the violation of the physical laws of nature bring destruction. A science which remains indifferent to the importance of morality in the life of society, becomes, in the course of time, the *opponent* of morality. One is reminded of the words of Huxley, delivered at the opening of an American university: I am not in the slightest degree impressed by bigness or material resources as such. Size is not grandeur and territory does not make a nation. The great issue about which hang true sublimity and the terror of overhanging fate is, what are you going to do with all these things? What is to be the end to which these are the means? Our greatest problem in the field of education is not lack of knowledge, but we are rather confronted with the responsibility of determining the purpose, end, or function of education.

Our sages, in the Talmud, say that knowledge may serve as a source of life but also as a deadly poison. The merit of knowledge depends primarily on the human intention and the purpose of its application. Jewish tradition has therefore emphasized that learning is not to be pursued for its material value or a self-regarding motive, but rather for its own sake. Knowledge, above all, must serve as a means for the formation of an improved personality which looks beyond the temporal and transient to the eternal and permanent in life. The end of education should be the cultivation of the intellectual and spiritual values; the bringing to the maximum development of the moral potentialities of man. It is true that a man cannot remain a silent spectator of a passing scene. Nor can one isolate himself from the world of reality and live in the cloistered citadels of introspection.

The philosophy of idealism which looks upon education as a means of personal refuge whereby one can flee from the realities of life has its definite limitations. Our late President Woodrow Wilson said: "We are not put in this world to sit still and know, we are put here to act." Nevertheless, the extreme realism and pragmatism which deny the value of the human

motives fail to recognize the transcendental values which lift mankind above the material, above the mundane absorption in external things. Knowledge for its own sake which makes for a higher spiritual and moral life is not a mere abstraction. It is a great and fundamental reality, for it gives ultimate values to practical as well as spiritual experiences.

The spiritual ideal makes its contribution towards the appreciation of the truly material. It is far better to be a noble personality than an efficient machine. The growth and development of the human personality are infinitely superior to any particular form of human activity. Our sages, therefore, emphasize the superiority of that learning which leads to the fulfillment of human obligations. Our actions, say the Rabbis, depend on our learning, not our learning on our actions. Education should serve as the source of human acts rather than having its value tested by practical experience.

The wisdom stored in books and the accumulated treasures of ancient and modern learning are of lasting importance. They are the greatest realities in life especially when they help one to choose between temporary and permanent values, between the values of today and the values of eternity. The biblical metaphor is illustrative of this idea. The tree of knowledge helps to determine what is good and what is evil. Knowledge, however, as a utilitarian instrument or as a means of creating technical efficiency or achieving material success, will not necessarily help in the creation of a morally better society. Science discovers for us the laws of nature and has given us partial control over it, but it can neither control nor lift the impulses of man. The arts may give us an appreciation of the beauty of the world, but still may leave us in a spiritual vacuum. It is true that the liberal arts whose worth were tested by history are indispensable for one's mental development. The liberal arts, however, are not sufficiently forceful to liberate humanity from slavery and brutality. We need a *unifying* principle in the pursuit of knowledge. We, therefore, believe that the moral laws of the Torah, the concepts of universal justice of the prophets, and the religious

and spiritual philosophy of saints and sages throughout the ages can serve as the medium for the unification of knowledge and as a blueprint of an ideal society. Such knowledge is godly, and divine knowledge alone can lift our personalities; elevate our secular learning to a higher spiritual stratum. The stronger we lean to the study of the material world, the more we concentrate on applied sciences and technology, the greater is our responsibility to promote, by religious education, the power and importance of the moral and ethical values which lead us irresistibly to an ideal evaluation of men and things.

Furthermore, this concept of knowledge that is divine and morally purposeful has its application for the interpretation of human history and destiny.

If we wish to attain a lasting peace, we must rededicate ourselves to the spiritual interpretation of history, to the belief in the divine origin of mankind. One is reminded of the conversation between two outstanding Jewish sages of the second century, Rabbi Akiba and Ben Azzai. Rabbi Akiba said that the most comprehensive rule in the Torah which can serve as a guide to society is the biblical commandment: "Thou shalt love thy neighbor as thyself." Ben Azzai added that the social obligation of devotion to one's neighbor is not sufficient. But this universal and golden rule must be supplemented by the verse in the Bible, "These are the generation of Adam, in the day that God created man, in the likeness of God made He him." It is rather the belief in the divine and common origin of the human race that transcends all human values. This spiritual concept is the main repudiation of the materialistic, pagan, and secular philosophy of life.

This interpretation of human history is the fundamental refutation of the Nazi philosophy that man is mere beast, that the stronger may subdue the weaker, and that the majority can dominate the minority. It is a reaffirmation of the great American democratic concept of the sacred worth of the individual. This spiritual philosophy emphasizes the basic similarity of the human race rather than the differences within the human race. The world is the sum total of its parts, the

nation the sum total of its families, the family the sum total of its individual members, and, as our sages say, each member of the universe may claim that for his sake was the world created. Just as the scientist proceeds on the definite assumption that there exist a unity and continuity in nature, so must the moralist work on the similar assumption that there exist a unity and continuity in the human race and in the moral law.

The future form of our government, our social order, and the relationship of the many diverse groups in society will depend on the ability of our colleges and universities to implant, through education, these ideals in our growing generation. The power of higher moral ideals when translated into experience can make human society function for the good of all.

Perhaps now the significance of the Yeshiva College may become more apparent. The Yeshiva College was established, not for the sake of adding another college to the many excellent institutions of higher learning already in existence in this blessed land. Yeshiva College has endeavored to blaze a new trail of its own in conformity with the great American democratic traditions of education and in harmony with the spiritual heritage of Israel. It is a true college of liberal arts and science. It is not our intention to make science the handmaid of religion nor religion the handmaid of science. We do not believe in a scientific religion nor in a pseudo-science. We prefer to look upon science and religion as separate domains which need not be in serious conflict and therefore need no reconciliation. If we seek the blending of science and religion and the integration of secular knowledge with sacred wisdom, then it is not in the subject matter represented by these fields, but rather within the personality of the individual that we hope to achieve the synthesis.

The Yeshiva is the living incarnation of divine wisdom of the Torah which sends out rays of spiritual and moral light to thousands of Jewish souls. The Yeshiva endeavors to perpetuate the Jewish spiritual philosophy of education. It seeks to implant in its students a spiritual and moral concept of life

based upon the Torah, the prophets, and endless traditions of Israel. The Yeshiva considers its primary function to be the training of spiritually minded men into a collective force for the perpetuation of the spiritual and moral essence of historic Judaism and for the benefit of our great American democracy. The college of the Yeshiva, like any other American college, endeavors to acquaint its student body with the mysteries of the universe, with the researches and discoveries of the human intellect, with the theories and speculations of the human mind.

We shall always look upon the Yeshiva College with its curriculum of liberal arts and sciences as indispensable for the intellectual development of our student body. We shall consider however, the Yeshiva with its spiritual and moral teachings as the end, for a moral and spiritual way of life must be the aim and striving of every society. It is our intention to give to secular education a higher purpose and make the Yeshiva and Yeshiva College a living symbol of intellectual progress and moral activity. We believe that by reintegrating our lives with the ideals of the Torah and with our search after God's knowledge we may succeed in establishing a medium of unification for human knowledge.

Ralph Waldo Emerson, the American philosopher said: "There is a time in every man's education when he arrives at the conviction that imitation is suicide; that he must take himself for better or for worse, as his portion; that though the wide universe is full of good, no kernel of nourishing corn can come to him but through his toil bestowed on that plot of ground which is given to him to till." We firmly believe in the goodness of the American democracy which affirms that each person with his own individuality and each group with its own distinctive intellectual qualities can make a contribution to the sum total of the American civilization. Goose-stepping and imitation flourish in the dictatorial state. The development of the inner self of the individual and of the group enriches the culture of a democracy. Uniformity is the demand of the totalitarian governments; unity is the aim of a democrac

We shall in our own way endeavor to serve the American way of life.

May I conclude by paraphrasing a personal prayer of a great Talmudic sage: "May it be thy will, O, God, that love and brotherliness, peace and fellowship dwell in our alloted place. Enlarge our bounds with disciples and establish us with good associates. May our ends be fulfilled so that we may share in the world of the future."

Doniel Kramer, a graduate of YC and RIETS recently received his doctoral degree in Jewish History from BRGS.

A PHILOSOPHY OF PURPOSE PERSONIFIED — RABBI DR. SAMUEL BELKIN AND YESHIVA UNIVERSITY

In honoring the memory of Rabbi Dr. Samuel Belkin via the publication of this volume by the Student Organization of Yeshiva, an investigation into the philosophical underpinnings of Yeshiva University (to be abbreviated — YU) as seen in the thoughts and works of its long-time president and architect is in order. Indeed, Dr. Belkin's personal life and writings will prove to be a valuable mirror by which to view the development of Yeshiva.

I

Samuel Belkin was born in Swislicz, Poland, on December 12, 1911, to Solomon and Mina Belkin. When he was but six years old, he witnessed the arrest of his father and first teacher, whom he was to see for the last time, on fabricated antisemitic charges. Young Samuel never forgot the instruction of his scholarly father however, later continuing his studies in the famed Mirrer Yeshiva. He then studied under the tutelage and guidance of one of the greatest Jewish scholars of the time, Rabbi Israel Meir Kagan, known as the *Chofetz Chaim*, in Radun, Poland, where he received his rabbinical ordination at the age of seventeen.

Shortly afterwards, in 1929, already recognized as a Talmudic scholar, Rabbi Belkin arrived in the United States. He quickly mastered the English language, and in 1934 enrolled in Harvard University. In the following year he received the

doctor of philosophy degree from Brown University where he had been awarded an honorary fellowship, and was elected to the Phi Beta Kappa. Dr. Belkin's doctoral study on the relationship between Philonic and Rabbinic philosophies, and his understanding of classical Greek thought were to have major impacts upon his own ideas, a concept to which we shall later return.

In September, 1935, Dr. Belkin began his affiliation with Yeshiva University as an instructor of Greek and Hellenistic literature in the College, and later also as a *rosh ha-yeshiva*, a teacher and personifier of Talmudic and Rabbinic studies, in Yeshiva's Rabbi Isaac Elchanan Theological Seminary (to be abbreviated — RIETS). Only eight years later, at the age of 31, he was elected Yeshiva's second president, climaxing a meteoric rise within the institution.[1]

II

Scholastically, Dr. Belkin was the intriguing model of a synthesis of diverse cultures. His formative years of learning were spent almost entirely in the yeshiva settings of Eastern Europe where he was the heir to the accumulated wealth of Jewish traditions and Rabbinical scholarship. His years in Radun, where he excelled in his studies, and his association with the *Chofetz Chaim* had a life-long impact upon him. As a teacher, his keen analytic mind, his sharp and incisive reasoning, and his breadth of knowledge were the hallmarks of his *shiurim* (lectures) in RIETS, and he quickly became a beloved and sought-after *rebbi*. In addition, he became known to the larger Jewish community through his scholarly articles that appeared in numerous Torah journals, including *Hapardes*, *Talpioth*, *Horeb*, and *Sura*. Dr. Belkin also manifested another well-known quality of the *Chofetz Chaim* — his concern for the welfare of every individual. Dr. Belkin developed an unusually close relationship with his colleagues, his peers, and most of all, his students. He was genuinely and even paternal-

istically interested in their well-being, and the bonds of friendship, established during his teaching days at Yeshiv were to act as an aid in cementing a warm relationship betwe the students and their alma mater, headed by their *rebbi* and teacher.

When Dr. Belkin came to the United States he knew only Hebrew, Yiddish, and Polish, but in less than a decad he had mastered several other languages and became an expert on Greek and Hellenistic philosophy. Was this not a strang development for a man who previously had a very limited secular education; why should he choose this area of concentration? The Talmud tells us that *girsa de-yanuka,* one's early education, is not easily forgotten.[2] Dr. Belkin's initial learning imbued him with a love for the Talmud and a realiza tion that God's Divine Word and Will were all pervasive in the world. Dr. Belkin was a Judaic classicist in that he concentrated upon the age-old and fundamental works and teachings of Judaism. In trying to grasp an understanding of the total world in which he lived, Dr. Belkin's *Weltanschau* demanded reverence and respect for all types of scholarshi including the secular, and the schools of ancient Greek philoso phy served as the fountainhead for such knowledge. For him, the various branches of wisdom could be properly acquire only by clutching at their roots. He mastered the tenets of Hellenistic thought, because he wanted to grip the foundatio of the modern world. Yet, Dr. Belkin did not accept the presen with all of its inadequacies, but peered into the future, toward a world of perfection. He believed that the road to such a world was directed by the eternal truths of Judaism, namely God's creation of the universe, the revelation of His Torah, and the awareness that He was the source of all knowledg sacred and secular. There was one point in history when the paths of the divine, eternal Judaism intersected the paths of Platonic and Aristotelian thought — in Alexandria, Egypt, during the final period of the Second Temple. It was in the person of Philo Judaeus that both heritages found their greate expression at that time.

Medieval and modern scholars generally saw in Philo the forerunner of Christian theological doctrines. Whereas Palestinian Jews (at least the so-called Pharisaic Jews) were considered the normative branch, accepting the authority of both the Written and Oral Laws, Alexandrian Jews were thought to have adopted many Greek thoughts and customs, since they supposedly had few links to Palestinian Jewish sources. To refute this theory, Dr. Belkin's doctoral thesis, *Philo and the Oral Law*: *The Philonic Interpretation of Biblical Law in Relation to the Palestinian Halakah,* developed the view that the Oral Law which originated in Palestine was not limited to the borders of Palestine, but was also known and practiced among the Jews who lived outside of Palestine, and that Philo's Halakah is based upon the Palestine Oral Law as it was known in Alexandria.[3] Dr. Belkin further elaborated upon this point in numerous articles in scholarly journals. Invariably, he sought to prove that though Philo incorporated Hellenistic thought into his own philosophy, it was done in such a way so as to agree with traditional Jewish values. He believed that much of Philo's works were rooted in normative Judaic concepts and further showed that abstruse texts in both Philonic, and in Palestinian Halakic and Midrashic literature often complemented each other.[4] Probably unknown to Dr. Belkin at the time was the fact that he was establishing in his own mind the concept, if not the word, of *synthesis* which was to become the hallmark of YU.

Philo's impact upon Dr. Belkin can be further seen in one of Dr. Belkin's major works, *In His Image: The Jewish Philosophy of Man as Expressed in Rabbinic Tradition.*[5] In this book, Dr. Belkin described basic Jewish concepts involving man and God — in the religious, social, and practical senses. He not only demonstrated a broad and intimate knowledge of many details of varied halakhot, but went beyond their mere practical aspects to investigate their theological-philosophical underpinnings. In doing so, Dr. Belkin posited his own thesis.

> Upon these given principles — the sovereignty of God and the sacredness of the individual — the religious philosophy of Judaism rests. Enunciated not merely as a theory, this philosophy is clearly reflected in the Halakah. In fact, only by properly understanding the Jewish concept of divine kingship and human worth can we fully understand many legal and spiritual institutions in Judaism. It is also true, however, that since Judaism is interested in practice rather than in theory, only a close examination of Jewish law can reveal its philosophic foundations.[6]

In this effort, the author most quoted was Philo. Given Dr. Belkin's penchant for utilizing the earliest and most basic sources, and by examining the claim made in the Introduction one can easily understand the reason for his preoccupation with Philo.

> Probably the first Jew to endeavor to present a Jewish theology was the great Alexandrian philosopher Philo Judaeus; but even he was more concerned with the philosophy of Judaism, or better still, a philosophy of Jewish practice, than with mere theological dogma . . . Thus, in a sense, Philo gave voice to the fundamental Jewish concept that theology and the rules of human conduct are almost indivisible.[7]

In a monograph titled *The Philosophy of Purpose,* which was the first in an ongoing series of *Studies in Torah Judaism* published by YU,[8] Dr. Belkin pursued a similar idea from a different vantage point. Contrasting the school of ancient Greek thought that sought a rationalistic explanation for all that occurred, with the Jewish philosophical approach, Dr. Belkin called the latter a philosophy of purpose, seeking a religious philosophy of *what for*; a spiritual design for purposeful living, a faith based on the ultimate relation between man and the living God who is greatly concerned with the conduct of man.[9] Here, too, that bond was represented by Israel's observance of God's Torah. He further noted that though some Jewish thinkers, most notably Philo and Maimonides, at times offered rationalistic explanations for some

of the Commandments in general, the Jewish religious philosophers endeavored to attune the rational philosophy of reason to the religious philosophy of purpose . . .[10]

In spite of the fact that Dr. Belkin saw a cohesion of Alexandrian halakhah and philosophy with its Palestinian counterpart, he also found that there were many profound disagreements since the former also incorporated a good deal of what was basically a foreign philosophical element — Hellenistic thought. This disparity was discussed at length in a published letter to one of his students. While granting that Hellenistic and Palestinian Jews shared similar views about the immortality of the soul, he saw fundamental differences concerning bodily resurrection and the entire relationship of body and soul. Hellenistic Jews, and Philo among them, adopted the Greek view of dualism within man, that there was an inherent conflict between the soul and the body, the former representing immortal goodness and the latter being the source of evil and sin. Traditional Jewish thought, however, recognized that both the body and soul were the creation of God and that both were inherently capable of good and evil. Consequently, the ultimate and everlasting reward for goodness was applicable to both body and soul. This was more than a semantical difference between Palestinian and Alexandrian Jewry. In the final analysis, we see that Dr. Belkin felt that understanding fully the Palestinian sources of Rabbinical literature were essential in the formulation of any religiously valid philosophical concept.

> Hence you can readily see that the rabbinic concept of resurrection is not merely an isolated theological dogma with little relevance to the general moral and philosophical structure of Judaism. The belief in the resurrection of the body manifests above all, the healthy Jewish religious attitude toward the material and physical. When the material is infused with a soul, with a spiritual and moral purpose, then the irreconcilable duality of matter and spirit completely disappears, and both body and soul, matter and spirit constitute one nature.[11]

Furthermore, Dr. Belkin offered an explanation as to why Hellenistic Jewish thought at times seemed divergent and never became an integral part of the corpus of Jewish literature. It was because they translated Judaism instead of transplanting it, studying the Torah and Rabbinical literature in Greek translations rather than in Hebrew. The Judaism of the Hellenistic Jews was not rooted in its origins, while their non-Jewish knowledge did come from primary sources.[12]

III

In further understanding Dr. Belkin's philosophy of modern Orthodox Judaism it is important to determine his approach to the American Jewish society. We find that he divided it into three parts. One was a group of reformers who believed that an ancient faith perpetuating itself in a foreign language had no future in the modern age. They adopted a *translated Judaism,* a Judaism which requires no great sacrifices, a Judaism which may be acquired with little effort.[13] They tried reconstructing their spiritual heritage instead of their own lives.[14]

Another group felt that Jewish preservation was best had by a *transfer* of old European life styles and modes of conduct without any regard for the changed contemporary scene. Perforce, they could have little impact upon the large community because of their self-imposed isolation.

For Traditional Judaism to flourish in America, Dr. Belkin believed it necessary to *transplant* in the American cultural and social and democratic climate the tree of Torah knowledge and practice, which shall continue the Torah learning of ancient academies and, at the same time, be a particularly American product.[15] This is how Dr. Belkin viewed the role of Yeshiva. He sought to synthesize the secular and the sacred, the philosophy of reason insofar as it was symbolized by secular studies, taking its nourishment from the ancient Greek schools of thought and the philosophy of purpose as represented by the Judaic ideal of serving God.

Dr. Belkin often spoke of the "centrality of Torah learning" within YU. This statement was manifest in several ways. Most important of all was the fact that it established RIETS as the primary school, as the foundation of the institution. All of the additional schools were, in a sense, appended unto RIETS. But YU was not like other theological seminaries. While many other great universities, especially those of Colonial origin, began, as did YU, as theological seminaries, most of these seminaries became almost forgotten appendages amidst the larger university scenes. YU differed, as Dr. Belkin once explained, because, in spite of the English equivalent, Rabbi Isaac Elchanan, it was not, "technically speaking, (a) 'theological seminar(y)' but (a) school where Torah was studied from the original sources and the (students) must symbolize, above all, Torah learning and Torah practice."[16] The pervasiveness of Torah at YU (indeed, its motto was *Torah U'Mada,* Torah and knowledge) was not constitutionally mandated, for legalistically, "there is no discrimination in regard to sex, religion, age, race, color, or national origin."[17] It was adopted, rather to insure that any Jewish student could attend YU and not have to worry about being forced to violate Jewish Law or desecrate the holy days. On the secondary and undergraduate levels, requirements of all students to take courses with Hebraic or Judaic content meant that there was daily contact with rabbis and instructors who epitomized the ideal of "Torah learning and Torah practice." Thus, not only were Judaic courses taught for the sake of Torah learning *per sé,* but also, there was an atmosphere of sanctity fostered by the religious instructors and instruction. Throughout the University, there was a degree of reverence for religious preferences which had been dulled at other university campuses. And finally, this awareness led to a respect for the quality of human life and the other disciplines of knowledge.

Dr. Belkin insisted on the independent integrity of these different areas of study. In his Presidential Inaugural Address he stated:

> Yeshiva College was established not for the sake of adding another college to the many excellent institutions of higher learning already in existence in this blessed land. Yeshiva College has endeavored to blaze a new trail of its own in conformity with the great American democratic traditions of education, and in harmony with the spiritual heritage of Israel. It is a true college of liberal arts and science. It is not our intention to make science the handmaid of religion nor religion the handmaid of science. We do not believe in scientific religion nor in a pseudo-science. We prefer to look upon science and religion as separate domains which need not be in serious conflict and, therefore, need no reconciliation.

The College, at that time the only "secular" school of the institution, represented man's search for intellectual ideals. The Yeshiva bespoke the need for a spiritual and moral awareness.

If the schools were to maintain their respective educational pureness, how was a synthesis of Western knowledge and culture and Judaic thought to be effected? The answer lay in training the individual students so that they could intelligently incorporate their Judaic values into their life style.

> If we seek the blending of science and religion and the integration of secular knowledge with sacred wisdom, then it is not in the subject matter of these fields but rather within the personality of the individual that we hope to achieve the synthesis.[19]

Yet, Dr. Belkin, as Dr. Revel before him, believed that the independence of the liberal arts program in the College should be emphasized without insisting that all secular courses be taught from a particularly Jewish point of view. Thus, it became essential to formulate the ideal educational process which could foster this goal of synthesis within the student without sacrificing secular independence.

The role of the teacher in this effort was an important concern. Again, age-old Jewish traditional beliefs provided the blueprint for guidance as Dr. Belkin discussed the concept of "parent as teacher and teacher as parent." The teacher was the intellectual and spiritual parent of the child and shared

the responsibility for properly raising the young.[20] Indeed, the teacher occupied an even more exalted position in that he bequeathed to his students the knowledge necessary for a moral life. Therefore, it was understandable why YU sought to maintain a paternalistic attitude towards its students, albeit in a general manner. As Dr. Belkin wrote:

> In our own modest way, we endeavor to inspire our student body at Yeshiva University with this ethical and spiritual approach to life. The philosophy of Yeshiva has always been that theory must be translated into practice, and that learning must lead to moral and ethical disciplines based upon the divine law of the Torah. Above all, we are cognizant of the fact that in order that the teacher exercise a parental influence on the student, the parent must assume the time-honored role of teacher. This is the lesson we can learn from our sages of old.[21]

In a monograph titled, *The Four Dimensions of Higher Education,* which was included in his *Introduction to College Life: Meaning Values and Commitment,*[22] Dr. Belkin discussed the ultimate aims of education. He noted that all of human knowledge could be classified in "the four studies of man"—the study of the world into which man is born, the study of the people among whom man is born, the study of man himself, and the study of and concern with the moral and spiritual purpose of life, giving true meaning to knowledge, and providing a unifying principle for man's creative ingenuity.

IV

Dr. Belkin once wrote: "When one attends college, he acquires possession of knowledge; but when one graduates, he must acquire the ability to reflect and grow in wisdom."[23] For Dr. Belkin, a man of scholarship and learning, education was the most important commodity that a university could bequeath to society. Hence, one's formal instruction never really ended, especially after college. In a sense, only then

did one really begin to use and apply that which he had learned. We might therefore be able to appreciate the signi ficance of November 16, 1945. On that date, the New York State Board of Regents granted the institution University status and a new history was begun. The official change of name from the Rabbi Isaac Elchanan Theological Seminary and Yeshiva College to Yeshiva University involved more than mere nomenclature. It bespoke Dr. Belkin's commitment to the pursuit of higher education in the many disciplines of knowledge, and it provided practical means by which to make Yeshiva a respected seat of learning. But it was not just to be *another* university. When it was suggested that the term Yeshiva be dropped from the new name of the Universi since it would be confused with other institutions dedicated solely to Talmudic studies, Dr. Belkin replied:

> My answer to this sincere recommendation was that we would not change the name of our institution because we are not primarily interested in maintaining and developing another college and university in the State of New York. We have a certain philosophy, and we wish the name of the institution to symbolize the philosophy which governs the entire school. The primary reason for the establishment of Yeshiva Universi was to develop a generation here in America which would reflect a harmonious blending of Jewish traditions and the heritage of the great academies of Jewish learning with a liberal education in the arts and sciences. Hence, while the Yeshiva itself is interested primarily in Torah learning, its influence is felt in the University in its totality.[24]

In all of its schools, the Judaic heritage of the Universit is manifest in ways other than being closed on Jewish holy days. The Revel, Fischel, Ferkauf, and Wurzweiler Schools especially offer programs that respond, in a scholarly and professional manner to the needs of the American Jewish community.

The key to an effective religious program was quality education, and for Dr. Belkin, a life-long teacher and academician, this was of primary importance. He took special pride

in the development of Yeshiva's Stern College as America's first college for women under Jewish auspices offering a full schedule of Judaic courses. Of equal magnitude were the outreach programs of YU that tried teaching and inculcating meaningful traditional observances in those from families estranged from Judaism. This effort reached its climax in 1956, with the creation of the Jewish Studies Program (later renamed the James Striar School of General Jewish Studies) for those with a limited Judaic background.[38]

The thrust of Dr. Belkin's early years as President was to expand the horizons of YU, but not at the expense of omitting those Jewish roots from the internal programs of the new schools.

In 1955, Yeshiva embarked upon a new era:

> . . . I have always believed that the contribution of Yeshiva University to American Jewry and the American community in general, should not be merely "intellectual entertainment," whose values are only temporary, and may fade away in course of time, but that we should rather concentrate our energies upon the development of intellectual institutions which are pioneering in nature, and of lasting and permanent value. Hence, the Yeshiva, throughout the years, has endeavored to expand internally through the creation of new schools, and through the further development of schools already in existence. Such a pioneering process of expansion may not necessarily have dramatic appeal for the average layman, but in terms of ultimate values, our dedication to the basic and fundamental principles which govern the development of our University will remain permanent and contribute immensely to the cultural and religious needs of the community.[25]

It was via the Albert Einstein College of Medicine that this belief was given expression. The Judaic notion that man can perhaps best serve God by imitating His ways and helping mankind, and the belief that each individual life is sacred and must be preserved, were part of the constitution of the medical school. But its purpose was to serve all of humanity, regard-

less of religious preference. This was the gift of YU and the American Jewish community to the United States of Ameri in return for its hospitality to the Jewish people. Howeve there was a moral lesson involved in this donation. In some segments of American life, the field of higher education amon them, there was still evidence of discriminatory practices even though this was denied by the practitioners, Unfavorable quota systems, whether written or unwritten, were especially applied to Jewish students who desired, and who surely had the talent and ability, to enter some professions. And medical schools were exceptionally notorious in this regard! Dr. Belkin could not justify Einstein's existence merely to accept Jewish students, especially Yeshiva College graduates, when other schools would not, because it would not have rectified the injustice and might even have provided the excuse to continue such practices now that there was an alternative choice. Furthermore, such a policy would have been self-defeating in light of the moral obligation to train any qualified individual to heal the sick.

At the Ground-Breaking Ceremonies for the College of Medicine, Dr. Belkin enunciated his own philosophy in this regard:

1. I do not believe that there is such a thing as Jewish medicine or Jewish science. I firmly believe, however, that there is a moral necessity for the Jewish community to make a contribution to the scientific advancement of medicine and public health.

2. I believe that neither external pride nor vainglory nor any form of chauvinism can be of benefit to any religious or racial group. I firmly believe, however, that the vitality and the future intellectual and spiritual prosperity of a religious minority depend greatly on its ability to develop that inner pride which comes only through its ability to contribute to its own welfare and to the welfare of the nation in its totality.

3. I believe that the establishment of this College of Medicine is significant not only because one more medical school is being added to the

seventy-nine already in existence in the United States but primarily because the development of a first-class college of medicine under Jewish auspices, which will be open to all who meet the academic requirements for admission, will have a profound and salutary effect on the admission policies of other colleges of medicine.

4. I believe that we, as Jews, who have suffered more than any other religious group throughout our thousands of years of existence, have a deeper understanding and a greater appreciation of human suffering, and that therefore we must not neglect the great opportunity given us to create an institution dedicated to the alleviation of human suffering. It is not a mere accident that the greatest Jewish saints and sages of antiquity, Talmudists, philosophers, rabbinic codifiers, grammarians and poets, chose the field of medicine as their occupation.[26]

Thusly, he gave rationalization to the efforts to diversify even further and round out the academic offerings at YU. Yet, even though the moral forces encouraging the dissemination of knowledge and the betterment of mankind were rooted in Judaic beliefs, the regular curricular offerings of the Einstein Medical College and the Belfer Graduate School of Science did not contain any particularly Jewish courses. These Schools rather were Yeshiva's contribution to the world of higher education in America to which Dr. Belkin was committed. And the country certainly recognized and appreciated his efforts, in fact, he was one of six college presidents asked by the United States State Department to write for the Russian people about the field and goals of American higher education.[27]

Dr. Belkin developed a *modus operandi* outlined in his address upon the assumption of the University Chancellorship in 1975. Having built a school with many different components, he pledged himself to ensure the University's unity, insisting that there had to be an "integration of knowledge" within the University. He was referring to the University's recent commitment to strengthen the relationship between undergraduate and graduate divisions and between the various

graduate schools themselves. He also emphasized that YU was to be a "research-oriented institution constantly in search of the excellence for which we must always reach, even if we can seldom grasp it . . . further enrich(ing) the American community in general and the Jewish community in particular."[28]

V

At this juncture, it behooves us to explain exactly why Dr. Belkin felt this affinity for his adopted homeland, the United States of America. Dr. Belkin's introduction to *In His Image* provides a clue. Writing of the Second Temple period that he knew so well, Dr. Belkin admiringly termed the Palestinian Jewish community a "democratic theocracy," using "theocracy" the way Josephus meant it, "that a man should view every act which he performs as the fulfillment of the wish of the Kingdom of Heaven," and "democracy" in its Philonic sense, placing "all emphasis upon the infinite worth and sacredness of the human being."[29]

Though in America a theocratic way of life was a matter of personal preference, American democracy, approximated more closely the Judaic concept than any other form of government. Dr. Belkin constantly spoke of the Declaration of Independence as a lofty expression of such ideals, rooted in spiritual meaning and dedicated to discovering the divine in man and society.[30] The words of the Nation's Founding Fathers were based upon Biblical and Hebraic ideas that had influenced them. But the impact of the Jews upon America was not limited to ancient literature. In describing the first years of Jewish settlement in North America after their arrival in 1654, Dr. Belkin noted:

> The first contribution which the American Jews made was in their fight for religious liberty, for their right to integrate within the larger community. But of equal importance was their realization that, as Jews, they had distinct obligations to their co-religionists, particularly in caring for the poor, and it was this that gave the early settlers their distinctiveness as Jews.[31]

While he spoke of the bounty of America in general terms, Dr. Belkin's specific interest was in the American Jewish community. In reality, all that he did at YU was for their sake.

The concept of synthesis had one other major impact upon Dr. Belkin. Its ideal of resolving seemingly competing interests and conflicts in a mutually acceptable and positive manner was adapted by Dr. Belkin in dealing with the different trends in organized Jewry.

This last impact of the idea of synthesis is manifest in YU's philosophy concerning its relationship with the overall Jewish community. Religiously and educationally, it was committed to a Judaism that would be classified as Traditional or Orthodox. Belief in God's providence, in the Divine Revelation of both the Written and Oral Laws, and in the ultimate good in all of creation were some of the essential tenets of the Faith. In this regard, Yeshiva was part of mainstream Orthodoxy. However, it often found itself alone, separated from many of the other recognized Orthodox *yeshivot*, in that they emphasized only purely religious studies in their curricula, and negated, and in some instances forcefully opposed, the introduction of secular realms of knowledge and efforts at an intellectual synthesis. Fortunately for them, they were able to somewhat successfully insulate themselves from the pluralistic realities of the American scene. Dr. Belkin and YU respected those who wished to live such a ghettoized existence, but understood that they could have little impact in winning back a basically assimilated American Jewish community to the Traditional fold. This respect was usually not reciprocal. Many elements in the strict Orthodox camp inveighed violently against the Conservative and Reform Jewish groups for falsifying the tenets of Judaism, and they often were as harsh against Dr. Belkin and YU for cooperating with these groups in some areas. In actual fact, theologically, Yeshiva basically agreed with the other yeshiva circles. But in one area there was a tremendous gap between them. Yeshiva realized that

the unfortunate state of affairs in the United States was such that the majority of Jews were non-observant. It was not that American Jewry actively espoused all of the theological concepts officially proclaimed by some Conservative and Reform groups; it was just that Jews were generally religiously apathetic because they were educationally deprived. They could not make a conscious choice as to how they would behave religiously, because they never really had the opportunity to learn what it meant to be religious.[32] And were these millions of Jews to be forsaken? In areas of mutual concern and agreement, such as social issues and the need for a intensified educational thrust nationwide, YU or one of its affiliates cooperated with non-religious groups as long as the Jewish community as a whole would benefit.

Perhaps the one specific controversy that epitomized this difference in approach between YU and the other religious circles occurred in 1966. At that time, to celebrate its fortieth anniversary, the Synagogue Council of America, a group consisting of representatives of Orthodox, Conservative, and Reform organizations, decided to honor the heads of the major Orthodox, Conservative, and Reform seminaries. This is not the place to detail the history of the Synagogue Council itself, but suffice it to say that the Rabbinical Council of America, the largest Orthodox rabbinical group with Dr. Belkin and Rabbi Dr. Joseph B. Soloveitchik of YU as its recognized Halakhic authorities, was the Orthodox rabbinical group belonging to the Synagogue Council and was itself the object of abuse from some Orthodox quarters for its membership role. As the head of the largest Orthodox rabbinical seminary, Dr. Belkin was one of the three honorees at the dinner and consequently was the public target of calumnious attacks from some in the Orthodox camp. In his remarks that night Dr. Belkin eloquently stated his philosophy as an Orthodox Jew:

> My friends, I am not a separatist and I firmly believe that regardless of our differences, we should work together in unison where we think alike and feel alike for the good of Jewry as a whole.

> My friends, we do not hate any Jew in our hearts. We love our neighbors regardless of whether they are Jews or Non-Jews. But love without a commitment, without a responsibility, without demands becomes a meaningless and an empty phrase. You cannot love your country without your willingness to fight for its security and share in its defense. As an Orthodox Jew I have no hatred for any Jew whether he is observant or non-observant. I have the deepest affection for my fellow co-religionists. But when necessary we shall at all times rebuke, demand, reprove and above all plead for a maximum Jewish education, for a greater Jewish consciousness, for better Talmud Torahs, for more day schools and yeshivot for more Torah learning and greater Torah practice.

But it was never in the spirit of hatred, vengeance or grudges, but rather in the spirit of genuine love and affection.

Finally, we shall never diminish our deep devotion to our brethren and fellow citizens, nor shall we compromise with our sacred heritage — with the link in our golden chain of being.[33]

Indeed, it was somewhat ironical that though Yeshiva was religiously and ideologically allied with the other Orthodox *yeshivot*, it often worked more closely with non-Orthodox elements. But as Dr. Belkin proved in his Philonic studies, allowing different philosophies to cooperate was insufficient, and even dangerous, unless there was the certainty that the authentic tradition would be maintained to illuminate the other viewpoints. To associate with non-Traditional Jewish groups was meaningless unless it was accompanied by a sincere and kind effort to educate and instruct and correct. Dr. Belkin believed that the American Jewish community was searching for its real roots and was ready for *teshuvah*, for repentance and return, and was dissatisfied with the artificial practices of non-Orthodox groups. Judaism had been stripped by reform elements of much of its halakhic content in regard to human actions and responsibilities. Dr. Belkin was convinced that this was a modern quasi-Hellenistic influence, denying the Judaic belief that both body and soul, action and spirit,

were of divine creation. The steady increase in the number of Orthodox day schools and the tremendous growth of the YU student body — with thousands learning Torah daily — were healthy signs of a religious revival.[34]

VI

Dr. Belkin, through the institution that he fashioned, helped mold a growing and vibrant American Jewish community, enthused with his own optimism. But he had a more direct input into this scene. It was Dr. Belkin at his best, in the capacity that he loved and cherished most dearly. As he related in one of his last public addresses:

> I tried my best to teach my students how to swim in the ocean of the Talmud, whose depth has no limit and whose moral concepts of human right are profound beyong description. I still feel a nostalgia for my teaching days in the Yeshiva Program, which offered me the greatest intellectual excitement, and I often dream of the renewal of my classroom days.[35]

The fountainhead of YU was RIETS, and Dr. Belkin, the man of sources and resources, never forgot this nor allowed anyone else to forget it; nor the fact that the *semikha* — ordination — which RIETS offered its graduates was the most prized and hallowed of all of Yeshiva's degrees.

It was the service of these rabbis in the American Jewish community that was Dr. Belkin's greatest source of pride, and many of them were his own students. The challenges that these *musmakhim* faced were enormous. He once encouraged a former student of his: "You are exceptionally well prepared for the rabbinate. It is the community which is not fully prepared for your type of rabbinate."[36] Though he himself never served in that capacity, Dr. Belkin had a keen understanding of the rigors and responsibilities of the synagogue rabbi.

Belkin believed that the educator par excellence which the Jewish Community needed was the rabbi. He was the

"*Beth Haknesseth* . . . the leader of the Jewish community and all that pertains to community welfare is his domain." All affairs, even social and cultural ones, were invested by him with religious significance. He was also the "*Beth Hatefilah*," personifying ethics and piety in his own life and acting in accordance with "Torah learning and Torah practices." Most importantly, the rabbi symbolized the "*Beth Hamedrash* . . . the scholar and authority on Jewish traditions," and his primary duty was to teach his congregation the messages and lessons of the Torah.[37] The key to a successful rabbinate was the understanding by its practitioners that they not only had to have the capacity to teach others, but also the will to learn themselves; for a rabbi not only had to teach his congregation, he had to learn with them. Thus, even the greatest Jewish sage was called a *Talmid Hakham*, a student of the scholars. Dr. Belkin would constantly urge his students not only to properly and wisely utilize their time while in the Yeshiva but to reinforce their studies throughout their careers. Only for such an individual was RIETS an adequate preparation, and these rabbis were credited with the real revolution on the home front, preserving and producing a committed Jewish community. In fact, YU developed a special program to assist the synagogue rabbis in the area where their greatest responsibility lay — in adult education. If the parents could be adequately trained in the synagogues to raise their families in accordance with Jewish traditions, then their children would be entrusted to the care and instruction of the Hebrew day schools and *yeshivot*. For Dr. Belkin, the greatest tribute to Yeshiva was that it could produce rabbis who could educate families to give their children a yeshiva education.[38]

VII

In September, 1975, when he could no longer continue his duties because of illness, Dr. Belkin resigned the Presidency of YU after thirty-two years, although he continued as Dean of RIETS.

On December 7, 1975, he was invested as the first Chancellor of YU. At that time, although aware of his terminal illness, he said, "I pledge that if God grants me life, I will continue to serve Yeshiva University to the best of my ability . . ."[39]

On the eighteenth day of *Nisan*, 5736 (April 18, 1976), at the age of sixty-four, Rabbi Dr. Samuel Belkin was called to his eternal reward.

NOTES

1. For biographical details of the life and scholarship of Dr. Belkin and his work at YU, see Gilbert Klaperman, *The Story of Yeshiva University: The First Jewish University in America* (London: The Macmillan Company, 1969), pp. 172-184; and Yeshiva University Department of Public Relations, "Dr. Samuel Belkin — Chancellor, Yeshiva University," New York, 1975.
2. *Talmud Bavli, Shabbat* 21b.
3. The thesis was published as Volume XI of the Harvard Semitic Series Cambridge: Harvard University Press, 1940). See p. x of Preface.
4. See, for example, S. Belkin, "Some Obscure Traditions Mutually Clarified in Philo and Rabbinic Literature," Seventy-Fifth Anniversary Volume, *Jewish Quarterly Review*, New Series, 1976.
5. Published in New York by Abelard-Schuman Limited, 1960.
6. *In His Image*, pp. 18-19.
7. *Ibid.*, p. 15.
8. New York, 1958.
9. *The Philosophy of Purpose*, p. 13.
10. *Ibid.*, p. 16.
11. S. Belkin, *Essays in Traditional Jewish Thought* (New York: Philosophical Library, 1956), pp. 102-03. See pp. 106-08 for a beautiful interpretation of the role of a rabbi in America by using these two concepts in the guise of *Halakhah* and *Aggadah*.
12. *Ibid.*, p. 130.
13. *Ibid.*, p. 67.
14. *Ibid.*, p. 68.
15. *Ibid.*, p. 70.
16. *Ibid.*, p. 162.
17. *Yeshiva University Undergraduate Catalog*, 1974-76, (New York, YU), p. 7.
18. *Essays*, p. 16.

19. *Ibid.*, pp. 16-17.
20. *Ibid.*, pp. 19-20.
21. *Ibid.*, p. 34.
22. Edited by Norman T. Bell, Richard W. Burkhardt, and Victor B. Lawhead (Boston: Houghton Mifflin Company, 1962), pp. 29-32.
23. *Essays*, p. 49.
24. *Ibid.*, p. 66.
25. *Ibid.*, pp. 71-72.
26. *Ibid.*, pp. 149-50.
27. *America Illustrated*, Number 14, Published in Russian by the United States Information Agency.
28. S. Belkin, *Yeshiva University's Past, Present, and Aspirations for the Future: Address by Dr. Samuel Belkin, Chancellor, Yeshiva University, The Inaugural Dinner, December* 7, 1975 (New York; YU), p. 2.
29. *In His Image*, pp. 16 and 18.
30. See, for example, *Essays*, pp. 93-96.
31. *Ibid.*, p. 132.
32. *See ibid.*, pp. 135-43, and 188-90.
33. "Remarks by Dr. Samuel Belkin," Yeshiva University Department of Public Relations, November 6, 1966.
34. *Essays*, pp. 57-60.
35. *Address by Dr. Belkin, December* 7, 1975, p. 1.
36. *Essays*, p. 57.
37. *Ibid.*, pp. 157-58.
38. *Ibid.*, pp. 152-91.
39. *Address by Dr. Belkin, December* 7, 1975, p. 4.

On December 7, 1975, Dr. Belkin delivered his final public address at the dinner investing him as Yeshiva's first Chancellor. Below are excerpts from that address.

CHANCELLORSHIP INVESTITURE

. . . I have served Yeshiva in many capacities. For fifteen years as a teacher I exposed our student body to two worlds: the philosophical world of ancient Greece, which is still the fountainhead of all philosophic schools, and the world which has always been closest to my heart, the world of Talmud law.

I tried my best to teach my students how to swim in the ocean of the Talmud, whose depth has no limit and whose moral concepts of human right are profound beyond description. I still feel a nostalgia for my teaching days in the Yeshiva Program, which offered me the greatest intellectual excitement, and I often dream of the renewal of my classroom days. I served for three years as a dean and, finally, I completed thirty-two years as the President of Yeshiva University.

. . . The title chancellor is a very ambiguous term in academic parlance . . . I have no intention of holding an honorary position and merely serving as a master of ceremonies. I hope to serve in the capacity of a watchdog, to ensure that the ideals of Yeshiva shall not be watered down, and the sacrifices which the founders made shall not be in vain.

I will watch with greatest attention that the foundations and central part of the University be preserved, namely the Jewish studies programs of Yeshiva.

Today, Jewish studies are popular in all major colleges and universities. But at Yeshiva, they are a part of our origins and these study programs offer the most intensive and extensive programs in the world. We expose our students bodies, particularly in the undergraduate schools, to the centrality of Torah learning, especially in what we commonly call the Yeshiva Program.

Further, I shall carefully watch for the unity of the University. No university can afford to have its schools live in

separate boxes. A federated university has no chance of success. We are living in an age of integration. Integration of knowledge is as important as the integration of many elements of our society. If one school of the University fails in its goals, the entire University suffers . . .

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INTERPRETING MAIMONIDES *

Dedicated to the memory of Dr. Samuel Belkin, *zekher saadiq li-berakhah,* who, in building Yeshiva University, built an institution hospitable to traditional Jewish learning and modern scholarship.

Maimonides' *Guide of the Perplexed* is a difficult and enigmatic work which many times perplexed the very reader it was supposed to guide. Its technical subject matter, the elitist audience for which it was composed, its allusory and contradictory style, and its apparently eclectic philosophical foundations, have challenged a long line of interpreters who attempted to clarify the details of Maimonides' views and to determine his over-all philosophic orientation. This line of interpreters, which extends from Maimonides' days until our very own, may, in fact, be said to have been started by Maimonides himself. For, when in his *Ma'amar Tehiyyat ha-Metim,* Maimonides reaffirmed his belief in the literal meaning of the resurrection of the dead against charges that he denied this principle, he became the first interpreter of his own views.

In this brief paper I shall undertake a three-fold task. I shall begin by analyzing some of the features of the *Guide* of which any interpreter must take account. Then I shall describe

* This paper was delivered as a lecture at the 1973 annual meeting of the American Academy for Jewish Research. I hope to publish a fuller version of this paper in which I shall also deal with medieval interpretations of Maimonides.

some aspects of the interpretation of Maimonides by modern scholars, showing that modern interpreters may be divided into two basic groups. And finally, I shall make two suggestions concerning further research that may help to clarify Maimonides' views.

I

By his own admission, Maimonides did not compose a purely philosophic work, thereby setting himself off from the philosophic tradition of his day. Unlike his Islamic predecessors — Alfarabi, Avicenna, Ibn Bajjah — and his contemporary Averroes, who composed commentaries on Aristotle's works, *summae* of his views, and philosophic treatises of their own, Maimonides had no intention to add to the philosophic literature of his day or to become an innovator in the realm of philosophic speculation. This was already clear from his early program in the *Commentary on the Mishnah,* according to which he had in mind to write a "Book of Prophecy" and a "Book of Correspondence," devoted respectively to an account of prophecy and an exposition of difficult Midrashim (cf. *Guide,* I, introduction). More explicitly, he writes in *Guide,* II, 2: "Know, that my purpose in this Treatise of mine [the *Guide*] was not to compose something in the natural science [physics], or to make an epitome of notions pertaining to the divine science [metaphysics] . . . For the books composed concerning these matters are adequate." "If however," he adds, "they should turn out not to be adequate with regard to some subject, that which I shall say concerning that subject will not be superior to anything else that has been said about it." (English citations are taken from S. Pines' translation of the *Guide*).

If then the *Guide* is not a work of purely philosophic speculation, what then are the subjects with which it deals? Maimonides foregoes characterizing the contents of the *Guide* by means of a single word or phrase, describing them instead in three-fold fashion. In the Introduction to the *Guide* he first states that it is the purpose of his work to explain the equivocal, derivative, and amphibolous terms appearing in the Scriptural

texts and to clarify Scriptural parables which are obscure. Then again, he describes the subject matter of the *Guide* by the rabbinic terms *Ma'aseh Merkabah* and *Ma'aseh Bereshit* which in all of his works he identifies with physics and metaphysics. Finally, he states that the *Guide* is devoted to "the science of the Law in its true sense" (*hokhmat ha-Torah 'al ha-emet*), "the secrets [of the Law]" (*ha-sodot*), and "the mysteries of the Law" (*sitrei Torah*). That the secrets of the Law discussed in the *Guide* are not co-extensive with the totality of physical and metaphysical knowledge, may be gathered from an incidental enumeration that Maimonides himself provides. In a chapter advocating the moderate intellectual enlightenment of the masses (*Guide*, I, 35), he states emphatically that the secrets and mysteries of the Law must be concealed from them, listing as such secrets: divine attributes, creation, God's governance of the world and His providence for it; divine will, apprehension, knowledge, and names; and prophecy and its various degrees. Comparing this list with the topics forming the subject matter of the *Guide*, one discovers that it contains all the topics of the work with the exception of the section, at the end of the book, devoted to the reasons for the commandments (*ta'amei ha-mitzvot*). From these observations one may conclude that, whatever else the *Guide* may be, it is a book of Scriptural exegesis devoted to the secrets of the Law. The purpose of Maimonides' exegesis remains, however, still to be determined.

Just as the *Guide* is restricted to a limited subject matter, so is it restricted to a limited audience. Maimonides wrote for Jews and for Jews of a special kind at that. That the work was not written for pure philosophers is clear from what has been seen so far as well as from the fact that most of the subjects discussed in the *Guide* are of little interest to those concerned with pure philosophic speculation. Nor is the work addressed to the masses, to those who are beginners in speculation, or to those scholars who are only engaged in the legal study of the Law — though all of these may derive some benefit from the work. Who then are those to whom the *Guide* is addressed?

Maimonides, in his Introduction, describes the addressee of the *Guide* as someone who is "perfect in his religion and character," that is someone who is a devoted Jew and who, at the same time, has "studied the sciences of the philosophers and come to know what they signify." The reader so described has been perplexed by the conflict between the literal meaning of Scriptural terms and parables and what he has learned in the philosophical disciplines. He is concerned that were he to follow the teachings of philosophy he would have to renounce the foundations of the Law, and were he to accept literally the Scriptural terms and parables, he would have to sacrifice the discoveries of his mind. Once again it must be left open how Maimonides resolves the perplexity of his reader.

The literary character of the *Guide* imposes further difficulties of interpretation — difficulties occasioned by halakhic considerations as well as principles of philosophic prudence. The *Mishnah* in *Hagigah* II, 1 enjoins the public teaching of *Ma'aseh Bereshit* and *Ma'aseh Merkabah*, holding that *Ma'aseh Bereshit* may be taught to only one person and *Ma'aseh Merkabah* only to one who is wise and able to reason for himself. Maimonides in *Mishneh Torah, Hilkhot Yesodei ha-Torah* II, 12 and IV, 11 codifies this mishnaic principle as binding law and this presents him with a problem in writing the *Guide*. For if *Ma'aseh Bereshit* and *Ma'aseh Merkabah* are identical with physics and metaphysics, how can he write a book devoted to these topics, especially since presenting one's views in writing is public teaching par excellence. Aware of this dilemma, Maimonides justifies his writing the *Guide* in three-fold fashion. First of all he invokes the Biblical verse: "It is time to do something for the Lord, for they have infringed Thy Law" (Ps. 119:126). This is the same verse that had been used to justify the writing down of the *Mishnah*, another work the writing down of which had been legally enjoined. To the Biblical verse he adds as additional justification the rabbinic saying "Let all thy acts be for the sake of Heaven" (Ab. II, 17).

Then again, Maimonides takes cognizance of the halakhic injunction in the literary form of his work. He begins the *Guide*

with an Introductory Letter, addressed to a former student, Joseph ben Judah Ibn Sham'un, whom he had previously tested to make sure that he is wise and able to reason for himself. Since then the work has the form of a personal communication addressed to someone who has fulfilled the qualifications of the halakhah, the writing of the *Guide* cannot, strictly speaking, be said to be public teaching.

Maimonides, however was well aware that his work would become available to people at large (in fact he aided Samuel Ibn Tibbon in translating the *Guide* into Hebrew) and so he had to look in still another direction to observe the teachings of the halakhah. This he did by using methods of contradiction. Enumerating in the Introduction to the *Guide* seven types of contradictions that appear in books and compilations, Maimonides states explicitly that he will use two of these in the work. One of these is the use of contradictions for pedagogic reasons, the other to conceal his true opinions. Concerning the latter he writes: "In speaking about very obscure matters it is necessary to conceal some parts and to disclose others. Sometimes in the case of certain dicta this necessity requires that the discussion proceed on the basis of a certain premise, whereas in another place necessity requires that the discussion proceed on the basis of another premise contradicting the first one." There has been no greater challenge to interpreters than to locate these contradictions and to discover how they may be resolved.

We have so far spoken about problems occasioned by the subject matter of the *Guide*, the audience to which it is addressed, the method of contradiction which Maimonides uses, but there is one further aspect of the work which invites the interpreter's attention. It is the over-all orientation of Maimonides' philosophic views. It is a commonplace among the students of Maimonides that he was an Aristotelian in his philosophic orientation, but hardly anyone has clarified what kind of Aristotelianism he embraced. This question becomes acute once it is realized that two types of Aristotelianism were current in Maimonides' days — that of Avicenna and that of Averroes.

Avicenna's Aristotelianism manifested a strong Neoplatonic coloration and it had a certain theological bend. By contrast, Averroes' Aristotelianism was of a more naturalistic kind. Averroes undertook to restore the true Aristotelian teachings by cleansing them of Neoplatonic accretions and he accused Avicenna of having capitulated to theological considerations on certain points. Hence, one may contrast the theologically colored Aristotelianism of Avicenna with the more naturalistic one of Averroes. What kind of evidence does Maimonides provide for assessing his position on this philosophic controversy?

Maimonides mentions both philosophers in his writings. He mentions Averroes in a well-known letter to Samuel Ibn Tibbon, the first Hebrew translator of the *Guide* and also in a letter to Joseph ben Judah, the addressee of the *Guide*. Scholars are agreed that Maimonides became acquainted with the views of Averroes too late to consider them in his *Guide*. (See, S. Pines, "Translator's Introduction," *Guide of the Perplexed*, Chicago, 1963, pp. lix-lxi, cviii and H. A. Wolfson, *Crescas' Critique of Aristotle*, Cambridge, Mass. 1929, p. 323). However this does not preclude that Maimonides' Aristotelianism may have been of an Averroean kind, since Maimonides associated himself with Andalusian Aristotelianism — an Aristotelianism which was naturalistic in its orientation.

Maimonides also mentions Avicenna in the letter to Samuel Ibn Tibbon, but while he recommends Averroes without any reservation, he attaches some strictures to the study of Avicenna. Comparing Avicenna and Alfarabi he writes: "Though the works of Avicenna manifest great accuracy and subtle study, they are not as good as the works of Abu Nasr al-Farabi." (A. Marx, "Texts by and about Maimonides," *JQR*, n. s., XXV (1934-35), p. 380). This somewhat negative opinion must be balanced by the observation that in the continuation of this passage Maimonides advocates the study of Avicenna's works and that on a number of crucial philosophic issues on which Avicenna and Averroes held conflicting opinions he follows Avicenna's views. Thus, for example, he follows

Avicenna (against Averroes) in holding that essential attributes applied to God must be understood as negations and in recognizing the validity of the proof of the existence of God known as the proof from necessity and contingency.

With these backgrounds in mind, we can now proceed to a discussion of some aspects of modern Maimonides interpretations.

II

The modern study and interpretation of Maimonides may be divided into two periods. The first of these extends from the 1840's until the early 1930's; the second from the early 1930's until today. Of the studies which appeared during the first of these two periods one may single out Scheyer's *Das psychologische System des Maimonides* (1845) and Rosin's *Die Ethik Maimonides* (1876), but scholars would probably agree that the Arabic edition and annotated French translation contained in S. Munk's *Le Guide des Egarées* (1856-66) mark the high-point of the scholarly accomplishments of this period. Research during this period was hampered by the lack of adequate editions of the parallel Arabic texts and by the absence of monographic studies devoted to the Islamic philosophers on whom Maimonides drew. Thus, for example, Scheyer in his just mentioned study of Maimonides' psychological teachings had to rely on citations in the Hebrew commentaries on the *Guide* for his knowledge of Maimonides' Islamic philosophic antecedents.

The turning point came in the early 1930's with the appearance of Julius Guttmann's *Die Philosophie des Judentums* (1933), Leo Strauss' seminal *Philosophie und Gesetz* (1935) and H. A. Wolfson's magisterial studies. The Arabic texts of Maimonides' Islamic predecessors now started to appear and so did monographs on their thought.

While Maimonides scholarship during the second period was devoted primarily to articles and monographs on specific problems within Maimonides' thought, certain trends in the over-all interpretation of his position started to emerge. There

were those scholars, primarily Strauss, Pines, and, more recently, Berman who proposed what may be called the naturalistic interpretation of Maimonides; and there were those, primarily Julius Guttmann, H. A. Wolfson and the present writer who tended toward a more harmonistic interpretation.

The pioneering study of the naturalistic interpretation was Leo Strauss' *Philosophie und Gesetz* — a work, judging by the footnotes, partially influenced by Leon Gauthier's *La théorie d'Ibn Rochd (Averroès) sur les rapports de la religion et de la philosophie* (1909) which Strauss himself describes as a "meisterhafte Analyse" of Averroes' *Fasl al-Maqal* (p. 70, n. 1). Gauthier's work together with his own researches on the political writings of Alfarabi brought Strauss to emphasize the political dimensions of Maimonides' thought and the esoteric nature of his exposition. Strauss pointed out that Maimonides (as the Muslim Aristotelians) followed Aristotle in his physical and metaphysical views, but his political teachings were Platonic. Through the intermediacy of Alfarabi, Maimonides accepted the Platonic notion that the ideal state consists of three classes of men, each one of which performs the function for which it is fit. (It should be noted that Maimonides reduces these classes to two — the elite, literally "the perfect ones," and the masses.) The ideal state can only come to be when there exists a philosopher-king in whom there are combined the virtues of the philosopher and the statesman. Pagan societies never produced a philosopher-king, so that the ideal state never came to be among them. By contrast, the advent of the Scriptural prophets, particularly Moses, created the possibility of the ideal state and the ideal law. Manifesting an interest in the political function of the prophet more than in the psychological processes productive of prophecy, Strauss and those who follow his approach, point out that Moses, for Maimonides, becomes the embodiment par excellence of Plato's philosopher-king and that the state which Moses founded and the Law he brought are the embodiment of the Platonic ideal.

Strauss continued his studies of Maimonides in "The Literary Character of the Guide for the Perplexed" (in S. W.

Baron, ed., *Essays on Maimonides: An Octocentennial Volume*, New York, 1941; appeared also in Strauss' *Persecution and the Art of Writing*, Glencoe, Ill., 1952), and in his "How to Begin the Study the *Guide of the Perplexed*," (in S, Pines' English translation of the *Guide*, Chicago, 1963). Strauss' insistence on the esoteric character of the *Guide*, his detailed analysis of its literary structure and his painstaking investigation of its dominant themes, imply a certain theory concerning Maimonides' over-all views. The position of Strauss and those who follow his interpretation may be gathered from their account of two characteristic Maimonidean topics — prophecy and prophetic knowledge, and creation. From Maimonides' account of these two topics it appears, at first glance, that the prophet possesses knowledge beyond the natural knowledge attained by philosophers and that the world was created. But it may be asked: are these Maimonides' real views? Might it not be the case that Maimonides' overt statements are simply an exoteric exposition, while in his esoteric views he maintains that there is no special prophetic knowledge and that he agrees with the Aristotelians that the world is eternal?

Strauss' answer to the question appears to have undergone a change as his researches progressed. In his early *Philosophie und Gesetz* he seems to have accepted that Maimonides is the proponent of special prophetic knowledge and of creation (pp. 76-79), but one gains the impression that in his later "The Literary Character of the *Guide for the Perplexed*" and "How to Begin the Study of the *Guide of the Perplexed*" he moved toward the naturalistic interpretation of Maimonides' views. While Strauss' allusive style makes it somewhat difficult to locate his views with precision, S. Pines defends the naturalistic orientation of the *Guide* in more overt fashion. Pines, in fact, speaks of the "naturalistic aspect" of Maimonides' thought and he ascribes to him "a certain naturalistic hard-headness" ("Translator's Introduction," pp. xcvii and cix).

Pines' stance receives clarification from his interpretation of a passage appearing in the Introduction to the *Guide*. In this passage Maimonides states that the knowledge of the

"Secrets of the Law" comes to select individuals, the prophets, like bolts of lightning and that Moses received this kind of knowledge in pre-eminent, singular fashion. At first glance one gains the impression — and this is the opinion of most of the commentators — that Maimonides describes here a kind of intuitive illumination that only prophets can attain. Pines, however, interprets the passage in another fashion. Citing a passage from Ibn Bajjah's *Risalat al-Ittisal*, Pines explains that while it is true that Moses alone was the recipient of the highest kind of intuitive knowledge, this knowledge was within the natural powers of the human mind. Thus, Pines concludes his interpretation by stating: "When Maimonides borrowed part of his imagery from Ibn Bajja, he must have been aware that all his readers who were more or less familiar with the main philosophic texts of his time, would tend to identify the man receiving the lightning flashes with the highest type of philosopher and not, as the passage might suggest, with the prophets."

If it is then correct that Strauss and his followers see in Maimonides primarily a philosopher committed to a naturalistic interpretation of Aristotle's views, what then is the purpose of Maimonides' Scriptural exegesis in the *Guide* and how does he resolve the perplexities of his reader? The answer to this question is that the *Guide* is a transitional book. The reader for whom the work was written is a believing and practicing Jew who, having studied the philosophical sciences, has become perplexed by the literal meaning of Scriptural terms and parables. To this reader Maimonides wants to show that the judicious, esoteric interpretation of Scripture reveals that the secrets of the Law are identical with the pure philosophic teachings. This was a position which Averroes had also made his own. But in spite of this philosophic orientation, Maimonides, unlike Spinoza later on, requires that the philosopher must observe the commandments of Jewish Law. For while the practices contained in the Law have only a secondary function in producing the contemplative state, which for Maimonides is the goal of human life, they are necessary for the stability of the state, of which even the philosopher has need.

Let us now turn briefly to the second exegetical trend — that which has been described as the harmonistic interpretation. Whereas Strauss and his followers emphasize the political dimensions of Maimonides' thought, these merit less attention in the researches of scholars following the harmonistic trend. Guttmann in his *Philosophie des Judentums* barely mentions Maimonides' political views, and his account of prophecy concentrates on the psychological processes of the prophet rather than on his political function. That this is not simply due to the fact that this work appeared before Strauss' *Philosophie und Gesetz* is evident from the Hebrew version of Guttmann's work which appeared in 1950. Not only did Guttmann see no need to revise his earlier views; in fact he argues against Strauss' thesis in a footnote (*Ha-Philosophiah shel ha-Yahadut*, p. 394, n. 476b; *Philosophies of Judaism*, p. 434, n. 125). While Guttmann's reaction to Strauss has so far been largely a matter of conjecture, a recently published posthumous work by him has helped to explicate his views. In his *Philosophie der Religion oder Philosophie des Gesetzes?* (*Proceedings*, The Israel Academy of Sciences and Humanities, v, 6, Jerusalem, 1974) Guttmann shows his appreciation of Strauss' study of the political and legal dimensions of Maimonides' thought, but reiterates at the same time his conviction that theoretical philosophic concerns lie at the center of Maimonides' thought. "Auch wenn man Strauss den schlechthinnigen Primat des Gesetzes zugeben wolle," writes Guttmann in a salient passage, "were es doch nur das Recht des Philosophierens, das im Gesetz begründet ist. Ihre sachliche Grundlegung vollzieht die Philosophie selbst, und ihr innerer Aufbau wird durch den sachlichen Zusammenhang ihrer Probleme bestimmt" (p. 168 [23]).

It is similarly interesting to note that H. A. Wolfson, who has written on many aspects of Maimonides' thought, did not devote a study to his political views. Instead, proponents of the harmonistic trend turned their attention to Maimonides' physical, psychological, and metaphysical views out of the apparent conviction that these topics provide the most important issues of the *Guide*.

While proponents of the harmonistic interpretation are aware of Maimonides' use of contradictions, they do not place this principle at the center of their interpretation of the *Guide*. Hence, they take Maimonides at his word when he affirms his belief in creation, when he makes prophecy in some way dependent on the will of God, and when he holds that prophets can acquire knowledge which is not available to the philosopher. H. A. Wolfson expresses this point of view when he writes: "They both [Hallevi and Maimonides] agree that God acts with free will and that in His action there is therefore an element of grace and election, opposing thereby the view which they both attribute to Aristotle and to the philosophers in general that God acts by the necessity of His nature" ("Hallevi and Maimonides on Prophecy," *JQR*, n. s., XXXII [1942], 345). Guttmann speaks in a similar vein when he writes: "Even with regard to speculation the prophet transcends the pure philosopher, for cognition rises in him to speculative heights that surpass the boundaries of that which can discursively be grasped" (*Philosophie des Judentums*, p. 195, my own translation).

What, then, according to the harmonistic interpretation is the complexion of Maimonides' thought and what is the purpose of the *Guide*? H. A. Wolfson, in his very first published study, answered this question by felicitously describing Maimonides as an Aristotelian, though with limitations. By that he meant that "[it was Maimonides' aim] to show that Scriptures and Talmud, correctly interpreted, strictly harmonize with the philosophical writings of Aristotle" ("Maimonides and Halevi: A Study in Typical Attitudes towards Greek Philosophy in the Middle Ages," *JQR*, n. s., II [1912], 307). However this harmonization was limited in the sense that the human mind had only a limited capacity for truth. Beyond that — in areas such as creation, prophetic knowledge and so forth — Scripture provided a truth not available to the unaided human intellect. In writing the *Guide* it was Maimonides' task to show that Scripture, properly interpreted, contains the truths of Aristotelian physics and metaphysics but that, in addition,

it provides knowledge which man cannot attain by his own natural powers. In somewhat different language, Guttmann makes the same point when he writes. "Maimonides' theistic Aristotelianism made room for the creator-God of the Bible within his philosophic outlook, thereby effecting metaphysically a real synthesis between Biblical religion and Aristotelianism" (*Philosophie des Judentums,* p. 205, my own translation).

III

Confronted by these two divergent interpretations, what is the contemporary interpreter to do and can he ever hope for a resolution of this dilemma? Isadore Twersky has given expression to the interpreter's problem when he writes in his *Maimonides Reader*: "This dialectic and these difficulties [of the *Guide*] continue to befuddle and divide students of the *Guide* concerning Maimonides' true intention and actual religious stance. There is little agreement among scholars in this area" (p. 21, note).

Having studied Maimonides consistently for some twenty-five years, I have no clear-cut answer to our question. My own preference is for the harmonistic interpretation, though I can not close my eyes to the merits of the naturalistic school (See my "Some Aspects of Maimonides' Philosophy of Nature," *La filosofia della natura nel Medioevo,* Milan, 1966, pp. 209-218 and "Maimonides' Thirteen Principles," *Jewish Medieval and and Renaissance Studies,* ed. A. Altmann, Cambridge, Mass., 1967, pp. 119-144). I want to conclude, however, with two suggestions for future Maimonides' studies which, to my mind, will help to clarify our problem. My first suggestion is to investigate anew Maimonides' psychological doctrines. Admittedly this is not easy, since his discussion of psychological topics is rather scant. But we now have good editions of psychological writings of Alfarabi, Avicenna, Ibn Bajjah and Averroes and their judicious use will undoubtedly be of help. Specifically, one should investigate once again the nature of the illuminative experience described in the Introduction of the

Guide. My second suggestion is to probe further the relation of Maimonides' teachings to those of the Ash'arite Ghazali. While it is evident that Maimonides' stance is quite different from that of Ghazali, still scholars have suggested that what has been called Ghazali's occasionalism may have had some influence on Maimonides' thought. While, then, an answer to the question: "What is the correct interpretation of Maimonides' thought?" may lie at the end of a long road, studies such as those suggested might help to move us along the way.

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A CRITIQUE OF HANNAH ARENDT'S THESIS ON TOTALITARIANISM AND MODERN ANTISEMITISM

G. W. F. Hegel states in his *Introduction to the Philosophy of History* that there are three methods of writing history. The first is Original History, the second, Reflective History, and the third, Philosophical History. Concerning the third he writes:

> In history, thinking is subordinate to the data of reality, which later serve as guide and basis for historians. Philosophy, on the other hand, allegedly produces its own ideas out of speculation, without regard for given data. If philosophy approached history with such ideas, it may not leave it as it is, but shape it in accordance with these ideas, and hence construct it, so to speak, *a priori*.[1]

The danger of interpreting history in such a way is obvious: historical fact becomes distorted and subordinate to the philosophical concept.

The Origins of Totalitarianism by Hannah Arendt is an example of such an historical work in which fact is molded by concept. There is no doubt that the theories expounded are absolutely brilliant in themselves and have some validity in the explanation of the historical phenomena, but on close perusal they do not always correspond with historical reality.

The principle of cause and effect to which Arendt apparently subscribes, is often a very dangerous method of historical interpretation. If the cause is incorrectly posited, it naturally follows that the effect will be incorrect. That history follows

a logical, orderly sequence, in which the principle of cause and effect has a place, is questionable. There is strong temptation to explain the quirks and eccentricities of history by means of complex theories. In such a system, everything has its place, and makes sense, but the glaring historical data do not always allow the construction of such theories.

This essay will examine the major hypotheses of Arendt, their ramifications and their place in the formation of other ideas. Each individual idea will not be disputed, but an attempt will be made here to show by several examples that there is room to criticize some of her central ideas, thus pointing to the flaw of Arendt's approach to history.

As the title implies, *The Origins of Totalitarianism* is a study of those things which, according to the author, were the origins and integral parts of totalitarianism. Since totalitarianism is itself a modern development, the author apparently feels the need to interpret its causes also as modern developments. This leads us to Arendt's first major point; namely, that modern antisemitism must be seen as a contemporary, secular phenomenon. For reasons which are unclear, she rejects the scapegoat theory and the notion of eternal antisemitism. She asserts that we must interpret antisemitism in the light of various modern developments.

In proving this assertion, Arendt traces the development of modern antisemitism with the rise of the modern nation-state. She states that the breakdown of the medieval Feudal Order at the end of the 16th Century gave rise to a new idea of equality. The class stratification of the Feudal Manor was brought down and in its place grew the independent state which represented the entire nation. The expanded business of the new state created the need for much greater credit than had ever been required. The Jew was the logical choice to handle this state business because of his experience in business, especially on the international level. The Jew had gained this experience particularly as a result of his role in the Thirty Year's War. By virtue of the fact that the Jews were dispersed

throughout Europe, they were in a perfect position to supply the various war-lords with their provisions. If one Jew didn't have the proper material he would secure it from another Jew somewhere else. Since these wars were semi-private, each nobleman relied on a "Court Jew" to provide for his needs.

During this growth of the Nation State there existed a rigid class system in which one's status was determined by his particular class membership, not by his position in the state hierarchy. The Jew was the exception to the rule, since he was afforded special protection by the state for his business services to the state. Therefore, when the Jew was admitted to the class system, he was associated with the aristocratic or ruling classes. This association with the ruling classes was to have disastrous consequences. Arendt theorizes here concerning the development of all subsequent antisemitism: Whenever a particular class came into conflict with the forces of the State, for whatever reason, this class necessarily came into conflict with the Jews, because of the Jews' unique relationship with the State.

Another crucial thesis which is almost a subset of the first thesis is that as a result of the Jews' position in the State, they developed no knowledge or interest in politics and political power. Thus, they remained politically naive throughout modern history. The Jew did not ally himself with any specific government for any particular ideological reason, but rather allied himself with any government which could provide him with protection and opportunities.

To explain this naiveté, — Arendt analyzes the Jewish political situation in Austria in the nineteenth and early twentieth centuries. In the early 1830's, the House of Rothschild gained a monopoly on the issuance of government loans for the Hapsburg Empire. This precipitated the need for them to call on international Jewish capital. The resulting intra-European cohesiveness of the Jews, their knowledge of all types of commercial information, and their organizational abilities gave the world "proof" of an aloof, plotting "Jewish World Government." As a result, due to the role of the Roths-

childs in Austria — prior to the outbreak of World War I — practically every segment of society became opposed to the Hapsburg monarchy and became antisemitic as well.

Arendt continues with a more general discussion of society in the nineteenth century. The author chose to base her analysis of society in this period on the recollections of Marcel Proust, whom she terms "the greatest writer of Twentieth Century France."[2] Proust himself, spent his life almost totally in society (especially in the Fauborg Saint Germain); therefore, his recollections are the reflections of that society.

Society at this time had torn away from mundane public matters, and had integrated politics into its social life. In addition, Society had a weird, degenerate interest in the occult, and in things out of the norm. Crime was no longer considered a deliberate act of will, but rather a psychological problem. It is crucial to note that this change in attitude took place in a system where the legal and political machinery were not divorced from Society. Jews had been forced into an ambiguous situation in order to be accepted by Society. They had to become exceptions to their own people and sometimes exceptions to humanity. The philosophy of "a man in the street and a Jew at home," made the Jew feel that he was different from the man in the street because he was a Jew, and different at home because he wasn't like all other Jews. This ambiguity produced a strange, complex psychology. The Jew who tried to assimilate developed what became a marked stereotyped psychological trait as a result of his constant efforts to distinguish himself. This psychological trait was the essence of Jewishness, and Society transformed it into a vice. When Judaism was stripped of its religious, ethical, and social overtones by the assimilated Jews, the trait of "Jewishness" still shined forth.

This explains Society's acceptance of the Jews at the time of the Dreyfus Affair. Society was intrigued by the vice of Jewishness and was also convinced of the Jew's national role of being traitors in the Affair. Instead of being abhorred for

their suspected duplicity, the antithesis was the case. It is interesting to note that with the acquittal of Dreyfus, and hence the general exoneration of Jews, Society's interest in them rapidly decreased. The vice of Jewishness had been somewhat purged; therefore, Society had no real reason to accept the Jews any longer.

Parallel situations existed in the societies of Austria and Germany after World War I. The Jews were seen as the cause of the war, and the only ones who actually benefitted from it. But because of the twisted value system of the day, this "vice" led generally to their acceptance and in itself might have been advantageous. Nazi antisemitism also had its roots in these decadent, perverted, social values. Antisemitic legislation of the 1930's required Society to purge itself of secret viciousness and clean out the stigma. The change of Jewishness into a "vice" brought about the logical consequence: The solution of crime is punishment, the solution of inherent vice is extermination.

Why did Society become interested in the perverse, the human subculture? What were the forces at hand that were working on Society? Arendt does not answer these questions, yet posits these ideas as fact. Barbara Tuchman, in *The Proud Tower*,[3] provides us with needed background information. The era prior to the War was one of Victorian plushness and conservatism which stifled spontaneity and creativity. Sexual repression created in the individual a discomfort and dissatisfaction with society at large. The intellectual order, as was found in the universities, expressed solid, staid, colorless middle class values. Religion was stripped of value, philosophical speculation voided of all romance. Art was valued in a cold pragmatic way.[4] Emphasis in general was on orderliness and security. The Victorians believed in Darwin's theory of slow, deliberate progress. This description supplies the background for Society's fascination with vice and crime. It was simply a reaction to this constricting Conservatism.

The Dreyfus Affair witnessed the rise of the "Mob," which Arendt points out is the "residue of all classes,"[5] and not identifiable with the "People." The Mob hates Society, from which it is an outcast. The Mob's relationship with Society put them in a position to hate the Jews, for the Jews were tolerated by Society. Moreover, the Mob's hatred of the government added to their hatred of the Jews, for the Jews were protected, and therefore associated with the government.

The lessons of the Dreyfus Affair were numerous. Even an accepted and assimilated Jew as Dreyfus, still possessed that old sense of pariah. It became evident that human rights do not exist for some, and that Society is quick to remove one's privileges in certain situations. This was to be a widespread phenomenon after World War I with the problem of the displaced and stateless refugees. Arendt's thesis on Jewish political naiveté crops up here again to explain the Jewish predicament during the Affair. Jews had made a talisman of legal security and had put all their trust in it, for they had played such a miniscule role in the political development of the state. The Jews had no knowledge of realpolitik.

The Nineteenth Century also witnessed the appearance of Imperialism which had far reaching effects on the course of modern history. Arendt's theory of the rise of Imperialism closely parallels that of J. A. Hobson.[6] The Capitalist system is built on the principle of constant economic growth, which meant that business had to develop foreign markets for the investment of its excess capital. Hence, the Nation-State began the mad rush for the acquisition of colonies and immediately ran into problems. Conquest and assimilation of foreign peoples into a Nation-State that was built on the principle of homogeneity was an inner contradiction. Conquests without the possibility of proper integration led to rebellion, which brought about tyranny by the state.

Initially, Jewish financiers were the pioneers in the investment of the superfluous capital, for they had always worked outside the capitalist system. Again the Jew, because of his connections, was suited for international investing. Increased Capitalist colonial investment necessitated the "export of

power" to protect this capital. Governments became involved eliminating the Jewish businessman. The Power administrators formed an entirely new class in the colonies, claiming power as the essence of every political structure. They came to see power as an end in itself, a view which was translated into actual destruction. This use of power as the motor of all things was the actualization of the philosophy of Thomas Hobbes.

The by-product of superfluous capital was superfluous people. Every period of rapid industrial growth leaves a certain amount of displaced "human debris" (the Mob), who have been eliminated from society. This Mob was conveniently exported and used to protect the foreign investments.

Arendt continues by examining racist history, including some of the original racist thinkers. This discussion is crucial, as racism is one of the insidious pillars of totalitarianism.

The author claims that modern racist thinking did not have its origins in Germany, but rather in France, where traditionally there had been a class struggle between the bourgeoisie and the noblemen. Racism, therefore, was almost a carryover from the Feudal Period. Bearing this in mind, it is easily understood why the major early racist thinkers were French. Among the first was the Comte de Boulainvilliers who theorized that people of Germanic origin had conquered the residing inhabitants of France and had subjugated them under the "right of conquest" principle. The point to be emphasized here is that racial superiority was based on a historical fact rather than on any physical phenomenon. De Boulainvilliers was followed by Augustin Thierry, who differentiated between "Germanic nobility" and Celtic bourgeosie. The Comte de Remásat went further in proclaiming a Germanic origin for all European Aristocracy. Perhaps the most important racist thinker was the Comte Arthur de Gobineau, the "prophet of Doom" amidst the progress theorists prevalent in Europe. He said that the fall of mankind is a slow, natural process brought about by the degeneration of races through intermarriage with inferior races since in every blood mixture the lower race is dominant.

Gobineau proposed the creation of a "race" of princes to overcome this destruction of mankind.

Edmund Burke, the main proponent of English Racism, felt that liberties are "entailed inheritances" from the forefathers. The sum total of one's rights and privileges are those inherited by titles and land. Burke felt that the entire English people possessed these "entailed inheritances" which established England as the nobility among nations. Burke opposed the idea of "universal rights of man."

Darwinism provided the theoretical basis for race and class rule. In the realm of politics it was the justification of race superiority, since the struggle for existence ultimately led to the survival of the fittest.

Then there was the African experience, the lessons of which were later implemented in the Nazi Era. Arendt provides a study of the Boers as the prototype of total race subjection.

The British found in the Boers a nation that had been in South Africa since the Seventeenth Century and had developed a "culture" completely different from the European. They had developed essentially four qualities which Arendt sees as the basis of all racist societies. The Boers had a strong contempt for labor, a cause of their subjection of the black populous to difficult work. The Boers had a hatred of territorial limitations; they were not bound by a fixed geographical area. There was a general rootlessness in them: they had no spiritual, ethical, or moral ties. The Boers held an activist faith in their own chosenness and saw themselves as separate and above all others; thus, they were the perfect models of a class of racists.

A study of the Boer philosophy, its bureaucracy, race and power thinking, was valuable training for what was to become the Nazi elite. They witnessed how certain "peoples" could be changed into races. They saw that one's own interest could be pushed into the position of primacy. They were purged of the idea that history is necessarily progressive. Per-

haps most important, they learned that because the Boers were willing to sink to the level of savages, they remained the masters over the "inferior" race.

The dynamic thrust toward the attainment of totalitarianism was supplied by the Pan-Movements of the Nineteenth Century. The failure of the Germans to unite, created a desire among the people to unify, albeit on a spiritual or national level. This movement didn't consider past history, but projected itself forward into the future.

The tribal nationalism of the Pan-Movements was characterized by certain racial postulates laid down by Arendt in her discussion of the Boers. They insisted that their own people were surrounded by enemies. They professed that a profound difference existed between their people and others. They claimed that theirs was a unique people, totally incompatible with all others. They denied the possibility of a common mankind. The Pan-Movement did away with the Judeo-Christian concept of the Divine Origin of Man and changed it to the Divine Origin of their own people. The concept of common responsibility implied by the Divine Origin of Man was removed by the Tribalism of the Pan-Movement. The idea of Divine Origin served as an isolating tool later implemented by the totalitarians.

The fundamental political tenet of the Pan-Movements was hatred of the State. Schoenerer was the first to see the possibility of using antisemitism to disrupt the internal unity of a state. He wanted to destroy the Hapsburg Empire, a state whose structure rested on a multitude of nationalities. Thus the exclusion of one nationality could bring down the entire fabric of the constitution. Schoenerer singled out the Jews as the nationality for exclusion for two reasons: Firstly, the Jews were the perfect model of a nation without a concrete, visible state. They had a society of their own in place of a nation, which was exactly what the Pan-Movement desired. Secondly, the chosenness of the Jews clashed directly with that of the Pan-Movements. They feared that the Jews' claim was more valid than their own.

The Pan-Movements had a deep distrust of the inept Continental Party system. The Multiparty system of Europe was built on the idea that the Party is part of the State, with the State above all parties. The Multiparty system never allows one man or party to assume full responsibility for their actions. The result is that no government formed by party coalitions can ever assume full responsibility. When one group finally seized the state after many years of disastrous multiparty rule, the action came as a relief to many, for it brought a modicum of consistency to state government. Under these conditions the Nazis could win the valuable support of wealthy businessmen because they would be seizing the government for their own Party, which would then put Hitler in the position to rule to the advantage of these businessmen without interference from any other party.

The phenomenal desolation of World War I, the power vacuum created by the dissolution of the Dual Monarchy and the liberation of Poland and the Baltic states from Russia, resulted in the dislocation of one hundred million people. The problem was what to do with these displaced persons. Nationals were disloyal to the imposed governments, resulting in governmental oppression. The Nationals were convinced that freedom could only be attained with full national emancipation.

All attempted solutions failed miserably. Repatriation could not work, for there was no state to accept them. As mentioned above, nationalization failed because it was not accepted by the Nationals. The result was the creation of the man without a state. By virtue of his status, there was "no appropriate niche in the framework of the general law."[7] By definition this person became an outlaw: he was outside the law because he felt that he was not subject to any law. Since the nation-state could not provide any law of protection for the stateless man, the government transferred the entire refugee problem to the police, whose job it was to deal with outlaws. This development marked the first time in the history of Western Europe that police actually ruled people indepen-

dently of the government. The strength of these police grew in proportion to the influx of refugees.

Arendt comes to the conclusion that once the principle of "equality before the law" was destroyed, the nation-state could no longer exist. Laws not equal for all become rights and privileges of the few. With the inability to treat stateless people and the extension of the police power, there inevitably arose the temptation of the government to deprive all citizens of their legal status and rule everyone with police force. The result was totalitarianism.

At this point let us briefly summarize in outline form those things which Arendt says are the origins of totalitarianism.

A. Growth of the Nation-State and Antisemitism

B. Social Conditions of the Nineteenth Century

C. Imperialist Expansion and the Development of a Power Elite

D. Rascism

E. The Pan-Movements

F. Decline of the Nation-State and the end of the doctrine of the Rights of Man

Arendt's thesis concerning the rise of modern antisemitism is based on the Jew's unique association with the state. She uses this thesis as a basis to explain a number of historical phenomena: antisemitic reaction of the Mob in its nascent stages, the Jewish reaction during the Dreyfus Affair, rascist thinking and the antisemitic nature of the Pan-Movements. The author's sweeping theory — that any groups in conflict with the State necessarily became antisemitic — is also based on this thesis.

As stated in the introduction, this paper is not an attempt to prove the validity or invalidity of Arendt's thesis. But we will try to show the effect that errors in these theories can have on her interpretation of history.

Arthur Hertzberg, in the introduction to his famous work, *The French Enlightenment and the Jews*,[8] questions some of the basic premises of Arendt. Hertzberg believes Arendt exaggerates the importance of the "Court Jew," and his role in the foundation of the modern nation-states. In the growth of the French state, for example, the Jews did little, as its development was financed by foreign Protestant investors. Therefore, the strong Jewish association with the state, as Arendt sees it, probably never existed. If this is true, all the implications Arendt draws from this thesis are somewhat fallacious.

Let us examine Arendt's thesis of the growth of Imperialism. As stated before, Imperialism was brought about by the need to invest superfluous capitalist money. This necessitated the export of the Power administrator to protect this money, which in turn led to tyranny.

William Langer, in his *Exploration in Crisis*,[9] refutes the thesis of Imperialism set forth by Hobson[10] and adopted by Arendt. Langer shows by seemingly irrefutable evidence that Imperialism was not a result of the need for capitalists to invest their superfluous capital. An examination of the Imperialist activity of England, France and Germany indicates the validity of Langer's argument. Before 1875, the era of anti-Imperialism in England, there was sizeable export of capital. In contrast, between the years 1875-1895, the time of greatest Imperialist activity, there was a considerable falling off of foreign investment. Prior to World War I France invested only two billion francs out of 30 or 35 billion francs of total exported funds, in colonies. In 1914, of Germany's 25 billion marks in foreign investment, only 3 per cent went to Asia and Africa, and of that 3 per cent only a small part went to her colonies. The conclusion is that colonial expansion had nothing to do with the investment of superfluous capital. This breaks down a number of Arendt's implications, such as her assumption of the importance of the Mob, the Power administrator, and growth of tyranny.

Arendt's account of the Pan-Movements is also rather

distorted. She concentrates on the role of Schoenerer who appears to be the founder of the Movements. In reality, Schoenerer was a functionary of the Movements, the one who implemented past ideas. Schoenerer was influenced by the Volkish race thinker Paul de Lagarde, as pointed out by Langer.[11] Lagarde felt the Jewish religion kept the Jews separate; if the Jews really wanted to be Germans they should have cast away their religion. The archaic, lifeless religious attitude of the Jews was totally incompatible with the vibrant, profound Volkish mysticism. Therefore, Jews could never be Germans. The Jewish nature prohibited the Jews from becoming part of the national German fabric. The fact that the Jews were incompatible, and on German soil, brought Lagarde to the conclusion that there inevitably must be a mortal struggle between Germans and the Jews.[12] This is the antisemitism of the Pan-Movements: the failure to unite politically cultivated a plan for spiritual unification along the lines of the Volkish ideology of Lagarde.

Arendt however, believes that the antisemitism of the Pan-Movement was once more a result of the Jews' close association with the State, in this instance the Hapsburg Empire, and that it was also due to the clash in the "choseness" of the Jews and the Pan-Movements. Thus, it appears that Arendt overlooked some glaring facts in order to maintain the validity of her basic thesis.

The author's account of the growth of the police, one of the most important elements of totalitarianism, is also quite difficult to comprehend. Arendt develops an intricate hypothesis of the influx of the stateless who were placed under police control beyond the control of the law. As the number of refugees increased so did the power of the police. This theory might be correct for some of the countries in Europe, but not for the main bastion of totalitarianism, Germany. The central position of the police in Germany has its roots in the political confusion after World War I. War agreements prohibited the Germans from maintaining a powerful army, so certain paramilitary groups sprouted up. The dislocated German soliders

who could not regain their niche in the fabric of society, and who could not readily adjust to the slow unheroic, mundane world, found the perfect narcotic in the Frei Korps. The Frei Korps was a military body formed at the request of the Social Democratic Party to be used against the troublesome Apartocist and Independent parties. In fact, almost every political party in the aftermath of the War had its own enforcing arm. The Communists had the Rote Faitne, the Rightists had the Stahlhelm, the Social Democrats, the Reichsbanner, and the Nazis the S.A. The Nazis later developed the S.S., led by Himmler, which was of prime importance in the advancement and attainment of the Nazi political goals. Out of these political conditions the police in Germany arose to become such a powerful institution.[13]

The basic flaw in Arendt's book and in general, in her approach to history, is as we have stated in the Introduction, and attempted to prove later: conceptual theories do not always fit into the historical facts. If one is to conceptualize about history it must be first predicated on the knowledge of the cold, concrete facts. Without this knowledge, theories cannot be built, and if they are, oft times they do not have much substance. In all fairness, however, I do not believe Arendt was much concerned with the writing of an ordinary history, but was more interested in understanding the forces that move history. In this light, there is much value in Arendt's works. But again, if these ideas do not have a solid historical base, they are reduced to speculation, and the value of speculation is debatable.

NOTES

1. G. W. F. Hegel, *The Philosophy of History*, Dover Publications, New York, 1956, pp. 8-9.
2. Hannah Arendt, *The Origins of Totalitarianism*, Harcourt, Brace, and World, Inc., New York, 1966, p. 80.
3. Barbara W. Tuchman, *The Proud Tower*, Macmillan Co., New York,

1966, see the entire chapter entitled, "Heroism is in the Air."
4. For a fine exposé of an artist's reaction to this era see Paul Gauguin's *Noa Noa.*
5. Arendt, p. 107.
6. J. A. Hobson, *Imperialism,* George Allen and Unwin Ltd., London, sixth edition, 1961.
7. Arendt, p. 283.
8. Arthur Hertzberg, *The French Enlightenment And The Jews,* Columbia University Press, New York, 1968, see the entire introduction.
9. William Langer, *Explorations in Crisis,* Harvard University Press, Cambridge, Mass., 1969, pp. 168-170.
10. Hobson, *Imperialism.*
11. Langer, p. 231.
12. Adapted from George Mosse's, *The Crisis of German Ideology,* Universal Library, New York, 1964, pp. 37-39.
13. Information taken from William Halperin's, *Germany Tried Democracy,* Thomas Y. Crowell Co., New York, 1946, p. 107 in particular.

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THE SCIENTIFIC AND THE RELIGIOUS WORLD VIEW

I

Introduction

For Judaism, the scientific and religious outlook have one thing in common, i.e., the recognition of orderliness in nature. This is expressed in the very story of creation. The first act of creation, according to the Bible, was followed by an act of division: "And God divided the light from the darkness." The principle of division was the first principle of order. The *memshelet hayom* and the *memshelet halayla* (the order of day and night) was the establishment of a basic law of nature. The creation of all living things "after its kind" presupposes the idea of well-defined categories in the botanic and zoological realms. The unchangeability of *Hukkot Shamayim va'Arets* (Laws of Heaven and Earth) is a well-known biblical concept. The rabbis in the Talmud affirmed the principle that *Olam k'minhago noheg,* the world continues in accordance with its established order, and God should not be expected to interrupt that order. The *Sidrei Bereshit* (Order of Creation) is a well recognized principle, which is identical with the concept of an established natural order. The entire structure of the *Halaka* presupposes the existence of a universe in which the kind of orderliness obtains which is the subject matter of scientific inquiry and interpretation. The Jewish calendar, the entire Talmudical order of *Z'raim,* (Agricultural Laws) the very times for the daily prayers, every aspect of the

Halakik order, involve reference and application to a form of reality which is objectively controlled by the uniform orderliness of the laws of nature. According to Maimonides' interpretation, the teachers of the *Midrash* already felt uncomfortable at the thought of a miracle, which should interrupt the natural course of events, and attempted to see the miracle itself as something originally envisaged in the act of creation and incorporated in nature from the beginning.

However, the acknowledgment of orderliness in nature, or the scientific search for its laws, does not in itself yield a world view. A world view is an interpretation of reality. Of necessity, such an interpretation cannot be derived from experience. As a view of the world, it must be comprehensive but no human experience may comprehend the All. Every world view is a creative act of the imagination, based on a very limited experience of the world. In relationship to the whole of reality, all exact human knowledge is fragmentary yet man, in order to live significantly, must have a vision of the essential quality of the whole. However limited his actual knowledge of the world may be, in its light man must venture out into the unknown and seek to behold the structure of the All. The great metaphysical systems have been such adventures of the human spirit. They cannot be "proved." The question concerning them may only be whether they can be significantly maintained in the light of what is provable.

A scientific world view is not science, but the leap of faith undertaken by the scientist who ventures to interpret the whole of reality on the basis of the exact knowledge gained from the scientific investigation of a relatively small segment of the whole. Neither is a religious world view religion. It, too, is a leap of faith, which attempts to grasp the essential nature of the whole in the light of a necessarily limited experience and a specific insight.

The relationship to the world which is to be viewed has at least two aspects. There is the world, which confronts the human being; there is the human being, which confronts the world. Reality has an object and a subject aspect. There is,

however, a third aspect to reality which requires consideration. It received its metaphysical dignity in the critical philosophy of Kant. When Kant distinguished between phenomena and noumena, between the world as it is revealed — or constituted — in human experience, and "the thing in itself," as it may exist beyond all possible experience, he was inquiring into the third aspect of reality. At every instance, when man experiences the external reality, he is really involved in Kant's problem of the "thing in itself." The world is never given to us in immediacy of experience. Man is never in *direct* contact with the external world. The world as object is always given to us through the mediation of our senses. It is the source that emits the stimuli which are responsible for the sense impressions. The world for us is its representation in sense perceptions. What we call external reality is the imprint made by it on our senses. The point has been ingeniously illustrated by Edwin A. Abbott's familiar *Flatland*. In one of his essays, Professor Eddington compared the world around man to a broadcasting station. The messages are rather different from the station itself. We may be the recipient of the broadcasts, but we cannot identify the programs that we receive with the size and structure of the station itself or with the nature of its functioning. Attempting to pierce beyond the world of phenomena, we are confronted with the problem of the ultimate ground of reality.

Needless to say once we become aware of the problem of the ultimate ground of reality with reference to the object world, it is easily realized that the problem is an all-embracing one, comprehending both the world as object and the realm of the subject. A world view must therefore take cognizance of the three-fold aspects of reality: of the world, experienced by man as the object; of the ultimate ground of reality in both its manifestations, the subjective and the objective.

II

The Two World Views

Science, as such, treats one aspect of reality, the objective one. Anyone who wishes to understand that phase of the

world must employ the scientific method of investigation. However, a scientific world view goes beyond that and undertakes to interpret all three phases of reality in the light of scientific principles. The scientific world view is conceived by the application of the scientific method to the entire realm of existence. As a result, it objectifies all reality; it regards the subject as well as the ultimate ground of reality as objects occupying the quantitative dimensions of the spacetime continuum. The human being that confronts the object world, the Ego, is explained as a specimen, exemplifying a group, a species. It is what it is because of the general rules that prevail within the group. Its individuality as a subject disappears; its uniqueness is looked upon as the mere fancy of the uncritical intellect. The subject is turned into an object; the I becomes an It. This is the only way the human being may be understood scientifically. There is no science of the individual, the unique. Science cannot cope with the individual; it melts the subject down into the category of the general. As to the ultimate ground of reality, it too is objectified. Since that aspect of reality which confronts man as object is scientifically verifiable, the scientific world view boldly affirms that only what is so verifiable is real or exists. It is acknowledged that the object world is given to us only in our sense perceptions; but it is maintained that it is the only world that exists and there is nothing else beyond it. (This is the gist of all forms of scientific realism. There is no need for us to analyze them further in this context). As the subject is dissolved into the object, so is the ultimate world ground limited to the object aspect of reality, It exists only to the extent to which it is scientifically verifiable.

For Judaism the essential concern of religion is with the realm of the subject. It acknowledges the authentic reality of the subject, its individuality, its uniqueness. Without such acknowledgment Judaism is inconceivable. We need not take cover under the supernatural or unseen world in order to analyze this approach to reality. The starting point of this approach is altogether of this world. The subject is given to us

directly. In fact, it is the only aspect of reality to which we have direct access. Whereas the object world is known to us only by the mediation of our senses and, as it were, only as a reflection mirrored in our sense perceptions, we know the subject "from within," from the immediacy of our individual existence. The religious interpretation of reality begins with the acknowledgment that the subject is real, that the individual does exist as an individual, that the I is not an It, that the subject is inexplicable in terms of the object. In fact, it would seem to be intellectually easier to "personify" the object than to "objectify" the subject. Developing further the implications of the Kantian position, Schopenhauer maintained that the space-time continuum of the objective order cannot be regarded as existing absolutely. Its relation to the subject may never be overlooked. His dictum, "No object without a subject," seems to us to be incontestable. However far we may proceed in the objectification of the subject, the subject remains inviolate, for only a subject can objectify.

It is important that my body should function normally. However, I am not identical with my body. I am not identical with its anatomy, its chemistry, its physiological functioning. I am somehow attached to all this; it has been appointed to me. But I am not my body. My body is an object, I am not. I can even look at my consciousness and make it an object of study, but I am not identical with my consciousness either. My body, my consciousness, my sensations, my feelings and thoughts — they are mine, but they are not me. I am I. I am a person; I cannot be objectified. The subject represents a category by itself. The Personal is a basic category of being, it possesses ontological authenticity and is, therefore, not further reducible.

As the religious interpretation does not allow the realm of the subject to be absorbed by the object, neither does it permit the objectification of the ultimate ground of reality. Once again, as in the case of the subject, the refusal is not due to any supernatural element which is introduced into the religious world view, but rather to a problem with which one

is confronted as one attempts to interpret reality purely in terms of the object. While it is necessary to describe the object realm of reality in terms of its own orderliness, there is one aspect of that realm which cannot be so rendered intelligib i.e., its very givenness. The laws of nature may help us understand the processes of nature but they do not explain their own existence. Newton's law of gravitation describes the relationship between bodies of differing masses, but it does not render the so-called gravitational pull itself intelligible. That is accepted as given. Gravitation being given, the scientist can only discover the way of its functioning. Einstein's curvature of space may represent a condition prevailing in the universe but it does not explain it. Given the fact the bodies do cause a "sagging" in space, movement along the curve will be determined by the nature of the curve. All laws of nature are originally given and their being given cannot be explained in their own terms. They are like the principle of a series, which reveals the prevailing order of the series but is not responsible either for the existence of the series or for its principle. Plato already saw clearly that all attempts at interpreting reality, sooner or later, must come up against an inexplicable surd, that resists all interpretation. It is the ultimate givenness of something with which we have to start and whose givenness is not explicable in terms of the structure of what is given.

The inexplicable surd, or the puzzlement over the givenness of being itself, is inseparable from the question as to the ultimate ground of reality. A deeper insight into the cause of man's puzzlement over the inexplicable surd provides the signpost for the direction in which one must seek the answer to the question of the ultimate ground. While the wonder over the givenness of existence may never be resolved, Plato's inexplicable surd is the logical consequence of a limitation inherent in the method of interpretation. The methodology, that is so fruitful when applied to the object world, must fail when called upon to make meaningful the givenness of that world. The ultimate ground of the givenness of the object world, as well as of its orderliness, can only be provided by a principle

that is not itself of that world. If it were of it, it would itself be the inexplicably given. The principle of interpretation must come from a dimension "outside" the realm of the object, from one that "encompasses" the space-time continuum within which alone the method of scientific objectification may properly function.

In modern existentialist philosophy the significance of Plato's irreducible surd and Kant's "thing in itself" has been formulated anew by Karl Jaspers in his concept of the Encompassing. With this concept Jaspers drew our attention to the truth that every object, of which we have experience and knowledge, is always within another. However comprehensive it may be, it is never the All; it is always contained by a "horizon." But each horizon points beyond itself, to that which surrounds the given horizon. As man presses on from horizon to horizon, never being able to come to rest by securing a point of view from which the whole of Being may be surveyed, he is confronted with the question of the Encompassing. The Encompassing is not just another horizon, but the ultimately comprehensive medium, the "surroundings" of every determinate form of existence, that which encompasses all possible horizons but itself cannot be grasped as yet another horizon. As a mere horizon it would again point beyond itself. The Encompassing is the ultimate "environment;" it contains all horizons but it is not itself contained. The thought has a twofold significance for us. The Encompassing cannot be "objectified;" for whatever is object of knowledge and experience is found within a horizon. Secondly, the Encompassing cannot be itself of the nature of the object world. If it were, it could only be a horizon, that would require a further environment and so on *ad infinitum*. The Encompassing is the ultimate "environment" to all horizons because it is apart from the space-time dimensions of the object world. But the question concerning the Encompassing is essentially the same as the question about the ultimate ground of reality. Quite clearly then the ultimate ground of reality is not to be "objectified," nor will it be contained by the laws and dimensions of the object realm of Being.

He who recognizes the authenticity of both, of the realm of the subject and that of the object, raises — of course — the question about the ultimate ground with reference to both. The answer, however, must encompass all "horizons." It must be found in a dimension that transcends the object and the subject and yet sustains them. The ultimate ground ought to be sought in what is supra-personal and supra-"objective" and from which both could have issued, the object and the subject, the thing and the person, nature and the individual. It is at this point that the central affirmation of Judaism becomes the foundation of the religious world view. God, the ultimate world ground, is the creator of nature as well as of the person. He is the Ultimate Encompassing or, in talmudical terminology, *M'Komo shel ha-Olam*. He is the One who transcends all horizons and yet holds them and contains them. The religious affirmation provides the idea, which enables the believer to conceive a view of the whole that takes adequate cognizance of all three aspects of reality, the subject, the object, the ultimate ground.

III

Meaning and Purpose

That God created the world is, of course, not a scientific statement. But no statement concerning the ground of reality or the ultimate Encompassing can be scientific. Scientific statements are only possible within the object realm. The sentence, God created the world, posits this realm and its orderliness; it establishes it and in such a manner that it is made accessible to scientific investigation. It does not describe the object as it is, but explains why it is. It is because God willed it. A new principle is introduced into the interpretation of reality, the principle of intention. The world is willed, it is planned, it has a purpose. But if willed and intended, reality has value. "And God saw all He has made and behold it was good." Being has value, for the world ground is the divine intention.

The scientific interpretation is quantitative. The object may be adequately described only insofar as it is measurable. The essence of the object is ideally expressed in the mathematical formula. But only objects may be so represented, not intentions or purposes. The scientific interpretation of reality recognizes only facts, not meanings. It can deal only with what is, not with what ought to be or should be. Objects in themselves just are; as the facts of science they are brutally indifferent toward all considerations of meaning or purpose. This in itself is not a bit disturbing as long as the scientific interpretation remains limited to the domain of the object. Agglomerations of atoms and molecules do not ask for meaning or purpose. They just are what they are. The trouble arises when the scientific method becomes the foundation of a world view that is bound to objectify the whole realm of existence. The scientific world view, not being able to break through to the ground of reality, has no access to the source of meaning and purpose. Meaning and purpose are regarded merely as human inventions, they are the drives and desires of a human being who is himself objectified and should be seen as a mere sample of the world of objects. Thus, man is obliged to see his existence as the accidental result of the interplay of impersonal natural forces, which are utterly indifferent toward the mirage of his imagined personal destiny. In truth, however, man cannot be objectified. He is a person. And the characteristic mark of personality is the quest for meaning in existence. As the person possesses ontological authenticity, so too the quest for meaning and purpose, which is inseparable from personal being, has ontological status. It is inherent in Being itself. Within the objectifying world view of science, man's longing for meaningfulness cannot be satisfied. Here is one of the roots of despair in certain forms of existentialist philosophy of the day.

Within the religious world view, man, in his search for purpose, turns naturally to the ground of being in order to discover the meaning of his own existence. In search for meaning, he comes face to face with the ultimate ground of

being, the intention and will of the Creator. But now the world of the object too appears in a new light. The will of the Creator embraces the whole of creation, subject and object. The energy-charged space-time structure of "brute facts," so efficiently described by science, is now itself referred to that other dimension of the Ultimate Encompassing, the dimension of meaning and value, the ontological homeland of both, subject and object. The object realm itself becomes thus injected with purposefulness. Man has now to meet it with a sense of awe and find fulfillment in it for his personal destiny in a spirit of responsibility toward the all-embracing reality, which has issued from the hands of the One Creator.

IV

Unity and Continuity

Some of the age-old problems of epistemology have remained unresolved to this day, because their solution was attempted exclusively within the frame of reference of the object world, without due consideration for the subject and by ignoring the ultimate ground of reality, which is common to subject and object.

At the dawn of modern philosophy Descartes raised the question as to the reality of the external world. Since the world is given to us in sense perceptions and since these are often misleading or illusory, how can one be sure of the external world? Perhaps what we call the world, exists only in human imagination? While Descartes' solution of the problem is rejected, most thinkers attempt to shrug the problem off. To imagine that the universe existed only in the consciousness of a single individual, as required by consistent solipsism, is absurd. It is unacceptable. Yet, the mere disinclination to entertain a doubt because it is disagreeable to us is no solution. Indeed, there is no solution to the problem as long as we attempt to "objectify" all reality. Only if we are willing to acknowledge the subject in its full ontological authenticity may Descartes' problem be solved. Man, the person, fulfills his essential nature in search for meaning. Within the religious world view, by relating himself to the divine world ground, he becomes aware of purpose and responsibility as modes of personal existence. There is something to be realized, something that ought to be. But the concept of the "Ought" cannot arise in a solipsistic universe, in which the whole of reality exists only in the imagination of a single individual. The "Ought" which is as inseparable from the subject realm as the "Is" is from that of the object, points to another or to some other form of reality outside the subject. In the utter loneliness of solipsism, responsibility, purpose, and meaning are inconceivable. In responsibility and conscience the world itself is given to man as real. It may be called the ontological irony of human existence that as long as man refuses to acknowledge the subject aspect of reality, he cannot prove that the whole of the universe may not be mere imagination in the consciousness of a subject that, according to the premise, is a mere object in disguise.

Among the basic presuppositions of the scientific method are the concepts of unity and continuity in nature. Without them no laws may be formulated and no predictions made. Yet, both concepts are epistemologically most questionable.

Modern science formulates its laws on the strength of the validity of the principle of induction. When a certain function has been established in a sufficient number of cases it is assumed to conform to a "law." The general rule is induced from the specific occasions. This, however, may only be done on the assumption that what happens on numerous occasions will happen always. But why? Surely, this is a conclusion not based on experience or observation. "Always" may neither be experienced or experimented with. The conclusion derives from the presupposition of unity in nature. It is assumed that nature functions according to a uniform pattern. The assumption, however, can never be proved by the method of induction. It is the presupposition about which induction proves nothing. How serious the problem is one may appreciate better, if one contemplates the ramification of the problem of continuity in nature. It was David Hume who raised the issue most disturb-

ingly. No past experience by itself justifies the assumption that the order discovered in nature in the past will continue in the future. There is no experience of the future. Not even Kant, who confessed that Hume's questioning woke him from his "dogmatic slumbers," ever really answered Hume's criticism. The concept of statistical laws offers no solution either. It too must assume the metaphysical principle of unity and continuity. Though the orderliness is conceived as being of a statistical nature only, it requires the presupposition that what has been established in a small corner of possible experience is valid in general. It also affirms that the same orderliness that has been observed in the past will remain in effect in the future too, an assumption which cannot be supported by any statistical data since there are no statistics of the future. Whitehead correctly maintains that the principle of induction, the very core of the scientific method, is the despair of the philosophers. It is based completely on a metaphysical assumption that cannot be validated either logically or experimentally.

It is, however, rather remarkable that notwithstanding the despair of the philosophers the assumptions are justified by their results . The method of induction does work. Predictions of the future based on general laws normally do come true. The philosopher's despair may be resolved by realizing that the solution to the problem was sought in a realm where it could not be found, in that of the object. Mere objects just are and their pure object essence is utterly indifferent either toward order or chaos. Order and law belong essentially in the subject realm. The object, as such, can well do without them. The original mode of the existence of the object world is *Tohu va'Bohu* (chaos). Only the subject is not conceivable in a state of *Tohu va'Bohu*. Only in the realm of the subject, of the Personal, are law, order, and unity no mere presuppositions but actual modes of Being. The object can just be; the subject is law, order, and unity or else it cannot be.

The same applies to the principle of continuity. It is not a principle of the object realm. Continuity as experienced is inseparable from consciousness. Continuity too is a mode of

personal existence. The object has no sense of time. It does not endure, except in relationship to a subject. By itself, the object has neither a past, nor a future. It is what it is at every instant of its existence, in its completeness and perfection confined on all sides by the instant. It has no memory of the past nor expectations of the future. Only plan and purpose, meaning and goal will thread instants of experience into an enduring sequence. Only the subject continues. The object is timeless; it exists below the threshold of time.

However, the subject can neither exist nor function in a state of *Tohu va'Bohu;* yet it exists and has to function in the midst of the object world. To plan, to hope, to seek the realization of meaning are modes of personal existence, but they take place in the midst of an object world. That the subject may be, there must be room for planning and purposeful action within the domain of the object. This requires a measure of orderliness, of an expectation of tomorrow within the object realm itself. This is not mere logic. The ontological essence of the subject includes within itself the ontological reference to an external realm, which, though object, yet is aware of the subject. The existential reality of the subject includes the object-awareness of the object world. It is ontologically given with the givenness of the subject. To that extent the realm of the object itself becomes subjectified. The object is appointed to the subject as the subject is appointed to the object. However, since both subject and object are not further reducible in their ontological authenticity, since neither the subject emerged from the object nor the object from the subject, their being appointed to each other has to be sought in the common world ground of the divine will of purposeful creation. Only if we connect the subject and the object to their common divine world ground may unity and continuity in the realm of the object be expected as the requirement of meaning and purpose that seek their realization by means of the subject.

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LABOR MOBILITY — A HALAKHIC VIEW

Neoclassical economic theory views man in his market activities as a monetary maximizer. Profit maximization is the dominant concern of the business firm, while utility maximization is the preoccupation of the consumer. Efficient pursuit of economic gain, according to this school of thought, requires the market participant to evaluate his economic options by balancing anticipated marginal gains against anticipated marginal losses.

Economic resources can be expected to be employed in their highest market use when the marketplace is characterized by perfect mobility. Freedom of mobility implies that resource owners are free to enter into contractual arrangements unencumbered by economic relationships they may have entered into in the past. To the extent that economic obligations of the past inhibit new arrangements or otherwise limit future options, market decisions could very well be forced to be made on considerations other than efficiency.

The degree of resource mobility an economy attains is greatly affected by the legal framework under which it operates. How society chooses to define the reciprocal obligations a contract generates to its parties assuredly affects the future economic options of the principals involved. Similarly, the penalties the legal system imposes on a reneging party, determines the strength of the *economic* disincentive to break a contract.

Focusing on the labor input market, this article will explore resource mobility from an halakhic perspective. This will involve an analysis of how halakha restricts parties from entering into new arrangements on the basis of their current and past economic relations.

We will first proceed to investigate how halakha restricts parties from entering into new arrangements on the basis of their current contractual commitments.

Labor contracts are regarded halakhically as being consummated when the parties involved reach a verbal agreement. Retraction at this point imposes penalty on the reneging party only when the injured party both incurred an opportunity cost in entering into the agreement and in addition sustained a loss in consequence of the retraction. Satisfaction of the above conditions requires the worker, when he is the claimant, to demonstrate that alternative employment opportunities were available to him at the moment the oral commitment was entered into and no demand for his services existed at the time of the retraction. Similarly, the employer's claim against a reneging worker is honored only when the former can demonstrate that alternative sources of labor supply were available for hire at the time the labor contract was consummated and in, addition, he suffered a loss as a consequence of the retraction. Should either of the above conditions fail to be met, the injured party may have grounds for legitimate grievance, but no monetary penalty is imposed on the reneging party.

When the above liability conditions are satisfied, the reneging employee is required to make good the loss of his employer. Circumstances in reverse do not, however, require the employer to compensate the worker by the full amount of wages he originally stipulated. Insofar as the breaking of the contract affords the worker the consolation of spending his day in leisure, the reneging employer's liability is reduced to the payment the former would demand if asked to abandon his work in favor of leisure. (*k'poel boteil*)[1]

In instances where we are certain that the worker would have preferred work to leisure, the above discount element is not applied. Agricultural and iron workers fall within this category as even short lay-offs exert a debilitating effect on their health. Consequently, a reneging employer would be obligated to compensate these workers by the full amount of wages he originally stipulated.[2]

Similarly, an employer seeking release from his contractual responsibility to a religious teacher, must compensate him by the full amount of the wages he originally stipulated. This is so because we are certain that religious teachers prefer to devote their time to instruction rather than spend their time in leisure or idleness.[3]

In the event the worker could only secure employment offering a lower wage rate than the one called for by the broken verbal agreement, the employer may exercise either of the following positions:

1. He may require the worker to accept the lower paying job, compensating him for his loss in the wage differential called for by the higher paying job of the broken contract; or

2. He may require the worker to accept the amount of money he would demand if asked to abandon the work called for by the broken contract in favor of leisure.[4]

Should only work more irksome, albeit higher paying, than the kind stipulated by the broken contract be available at the time of the retraction, the options the employer enjoys here are disputed by the Rishonim. *Talmedei HaRashba* rule that under these circumstances the worker can not be coerced into accepting the more irksome work. Refusal on the part of the worker to accept the more irksome work would force the employer to compensate him *k'poeil boteil*.[5] Mordechai, however, holds that either of the above two options can be exercised by the employer. He may either require the worker to accept the more irksome, higher paying job, or alternatively, compensate him *k'poeil boteil*.[6]

Once the laborer has completed part of the work stipulated by the verbal agreement, or has performed work preparatory to the fulfillment of the terms of the contract itself, the employer and employee cease to enjoy equal rights with regard to retraction.

Retraction at this stage on the part of the employer obligates him to honor his part of the agreement subject to the discount element discussed above, whether or not the worker incurred an opportunity cost as a result of entering into the verbal agreement. In this instance, the sale requirement for liability is the occasioning of *unemployment* to the worker as a result of the retraction. Similarly, if the worker upon arriving at the work scene, finds that the stipulated work was either already performed or impossible to discharge, he has a legal claim to the wages of a *poeil boteil*. Examples of this case occur when a worker is hired to plow or irrigate a field, but finds when arriving that the soil is very moist and cannot be plowed, or, alternatively finds that the previous night's rainfall has already irrigated the field.

The worker's claim to the wages of a *poeil boteil* is valid only when the employer did not inspect the work scene the previous night. Moreover, even if the employer neglected to do so, in the event the worker knew, prior to the time he was slated to begin his work, that circumstances obviated the discharge of the stipulated work, no compensation can be claimed by the worker.[7]

In contradistinction, the day laborer (*poeil*) has the legal right to terminate an engagement at any time. This right is viewed by the Torah as a necessary safeguard to his personal freedom. Denying him this right would have the effect of relegating him to the status of chattel, bound to his employer against his own inclination. This right is exegetically derived from the verse, "from unto me the children of Israel are servants."[8] They are My servants but not servants to servants.[9]

Retraction rights place the *poeil* in an advantageous position relative to the employer should he decide to quit his job before completing a full day of work. An arithmetic example will illustrate the nature of this advantage: Suppose a worker is hired at a wage rate of $8 per diem. After having worked for only one-half the work day, he decides to quit his job. At this point, the cost of hiring a replacement to work for the remainder of the work day must be calculated. Should this

value be equal to more than $4, the reneging *poeil* is nonetheless entitled to his prorated wage of $4. On the other hand should the cost of completing the work day be less than $4, the reneging *poeil* is entitled to the difference between the payment he would have received had he worked for a full working day and the cost of completing his missing hours.[10]

Insofar as retraction rights are conferred to the *poeil* only as a means of assuring that his status would not be characterized as servitude, the *kablan*, or piece worker, is not conferred similar rights. This, according to Smah, follows from the fact that the status of a *kablan* is intrinsically not akin to servitude. Unlike the *poeil* who is continuously bound to his employer to perform his work, the *kablan* is free to perform the stipulated work at his own discretion and at his own pace and hence is not tied to his employer.[11] The essence of the difference between a *poeil* and *kablan* is defined by Or Zarua in slightly different terms. The *poeil* is identified as someone who may not break off from his work. The *kablan*, on the other hand, is defined as someone who may if he so desires take a respite from his work.[12] What follows clearly from Or Zarua's distinction is that anyone whose hours are fixed, regardless of the number of hours he is required to work, is properly classified as a *poeil*, not a *kablan*. [13]

Retraction on the part of the *kablan* places him at a disadvantage. The nature of his disadvantage is illustrated with the following arithmetic example: Suppose, a tailor is commissioned to manufacture a suit. Compensation for the job is fixed at $8. Now after completing only half of the required work, the tailor desires to quit his job. Compensation due him for services rendered is determined as follows: First, the cost of completing the job is calculated. Should the value exceed the $4 prorated payment the employer would have paid for the remaining part of the uncompleted job, the tailor's $4 payment can theoretically be reduced down to zero. On the other hand, should the cost of completing the suit be less than $4, the reneging *kablan* does not gain from the circumstance and is entitled to only $4. The range of compensation the reneging *kablan* can theoretically secure varies, therefore, from $0 to $4.[14]

The contract flexibility enjoyed by the *poeil* is, however, not absolute. He may not, for instance, release himself from his present contractual responsibilities in order to secure higher paying employment elsewhere.[15] In addition, when the labor agreement is consummated by a written contract or *kinyan*, Ritvah is of the view that the *poeil* cannot retract without incurring a disadvantage, in the sense discussed above.[16] A third limitation occurs when the *poeil* deposits his work tools with the employer. Rashba and Ran are of the view that the employer may threaten to withold release of these articles unless the stipulated work is completed. Failure of the tactic allows the employer to sell these articles for the purpose of securing replacement workers to complete the work at hand.[17] Finally, in the event the *poeil* was contracted to perform work that requires immediate attention, postponement of which would result in irretrievable loss, he may not retract without incurring a disadvantage.[18]

The biblical interdict against contracting into a status of servitude prohibits, according to Mordechai, an individual from contracting the continuous provision of his labor services for more than three years.[19] Mordechai's ruling is rationalized by Shakh in the following manner: In reference to the master's obligation to bestow his slave with gifts when he becomes emancipated, the Torah writes: "And this shalt not seem hard in thine eyes when thou sendest him away from thee for double the amount of the wages of a hired day servant he earned for six years . . ."[20] What is clearly indicated by the above verse is that six years is double the normal contractual obligation of the hired hand. Given this intimation, contracting to provide continuous labor services for more than three years, though not constituting servitude, nonetheless places the worker in a classification inferior to that of the hired hand. Included in the interdict against contracting into servitude is the prohibition of contracting into a status inferior to that of a hired hand.[21]

Insofar as the interdict against contracting into servitude

does not apply to an individual entering such an arrangem[illegible] out of financial desperation, a destitute individual may enter into a long term labor contract.[22] Noting that a labor contra[illegible] is intrinsically not akin to servitude, Tosafot in *Baba Metziah* 10a finds no reason to object to long term labor contracts.

We will now turn to an investigation of how halakh[illegible] restricts parties from entering into new contractual arrang[illegible] ments on the basis of their past economic relations.

An employer, under certain conditions, is obligated to allow a worker to stay on the job, rather than replace him, though no commitment for continuous employment was ever made to him. Job security of this nature is obtained by the employee when the need of the employer for his services, at the time he was hired, was on a continuous rather than on an ad hoc basis. Hiring an individual to fill a factory job meets this criteria. Once hired, the employee enjoys job security as long as the position he occupies remains open and may not be dismissed without cause. Cause is established when the employ[illegible] sustains an irrecoverable loss as a result of the employee[illegible] derelection of duty.[23]

Further insight as to what constitutes legitimate ground[illegible] for dismissal is derived from a Talmudic passage in *Baba Batra* 21a:

Raba also said: If we have a teacher who gets on with the children and there is another who can get on better, we do not replace the first by the second, for fear that the second, when appointed, will become indolent. R. Dimi from Nehardea, however, held that he would exert himself still more if appointed: the jealousy of scribes increaseth wisdom.

Inspection of the above Amoraic dispute leaves uncle[illegible] one critical point. Wherein lies the difference in pedagogi[illegible] skill between the incumbent and his competitor? Do they differ merely in degree of adequacy, each qualifying for the positi[illegible] (*V. Yod, Hilkhot Talmud Torah, II,* 3); or is the Amora[illegible] dispute confined to the instance where the incumbent is deficient, while the competitor meets the standards, and only

here does R. Dimi call for the incumbent's ouster? Resolution of this point is all important as the halakha rests in accordance with R. Dimi.[24]

Lechem Mishneh, speculating on why Rambam omits any reference in *Yad* to the above matter, posits that Rambam is in accord with R. Dimi. His failure to make any explicit mention of R. Dimi's opinion is explained by the fact that the substance of this case is already adequately treated by Rambam elsewhere in *Hilkhot S'keeroot,* where he rules that incompetency and derelection of duty on the part of a religious teacher provide grounds for his immediate discharge without warning. Given these dismissal rights, mention of R. Dimi's case becomes superfluous.[25]

Implicit in Lechem Mishnah's analysis is an adoption of our second interpretation of the Amoraic dispute cited above. Competency guarantees the incumbent job security, notwithstanding the availability for hire of an even superior individual.

Igrot Moshe appears to follow the above line of reasoning. In a response dealing with the authority of a Yeshiva's board of directors to terminate the services of a member of its religious staff, Rabbi Feinstein rules that as long as the teacher performed his duties diligently and adequately, he may not be replaced, notwithstanding the fact that no commitment was made to him at the time he was hired that his contract would be renewed. Moreover, even if the teacher's contract explicitly specified that renewal of his services would be at the board's discretion, the condition may very well have no validity. This follows from the fact that the board is elected to conduct the affairs of the Yeshiva in a manner that would sanctify the name of Heaven (*lishem shamayim*). Refusing to renew a contract without cause violates all canons of equity and is therefore not an action that would foster sanctification of God's name. Given that the board exceeds its authoritative limits with a stipulation of this nature, the option clause to renew the teacher's contract could very well have no legal validity.[26]

Another area of labor relations regulated by halakha having important implications for allocation efficiency relates to lay-off policy.

Suppose an employer hires a worker to fill a job in his factory. Subsequently, responding to an increased demand for his product, the employer adds another worker to his labor force. Now experiencing a slack period, the employer finds it necessary to lay off one of his workers. Does the employer enjoy complete latitude in deciding which worker is to be laid off, or does halakha require him to follow a set procedure?

Igrot Moshe posits that lay-off policy is halakhically prescribed and the procedure to be followed is a direct outcome of of the legalistic relationship that is established between the employer and employee when the labor contract is entered into.

Regarding the nature of this relationship, three competing views have been offered by the Poskim. Mordechai,[27] Hagahot Maimoniyot,[28] Raivad[29] and Ktzot[30] regard the employer as acquiring a lien on the person of the worker (*kinyan haguf*) when the labor contract is entered into. While simple logic rejects the notion that the labor agreement acquires for the worker a similar type lien on the person of the employer, two alternative possibilities present themselves. One approach would be to view the labor agreement as acquiring for the worker an obligation on the part of the employer to provide him with work. Alternatively, assuming that no such obligation is generated, consummation of the labor agreement requires the employer to compensate the worker provided the latter performs the work stipulated.

Rejecting the view that the labor agreement generates a lien to the employer on the person of the worker, Tosafot maintains that what the employer acquires as a result of the agreement is only an obligation on the part of the worker to perform the work stipulated. According to this view, it would be reasonable to assert that what occurs as a consequence of the labor agreement is the generation of reciprocal obligations for the parties involved. The employer acquires an obligation on the part of the worker to render the work stipulated, while

the employee acquires an obligation on the part of the employer to provide this work.

Finally, N'tivot Hamishpat[32] views the labor agreement as generating an obligation to each party of the agreement to fulfill an abstract *self requirement*. No reciprocal obligations are, however, generated. What forces the employer to provide work is the fulfillment of a *self-requirement* (*chiyyuv mitzad atzmo*) and not a need to satisfy his obligations to the employee. Similarly, what compels the worker to perform work is the necessity of fulfilling a self-requirement and not a need to satisfy any obligation to the employer.

Subscription to the reciprocal obligation view of the labor agreement leads to the conclusion that seniority in service entitles the worker to employment preference. Given the interpersonal nature of the employer's obligation, implementation of any subsequent labor contract to perform the same task must be held in abeyance until sufficient work is available to justify expansion of the labor force beyond the senior worker. What follows is that a contraction of the amount of work available to satisfy any obligation to the employer.

Viewing the labor agreement as generating only a requirement to the employer to compensate the employee should he perform the work stipulated, leads, however, to the conclusion that all workers currently employed enjoy equal rights to continued employment. With the *labor agreement itself* generating a requirement to the employer to compensate the worker should the work be performed, the actual performance of the work is what concretizes this abstract obligation. The work itself, from the perspective of the employees, is not merely a condition to fulfill in order to obtain compensation, but is a means of concretizing an abstract obligation already in existence as a result of the agreement itself. With each worker demanding that the work at hand be provided to him, does the senior employee enjoy employment preference, or are all currently employed workers invested with equal rights in this matter? An analogous circumstance occurs when creditors converge all at once upon a debtor to secure repayment. Here, the majority

view of the *Poskim* is that all creditors enjoy equal rights to the property of the debtor.[33] Ramban, expressing a minority viewpoint, rules that the antecedent creditor has a prior claim to the immovable property of the debtor.[34] Following the majority view, all currently employed workers would enjoy an equal claim to the available work. The available work would therefore be divided equally among them.

Should the obligation generated to the employer as a result of the labor agreement consist of an abstract, non-personal requirement to provide the worker with the specified work, Ramban's viewpoint would become irrelevant to the matter at hand as the latter's ruling refers to the resolution of competing creditor claims against a debtor and not to competing claims against a prospective employer. The available work would then, according to all disputants, be divided equally among the currently employed workers.

A variation of the above circumstance occurs when a worker is hired explicitly to perform *all* the available work of the employer. Subsequently, an increase in the work load forces the employer to hire an additional worker. Suppose, now, the work load diminishes to such an extent that two workers are no longer needed. How is the work load to be divided at this point among the workers? Given the above explicit stipulation with the senior worker, Rabbi Moshe Feinstein posits that the second worker must be considered in essence as the hired hand of the senior worker as well as an employee of the proprietor. Consequently, the second worker may exert a legitimate claim to the senior worker to provide him with work. The available work at hand should therefore be divided between the two workers equally.[35]

Special job security is conferred to individuals appointed to positions of public authority (*serarah*).

Exegetical interpretation of the verse, ". . . to the end to prolong his kingdom, he and his children, in the midst of Israel"[36] establishes the principle that the kinship is transmitted as an inheritance to the son of the incumbent. The phrase, "in the midst of Israel" is taken to extend succession

rights to the son of anyone occupying a position of communal authority.[37]

Examples of positions of communal authority include judge, court scribe, court officer, court flogger, Rabbi, sexton, cantor, and charity collector.[38]

Given the power to cause succession, the life tenure rights of an individual occupying a position of communal authority follows *a fortiori*.[39] Assimilating a position of communal authority with an object of sanctity, other authorities derive the life tenure rights of an incumbent from the prohibition against degrading the importance of an object of sanctity. This interdict finds expression in the oft quoted Talmudic adage: *maalin bakodesh veein moridim* (*Yoma* 9b) — we may promote in (a matter) of sanctity, but not degrade.[40]

Finding an individual more suitable for the position does not allow the community to replace the incumbent. In addition, hiring another individual to perform the same duties as the incumbent is also prohibited, as doing so effectively forces the incumbent to share his duties with another person.[41]

Moral misconduct provides the only valid basis for deposing an individual occupying a position of communal authority. Rumor of misconduct does not suffice to effect the incumbent's removal. A case for impeachment is halakhically established only when witnesses testify that the incumbent committed a transgression in public view. Such testimony removes the incumbent even if the latter is willing to accept his due punishment.

When the transgression involved was not committed in public view, the incumbent may extricate himself from removal by accepting his due punishment.[42]

Acceptance of due punishment does not, however, prevent the removal of the wayward prince. Allowing him to retain his office might subject his accusers to reprisals in the form of executions.[43]

Impeachment of the head of a Talmudic Academy, is, according to Rambam and Meiri, effected in the same manner as the removal of the prince.[44] Though reprisals in the form

of executions against his accusers is not feared here, the enormity of the profanation of God's name that results when a man of such stature sins renders his sins committed in private as if committed in *public view*. Alternatively, when the head of a Talmudic Academy sins, he forfeits thereby continuation in his role as public rebuker and moral leader.[45]

Another factor that limits competition in the job market for positions of communal authority, as mentioned above, is the succession rights enjoyed by the son of the incumbent. The son's claim to succession must be honored even if the latter does not measure up to his father in all respects. As long as the son is his father's equal in religious character, though not in wisdom, the community must give him preference in filling the vacant position.[46]

Ginat Varidim, quoting Rashba, posits that the community is only required to honor the succession claim of the incumbent's son when the other competing candidates are not vastly superior to the aspiring heir. Should the incumbent's son be eclipsed by the other aspirants, the former is given no preferential claim to succession.[47] Ree Aripol, however, requires the community to give preferential consideration to the *qualified* heir, notwithstanding the availability of candidates vastly superior to him.[48]

Unlike inheritance of material wealth, succession rights become applicable even in the lifetime of the incumbent. As soon as the father leaves his position, his son becomes eligible to succeed him,[49] Moreover, Avnei Nezer posits that succession rights in the father's lifetime apply even when the latter was legitimately impeached.[50] Nonetheless, in the event the community gave the incumbent permission to sell his position, the latter's son may not prevent the sale on the basis of his succession rights.[51]

Unsuitability for the communal position of authority at the time it became vacated does not, according to Dvar Moshe, permanently disentitle the son to his succession rights. An effort must be made to fill the position on a temporary basis to allow the presently unqualified heir the possibility of eventually

succeeding to the position. Should this attempt fail, the community would then be free to fill the position on a permanent basis, thereby disallowing the son of the previous occupant any future preferential claim to succession.[52] S'dei Chemed, quoting many authorities, however, sees no need for the intermediary step of filling the position on a temporary basis. The community may fill a vacated position immediately on a permanent basis, despite its effect of disenfranchising the rejected unqualified heir of the predecessor from any future preferential claim to succession.[53]

The Rabbinate, according to Rashdam is set apart from other communal positions of authority and is not subject to inheritance.[54] Machazit Hashekel rationalizes the denial of preferential succession rights to the heir here with the following Talmudic passage in *Yoma* 72b.

R. Johanan said: there are three crowns: that of the altar, that of the table, and that of the ark. The one of the altar Aaron deserved and received it. The one of the table, David deserved and received. The one of the ark is still lying and whosoever wants to take it may come and take it.

What proceeds from the above passage is that the crown of Torah is not an inheritance. Hence, when a Rabbinical position becomes vacant it is filled by means of the competitive process.[55] Nonetheless, should the son of the previous occupant of the position be at least equal in stature to the other available candidates, the former, according to Avnei Nezer, must be given preferential consideration.[56]

An alternative rationalization of Rashdam's view, cited above, has been offered by Chatam Sofer. What is subject to inheritance is only a communal position of authority, but not a *communal position of holiness*. Insofar as a Rabbinical position involves teaching Torah and interpreting Jewish law, the Rabbinate is intrinsically a communal position of holiness and therefore not subject to inheritance. Nonetheless, the Rabbinate, nowadays, according to Chatam Sofer, is subject to inheritance. This follows from the fact that today the Rabbi is *formally* hired by the community to cater to its spiritual needs.

Given the professional nature of the Rabbinate today, the position is akin to any other position of communal authority and should therefore be subject to inheritance.[57]

Other authorities equate the Rabbinate with any other position of communal authority and rule that it is subject to inheritance.[58]

Assuming the role of a position of communal authority without having been actually *appointed to do so,* may also entitle the individual to an exclusive right to continue in his role. This occurs when the duty is performed unopposed for a period of time sufficient to establish a *chazakah.* Unqualified exclusive rights to perform the duties involved are, however, here only secured when the individual involved is a Rabbinical scholar. When this is not the case, the community may opt at any time to transfer the duties involved to a Rabbinical scholar.[59]

Performance of Rabbinical functions without having been officially appointed to do so does not, according to Rema, establish for the individual a *chazakah* to continue in this role.[60] Though accepting this ruling in general terms, many *poskim* have qualified it in various ways.

Rash Le Beit Levi limits ruling of Rema to instances where the entrenched Rabbinical scholar was not accepted as the leader in the community. When the latter was, however, acknowledged as the leader in the community, continuous unopposed performance of Rabbinical functions establishes for him a *chazakah* for this role.[61]

Meishiv Daver rules that a *chazakah* can only be established for judicial duties, but not for the teaching of Torah. In regard to the latter, competition is deemed desirable as jealousy among scribes increases wisdom (*kinat sofrim tarbeh chokhmah*)[62]

R. Akiva Eger posits that continuous, unopposed performance of Rabbinical functions entitles the individual with the right of not being displaced entirely by a newcomer. Nonetheless, *chazakah* does not establish for the individual an exclusive right to assume this role.[63]

NOTES

1. Shulkhan Arukh *Choshen Hamishpat* 333:1-2; V. Smah and Shakh *ad locum.*
2. *Baba Kamma* 88a.
3. Rema, Shulkhan Arukh *Choshen Hamishpot* 334:4.
4. Shulkhan Arukh, *op cit.* 333:2 and Shakh *ad locum* note 9. Bach (Tur, *Choshen Hamishpot* 333:1, however, expresses the view that it is the *poeil* and not the employer that is given the prerogative of exercising either of the above options.
5. Quoted in Beit Yosef, *Tur Choshen Hamishpat,* 333:1, also quoted in Rema, *op cit.* 333:2.
6. B.M. VI quoted in Rema, *op. cit.*
7. Shulkhan Arukh, *op. cit.* 333:1.
8. Leviticus XXV: 54.
9. *Baba Kamma* 116b.
10. Shulkhan Arukh, *op. cit.* 333:4 and Smah *ad locum* note 16
11. *Ibid.*
12. Or Zarua, B.M. VI:242.
13. *Mishpetai Shmuel* no. 37.
14. Shulkhan Arukh; *op. cit.*; Smah, *op. cit.*
15. Remo, *op. cit.* 333:4.
16. *Responsa Ritvah.* Expressing a variant view, *Rivosh* (Resp. no. 476) holds that a labor agreement consummated by a written contract is on par with a verbal agreement. *Orukh Hashulchan, Chosen Hamishpat* 333:8 posits that halakha is in accordance with Ritvah.
17. *V. Nemukei Yosef* B.M. IV.
18. Shulkhan Arukh, *op. cit.* 333:5; V. Maggid Mishnah, *S'keeroot* IX:4
19. B.M. VI; quoted in Rema, *op cit.* 333:3.
20. Deuteronomy XI:18.
21. *ad locum* note 16.
22. *Ibid.*
23. Responsa, Igrot Moshe, *Choshen Hamishpot,* no. 75.
24. Rosh B.B. II:8; *Tur, Yoreh De'ah* 245:18; Shulkhan Arukh, *Yoreh De'ah* 245:18.
25. *Yad, Hilkhot Talmid Torah,* II:3.
26. *Responsa, Choshen Hamishpat* no. 77
27. Baba Metziah VI.
28. Hagahot Maimoniyot, *Hilkhot S'keeroot,* IX, note 5.
29. Raivad, *Hilkhot Shluchin Vishutphin* IV:2.
30. Shulkhan Arukh, *Choshen Hamishpat* 333 note 5.
31. *Kiddushin* 17a.
32. *N'tivot Hamishpat, op cit.* 333 note 6.
33. V. Shulkhan Arukh, *op. cit.;* 104:1 and Smah *ad locum* note 1.

34. *Responsa Ramban* quoted in Smah, *op. cit.*
35. *Responsa Igrot Moshe, Choshen Hamishpat* no. 81.
36. Deuteronomy XVII:20.
37. Sifri, Deuteronomy XVII:20; *Yad, Hilkhot Melakhim,* I, 7.
38. V. Tosafot *Sotah,* 41b.
39. *Responsa MaBit,* vol. 2, no. 200.
40. *Responsa Rivosh* no. 271; *Responsa, MattaRashDam,* Yoreh De'ah no. 90; *Bi'ur haGra* Shulkhan Arukh *Yoreh De'ah,* 245, note 39.
41. *Respona MaBit, op. cit.*
42. *Responsa RadVaz* Vol. VI, no. 2075 quoting Responsa of Rambam.
43. T. J. *Sanhedrin* II: 1; T. J. *Horayoth* III:1.
44. *Yad, Hilkhot Sanhedrin,* XVII:8; Meiri *Sanhedrin* 18b.
45. *Responsa Radvaz, op. cit.; Responsa Zemach Zedek,* Yoreh De'ah no. 237.
46. *Responsa Rashba* Vol. I, no. 300; *Responsa Divrei Mal.* Vol. IV, no. 82.
47. Ginat Varidim, *Yoreh De'ah* klal: 3:7.
48. quoted in *Ginat Varidim* 3:8.
49. *Responsa Tashbetz* Vol. 4, Turi, Simon 7, ot 4; Chiqrei Lev, *Orach Chaim* no. 20; *Responsa Minchat Shai* no. 92.
50. *Responsa Avnet Nezer, Yoreh De'ah* no. 312 ot 87.
51. Mordechai, *Baba Kamma* VIII on interpretation of Chiqrei Lev, *op. cit.*
52. *Responsa Dvar Moshe,* Vol. I no. 2.
53. *S'dei Chemed* Vol. 8 *maarekhet chazkas bemitzvot;* Chiqrei Lev, *op. cit.; Responsa Bet Shlomo,* Orach Chaim no. 18.
54. *Responsa MahaRashDam,* Yoreh De'ah no. 85.
55. *Machazit Hashekel,* Shulkhan Arukh Orach Chaim, note 33.
56. *Responsa Avnei Nezer,* Yoreh De'ah no. 312.
57. *Responsa Chatam Sofer,* Orach Chaim no. 12.
58. *Responsa MaBit, op. cit.; Responsa MaHarshak* vol. III no. 46; *Responsa Divrei Rivot* no. 68; *Responsa Rivosh* no. 271 quoted in Rema Shulkhan Arukh Yoreh De'ah 245:22 *Responsa Chatam Sofer,* Orach Chaim no. 13. Whether a son enjoys succession rights when his father acquired his Rabbinical position by means of chazakah is a matter of dispute among the poskim. *Bet Shlomo* (Resp. no. 20) holds that the chazakah position is transmitted as an inheritance. Chiqrei Lev, (Resp. *Yoreh De'ah* no. 100), on the other hand, would deny the son preferential succession rights here.
59. *Responsa Rivosh, op cit.,* quoted in Darkhei Moshe, *Tur Yoreh De'ah* 245 note 7.
60. Rema, *op. cit.*
61. *Responsa HaRash LeBet Levi,* no. 8, this ruling is based on his

interpretation of Terumat HaDeshen (pesokim 128) and *Responsa Rabbi Jacob Wehl* no. 151.
62. *Responsa Meshiv Davor* Vol. I : 8-9, the ruling is based on his understanding of *Terumat HaDeshen* quoted *ad locum.*
63. Shulkhan Arukh; *Yoreh De'ah, op. cit.*

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NOT JUST ANOTHER CONTEMPORARY JEWISH PROBLEM
A HISTORICAL DISCUSSION OF PHYLACTERIES

I

"And thou shalt bind them for a sign upon thine hands and they shall be for frontlets between thine eyes."[1] Maimonides writes that contained in these words of the Torah are the injunctions to wear the phylactery of the head and the phylactery of the arm.[2] It would appear however, that as early as the Talmudic period, these precepts were the victims of circumstances which led to their incomplete or inferior performance by some portion of the Jewish population. The difficulties which prevented the complete fulfillment of these commandments by all were enlarged in the Gaonic period as well as in the time of the Rishonim. It is clearly not the author's purpose to cast aspersions on, or to judge the actions of the Jews of a particular period.[3] Rather, the author wishes to present and analyze, from a historical viewpoint, a spectrum of sources that deal with this topic, in order to shed light on the intriguing circumstances and problems that surrounded the performance of these injunctions.[3]*

We find in Tractate Shabbat[4] a statement by R. Shimon b. Elazar, "Any commandment for which [the people of] Israel gave their lives at the time of persecution, such as [the prohibition of] idol worship and circumcision is still strong in their hands, and any commandment for which Israel did not give

their lives . . . such as phylacteries is still weak[4]* in their hands." In support of this, a statement of R. Jannai describing someone called Elisha Baal Kenafaim is quoted. R. Jannai states[5] that "Tefilin need a clean body [in order to wear them] as evidenced by Elisha Baal Kenafaim." What degree of cleanliness is required? Abaye states, "One shouldn't flatulate while wearing them." Rava states, "One shouldn't sleep while wearing them." Why was Elisha called "Baal Kenafaim" (possessor of wings)? The Talmud relates that Elisha wore phylacteries even after a decree banning them under penalty of death was pronounced.[5]* When spotted by an officer, Elisha removed his phylacteries and hid them in his hand. The officer asked, What is in your hand? Elisha answered. "The wings of a dove," and he opened his hand to reveal exactly that — thus his title. As Rashi[6] points out, it is apparent from this narrative that only Elisha dared to risk his life in order to wear his phylacteries.[7] It would also appear from the Talmud that the reason for the weakness mentioned by R. Shimon in regard to phylacteries, which continued even during periods of non-persecution, can be attributed to the difficulty in maintaining the necessary level of cleanliness.[8]

The extent and nature of the weakness might be further clarified by examining several places in the Talmud which indicate that tefillin were worn at that time for the entire day.[9] Hence, it might be suggested that because of the difficulty experienced by many in maintaining the proper degree of cleanliness for the entire day, the amount of time that tefillin were worn was shortened.[10] This theory might be substantiated by several Talmudic statements which give praise to those who wore their phylacteries for the entire day.[11]

The Jerusalem Talmud[12] offers a very interesting explanation as to why people did not uphold the precept of phylacteries properly. After quoting the statement of R. Jannai mentioned above, the question is raised, "Why did the people not strongly uphold them (phylacteries)? Because of tricksters!" Often someone would entrust his fellow Jew with property

because his friend was wearing tefillin (and was therefore assumed to be trustworthy). The latter might deny that he was entrusted with anything. This caused an apparent "loss of faith" in regard to the precept of tefillin.[13]

The difficulty in analyzing any Talmudic source for the purpose of extracting historical information is that it is impossible to determine with complete accuracy whether a particular statement reflects actual practice or was addressed to an exceptional circumstance or was postulated to instill a particular attitude. Our study also encounters this problem. In Tractate Rosh haShannah,[14] the question is raised, "Rebels of Israel who rebel with their bodies, who are they? Rav says, they are heads (people) who do not put on tefillin."[14*] Similarly, we read the statements of Ula and R. Yohanan,[15] "One who reads Shema without his tefillin on is as if he brought false testimony about himself . . . is like one who brings a burnt offering without a meal offering . . ." i.e., he has not fulfilled his obligation completely. As before and again here it is difficult to determine with any exactness the historical ramifications to be evidenced.[15*]

Of course, it is likewise difficult to determine how many people were affected by the cleanliness problem or by the other considerations mentioned earlier. Indeed, Maimonides claims that it was not necessary to include the specific laws of phylacteries, fringes and mezuzot in the Mishnah, because these laws were known and practiced in great detail by everyone at the time that the Mishnah was compiled.[16] It is therefore beyond our scope to pinpoint which segment of the population was involved in the problems relating to the proper fulfillment of the obligation to put on phylacteries. We have only suggested some of the reasoning which may have contributed to inferior fulfillment of this precept; inferior in that a perfect compliance was not recorded in the Amoraic period.

II

In the Gaonic period the problem of neglect of the commandment to put on phylacteries intensified. Furthermore,

as evidenced by the responsa of that period, the problem was no longer one of how long to wear phylacteries, but whether to wear them at all.

From the early Gaonic period, we have a responsum from R. Yehudai (c.750) on this topic.[17] He begins by stating (based on the Talmudic source which we have quoted above), that whoever reads Shema without his phylacteries on is likened to one who bears false witness on himself; one who does not wear tefillin at that time has not completely accepted the yoke of God upon himself. He cites other Talmudic passages which state that one who does not put on tefillin has violated eight positive commandments and is likened to an ignoramus, whereas one who does observe this precept will be rewarded.[18] Especially important is R. Yehudai's response to one who wishes to exempt himself from this precept by saying that putting on phylacteries requires strict cleanliness as evidenced from the narrative of Elisha Baal Kenafaim. R. Yehudai explains that the Gaonim have already declared that this stringent level of cleanliness is only required in order to wear tefillin during the time of persecution. He supports this by the fact that we read from the Torah frequently, with just the normal level of cleanliness.[19] R. Yehudai concludes by saying that every male above the age of thirteen must wear phylacteries. One who does not put them on, and willfully neglects this precept will be punished, in accordance with the Talmud's statement in Tractate Rosh haShannah, while one who observes this precept will be rewarded.[20] It appears that this responsum represents the reality of the times. The question might have been asked by people who were not quite sure as to the stringency of this commandment, and who had either seen or contemplated its neglect.[21]

Apparently, the situation had worsened by the late Gaonic period, as we read in a responsum of R. Joseph Gaon.[21*] "A merchant involved in business,[22] should he put on tefillin during prayer (Shemona Esrei) and Shema, or perhaps only a great person puts them on, while one who is not such an

important person doesn't so as not to appear haughty,[23] since the entire congregation does not put them on?" R. Joseph answers that only one who has a stomach ailment is exempt.[23*] One must be careful not to flatulate while wearing them, but he emphasizes that all Israel is obligated to put on phylacteries.

Even towards the end of the Gaonic period by the year 960 C.E. a similar question was asked of R. Sherira.[24] The questioner points out that the Talmud dictated strong punishments for those who do not put on phylacteries. Why then do most people neglect this commandment. If it is because they are afraid that they are not clean enough, the question offered that the early Gaonim had already interpreted that this (extra) cleanliness was necessary only during the time of persecution.[25] "There are places where students put on tefillin; is this haughtiness[25*] or does the performance of the commandment override it? "How do our masters and the yeshiva hold? If they do not do thusly (i.e. put on tefillin etc.), please tell us the reason."

The answer given is that in earlier times, it had been difficult to obtain and wear tefillin in Israel because of the numerous persecutions which had occurred there. As such a commoner might appear haughty were he to wear them. In Babylonia, however, tefillin were easily obtainable and therefore one need not worry about appearing haughty by wearing them.[26] Only in commands that are not obligatory upon every Jew do we say that haughtiness should be eliminated. But since everyone is obligated to put on tefillin, one who puts them on need not worry about appearing haughty, even though he is not exceptionally clean and pious.[27]

Thus, it is fairly evident that the problem of maintaining proper cleanliness compounded by the reluctance to appear haughty led to a greater neglect in the fulfillment of the precept of phylacteries in the Gaonic period as compared to the Tannaitic and Amoraic periods. As stated above, it is difficult to pinpoint how widespread this problem was, although we have sources which deal with halakhic questions and instruc-

tions regarding tefillin, indicating that normal usage did take place.[28]

III

When analyzing Rishonic material for the purpose of extracting historical information, there are three types of sources encountered: (1) Commentaries on the Talmud and Gaonic works which may be found either in designated commentaries or in codes of law. Particularly in the latter, verbatim quotes are brought to prove the point;[28*] (2) Responsa, and (3) Direct descriptions of events and social conditions (which may appear intermingled with sources of the first two types). It is very difficult to use sources of the first type to conclusively suggest historical description. Certainly the time and place in which a Rishon lived had some influence on his interpretation of Talmudic passages or formulation of codes of law. However, his interpretations can be used at best as a corroboration or amplification of historical data extracted from other sources, except for unique cases.[29] Responsa obviously reflect actual events provided that the question deals with a practical matter in the questioner's period, or the responder uses actual cases to explain an answer. There is little indication however, as to what extent the problem presented to the responder affected the entire Jewish population of the areas involved. Historians will argue whether a responsum reflects the usual or the unusual; there is no iron-clad rule in any event.[30] The third type of source, because it is a spontaneous narrative, usually affords the maximum opportunity to discover historical evidence. It is also perhaps the rarest of the three. We will attempt to present sources from which the broadest picture of this period can be created. Clearly, there are many other sources from which inferences can be drawn.

We read in Tosafot,[31] "It is not a wonderment why this precept (tefillin) is weak in our hands,[32] since it was also weak in the days of the sages."[33] It would appear from a responsum of R. Jacob Marvége[34] (C. 1190) that part of the

problem in this period was whether the phylacteries were being worn for the entire day or for just a part of it:[35] "Those who do not put on phylacteries for the whole day, is this a grave sin with a severe punishment and is it similar to one who does not build a succah or take a lulav, for whom the punishment of flagellation is prescribed, or does he have a valid complaint based on cleanliness of the body, i.e., he should not sleep in them etc., and for this reason we do not put them on for the entire day?"[36]

It would appear that the problem of maintaining proper cleanliness which we have seen to be a major factor in the neglect of the precept of tefillin in the previous periods is of equal importance in explaining this problem in the Rishonic period.[37] Thus states R. Bahye b. Asher — c. 1320). "There are those who degrade the commandment to put on phylacteries by not being exacting in wearing them because they think that phylacteries require too great a level of holiness and purity." R. Bahye goes to great lengths to discourage this attitude. One who observes the conditions set forth in the Talmud, i.e. that he must not sleep in them etc. and provided he does not have a stomach ailment, is obligated to put on phylacteries. R. Bahye continues by asking that this commandment become one which is observed regularly. He reiterates that one who can keep his body free from sickness is worthy to wear phylacteries. One should not be mistaken and think that he must be as clean as Elisha, for whom a miracle was performed. Such devotion is only required to wear phylacteries during times of persecution, but during normal times, anyone can wear them. Or, one can say that one must be like Elisha to wear tefillin all day, but for part of the day, anyone can wear them.[38]

The last explanation echoes the words of R. Asher b. Yehiel — c. 1270). "At this time, when the custom is to put on phylacteries only during prayer, it is easy for anyone to be careful."[39] However, after quoting several Talmudic sources describing the punishment for not putting on tefillin, he continues, "Therefore everyone should be exacting in this

commandment. And the fact that it is weak in the hands of a few today is reminiscent of the Talmudic statement regarding those precepts which were upheld even at times of persecution etc." This would imply that aside from those who did not put on tefillin regularly or who put them on for a limited time only because of the cleanliness problem, there were those who simply did not fulfill the commandment of tefillin.

This manifestation may be corroborated by an explanation given by R. David b. Levi c. 1290) in his commentary, Sefer Mekhtam.[40] In discussing the custom to put ashes on the head of the bridegroom (to commemorate the destruction of the Holy Temple), which is related to the putting on of the phylacteries, he mentions that there are places which do not use ashes, but instead spread a black cloth over the bride and groom. "And we have heard that therefore the previous generations did not put ashes in the groom's head, because the people were not secure at all in the putting on of phylacteries."[41]

We have clear evidence that a strong neglect existed in Spain at this time. R. Moses of Coucy, author of *Sefer Mizvot haGadol*, recounts his experiences with this matter. His comments appear in reference to Positive Commandment 3, which speaks of the precepts of faith contained in Shema and which requires Shema (along with other paragraphs) to be placed in tefillin and mezuzot. R. Moses states that he is explaining the Shema paragraph within the context of the Jewish exile experience, and proceeds to tell of the importance of phylacteries, and of the reward and punishments associated with it. He says that God would rather see a wicked man put on tefillin than a righteous one, because tefillin should serve as a path.[41*] As R. Moses himself testifies, he was in Spain in 1236 preaching these ideas, and with the help of God, many people accepted the precepts of tefillin and mezuzot.[42] In France, however, neglect of an even stronger type existed. R. Joseph Colon (c. 1450) quotes the Tosafot of R. Judah of Paris, c. 1200) teacher of R. Moses — "On what does the

populace base its failure to put on tefillin?[43] In the latter part of the Rishonic period, the Maharil tells us that there were some who uttered various verses or poems to fulfill their obligations regarding tefillin and mezuza. It might be possible to suggest therefore, that gross neglect was not just a matter of rebellion, but was linked to the paucity of the material in the Torah (written Law) on these commandments.[44]

There remains but one important factor concerning the neglect of tefillin in the Rishonic period. R. Zedkiah haRofe (c. 1240) in his *Shibolei haLeket,* collected many of the sources which we have presented — from responsa of the Gaonim to comments of the Tosafists.[45] Unlike many of the sources previously quoted, his work was designed to shed light on the customs and practices of his day, giving personal reasons and preferences.[46] He claims that the main reason that people did not put on tefillin properly was because of the argument between Rashi and R. Tam regarding the order of the scriptures which must appear in the tefillin (both of whose opinions are mutually exclusive). Since according to each opinion the other is invalid, confusion and negligence resulted. In this way, we can explain why there appeared to be great confusion amongst the masses even though only a small segment appeared to be involved in hard-core neglect.[47] Other key differences, such as where to place the hand tefillin, or whether the knot must be retied each day could also have contributed to the peoples' instability in the performance of this commandment.[47*]

Using this last approach we might even be able to suggest that the problem was not that of why to put on tefillin, but rather a lack of concern over how to put them on properly. This can be more fully understood by noting a statement by R. Abraham of Sensheim, a student of R. Meir (c. 1250) of Rothenberg: "When I left R. Meir of Rothenberg, I did not see anyone carefully observing the precepts of fringes, phylacteries and mezuza[48] except for R. Perez[49] and my two teachers . . ."[49*] The mistakes that people were making were not that they weren't putting phylacteries on; rather, they were buying

them incorrectly, and did not know many laws which render them unfit for use.[50] This theory is enhanced when we look at the amount of space and the number of sections devoted to phylacteries by R. Isaac b. Moses (c. 1200) in *Sefer Or Zarua.* Furthermore, the topics that he discusses coincide with those mentioned by R. Abraham. Such technical items as processes of construction, fixing broken pieces, dimensions and requirements, many of which can render tefillin unfit if not undertaken properly are discussed in detail. While no outright connection is suggested and while comparisons can be made between other commentaries as well, the indication is that many people were making errors in respect to phylacteries, errors which great scholars sought to correct.

The tefillin observance pattern then, is one which has changed and changed again over the years. Originally, it was simply a problem of mechanics, of maintaining a clean environment, a body conducive to the wearing of tefillin in accordance with Talmudic law. By the Rishonic period however, the problem had radically changed. No longer were people worried about cleanliness alone; their lack of observance did not only stem from religious motives. Rather the laws of wearing tefillin had become forgotten, producing a negative effect on the observance of this commandment, an effect from which we still suffer today.

NOTES

1. Deut. 6:8
2. *Sefer haMizvot,* positive commandments, nos. 12 and 13.
3. I must make this statement because of the nature of much of the secondary literature written on this subject. Both J. H. Schorr, whose article appeared in the periodical *HeHaluz,* vol. V (1860) pp. 11-26 and M. L. Rodkinsohn, whose book entitled *Tefilah leMoshe* (see below no. 41*) published in 1883, attempt to prove that there was almost a total breakdown in every period of Jewish history when it came to the injunctions to put on phylacteries. Rodkinsohn in particular, while displaying a great knowledge of sources, attempts

to prove, for example that the majority of Amoraim did not put on tefillin and that those who did wear tefillin did so for only short periods of time. While he indeed quoted sources which were to be analyzed by those who followed him, including the present author, he forced his theories into many sources which have no bearing on the subject, and thus perverted many significant sources. See Urbach's comment in his *Baale haTosafot*, p. 386 n. 12. Cf. I. Kalish in *Bait ha Talmud* v. 3, pp. 149-51. In general, this subject stimulates controversy because any attack on previous generations warrants a defense. When N. S. Greenspan published his article in *Ozar haHaym* vol. IV pp. 159-64 (which was expanded upon in his book, *Mishpat Am haArez*, published in 1946), he admittedly was harsh in his view of the neglect of tefillin. This was seized upon by Z. D. Greenburger in the very next issue of the same periodical pp. 71-72. See the comment of S. Baron in his *Social and Religious History of the Jews*, vol. V, pp. 317-318 n. 72. The author has made use of these sources only insofar as they added to his knowledge of the primary sources dealing with this subject.

3*. Particular emphasis will be placed on the Medieval period. Rabbi M. Kasher, in the supplementary section of vol. XII of his work Torah Shlemah, has gathered in his usual thorough fashion, almost all of the sources. He has presented several reasons for the neglect which was present in the Medieval period, see esp. p. 267. However, it is difficult to obtain a full historical picture from his work.

4. 130a.

4*. Literally, *merufah*. This would seem to point to a weakness in the actual performance of this precept as compared to the performance of circumcision etc.

5. *Shabbat* 49a.

5*. Cf. B. M. Lewin, *Ozar haGaonim to Tractate Rosh haShannah*, no. 18, and especially his article in *Tarbiz* vol. II, p. 391, where he deals with the persecutions in Israel and their effect on the performance of the commandment to put on tefillin.

6. *Shabbat* 130a. Cf. Tosafot, *Baba Batra* 10b, s.v. Ela, *Sefer haYashar* (R. Tam), Schlesinger ed. no. 675.

7. For further explanation of the requisite of cleanliness for tefillin as exhibited by Elisha, see Tosafot, *Shabbat* 49a s.v. keElisha. The Talmud definitely does not imply that no one else wore tefillin, see below.

8. *Commentary of Ran to Shabbat*, Goldman ed., p. 189. Cf. Kasher, *op. cit.* p. 254, and esp. p. 259 where he lists five opinions of the Gaonim and Rishonim regarding the statement of R. Jannai. See also Greenspan in *Mishpat Am haArez*, pp. 55-59.

9. See *Berakhot* 23b, *B.M.* 105a, *Bezah* 15a, (all quoted by R. Joel Sirkes in his commentary to *Tur Shukhan Arukh*, sect. 37). See also Tos. *Berakhot* 44b, s.v. *veLivnai maarava*, and *Sefer haEshkol*, Auerbach ed. part II, p. 90. See Kasher, *ibid.*, pp. 241-2 for other Talmudic sources from which inferences can be made, and R. Margoliot, *Responsa Min haShamaim* no. 26 n.1. Particularly interesting is the quote from *Shabbat* 13a, see Maharsha *ad. loc.*

10. See *Yoma* 86a. From the comment of R. Yohanan, it would appear that one who did not wear tefillin at all times desecrated God's name. One however, who was afflicted by certain illnesses was exempt from putting on tefillin, see Rashi *ad. loc.*, and R. Zvi Chajes, below. Cf. *Sefer haEshkol ibid.*, *Or Zarua* sect. 532, *Sefer haIttur*, Hilkhot Tefillin, part 10. This exemption would explain several cryptic Talmudic references.

11. See Responsa of R. Zvi Chajes (printed in the collection of his works), no. 71. Rav is praised for this matter. See also *Shabbat* 118b, and *Megillah* 28a, where the Talmud mentions sages who wore tefillin for the entire day.

12. *Berakhot* 2:3. Cf. *Or Zarua* sect. 531.

13. Cf. opinion of R. Isaac, in Tosafot *Shabbat* 49a. The question here is whether the result of this incident was that less people wore tefillin or whether they were worn for shorter periods, or whether those who wore them were no longer trusted, cf. *Or Zarua, ibid.*, and Greenspan, *op. cit.*, p. 63. See also R. Asher in *Hilkhot Ketanot*, (published after Tractate *Menahot*) sect. 28.

14. 17a.

14*. The significance of this answer is increased in light of the fact that Rav was known for his wearing of tefillin the entire day, see above n. 11.

15. *Berakhot* 14b.

15*. This evaluation applies to several of the sources quoted by Kasher and Margoliot, see above n. 9.

16. *Perush haMishnayot to Menahot*, 4:1. Cf. S. Y. Rappaport in the first of his *drashot* as the rabbi in Czarnapol (1838), published by S. Greenbaum (Dembrowski) in *Rosh Divrei Shir* (1877). I am indebted to Dr. M. Herskovics for these sources.

17. B. M. Levin ed., *Ozar haGaonim to Berakhot*, p. 30 no. 87 and n. 3 for related sources. The question reads simply, "It was asked of R. Yehudai regarding tefillin." No more specifics of the question are preserved.

18. Cf. *op. cit.* to *Rosh haShannah*, p. 29, no. 22.

19. This is along the lines of the explanation found in *Tosafot Shabbat* 49a that Elisha was saved by the miracle of the dove's wings

because he maintained a fastidious body. Therefore, one who wishes to wear tefillin openly during times of persecution should be as clean as Elisha, to prevent any harm from coming to him. Cf. op. cit. to *Berakhot*, p. 41 no. 89, and below.

20. See *op. cit.* to *Rosh haShannah* p. 27 no. 17. In *Tractate R.H.* 17a the punishment for one who rebels with respect to phylacteries is Gehenna. See above n. 14.
21. It should be noted that when dealing with Responsa material it must be ascertained whether a question represents a rare case or a frequent occurrence. This must be considered when estimating the magnitude of a discussion such as ours. One must also consider that not every Jew of a particular period was interested in or would uphold the decision rendered, and would likewise not seek advice from the responder. See below and n. 30.

21*. Levin *op. cit.* n. 19, p. 41 no. 90 and n. 2.

22. Some texts write "An invalid (lame person), should he be required to wear tefillin." See Levin, *ibid.*, n. 3, and Kasher *op. cit.* p. 261 for an explanation of the question according to the various texts.
23. Literally, *Yuhara* meaning haughtiness in the sense that one attempts to appear more observant than others. Note that this concept has halakhic validity, see *Berakhot* 17b and comment of Ramo in *Orah Haym* 17:2; and Responsa of R. Meir of Rotheberg, Kahana ed. v. 1, n. 29; See also *Ozar haSheelot uTshuvot*, (Jerusalem 1970), sect. 1, for examples of this concept in later responsa literature.

23*. See above no. 10. Cf. *Responsa Havot Yair* no. 237. Note his description of the observance of the precept of phylacteries in his time (C. 1700).

24. Lewin, *Tract, R. H.*, p. 28 no. 18. The responder may have been R. Hai, see n. 11, and especially article in *HaDvir*.
25. Cf. R. Yehudai, above.

25*. See Lewin *ibid.*, n. 6. The sources quoted discuss measures taken by students in order not to appear haughty. Cf. Assaf, *Responsa of the Gaonim*, (Jerusalem, 1942), no. 4.

26. It appears that tefillin were worn dilligently by members of the yeshivot. Sar Shalom Gaon (C. 850) testifies that the custom of the yeshivot was to wear the phylacteries all day and to remove them at the evening service, see *Responsa of the Gaonim-Sha[illegible] Tshuvah*, no. 153. Interestingly, in the same responsa, he speaks of the laws of checking the tefillin, and he concludes that they are related to regularity with which the tefillin are worn.
27. Cf. *Responsa of the Gaonim from the Geniza*, Assaf. ed., p. 192, "Every Jew must put on tefillin while reading Shema." Lewin prints an addendum which he feels might be part of R. Sherira's answer. This part qualifies the amount of piety needed. Only one who

observes other precepts would not be showing haughtiness and would set an example by putting on tefillin publicly. An example would certainly be set by an important person.

28. Although much of the responsa material points to a large number of people who were neglecting this precept, we have responsa which answer questions pointing to normal use. See for example *Shaarei Tshuvah*, p. 16, and material quoted in *Shibolei haLeket*, Buber ed. pp. 383-4. See also Gaonic code of law on tefillin, *Shimusha Raba*, printed by R. Asher following *Hilkhot Ketanot*, which presents many laws while also quoting sources relevant to neglect. Of unusual interest is a law quoted that one who is not a scholar or has not attained a certain level of Torah scholarship cannot put on tefillin, see Lewin, *R.H.* p. 29 no. 21.

28*. Included in this area are codes of law written by later Rishonim which quote earlier Rishonim for purposes of augmenting their own works. See designated sections in *Shibolei haLeket, Orhot Haym*, and *Kol Bo*.

29. See for example S. Albeck, "The Attitude of R. Tam to the Problem of his Time," (Heb.) *Zion* 19, (1954), pp. 106, 111-13.
30. See responsum of R. Meir of Rothenberg regarding mezuza and Prof. Baron's comment, in his *Social History* . . . p. 318 n. 72. As far as the range of the population affected by responsa, see Roth in *Studies and Essays in Honor of Abraham Neuman* (Phil., 1962), p. 424 where he mentions upper classes and learned elements.
31. *Shabbat* 49a.
32. Namely, why this precept is not perfectly observed. Note, once again the weakness is not specified.
33. R. Tam, *ad loc.* and in *R.H.* 17a distinguishes between those who do not put on phylacteries as an act of rebellion, and those who do not for other reasons. Cf. *Sefer Yeraim haShalem*, p. 432, *Responsa of R. Meir of Rothenberg* (Pr. 649) and commentaries of Rashba (Dimetrovsky ed., p. 77) and Ritba to *R.H.* 17a, and *Birkhei Yosef* (R.H. Azulai) to Orah Haym, sect. 37.
34. Student of R. Tam. About his interesting work, see *Shem Hagdolim* (Azulai) under R. Jacob heHasid, and introduction of Margoliot to his edition. See also Urbach, *op. cit.*, p. 129.
35. Note that this was the point of controversy between Greenburger and Greenspan, above n. 3. Cf. *Tosafot Pesahim* 113b, s.v. veAin and *Tos. Ber.* 44b.
36. The answer given is that one who refrains from observing the mitzvah of succah etc. is worse because he seems to be denying this precept totally. But one who neglects part of a precept is not as bad. This is according to the explanation of Margoliot. If the

answer is to be explained literally, cf. cryptic comments of Meiri in note following.

37. See commentary of R. Menahem Meiri to *Ber.* 14b. Note interesting explanation of Jer. Talmud and see n. 108. Concept of physical and spiritual cleanliness is also apparent from comments of R. Bahye following. Cf. *Sefer Hasidim Vilna* ed. no. 362. A related problem is that of nocturnal pollution, see *Reponsa of Maharam Rothenberg* (Cremona no. 37 and Lemberg nos. 223-4), and *Sefer Tashbez* nos. 272-3.
38. See *Kad haKemah,* section on tefillin, (p. 106).
39. It is assumed that this is referring to the morning prayers. R. Bayhe however refers to the period that tefillin were worn as *shaot yeduot.* Cf. Meiri above. From the sources seen thus far in this period, it would appear that no one was expected to wear phylacteries past the afternoon, and that use during the morning prayer period was certainly sufficient. See SeMaK sect. 153. Rabinowitz, in his *The Social Life of the Jews of Northern France* (p. 172) feels that from here we may see that tefillin were worn for one hour only but this is certainly not to be taken literally. At the end of this period however, we see clearly that the phylacteries were not left on any more than was required (i.e. during prayer). See *Leket Yosher,* Orah Haym, question 21, and *Responsa Binyamin Zev,* no. 200. This extreme caution was to make sure the proper level of cleanliness was maintained.
40. Ginzei Rishonim to Taanit, *Sefer haMekhtam,* p. 278.
41. From a verse in Isaiah, it is derived that God will replace the ashes of destruction with glory, and we know that tefillin are called glory. The glory that will come ultimately will replace the ashes that had been placed at the site of the tefillin following the destruction. The fear was that if the first part of the condition were not fulfilled, i.e. that tefillin were not being put on, and therefore the ashes would not cover that spot, the ultimate promise, that the ashes would be replaced, would likewise not result. Therefore, the custom was changed. The difficulty here is that the phrase, in previous generations, *harishonim* must be clarified with regard to the historical period.
42. See Urbach, *op. cit.,* p. 386. See also SeMaG, prohibitions, no. 112, where we learn that he also discussed at that time forbidden relationships. This indicates the low religious level of the people with which he dealt. Cf. *Sefer Agudah to R.H.* Chap. 1, section 6.
43. See *Responsa of the Maharik* (Lemberg ed.) no. 174. The Maharik also quotes an exemption for scholars on the basis of the *Mekhilta.* The various opinions in this matter are enigmatic. See Lewin, *Ber.* p. 40 where R. Shmuel Bar Hofni states that there is no such

exemption. Cf. *Or Zarua* 531, *Rashba to R.H.* 17a, *Agudah, ibid.,* quoted also by *Shibolei haLeket,* Buber ed. p. 382.

44. *Sefer Maharil* (minhagim) p. 86. Cf. Neuman, *The Jews in Spain* (Phila., 1942). Part of the Herem haRashba was against those who treated the Biblical commandment concerning phylacteries as an allegory. Cf. reaction of R. Joseph Bkhor Shor in Urbach, *op. cit.,* p. 117. See also Nemoy, *Karaite Anthology* (N.Y. 1969), p. XXV. This seems to have been a factor in R. Moses' drive as well.
45. Mirsky ed. p. 85 ff., Buber ed. p. 381 ff.
46. Mirsky ed., pp. 8-11. Cf. *Or Zarua* 531 who gives as an apparent reason for having quoted sources in regard to the importance of tefillin and its non-neglect: We have seen that tefillin is an important precept, and every man should uphold it.
47. Note the attitudes of Baron and Rabbinowitz, *ibid.,* Cf. *Responsa of the Radbaz,* part one, no. 229 and part six nos. 276, 287 and *Maharik, ibid.*

47*. See *Sefer HaYashar* (responsum) no. 58. See also Urbach, *op. cit.* p. 107. *Mahzor Vitri,* p. 645-6, *Responsa of R. Meir of Rothenberg* (Cr. 41, Pn. 424), *J. Müeller, R. Maffeah leTshuvot haGaonim* p. 125

48. In both these precepts, we have several sources which would point to neglect. For example, see above, n. 30.
49. Cf. Yerushalmi ed. (1966) of *Zror haHaym* where an investigation as to which R. Perez was the teacher of the author of this book dealing with the laws of phylacteries. From this statement of R. Abraham, another proof that it was R. Perez of Corbeil may be derived, since he was obviously concerned with the proper fulfillment of these precepts.

49.* See *Barukh Sheamar,* (a guide to the laws of Sefer Torah, Tefillin, and Mezuza) by R. Shimson b. Eliezer, (Warsaw, 1880), pp. 2-3.

50. Cf. statement of R. Menahem Meiri in the introduction of his book on this subject, *Kiryat Sefer.* He wrote his book to clarify much of the confusion and eliminate ignorance in regard to these precepts.

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THE OBLIGATION TO HEAL

Judaism teaches that the value of human life is supreme and takes precedence over virtually all other consideration. This attitude is most eloquently summed up in a Talmudic passage regarding the creation of Adam: "Therefore only a single human being was created in the world, to teach that if any person has caused a single soul of Israel to perish, Scripture regards him as if he had caused an entire world to perish; and if any human being saves a single soul of Israel, Scripture regards him as if he had saved an entire world."[1] Human life is not a good to be preserved as a condition of other values but as an absolute basic and precious good in its own stead. The obligation to preserve life is commensurately all-encompassing.

The obligation to save the life of an endangered person is derived by the Talmud from the verse, "Neither shalt thou stand idly by the blood of thy fellow." (Leviticus 19:16).[2] The Talmud and the various codes of Jewish law offer specific examples of situations in which a moral obligation exists with regard to rendering aid. These include the rescue of a person drowning in a river, assistance to one being mauled by wild beasts and aid to a person under attack by bandits.

Application of this principle to medical intervention for the purposes of preserving life is not without theological and philosophical difficulties. It is to be anticipated that a theology which ascribes providential concern to the Deity will view sickness as part of the divine scheme. A personal God does not allow His creatures, over whom He exercises providential guardianship, to become ill unless the affliction is divinely

ordained as a means of punishment, for purposes of expiation of sin or for some other beneficial purpose entirely comprehensible to the Deity, if not to man. Thus, while the ancient Greeks regarded illness as a curse and the sick as inferior persons because, to them, malady represented the disruption of the harmony of the body which is synonymous with health, in Christianity, suffering was deemed to be a manifestation of divine grace because it effected purification of the afflicted and served as an ennobling process. Since illness resulted in a state of enhanced spiritual perfection, the sick man was viewed as marked by divine favor.

Human intervention in causing or speeding the therapeutic process is, then, in a sense, interference with the deliberate design of providence. It would then appear that the patient, is seeking medical attention, betrays a lack of faith in failing to put his trust in God. This attitude is reflected in the teaching of a number of early and medieval Christian theologians who counseled against seeking medical attention,[3] The Karaites rejected all forms of human healing and relied entirely upon prayer. Consistent with their fundamentalist orientation they based their position upon a quite literal reading of Exodus 15:26. A literal translation of the Hebrew text of the passage reads as follows: "I will put none of the diseases upon thee which I have put upon the Egyptians, for I am the Lord thy physician."[4] Hence, the Karaites taught that God alone should be sought as physician.[5]

This view was rejected by rabbinic Judaism, but not without due recognition of the cogency of the theological argument upon which it is based. Rabbinic teaching recognized that intervention for the purpose of thwarting the natural course of the disease could be sanctioned only on the basis of specific divine dispensation. Such license is found, on the basis of Talmudic exegesis, in the scriptural passage dealing with compensation for personal injury:

> And if other men quarrel with one another and one smiteth the other with a stone or with the fist and he die not, but has to keep in bed . . .

> he must pay the loss entailed by absence from work and cause him to be thoroughly healed (Exodus 21:19-20).

Ostensibly, this passage refers simply to financial liability incurred as the result of an act of assault. However, since specific reference is made to liability for medical expenses it follows that liability for such expenses implies biblical license to incur those expenses in the course of seeking the ministrations of a practitioner of the healing arts. Thus the Talmud, *Baba Kamma* 85a, comments, "From here [it is derived] that the physician is granted permission to cure." Specific authorization is required, comments Rashi, in order to teach us that ". . . we are not to say, 'How is it that God smites and man heals?'" In much the same vein, *Tosafot* and R. Samuel ben Aderet state that without such sanction, "He who heals might appear as if he invalidated a divine decree."[6]

Non-therapeutic life-saving intervention is Talmudically mandated on independent grounds. The Talmud, *Sanhedrin* 73a, posits an obligation to rescue a neighbor from danger such as drowning or being mauled by an animal. This obligation is predicated upon the scriptural exhortation with regard to the restoration of lost property, "And thou shalt return it to him" (Deuteronomy 22:2). On the basis of a pleonism in the Hebrew text, the Talmud declares that this verse includes an obligation to restore a fellow-man's body as well as his property. Hence, there is created an obligation to come to the aid of one's fellow man in a life-threatening situation. Noteworthy is the fact that Maimonides,[7] going beyond the example supplied by the Talmud, posits this source as the basis of the obligation to render medical care. Maimonides declares that the biblical commandment "And thou shalt return it to him" establishes an obligation requiring the physician to render professional services in life-threatening situations. Every individual, insofar as he is able, is obligated to restore the health of a felllow man no less than he is obligated to restore his property. Maimonides views this as a binding religious obligation.

Noteworthy is not only Maimonides' extension of this concept to cover medical matters but also his failure to allude at all to the verse "And he shall surely heal." It would appear that Maimonides is of the opinion that without the granting of specific *permission* one would not be permitted to temper with physiological processes; obligations derived from Deuteronomy 22:2 would be limited to prevention of accident or assault by man or beast. Dispensation to intervene in the natural order is derived from Exodus 21:20; but once such license is given, medical therapy is not simply elective but acquires the status of a positive obligation.[8] As indicated by *Sanhedrin* 73a, this obligation mandates not only the rendering of personal assistance as is the case with regard to the restoration of lost property, but, by virtue of the negative commandment, "You shall not stand idly by the blood of your neighbor" (Leviticus 19:16), the obligation is expanded to encompass expenditure of financial resources for the sake of preserving the life of one's fellow man. This seems to have been the interpretation given to Maimonides' comments by Rabbi Joseph Karo who, in his code of Jewish law, combined both concepts in stating:

> The Torah gave permission to the physician to heal; moreover, this is a religious precept and it is included in the category of saving life; and if the physician withholds his services it is considered as shedding blood.[9]

Nachmanides also finds that the obligation of the physician to heal is inherent in the commandment, "And thou shalt love thy neighbor as thyself." (Leviticus 19:18).[10] As an instantiation of the general obligation to manifest love and concern for one's neighbor, the obligation to heal encompasses not only situations posing a threat to life or limb or demanding restoration of impaired health but also situations of lesser gravity warranting medical attention for relief of pain and promotion of well-being.[11]

Despite the unequivocal and authoritative rulings of both Maimonides and Rabbi Joseph Karo, there do exist within the rabbinic tradition disonant views which look somewhat

askance at the practice of the healing arts. Abraham ibn Ezra[12] finds a contradiction between the injunction "And he shall cause to be thoroughly healed," and the account given in II Chronicles 16:12. Scripture reports that Asa, King of Judah, became severely ill and in his sickness "he sought not to the Lord, but to the physicians." Of course, this passage can readily be understood as implying that Asa was deserving of censure because he relied upon mortal physicians exclusively and failed to seek divine help through penitence and prayer. If the verse in question is interpreted in this light it contains no disparaging reference whatsoever with regard to either physicians or to the practice of medicine. Rabbinic scholars including exegetes such as *Metzudat David* and legal authorities such as R. Joel Serkes, *Bayit Chadash, Yoreh De'ah* 336, do indeed interpret this passage in precisely this way. Alternatively, the passage may be understood as censuring Asa for not recognizing that the physician and his ministrations are merely vehicles for divine healing and that all healing ultimately comes from God.[13] However, Ibn Ezra, and later Nachmanides as well, understood this verse as teaching that Asa was censured for seeking medical assistance. According to Ibn Ezra, Asa was taken to task for not placing his trust in God alone[14] to the exclusion of endeavors to effect a cure through the vehicle of medical science. Seen in this light, there is a clear contradiction between II Chronicles 16:12 and Exodus 21:19. Ibn Ezra resolves this difficulty by examining the contextual reference of each passage. Exodus refers to an act of physical assault. The healing to which specific reference is made is treatment of a presumably external wound which is humanly inflicted. II Chronicles speaks of sickness undoubtedly resulting from "natural" physiological processes. According to Ibn Ezra, Scripture grants license for therapeutic intervention only for treatment of external wounds. Wounds inflicted by man, either by design or by accident, may legitimately be treated by any means known to mankind. That which has been inflicted by man may be cured by man. However, internal wounds or physiological disorders, according to this view, are not encompassed in the injunction "and he shall cause to be thoroughly healed." Such afflictions are presumed to be manifestations of divine rebuke or punishment and only God, who afflicts, may heal.

Needless to say, Ibn Ezra's position was rejected by normative Judaism as is most eloquently demonstrated by the ruling recorded in *Shulchan Arukh, Orach Chayyim* 328:3. Jewish law not only sanctions but requires suspension of Sabbath restrictions for treatment of a person afflicted by a life-threatening malady. *Orach Chayyim* 828:3 rules blanketly that all internal wounds are to be presumed to be life-threatening for purposes of Halakhah. Quite obviously, Jewish law as codified mandates treatment of even internal disorders by means of all available therapeutic techniques. R. Simon ben Zemach Duran, while acknowledging Ibn Ezra's outstanding competence as a biblical exegete, had little regard for the latter's legal acumen and dismisses him as "not having been proficient in the laws."[15]

Of greater relevance in the formulation of Jewish thought are the comments of Nachmanides in his *Commentary on the Bible*, Leviticus 26:11:

> The principle is that when [the people of] Israel are perfect and numerous their affairs are not at all conducted in accordance with nature, neither with regard to their persons nor their land, neither collectively nor individually. For God will bless their bread and their water and remove illness from their midst to the point that they will have no need of a physician and [no need] to safeguard themselves by any medical means whatsoever as [Scripture] states, "for I am the Lord your healer."
>
> So did the righteous do in the days of prophecy; even when a transgression occurred to them so that they became ill they did not seek to physicians but only to prophets as was the case of Asa and Hezekiah. When [Asa] became ill, Scripture says, "Even in his sickness he sought not to the Lord but to the physicians." If the matter of physicians was customary among them for what reason does [Scripture] mention the physicians? The guilt would have been solely because he did not seek

the Lord . . . However, one who seeks God through a prophet does not seek physicians.

What portion is there unto physicians in the house of those who do the will of God since He has vouchsafed "and He will bless your bread and your water and I will remove sickness from your midst?" The function of physicians is only with regard to food and drink, to admonish and to instruct with regard to them. So declared the Sages: "Throughout the twenty-two years during which Rabbah the son of Rabbi Joseph reigned, he did not even call a physician to his home." (*Berakhot* 64a; *Hariyot* 14a) . . . Such is their dictum (*Berakhot* 60a): "For it is not the nature of mankind [to make use of] medical cures, but they have accustomed themselves [to do so]."

For if they were not wont [to seek] cures, a person would become ill, in accordance with the punishment for his sin which is upon him and would be healed at the will of God. But [men] have become accustomed to medical cures and God has left them to the chance occurrences of nature. This was the intent [of the Sages] in their declaration "And he shall cause him to be thoroughly healed — from here it is derived that the Torah gave the physician dispensation to heal." They did not state, "The Torah gave permission to the sick to become healed;" rather since the sick person has become ill and seeks to be cured since he has been accustomed to medical cures, for he is not of the community of God whose portion is life, the physician should not restrain himself in the cure [of the patient] either because of fear lest [the patient] die under his hand . . . or because [the physician] might say that God alone is the healer of all flesh, for they have already accustomed themselves [to medical treatment]. Therefore, [with regard to] individuals who strive and smite one another with a stone or fist there is a claim against the assailant for medical compensation, for the Torah does not predicate its laws upon miracles . . . but when the ways of man find favor unto God he has no traffic with medical cures.

It might be argued that, according to Nachmanides, the patient may justifiably reject medical treatment and, when he is prompted to do so because he has placed his trust in God,

renunciation of further therapy is even meritorious. In apparent striking contrast to the comments of Nachmanides stand the diametrically opposed words of Maimonides in his *Commentary on the Mishneh, Pesachim* 4:9. *Pesachim* 56a and *Berakhot* 10b record that King Hezekiah performed a number of exemplary and meretorious acts. It is with reference to these actions that Hezekiah prays "Remember . . . how I have walked before You in truth and with an able heart and that which is good in Your eyes I have done" (Isaiah 38:3). The first of the enumerated actions is the suppression of a certain *Book of Cures*. Rashi, *Pesachim* 56a, comments that Hezekiah was motivated to act in this manner because individuals falling ill might consult this book and find an immediate cure for their illnesses. The result of such a speedy cure was that "their hearts did not become subdued as a result of their illness." Maimonides, in his *Commentary on the Mishneh*, cites a slightly different version of this explanation and states that the concern was that the afflicted failed to place their trust in God. He proceeds to denigrate this interpretation in the harshest of terms. If this reasoning is cogent, argues Maimonides, partaking of nourishment should also serve to undermine faith in God. Following this line of reasoning, were a person to become hungry and seek bread he would undoubtedly become cured of the severe malady of hunger and would no longer rely upon God. In actuality, declares Maimonides, just as one gives thanks to God upon eating for having created food with which one may assuage hunger, so will one give thanks to God for having created the cure for one's illness. Maimonides himself opines that the work in question was either idolatrous in nature or contained directions for the use of dangerous drugs and was suppressed because the drugs were misused with adverse results. It is clear that Maimonides himself sees no more disapprobrium in the use of drugs than in the consumption of food. Food and medicine were both created by God for the benefit of man.

Nachmanides' statements, if taken literally, are contradicted by a number of Talmudic dicta. *Sanhedrin* 17b declares

that a scholar dare not reside in a city which lacks a physician. In an aggadic statement, *Avodah Zarah* 55a declares, "Afflictions which befall a person are foresworn not to depart other than through a specific drug administered by a specific [physician] on a specific day and at a specific hour." *Gittin* 56b reports that Rabbi Yochanan ben Zakai requested of Vespasian that a doctor be sent to attend Rabbi Zadok. *Baba Metzia* 85b speaks of a certain Samuel who is referred to as the personal physician of R. Judah the Prince and describes the manner in which he treated an opthamological condition from which his patient suffered. The clear meaning of these references is not only that the physician is duty-bound to render treatment but also that the patient is obligated to seek medical remedies. Moreover, Nachmanides himself apparently contradicts his own comments. In his authoritative halakhic work, *Torat ha-Adam,*[16] Nachmanides states unequivocally that the permission or dispensation of which the Talmud speaks is in actuality a commandment or obligation (*hai reshut reshut de-mitzvah hu*).[17] In this work Nachmanides clearly views the seeking of medical treatment as obligatory on the part of the patient. The sole latter-day scholar to permit a patient to follow the opinion of Nachmanides in refusing medical attention is Rabbi Zev Nachum of Biala.[18]

It is, however, entirely possible that Nachmanides' comments are intended only as a description of conditions prevailing in a spiritual utopia. In developing his theory of providence, Maimonides explains that the quality of providential guardianship extended to man is directly correlative with man's spiritual attainment. To the extent that man is lacking in perfection his condition is regulated by the laws of nature.[19] Thus a pious person privileged to be the recipient of a high degree of providential guardianship would not require medication, but might expect to be healed by God directly. Other individuals, not beneficiaries of this degree of providence, are perforce required to seek a cure by natural means. In doing so they incur no censure whatsoever. Indeed, Nachmanides prefaces his comments with a reference to such times when the

people of "Israel are perfect" and specifically states that failure to seek medical attention was normative only "for the righteous" and even for them solely "during the time of prophecy." Lesser individuals living in spiritually imperfect epochs are duty-bound to seek the cures made available by medical science. Understood in this manner, there is no contradiction between Nachmanides and the Talmudic references cited, or, for that matter, between Nachmanides and Maimonides.[20] Thus, in terms of normative Jewish law, there is no question that there exists a positive obligation to seek medical care.[21]

NOTES

1. *Sanhedrin* 37a.
2. *Sanhedrin* 73a.
3. See T. C. Allbutt, *Greek Medicine in Rome* (New York, 1921) p. 402.
4. See Abraham ibn Ezra, *Commentary on the Bible, ad locum.*
5. See A. Harkavy, *Likutei Kadmoniyot* (St. Petersberg, 1903), II, 148 and Harry Friedenwald, *The Jews and Medicine* (Baltimore, 1944) p. 9.
6. See commentaries of *Tosafot* and *Rashba, ad locum.*
7. *Commentary on the Mishnah,* Nedarim 4:4, cf., Maimonides, *Mishneh Torah,* Hilkhot Nedarim 6:8.
8. Cf., Rabbi Barukh ha-Levi Epstein, *Torah Temimah,* Exodus 21:19 and Deuteronomy 22:2. This explanation of Maimonides' apparent contradiction of the Talmudic text as well as the comments of *Torah Temimah* are at variance with Jakobovits' statement to the effect that Maimonides' system does not require biblical sanction for the practice of medicine. See Immanuel Jakobovits, *Jewish Medical Ethics* (New York, 1959), p. 260, n. 8.
9. Yoreh De'ah, 336:1. See R. Eliezer Waldenberg, *Ramat Rachel* no. 21 and *idem, Tzitz Eliezer,* X, no. 25, ch. 7.
10. *Torah ha-Adam, Kitvei Ramban,* ed. Bernard Chavel (Jerusalem 5724) II, 43.
11. See R. Eliezer Waldenberg, *Ramat Rachel,* no. 21.
12. *Commentary on the Bible,* Exodus 21:19.
13. See R. Shlomo ben Aderet, *Teshuvot Ha-Rashba,* I, no. 413.
14. Bachya ibn Pakuda, *Chovat Ha-Levovot, Shaar ha-Bitachon,* ch. 3.
15. *Teshuvot Tashbatz,* I, no. 51. Nevertheless Ibn Ezra's interpretation

of Exodus 21:19 is followed by the 14th century biblical exegete, Rabbenu Bachya in his commentary on that passage and by R. Jonathan Eybeschutz, *Kereiti u-Peleiti, Tiferet Yisra'el, Yoreh De'ah* 188:5.

16. *Kitvei Ramban,* II, 42.
17. *Ibid.,* 43.
18. This opinion is published in the responsa collection of his son R. Abraham Bornstein, *Avnei Neizer, Choshen Mishpat,* no. 193. R. Eliezer Fleckeles, *Teshuvah mei-Ahavah,* III, no. 408 (*Yoreh De'ah* 336) opines that permission to utilize therapeutic measures in the treatment of internal maladies and disorders is the subject of dispute between Rav Acha and Abayya, *Berakhot* 60a.
19. *Guide of the Perplexed,* III, chaps. 17-18.
20. This appears to be the manner in which Nachmanides was interpreted by R. David ben Shmuel ha-Levi, *Taz, Yoreh De'ah* 336:1; see also R. Eliyahu Dessler, *Mikhtav mei-Eliyahu* (Bnei Brak, 5725), III, pp. 170-75 and R. Eliezer Walderberg, *Ramat Rachel,* no. 20, sec. 3.
21. See Bachya ibn Pakuda, *Chovat ha-Levavot, Shaar ha-Bitachon,* chapter 4; R. Simon ben Zemach Duran, *Tehuvot Tashbatz,* III, no. 82; R. Joel Serkes, *Bayit Chadash, Yoreh De'ah* 336; R. Abraham Gumbiner, *Magen Abraham, Orach Chayyim* 328:6; R. Moses Sofer, *Teshuvot Chatam Sofer, Orach Chayyim,* no. 176; *Besamim Rosh,* no. 386; R. Ya'akov Ettlinger, *Binyan Zion,* no. 111; R. Nissim Abraham Ashkenazi, *Ma'aseh Avraham, Yoreh De'ah,* no. 55; R. Nathan Nate Landau, *Kenaf Renanah, Orach Chayyim,* no. 60; R. Ovadia Yosef, *Yabia Omer, IV, Choshen Mishpat,* no. 6, sec. 4; R. Moses ben Abraham Mat, *Matteh Mosheh* IV, chap. 3; R. Samson Morpug, *Shemesh Tzdakah, Yoreh De'ah* no. 29; R. Chaim Yosef David Azulai, *Birkei Yosef, Yoreh De'ah,* 336:2; R. Yehuda Eyash, *Shivtei Yehudah* no. 336; R. Eliezer Waldenberg, *Ramat Rachel,* no. 20; *idem., Tzitz Eliezer,* IX, no. 17, chap. 6, sec. 17; X, no. 25, chaps. 19 and 20, XI, no. 41; R. Ya'akov Prager, *Sheilat Yaakov,* no. 5, *Mishneh Berurah, Orach Chayyim* 128:6; and R. Joshua Neubart *Shemirat Shabbat ke-Hilchata* 19:2.

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THE EAST EUROPEAN IMMIGRANT RABBINATE DURING ITS FORMATIVE YEARS, 1880 - 1910

Masses of Eastern European Jews arrived in the United States during the peak period of this immigration in the first decade of the twentieth century. The intense interest with which the Civil War was followed in Europe resulted in a more concrete awareness of the new century. This soon led to an ever increasing migration to America. This emigration, mainly from Russia, began as early as 1821, but did not become particularly noteworthy until after the German Jewish immigration decline by 1870. Following the anti-Jewish riots of 1881 at Yelizavetgrad and the later pogroms in Kiev and other cities of South Russia, Russo-Jewish emigration began en masse. By the decade between 1903 and the outbreak of war in 1914 the annual average for these newcomers reached approximately 76,000 for each year.[1]

The large majority of the new arrivals were generally Orthodox. Reform and Conservatism had hardly influenced them in Europe, although many had been attracted to radical causes. Those who were religious were so in the Orthodox fashion. The two hundred East European *shtiblach* and synagogues in Manhattan in 1900 were all Orthodox and continued the European traditions.[2] These devotees were nevertheless not deeply steeped in Talmudic knowledge and texts. Their practice was not fortified with a penetrating understanding of the process and function of the Torah civilization. Their piety

has been termed *Milieu-Frömigfeit* and it was this folk religion which they brought to the American shores.[3] The true *Talmid Hakham* did not easily leave his native surroundings. Despite the persecutions and difficulties he still had his local synagogue, *Bet Midrash,* teachers, and fellow scholars. He had been raised in this world which pulsated with Torah learning and observance. The scholar did not readily discard this environment which nurtured and sustained him.[4] Such *Talmidei HaKhamim* resolutely read the advice proffered by Moshe Weinberger, a scholarly East European newcomer who described the disarray and religious deviations within the immigrant community in 1887. He wrote:

> These words have been written for our scholarly brethren in Russia, Poland, and Hungary who because of their current despair and poverty might be considering seeking their fortune in the United States. You are advised to honor your scholarly status by remaining in your native country.
>
> Do not listen to those who mislead you with their descriptions of America. Do not become a wanderer for the rest of your life. There is no need for you to travel such a long distance across the seas and to endanger your soul. You have no need of America. Trust in God and He will sustain you in the place of your forefathers, brethren, and acquaintances. There they know how to appreciate and honor *Talmidei HaKhamim* who remain in the tent of Torah. Their continuous study is basic to Orthodoxy and you can be certain that your fame and name will be known in accordance with your achievements. Such a decision will be for the good of your soul, your children, and posterity for all generations.[5]

As the incessant emigration continued to the distant New World and religious infractions intensified, the widely revered Rabbi Israel Meir ha-Kohen Kagan of Radun, Poland, attempted to inspire their religious devotions. Universally known as the *Hafez Hayyim,* after the title of his first work, he penned *Niddehei Yisrael* in 1894. This volume was intended for the dispersed and wandering Jews in distant lands so that their spiritual tenacity would be strengthened. In forty-five chapters the *Hafez-Hayyim* detailed the rudiments of Torah philosophy and observance. He pleaded for careful conduct in the areas of *Kashrut,* Sabbath, and Family Purity. His distant brethren were exhorted to devote time to Torah study and in particular to properly educate their children. Albeit, Rabbi Israel Meir haKohen also concluded that the only actual solution was for the Jew to remain in Europe. He ended:

> My brethren, after all that I have written in this volume to strengthen those who dwell in distant lands, there is still only one proper solution. Whoever wishes to live properly before God must not settle in those countries. Even if one has already emigrated due to his economic distress he must return to his home where the Lord will sustain him. He must not be misled by thoughts of remaining away until he is financially wealthy . . . A proper person should curse the day of his arrival in a land where he must constantly witness desecration of the Torah. All his expectations should be directed toward God's helping him go free and return home. Certainly he must vow never to bring his children where they, God forefend, may be lost among the gentiles . . . The choice is given to the individual who truly fears the Lord to return to his homeland where he can inculcate his children with Torah values. Then he will be blessed in this world and the next. God will not forsake the righteous who observe his covenant and commandments.

Because of the paucity of learned Jews and proper rabbinic leadership, self-styled reverends soon became numerous among the immigrant masses. They became *mohalim, shohatim,* kashrut supervisors and marriage performers. Numerous errors were committed by these Rabbis without learning or piety due to their ignorance of *Halakhah* or for financial gain.[7] Rabbi Eliezer Silver later described some of the apocryphal escapades of these religious functionaries.[8] A reverend permitted a daughter-in-law to marry her father-in-

law after the death of her first husband. When queried how he could allow this incestuous relationship the reply was that the Bible related that Judah wed his daughter-in-law, Tamar.[9] Another reverend was himself a *Kohen* married to a divorcee. When asked how he could transgress an explicit Biblical law, the justification was that the first husband died after the divorce and she was therefore a widow.[10] *Gittin* were administered by these clergymen without proper witnesses to endorse the bill of divorcement and even without the consent of the husband. There were equally negligent *Shohatim* who did not finish slaughtering before the advent of the Sabbath and continued working into the night. There was one *Shohet* who even kept a store he owned open on Yom Kippur, and another, who could no longer judge whether his slaughtering knife was properly sharpened, would habitually have his wife check it. Among those reverends who became spiritual leaders of congregations there were many who did not wear the four-cornered fringed garment and whose wives did not observe the laws of *mikveh*. There was even an instance of such a rabbi stipulating with his congregation that he be allowed to continue his desecrating the Sabbath.

Amidst all the religious problems and dilemmas encountered by the immigrant community, the first Russian-American Jewish congregation was organized in 1852. Named *Beth Hamidrash Hagadol,* it held its initial services in an attic at 83 Mott Street on New York's East Side. This place was rented for eight dollars a month. It was to become the leading East European Orthodox synagogue for the next four decades.[11] Among its founders was Rabbi Abraham Joseph Ash who arrived in New York that year. Born at Siemiatycze in the district of Grodno, Poland-Lithuania, he became the spiritual leader of the new congregation in 1860. He served intermittently as its rabbi until his death in 1888, although periodically he unsuccessfully attempted to engage in business. There was constant discontent with Ash because he alternated between the rabbinate and commerce, and

his hassidic inclinations.[12] In 1879, during such an interregnum, the first attempt was made to bring in a leading European scholar to serve as the Chief Rabbi of the Beth Hamidrash Hagadol and other immigrant congregations. Their choice was Rabbi Meir Loeb Malbim, a noted Talmudist and biblical exegete, who had encountered hardships in his European communities due to the opposition of Reform Jews, *maskilim* and *Hassidim*. Later that year, while still in Europe, Rabbi Malbim died and Rabbi Ash was again reappointed as spiritual leader of the Beth Hamidrash Hagadol. The first attempt to elect a chief rabbi thus ended without fulfillment.

This venture, however, did effectuate a new awareness of the dearth of proper rabbinical leadership in the New World. In 1880, Rabbi Abraham Jacob Gershon Lesser, a native of Mir, in the Grondo District, was brought to Chicago to become the spiritual leader of its Beth Hamidrash Hagadol U-Bnai Jacob Synagogue. The congregation proudly published a proclamation in a local paper which stated:

> It is well known to all that many disruptions and troubles were caused between families and quarrels in some congregations by men who call themselves rabbis, who, for the sake of a few dollars will divorce a husband who is in America from a wife in Poland, which brings ruination and misfortune to helpless and innocent children. And these self-styled rabbis, for the sake of a few dollars, will . . . authorize men to be *Shochatim* who know nothing of *Shechitah*. And for the purpose of abrogating these shameful deeds, and save the name of Judaism from disgrace, we, the Polish Congregation, Beth Hamidrash Hagadol and others of our brethren in Chicago have brought Rabbi Lesser from Poland . . . a man who, besides the salary that he receives, does not want to take anything from any parties . . . If a man is capable and worthy to be a *Shochet* he gives *Kabbalah* gratis and the same in case of *Gittin*.[13]

Rabbi Lesser remained in Chicago until 1898 when he accepted an invitation to head the Beth Tephila Congregation, the largest Orthodox synagogue in Cincinnati. Organized in

1866 by Shachne Isaacs, the congregation was popularly known as "Reb Shachne's Shule." Rabbi Lesser remained there until his death in 1925 at the age of ninety-one. He was widely acclaimed as one of the senior members of the American Orthodox rabbinate.

Rabbi Abraham Eliezer Alperstein came to the United States in 1881. Previously he studied with the well-known Rabbi Jacob David Willowski-Ridbaz in their native Kobrin, White Russia, and afterwards in Kovno and Vilna. In the States he served immigrant congregations in New York, Chicago, Saint Paul, and in 1901 returned to New York where he died in 1913. In all these communities Alperstein devoted his efforts to aiding the recently arrived religious functionaries find their proper niche. An eminent scholar, he published his commentary on the Jerusalem Talmud tractate of *Bikkurim* in Chicago in 1887 with the approbation of Rabbi Joseph Ber Soloveitchik of Brisk (Brest-Litovsk).[14]

In 1886 another prominent scholar, Rabbi Moses Simon Sivitz, arrived in America. Born in Zittawan, in Kovno district, he received his education in Telshe and Kovno. His initial rabbinate was in a small Lithuanian community and at the advice of Kovno's chief rabbi Isaac Elchanan Spektor, he emigrated to Baltimore. Two years later he moved to Pittsburgh where he remained until his death in 1936. He was to publish no less than seven rabbinic volumes during his American sojourn, with his work on the Jerusalem Talmud entitled *Mashbiach* going through three editions.[15]

Despite these arrivals the Torah scene remained disorganized and each individual rabbi was soon struggling with the American quagmire of religious deviations and indifference. Above all the vast New York immigrant community was still in total disarray. It was estimated that New York City possessed a Jewish population of 100,000 to 120,000 families by 1887.[16] The majority were East European immigrants residing on the Lower East Side. Their native communities' spiritual leaders were now increasingly aware of the religious maelstrom across the sea. Jacob Halevi Lipschitz, the secretary and representative on public affairs for Rabbi Isaac Elchanan Spektor, wrote from Kovno in 1887:

> For some years, many leading rabbis who are greatly concerned with the welfare of their people and the Torah have turned their attention to their American brethren. The temporal and spiritual lives of our American brothers are totally interconnected with our brethren here, in matters of aid and support, and family purity as reflected in the laws of marriage and divorce. When the latter are executed by invalid rabbis and ignoramuses the results are grievous . . . To deal with these problems the leading *geonim* held three conferences two years ago (1885) in Telshe and Ponevez to seek ways and means of elevating religious life in America.[17]

When the European rabbinical leaders learned of the death of Rabbi Ash on May 6, 1887 they urged that the New York congregations select a "well-known *Gaon* to be their undisputed leader." They considered such action the best and most proper advice they could extend to their New York brethren. Similarly the directors of the Beth Midrash Hagadol concluded that official measures should be undertaken to engage a chief rabbi. Its Minute-Book detailed such a suggestion at a meeting on May 23rd.

> It is the duty of our Synagogue to seek out ways and means of bringing a chief rabbi for New York. The president [Dramin Jones] comments on the suggestion favorably and orders the Secretary to send notices or letters to presidents of some sister congregations of New York, that the day after *Shavuot*, all presidents shall assemble for a meeting in this synagogue to discuss the matter under what conditions and where a chief rabbi should be invited.[18]

Over fifteen immigrant congregations soon united to form the Association of American Orthodox Hebrew Congregations and twenty-five hundred dollars per annum was pledged for the support of the venture. Leading European rabbis were con-

tacted for their recommendations for the position. By Sukkot of 1887 the Association chose Rabbi Jacob Joseph of Vilna and formerly invited him to become its chief rabbi. The latter was at that time the *maggid mesharim* (communal preacher) and a *moreh zedek* (ecclesiastical judge) in Vilna. This city, popularly known as the "Jerusalem of Lithuania," had abolished the office of chief rabbi since the final decades of the eighteenth century. At that time there had been intense controversy over the last official chief rabbi, Samuel ben Avigdor. Rabbi Joseph previously studied in the Volozhin Yeshivah and afterwards became a disciple of Rabbi Israel Salanter, the founder of the Mussar movement of ethical self-improvement. Rabbi Joseph's aptness as a student earned the title *charif* or sharp-witted. He successively became rabbi of Vilon, Jurburg, Novy Zhagare, and in 1883 was selected as the *maggid* of Vilna where he was held in high esteem. This fondness and respect was expressed in a letter from Michael Beirack of Vilna to his nephew Abraham Cahan in New York. Cahan was later to be a founder and the editor of the *Jewish Daily Forward*. Beirack wrote:

> Rab Yankev Yoisef is very dear to us. He is a sagacious scholar and a rare, God fearing man. Our hearts are heavy with pain because we have had to part with him. One does not want to lose such a precious treasure.
>
> See to it, Alter [Abraham Cahan], that the Jews in New York know what a diamond they have taken from us. See that he is properly appreciated. I know that you don't attend a synagogue, but you have a Jewish heart. So tell everyone that Vilna was proud of him and that New York should appreciate the precious crown it has now acquired.[19]

Rabbi Joseph accepted the Association's proposal and he arrived at the American port of Hoboken, New Jersey, on July 7, 1888. He was greeted by the lay leaders of the United Orthodox Congregations who were ecstatic with the arrival of such an eminent rabbinical figure. Proudly they recited the

traditional benediction upon seeing a great scholar, confident that a new dawn was beginning for American Orthodoxy. On the Sabbath of Consolation, Sabbath Nahamu, July 21st, the Chief Rabbi preached his first sermon. A vast overflow crowd had gathered at the Beth Hamidrash Hagadol and its entrance on Norfolk Street was completely blocked. A vanguard of four policemen was needed to clear a narrow path so the Rabbi, accompanied by four leaders of the Association, could enter the Synagogue. Rabbi Joseph delivered a masterful sermon in the rabbinic homiletical tradition and included a reasoned plea for loving-kindness and understanding among his adherents. Abraham Cahan nevertheless keenly noted the obstacles which awaited the new arrival. Cahan thus detailed his impressions of an early sermon:

> It was only his second or third sermon since his arrival and already he was making a clumsy attempt to accommodate himself to his audience by using American Yiddish. Once he used the word "clean" for "rein" and it was easy to see this was purposely done to show he was not a greenhorn. His efforts to acquire social polish failed.
>
> At one point he reached for a handkerchief in his pocket. It began to come out, long and blue. He was suddenly embarrassed and struggled to put the handkerchief back into his rear pocket. It twisted around his hand. In desperation, he put the handkerchief on the lectern and soon had both his hands entangled in it. His American words sounded unnatural. It was a pity . . .
>
> Reb Yankev Yoisef was like a plant torn out of the soil and transplanted into a hothouse.[20]

Rabbi Joseph soon undertook energetic steps to organize New York's kosher meat business. This was essential if a proper Torah community was to thrive in America. The leaders of the Association felt that the costs of this supervision should be borne by those who directly benefited from it.

They therefore levied a tax of one cent upon every bird slaughtered in the abbatoir under the Chief Rabbi's supervision. This poultry was stamped with a *plumbe* (lead seal) with the words "ha-rav ha-Kollel R. Jacob Joseph" in Hebrew on it. The purchasers were cautioned that "the fowl bearing seals should not be sold for any higher price than others, except one cent on each fowl for the Seal." Intense opposition soon developed once this kashrut program began to function and the lead seals appeared on the chickens. Many butchers and *Shochatim* resented the strict control, and some rabbis feared the loss of *kashrut* supervision income. They were joined by the radical press which was now able to protect the housewives against price gouging and to simultaneously attack organized religion. *Karobka,* a tax imposed by the Russian government on kosher meat, became the war cry of these groups. The very mention of the *Karobka* conjured up all the evils and persecutions of Czarist Russia. The front page of the weekly *Der Volksadvokat* featured a poem in bold type entitled "*Korobka.*" It read:

> Dance, Orthodox chickens;
> Make merry, have no fear
> For the Rabbi an order has issued
> Shiny lead medals you'll wear.
> You'll wear them after your slaughter
> That the Chief Rabbi may live;
> They flay the skin off the worker
> A fat salary the Great One to give.[21]

Public meetings were staged by religious officials opposed to Rabbi Joseph. At such an assembly the main address was delivered by the Reverend H. Brodsky, "marriage performer, mohel, and preacher." He contended that the Vilna *maggid* was not in fact the Chief Rabbi since only a few congregations elected him, and these were not even truly concerned with Judaism. He claimed that Rabbi Joseph was simply a convenient pawn for the laymen of the Association who were

utilizing him for their own financial gain. There was soon an anti-Chief Rabbi rabbinic court which supervised thirty-one butchers. Each week a list of these butchers appeared in *Der Volksadvokat.*

These constant attacks rapidly weakened and eroded the position and authority of the Chief Rabbi. By the middle of 1889 Rabbi Joseph was little more than a figurehead with virtually no real power. His salary was assumed by the butchers who remained under his jurisdiction. When European leaders learned of Rabbi Joseph's tribulations, they sent letters expressing sympathy for his plight and anger against his detractors. Simon Strashun and Hayyim Berlin, the layleaders of Vilna's *Chevra Kadishah,* wrote:

> It is not possible for us to set upon paper the depth of our sorrow and grief because of the pain and suffering of such a great rabbi, renowned for his learning and piety. We never would have believed that this could happen to him after the honor and glory which was previously accorded him in this community.[22]

Although Rabbi Joseph retained the title of Chief Rabbi and maintained his position in dignity and integrity, his influence on the American scene was insignificant. There was a vast difference between being the leader of an active Association of Congregations to merely eking out a livelihood from the supervision of butchers. In the spring of 1895, his status further deteriorated when the retail butchers banded together and rejected the Chief Rabbi's supervision. Two years later Rabbi Joseph took ill and remained a bedridden invalid until his death on July 28, 1902. Even his final tribute was marred by tragedy as a mass riot ensued when the funeral cortege passed a factory which manufactured printing presses. Many antisemitic workers bombarded the mourners with stones and pieces of metal. In the confusion the coffin was dropped while the Jews fought back and sought cover. Later that day, the Chief Rabbi was finally laid to rest in the burial ground of the

Beth Midrash Hagadol. Even this act was not without its shameful aspects since earlier the congregants bid for his honor. Each felt that having the Chief Rabbi interred in its cemetery would increase the value of the neighboring plots. Once again the Beth Midrash Hagadol outstripped the others, paying the widow fifteen hundred dollars in cash and promising fifteen dollars per month for life.

Despite the failure of this venture there were still some constructive results. The portals of America now attracted many more, proper, spiritual leaders of scholarship and integrity. If the *maggid* of Vilna could emigrate to the United States then others could follow. Rabbi Israel Kaplan arrived shortly after Rabbi Joseph to serve as an ecclesiastical judge in the Chief Rabbi's Court. An East European scholar, Rabbi Kaplan had previously refused to emigrate to America. He changed his mind only because Rabbi Joseph "cleared the way."[23] In 1889 Rabbis Shalom Elchanan Jaffe and Moses Zebulun Margolies arrived. Jaffe, a graduate of the Volozhin Yeshiva, ministered to synagogues in Saint Louis and afterwards served as the rabbi of New York's Beth Midrash Hagadol.[24] Margolies became the head of Boston's Orthodox community and in 1906 rabbi of New York's prosperous and influential Congregation Kehilath Jeshurun.[25] Rabbi Bernard Louis Levinthal came in 1891 after receiving ordination from Rabbi Isaac Elchanan Spektor and Bialystok's Rabbi Samuel Mohilever. Settling in Philadelphia, Levinthal became the head of its United Orthodox Hebrew Congregations and was considered "the most Americanized of the strictly Orthodox rabbis in the country."[26] Also arriving in 1891 was Rabbi Judah Leib Levine, after previously studying in Volozhin and Kovno.[27] He was to serve congregations in Rochester, New Haven, and Detroit. Rabbi Asher Lipman Zarchy came in 1892 and was to be a spiritual leader in Des Moines and Louisville.[28] In 1893 the "Moscower Rav," Rabbi Hayyim Jacob Vidrowitz, arrived in New York after his expulsion by the Russian Government for not possessing the right to dwell in Moscow. Widely known for his learning and wit, he headed a few small East Side hassidic *shtiblach*. Outside his residence a shingle hung which declared him to be the "Chief Rabbi of America." When asked, "who made you the Chief Rabbi?" he whimsically replied, "the sign painter." When further questioned why the head of all America, he replied with a chuckle, "Because it would be well nigh impossible for all of American Jewry to join together to depose me."[29]

Despite this increase of reputable rabbinic leadership the American religious scene still remained fraught with difficulties. Each rabbi was isolated and rarely was joint cooperation forthcoming on a worth-while undertaking. The rabbis were further frustrated by their inability to truly become part of the American milieu.

While their congregants were exposed to the New World's method and perspective at work and at leisure, the rabbis remained in the timeless and eternal world of Torah study and tradition. Arriving at a mature age, they rarely mastered the English language and remained Yiddish-speaking. They gradually grew out of contact with their immediate followers and the general community. While the East European masses were constantly Americanizing, their rabbis and the synagogues of these rabbis stood pat.[30] Rabbi Margolies, well acquainted with these problems, thus described the situation:

> For many years, the gravest problem of the orthodox rabbi in America was his isolation. His traditional and time-honored function, that of *Rov* or elder, of the man who stood sponsor for all the spiritual needs of his community, was continually being undermined by forces over which he had no control. This pathetic helplessness was still more aggravated by the fact that he stood alone . . .
>
> What I wish to emphasize here is the fact that for many years past, the orthodox rabbi found himself a spiritual recluse, a harrowed man defending a principle of life, of Jewish life, amidst indifference or laughing scorn.
>
> The "gathering of the dispersion" which this country became to the Jews during the last two decades, wrought great havoc with our old,

established conceptions of Jewish religious life. All the old standards were upset in the hurlyburly of economic adjustment and he, who in the midst of that new Babel of tongues, ideas and habits would stand alone, was doomed to destruction.[31]

Religious life and standards did not improve and even many of the rabbis' own children were swept away by the tides of change. An anonymous rabbi described the dismal American scene in a 1902 letter to the Orthodox monthly, *Ha-Peles*, of Poltava-Berlin. He wrote:

The rabbinate has become a business. This one sells a permissible ruling while the other peddles a prohibitive decision. Void *gittin* are granted and illicit marriages are performed . . . I have not seen one of their sons competent enough to study the Talmud, and even the Torah with Rashi's commentary remain unknown to them. The rabbis' daughters work in their places of employment on the Sabbath. They do not act thus because of pressing monetary needs but rather to purchase another kerchief or colorful dress. If these are the examples before the lay people then what can be expected of their children![32]

In a subsequent issue, Rabbi Solomon Jacob Friederman of Boston came to the defense of his colleagues. He barely contested the facts contained in the previous articles although he felt that most properly ordained rabbis were not like this. He rather protested that such facts were publicized. He feared that the American rabbis would now be blackballed and no longer considered for any European positions. Rabbi Friederman stated:

My heart grieves because the path of escape is now closed for the American rabbis. We can no longer hope to save ourselves by returning to our native countries. We will no longer be considered for important rabbinical posts when available among our people and family. The American rabbis have been disgraced before the Jewish community in all its countries of dispersion. A member of the fellowship has maliciously slandered his colleagues by declaring that they willingly trample the sacred tenets of

Judaism. He even claimed that the rabbis are the cause of the dissolution of Torah life in America.[33]

During this period individual rabbis began to probe the possibility of forming a national organization to improve the situation. Reform rabbis had already united in the Central Conference of American Rabbis in 1889 and the Conservatives in the Rabbinical Assembly in 1900. This notion was initially broached by Detroit's Rabbi Levine and Des Moines' Rabbi Zarchy. Meeting in Detroit, they jointly sent out a letter to their colleagues, dated Rosh Chodesh Elul (August 16,) 1901, pleading the cause of unity. They wrote:

When we met together and reviewed the current status of Judaism in the United States, we heard the Heavenly voice proclaiming: "Woe to the people for the disregard of the Torah!" [Avot 6:2]. We are particularly distressed by the cry of the true rabbinic leaders mourning the constant desecration of Torah. The new generation is rapidly assimilating without knowing about their Divine Heritage. We have decided to undertake a major step in the hopes that with your acquiescence it will be successful . . .

We are obligated to unite and form a union of orthodox rabbis. Together we must decide what is to be jointly executed and what we should abstain from. We will evolve the basic concepts of this organization through our correspondence. Now is the proper time to publicly lead the way in the service of our religion.[34]

The initial Detroit efforts elicited numerous positive responses among the rabbis. During February of 1902 there was a Zionist convention in Boston which was attended by some of the leading rabbinical figures. At the Boston home of Rabbi Margolies the discussions continued and an organizational committee was formed. Margolies was selected as the temporary chairman and Philadelphia's Rabbi Levinthal as his assistant. A formal organizational convention was later

planned for July 29, 1902. Immigrant rabbis from all over the Eastern Seaboard and the Western United States eagerly reached New York. Their expectations soon turned to sorrow as they learned that Rabbi Jacob Joseph was on his deathbed. Many participated in his unfortunate funeral and the initial proceedings of the new fellowship were under the pale of his demise. The very day of his burial the *Agudat Harabanim* or the United Orthodox Rabbis of America was officially formed. Its English name was later to become the Union of Orthodox Rabbis of the United States and Canada. The deliberations continued for five days and through ten sessions. The participants decided to open membership only to spiritual leaders who were ordained by recognized European rabbinical leaders. The candidates also had to be actively engaged in the New World rabbinate. Fifty-nine founding members were chosen, including thirteen from New York City. The remainder ministered to immigrant communities in cities such as Baltimore, Boston, Buffalo, Chicago, Cincinnati, Detroit, Denver, Montreal, New Haven, Philadelphia, Pittsburgh, Portland, and Toronto. A constitution was adopted to chart the course of the nascent organization. Its most important goal was to intensify the education of the youth. The teachers were "to be supervised by the rabbis and to be certified by well-known pedagogues." The language of instruction was to be Yiddish, with English the secondary tongue. The constitution stated:

> The teachers are to translate into Yiddish, the native language of the children's parents. When necessary for the clarification of the topic, the teachers may also utilize English. In areas where only English is spoken then it may be the basic tongue.[35]

The rabbis were also to campaign for Sabbath observance, and to encourage the unions to demand the exemption of Jewish workers from Sabbath work. The members of the new group were to support each other in their quests to organize proper *kashrut* facilities. They were also to encourage the building of new *mikvaot* in outlying communities and

to repair the invalid ones in established areas. All *gittin* were to be administered by their members and congregants influenced to engage only competent rabbis for marriage ceremonies. The national organization was also to safeguard equable relations between its members. No Rabbi was permitted to encroach upon his colleague's domain. The constitution declared:

> A member of the *Agudah* called to a rabbinical position in a city where a colleague already resides must appear before the executive committee. Only after they have ascertained that there is no encroachment may the new rabbi move there.
>
> If an unqualified person settles in a community and poses as a rabbi the *Agudah* will attempt to quietly influence him to leave. If this will not be successful then the annual convention of the organization will determine the future of this imposter . . .
>
> The *Agudah* will not only support its own members, but will also assist any competent European rabbinic arrival. He will be assisted in every way even if he does not enter the active rabbinate. All that will concern the organization will be the newcomer's greatness in "*Torah* and fear of Heaven."
>
> The *Agudah* will attempt to influence Jewish communities to engage bonafide rabbinical leadership to enable them and their children to walk in the path of Torah and tradition.[36]

Rabbi Lesser of Cincinnati was elected chairman of the executive while Rabbi Joshua Israelite of Chelsea, Massachusetts became secretary. Among the executive committee members were Rabbis Levinthal of Philadelphia, Margolies of Boston, Sivitz of Pittsburgh, Zarchy of Des Moines, Hayyim Silber of Worcester, and Jaffe, Benjamin Rabbiner, and Dov Ber Abramowitz of New York.[37]

The new organization was soon opposed by those who

feared the strength of its unity. Among its opponents were reverends, kosher food purveyors and supervisors, and rabbis who felt their dignity was violated by the call to relinquish authority to a national body. One rabbi exclaimed that "he would completely uproot the organization and its executive committee". Others charged that the *Agudat Harabanim* was no more than a rabbinical trade-union. At a regional organization meeting in Cincinnati, the rabbis answered this charge in a statement issued on June 11, 1903. It declared:

> We are not a union for the sake of business. All those familiar with our constitution and members know that the group has no material or financial aims. Many times our rabbis actually waive monetary gain to observe the organization's guidelines. They do so with a feeling of achievement and purpose since they are thus strengthening Torah Judaism in this country. Their satisfaction is in the knowledge that they are dispelling the darkness and disorder which surrounds contemporary Jewish life.[38]

While the new *Agudat Harabonim* was barely beginning to function, another intense rabbinical conflict developed on the American scene. The Chicago immigrant community invited Rabbi Jacob David Willowski to become its Chief Rabbi in 1903. Willowski, later known as the Ridbaz (Rabbi Jacob David ben Zev) and popularly called the "Slutsker Rav", was previously a leading European rabbinical figure. His responsa and published commentaries on the Jerusalem Talmud established his reputation in the front rank of rabbinic scholarship. His final European rabbinate was in Slutsk, where he established an advanced Yeshivah in 1896. This school later transferred to Kletsk, Poland, during the interbellum period. It was re-established in Lakewood, New Jersey, in 1943 as the Beth Medrash Govoha of America.[39]

Rabbi Willowski initially visited the United States in 1900 to raise funds to cover the costs of the publication of a new edition of the Jerusalem Talmud with his commentaries. In New York he visited with Rabbi Jacob Joseph and was greatly distressed to find such an eminent *gaon* desolate and forsaken.

The "Slutsker Rav" rebuked a public assembly for having immigrated to this "trefa land where even the stones are impure."[40] After remaining in America for five months and touring the cities with large Jewish populations, Rabbi Willowski returned to Europe. In 1903, he came to America for the second time to reside in Chicago. At the second annual convention of the *Agudat Harabanim* in Philadelphia, August 16-19, 1903, the Ridbaz was designated as the *zekan harabanim* (elder rabbi) of America. On September 8, 1903 he was publicly installed as Chief Rabbi of a number of Chicago's East European Congregations. At the public convocation a letter from the *Agudat Harabanim* was read. It congratulated the community for having selected the Ridbaz as its Chief Rabbi. It pleaded with the community to spare him from strife and vexation. The letter concluded by informing Chicago Jewry that "the Union of Orthodox Rabbis will not recognize any rabbinical certification on food products from Chicago unless the Ridbaz approves the *hechsher*."[41]

Rabbi Willowski soon set about organizing the community's religious facilities. He began by attempting to become the guiding force in the massive local meat industry. Kosher abbatoirs were conducted by the four largest meat-packing houses in Chicago; Armour and Company, Schwartz-Shield and Sulzberger and Company, Libby, McNeil and Company, and Swift and Company. A supervising rabbi was not engaged by these slaughter houses since their owners felt their sole obligation was to employ *shochatim*. It was rather the *shochatim* who voluntarily agreed to accept a rabbi as their supervisor. Previously their rabbi was Rabbi Lesser and after 1898 Rabbi Zvi Shimon Album assumed their supervision. Trained in the Volozhiner Yeshivah, Album was later considered "the foremost champion of Orthodox Judaism in Chicago".[42] Album feared to allow the Ridbaz into his slaughter-houses since he felt the latter was encroaching upon his status and position in the community. He claimed that "suddenly the Ridbaz came to Chicago to rob my rights, trespass upon my property,

and cut off my meager sustenance."[43] In turn, the Ridbaz castigated Album's relationship with the *shochatim* which did not permit other "Jewish eyes to observe their acts of ritual slaughter."[44]

The controversy soon embroiled additional rabbis, *shochatim*, and lay-leaders from Chicago's East European Jewish community. The dispute left the arena of purely *halachic* considerations and degenerated into vicious polemics. The help of the *Agudat Harabanim* proved of little consequence to the Ridbaz. With the intensification of the dispute he despaired of achieving constructive and lasting results. During the summer of 1904, Rabbi Willowski resigned his position. Afterwards he traveled extensively throughout the United States, lecturing, preaching, and selling the remaining sets of his edition of the Jerusalem Talmud. In 1905 the Ridbaz settled in Palestine where he became rabbi of Safed's Ashkenazic community. He continued to reside in Safed until his death on the first night of *Rosh Hashanah*, October 1, 1913.

While the East European rabbis were struggling with limited success, there was a sole immigrant hassidic *Rebbe* enjoying even less spiritual accomplishment. The first man who crossed the Atlantic with the intention of establishing himself as a *Rebbe* was Rabbi Eliezer Hayyim Rabinowitz, the son of Rabbi Barukh of Yampol, and a descendant of the *Ba'al Shem Tov*, the founder of *Chasidim*. He arrived in New York around 1892, but never really succeeded in attracting a following among the immigrant *Chasidim*. A few years later Rabinowitz returned to Europe. A contemporary thus described his American venture:

> The undertaking was successful in a way; that is, ere long the new *Zadik's* coffers were bulging with money, given him by sorrowing and heartbroken women who flocked to him, asking for his divine intercession in their behalf. He also found a number of followers among the rabble. However, he never succeeded in attracting the real *Chassidim*. It is possible that at that early period of Eastern European immigration there were too few real *Chassidim* in this country to form a permanent following . . .

> Be this as it may, the seed surely fell on barren soil. After sojourning a few years in this unfriendly environment, Reb Eliezer Chayim renounced his "holy post" and left America to become merely a "grandson" [of a *Zadik*] once more."[45]

This was the spiritual state of the immigrant community and its rabbinate during the early part of the twentieth century.

NOTES

1. Samuel Joseph, *Jewish Immigration to the United States: From* 1881 *to* 1910 (New York: Columbia University, 1914), pp. 98-104; Hyman B. Grinstein, "The Efforts of East European Jewry to Organize Its Own Community in the United States," PAJHS 49, no. 2 (December 1959), 73-74; and for the general period consult the "Bibliographical Note" in Moses Rischin, *The Promised City* (Cambridge, Mass.: Harvard University, 1962), pp. 275-282.
2. Grinstein, "The Efforts of East European Jewry to Organize Its Own Community in the United States," pp. 75-76; Peter Wiernik, *History of the Jews in America* (New York: The Jewish Press, 1912), p. 274; and Louis Lipsky, "Religious Activity: New York" in *The Russian Jew in the United States*, ed. Charles S. Bernheimer (Phila.: John C. Winston Co., 1905), pp. 148-156.
   For additional details of the Orthodox immigrant community cf. the author's *Bernard Revel: Builder of American Jewish Orthodoxy* (Philadelphia: The Jewish Publication Society of America, 1972), pp. 3-26 and "The American Sojourns of Ridbaz: Religious Problems Within The Immigrant Community," PAJHS 57, no. 4 (June 1968), 557-72.
3. Cf. Charles S. Liebman, "Orthodoxy in American Jewish Life" in AJYB: 1965 (Philadelphia: The Jewish Publication Society of America, 1965). pp. 27-30; and his *The Ambivalent American Jew* (Philadelphia: The Jewish Publication Society, 1973), pp. 77-78.
4. This practice of the most learned and committed leaving last at times of voluntary emigration is constant throughout the Jewish diaspora history. E.g., the low level of learning among the initial Jewish settlers in Cordova, detailed in Abraham Ibn Daud, *The Book of Tradition*, trans. Gerson D. Cohen (Philadelphia: The Jewish Publication Society, 1967), pp. 65-67.

5. Moshe Weinberger, *Ha-Yehudim Veha-Yahadut Be-New York* (New York, 1887), pp. 28-31.
6. Israel Meir ha-Kohen, *Niddehei Yisrael* (Warsaw, 1894), pp. 129-130.
7. Hutchins Hapgood, *The Spirit of the Ghetto* (New York: (Funk and Wagnalls Co., 1909) p. 62; and cf. the author's *Bernard Revel*, pp. 13-14 and Rischin, *The Promised City*, pp. 147-148.
8. Eliezer Silver, *Anfei Erez* (New York, 1960), I: 11-12; and *Sefer Ha-Yovel Shel Agudat Harabanim*: 1902-1927 (New York *Agudat Harabanim*, 1928), pp. 125-127.
9. Gen. 38:1-30.
10. Lev. 21:7.
11. For its history see Judah David Eisenstein, *Ozar Zikhronothai* (New York, 1929), pp. 246-251.
12. For Ash's biographical details see *ibid.*, pp. 20-21, 253; Hyman B. Grinstein, *The Rise of the Jewish Community of New York*: 1654-1860 (Philadelphia: The Jewish Publication Society of America, 1945), pp. 93, 253, 486, 488, n. 12; and Abraham J. Karp, "New York Chooses a Chief Rabbi," PAJHS 44, no. 3 (March 1955), 130-131.
13. For Lesser's biography see Judah M. Isaacs, "Abraham Jacob Gershon Lesser," in *Guardians of Our Heritage*, ed. Leo Jung (New York: Bloch Publishing Co., 1958), pp. 347-359. The newspaper citation is quoted on pp. 348-349.
14. For Alperstein's biography see *Toldot Anshei Shem*, ed. Oscar Z. Rand (New York, 1950), p. 3.
15. For Sivitz's biography see *Toldot Anshei Shem*, p. 48.
16. Weinberger, *Ha-Yehudim Veha-Yahadut*, p. 1.
17. The Hebrew letter is cited by Eisenstein, *Ozar Zikhronothai*, pp. 253-54. The English translation is a revision of that of Karp, "New York Chooses a Chief Rabbi," p. 133. The ensuing details of the Rabbi Jacob Joseph venture are from these two sources. Also cf. Harold P. Gastwirth, *Fraud, Corruption and Holiness* (New York: Kennikat Press, 1974), pp. 55-80.

    For biographical details of Kovno's Rabbi Isaac Elchanan Spektor see Ephraim Shimoff, *Rabbi Isaac Elchanan Spektor* (New York: Yeshiva University, 1959) and Jacob Ha-Levi Lipschitz, *Toledot Yizhak* (Warsaw, 1897). For the European aspect of this period see Lipschitz' *Zikhron Ya'akov*, 3 vols. (Kovno, 1924-30).
18. Translated from the Yiddish Minute-Book of the Beth Hamidrash Hagadol by Karp, "New York Chooses a Chief Rabbi," p. 135. Cf. p. 131, n. 6.
19. *The Education of Abraham Cahan*, trans. Leon Stein, Abraham P. Conan, and Lynn Davison (Philadelphia: The Jewish Publication Society of America, 1969) p. 395.

20. *Ibid.*, p. 396.
21. *Der Volksadvokat*, August 31, 1888; translated from the Yiddish by Karp, "New York Chooses a Chief Rabbi," p. 164.
22. The letter was dated Adar 3, 5649 (1889). The translation is based upon that of Karp, "New York Chooses a Chief Rabbi," p. 177. For the Hebrew original of this and other letters see Eisenstein, *Ozar Zikhronothai*, p. 269.
23. Karp, "New York Chooses a Chief Rabbi," p. 187. Kaplan's son, Prof. Mordecai Menahem Kaplan, of the Jewish Theological Seminary of America, became the founder of the Reconstructionist movement.
24. For Jaffe's biography see *Sefer Ha-Yovel Shel Agudat Harabanim*: 1902-1927, p. 147.
25. For Margolies' biography see *Kehilath Jeshurun Year Book*: 1946, p. 26; Gilbert Klaperman, *The Story of Yeshiva University: The First Jewish University in America.* (Toronto: the Macmillan Co., 1969), s.v. index, and Samuel Gottlieb, *Ohalei Shem* (Pinsk, 1912), pp. 304-305.
26. Wiernik, *History of the Jews in America*, p. 282. For Levinthal's biography see *K'vod Chachomim* (Philadelphia: Jubilee Volume in honor of Bernard Levinthal's Seventieth Birthday, 1935), pp. 74-82; Alex J. Goldman, *Giants of Faith* (New York: The Citadel Press, 1964), pp. 160-176; and *The Brooklyn Jewish Center Review*, October 1952, pp. 5-10.
27. For Levine's biography see *Sefer Ha-Yovel Shel Agudat Harabanim*: 1902-1927, p. 141, and Ben-Zion Eisenstadt, *Hachmei Yisrael Be-America* (New York, 1903), pp. 65-66.
28. For Zarchy's biography see Eisenstadt, *Hachmei Yisrael Be-America*, p. 52, and Gottlieb, *Ohalei Shem*, pp. 301-302.
29. Eisenstein, *Ozar Zikhronothai*, p. 77; and Karp, "New York Chooses a Chief Rabbi," pp. 174-175, n. 128. Cf. Hapgood, *The Spirit of the Ghetto*, pp. 68-69.
30. Cf. David de Sola Pool, "Judaism and the Synagogue," in *The American Jew: A Composite Portrait*, ed. Oscar I. Janowsky (New York: Harper and Bros., 1942), pp. 37-41; and the author's *Bernard Revel*, pp. 15-16.
31. Margolies, M. S., "The Union of Orthodox Rabbis of the United States and Canada," *The Jewish Communal Register*: 1917-1918 (New York: Kehillah, 1918), pp. 1180-1181.
32. *Ha-Peles*, ed. Elijah Akiva Rabinowicz, 2, no. 7 (Nisan 1902), pp. 477-478.
33. *Ibid.*, 2, no. 11 (Av 5662), p. 688.

    For Rabbi Friederman's biography see Gottlieb, *Ohalei Shem*, p. 295. For additional reaction to the original article see *Sefer Ha-Yovel*

Shel Agudat Harabanim: 1902-1927, pp. 18-19.
34. *Sefer Ha-Yovel Shel Agudat Harabanim*: 1902-1927, pp. 19-20.
35. *Constitution of the United Orthodox Rabbis of America* (New York: Zion Printing, 1902), p. 7. Portions of this constitution were published in *Sefer Ha-Yovel Shel Agudat Harabanim*: 1902-1927, pp. 24-29.
36. *Constitution of the United Orthodox Rabbis of America*, pp. 16-18.
37. *AJYB*: 5663 (1902-1903), pp. 140-141; and cf. *Sefer Ha-Yovel Shel Agudat Harabanim*: 1902-1927, pp. 29-30.
38. *Sefer Ha-Yovel Shel Agudat Harabanim*: 1902-1927, pp. 32-33.
39. For Rabbi Willowski's biography see the author's "The American Sojourns of Ridbaz", pp. 557-572; and for a detailed history of the Yeshiva see Hillel Zeidman, "Yeshivat Ez Hayyim of Kletsk," *Mosdot ha-Torah be-Europa: be-Vinyanam uve-Hurbanam*, ed. Samuel K. Mirsky (New York: Histadrut Ivrit of America, 1956), pp. 229-242.
40. Zvi Shimon Album, *Sefer Divrei Emet* (Chicago, 1912) 2:69; and Moshe Davis, "Jewish Religious Life and Institutions in America," *The Jews: Their History, Culture and Religion*, ed. Louis Finkelstein (Philadelphia: The Jewish Publication Society of America, 1960) 1: 539.
41. Zev Kaplan, *Edut be-Yaakov* (Warsaw, 1904), p. 53.
42. For this statement and Album's biography see Morris A. Gutstein, *A Priceless Heritage* (New York: Bloch Publishing Co., 1953), pp. 129-30. Cf. Gastwirth, *Fraud, Corruption, and Holiness*, pp. 90-92.
43. Album, *Sefer Divrei Emet*, 1:6a.
44. Jacob David Willowski-Ridbaz, *Nimukei Ridbaz al ha-Torah: Bereshit and Shemot* (Chicago, 1904), p. 4.
45. Isaac Even, "Chassidism in the New World," *The Jewish Communal Register*: 1917-1918, p. 343.

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REVELATION AND THE MITZVOTH IN MENDELSSOHN'S INTERPRETATION OF JUDIASM

In his philosophic-religious treatise, *Jerusalem*, Moses Mendelssohn reduces the uniqueness of Judaism to the ceremonial laws and statutes of Sinai. What leads Mendelssohn to such a conception of Judaism and the significance which he attaches to the mitzvoth in its light, can best be understood by examining the currents of his thought.

In philosophic outlook, Mendelssohn was a proponent of rationalism, which stresses the ability of human reason to grasp matters that transcend empirical verifiability. Hence, for Mendelssohn, concepts such as the immortality of the soul and the existence and providence of God, are legitimate concerns for a priori reason. This confidence in the power of the human mind is one of the cornerstones of Mendelssohn's formulation of "natural" or "universal" religion. For human reason is not the private legacy of a particular people but rather the common possession of all mankind. It is the key which can unlock the portals of salvation for all members of the human race, for as Mendelssohn tells us, "I do not believe that human reason is incapable of perceiving those eternal truths which are indispensable to man's happiness or that God, therefore, had to reveal these truths in a supernatural way."[1] In his remark that "According to the tenets of Judaism, all inhabitants of the earth have a claim to salvation . . . ,"[2] Mendelssohn finds support for his "universal religion" concept in the Talmudic notion of the "pious of the gentiles."[3]

This optimistic appraisal of human intellectual poten[illegible] was also of decisive importance in determining Mendelsso[illegible] interpretation of the sinaitic revelation. If eternal truths also are the province of human reason, God's revelation of them to mankind would be superfluous. The essence of the revelat[illegible] then cannot be seen as God's communication of eternal truths or principles of reason to man, but must be sought elsewhe[illegible] In denying the possibility of revelation and reason being two bearers of the same truth, Mendelssohn rejected the notion popular in the Middle Ages, that the philosophically obtuse were in need of a divine dispensation of rational verities. Rather, even the untutored, simple man is equipped with sufficient common sense to hear and see ". . . the all animati[illegible] power of the Deity everywhere — in every sunrise, in every rainfall, in every flower that unfolds, in every lamb that grazes in the meadow . . ."[4] Cognition of essential religious truths was a feasibility for all human societies, primitive or advance[illegible] since the dawn of human history, because:

> Basically . . . the human material is everywhere the same, whether it merely uses the crude and robust energy with which nature has endowed it or whether its taste has become so refined by culture and art that . . . it finds intellectual food palatable only if it is appetizingly prepared and daintily served.[5]

Aside from his rationalistic moorings, other component[illegible] of Mendelssohn's thinking as well, induced him to divest the essence of revelation of doctrinal and dogmatic content. Mendelssohn was ill at ease with the proposition that a select minority of people had been the beneficiaries of divinely revealed religious verities, indispensable for human bliss, while the by far larger portion of mankind was left to wallow in darkness and misery. "Why should the two Indies have to wait until it should please the Europeans to send them mission-aries with a message of comfort without which, according to this opinion, the Indians can live neither virtuously or happily?"[6] Mendelssohn's preoccupation with this moral con-

cern is further reflected in a letter to Jacob Emden where he asks:

> Are we to assume that all inhabitants of the earth from sunrise to sunset, are condemned to perdition if they do not believe in the Torah which has been granted solely as the inheritance of the Congregation of Jacob? . . . What then are those people to do that are not reached by the radiant rays of the Torah? . . . Does God act like a tyrant when He deals with His creatures, destroying them and extirpating their name, even though they have done no wrong?[7]

Yet a third argument is adduced by Mendelssohn to prove the impossibility of divine communication of rational truths and religious verities as the intent of revelation. Assuming that prior to Sinai man had no inkling of these basic religious truths, Sinai could not imbue him with their comprehension. Regarding an animal-like man, whose reflective powers have not yet grasped the concept of an invisible Providence governing the world, Mendelssohn says, "The miraculous voice could not have instilled any such concept in this kind of person and consequently could not have convinced him."[8] The skeptic, ". . . whose ears are buzzing with so many doubts and brooding questions that he can no longer hear the voice of common sense," would remain unconvinced for "He demands rational proofs, not miracles."[9] True, someone can make us hear extraordinary things the skeptic might reason, but perhaps there are several such beings who do not consider it opportune to reveal themselves at this point in time? Mendelssohn concludes that anyone approaching the mount ignorant of those truths which are indispensable to man's happiness ". . . could perhaps be stunned and overwhelmed by the great and miraculous events that took place there, yet he still would not have caught the truth."[10]

Until now we have analyzed Mendelssohn's view of what revelation is not. Those fundamental religious truths such as the existence and providence of God are tenets of the natural

or universal religion of mankind, not unique to Judaism and their communication to man not the goal of revelation. What then was the content of the sinaitic revelation which stamp Judaism as distinct from natural religion? Mendelssoh famous answer is "divine legislation." At Sinai, the Israelite received ". . . laws, commandments, statutes, rules of conduct instruction in God's will and in what they are to do to attain temporal and eternal salvation. But not dogmas, proposition concerning salvation, or self-evident principles of reason."[11] The extent to which Judaism makes use of the latter, it borrow them from universal religion. What is unique then, about the Jewish religion, is that it is not a religion at all, in the traditional sense of the term. Whereas Christianity adds dogmas to natural religion, Judaism adds only commandments.[12] Judaism addresses itself not to man's beliefs but to his capacity to act.

The question now arises regarding the significance or purpose of the sinaitic commandments. If man can attain salvation through common sense, perception of the tenets of universal religion, what is the need for or value of the plethora of ceremonial laws and statutes to which Mendelssohn has reduced Judaism?

To explain the import of the ceremonial laws, Mendelssohn enters into a discussion of the interrelationsh between the origins of language and the birth of idolatrous practices. The fleeting character of abstract concepts arising in the mind necessitated the rise of language as a means of their retention. Language "attaches the abstracted characteristic by natural or arbitrary thought association to a symbol which is discernible to the senses, and which whenever it is used, recalls and, at the same time, illuminates this characteristic clearly and cleanly."[13] This enabled man not only to retain but to communicate his thoughts to others as well. The desire to reawaken and bring to recall concepts lying dormant within ourselves led to the usage of visible or concrete symbols. Initially, animals, each one representing a distinct abstract characteristic were used to stimulate the appropriate con-

tualization. (A lion would bring to mind the abstract quality of courage; a dog, faithfulness). In time, instead of carrying around the actual animal, people probably found it more convenient to use images. This eventually led to roglyphics, which was the precursor of the alphabet.

It was this symbolic usage of concrete objects and images which resulted in the spread of idolatry and belief in fables. For it is highly probable that people made use of similar symbols in their descriptions of God's attributes. The masses, not comprehending the concepts associated with the concrete symbols, came to worship the symbol in and of itself. With the additional elements of priestly fraud and hypocrisy, the moral degeneration which received poignant description by the prophet, "They slaughtered men in order to offer them to the cattle they worshipped,"[14] quickly ensued.

It is in the backdrop of the abominations of idolatry caused by the necessity of developing written signs and symbols, that Mendelssohn begins to elaborate upon the ceremonial laws of Sinai. The patriarchs — Abraham, Isaac, and Jacob had faithfully preserved the tenets of universal religion in pure, uncontaminated form. Their descendants were chosen by Providence to be a

> nation of priests, a nation which through its constitution and institutions, through its laws and conduct . . . was to call wholesome and unadulterated ideas of God and His attributes continuously to the attention of the rest of mankind.[15]

To preserve the precious verities of universal religion in a pure state by safeguarding them from the encroachments of idolatry, then, is the ultimate mission of the sinaitic laws and statutes. How is such preservation and safeguarding effected through them? By severing eternal truths from all imagery and associating them instead, with man's actions, the pitfalls of idolatry are avoided due to the fact that "Man's actions are transitory; there is nothing permanent or enduring about them

which, like hieroglyphic script, could lead to idolatry through misuse or misunderstanding."[16] Each ceremonial law possesses its own special meaning and significance and is "closely linked to the affirmation of religious truth and moral law . . ."[17] By linking daily dealings and actions with sacred truths, man is induced, in his everyday conduct, to contemplate religious verities.

> This was the fundamental purpose and aim of the law. Eternal verities were to be associated solely with deeds and practices, and these were to take the place of the symbols without which truth cannot be preserved.[18]

It is clear from Mendelssohn's interpretation of Judaism that he viewed Jewish allegiance to the divinely revealed statutes of Sinai as a source of blessing for all mankind. Perhaps it was intense commitment to this view of the Jewish mission as inextricably bound to the laws of Sinai that led Mendelssohn to declare, despite fierce pressure from Christian theologians, politicians, and humanists, that

> If this should be and remain your true conviction — which one can hardly believe of truly Christian people — if we can be united with you as citizens only on the condition that we deviate from the law which we still consider binding, then we sincerely regret the necessity of declaring that we shall renounce our claim to civil equality and union with you . . . It is beyond our power to yield in this matter.[19]

NOTES

1. Alfred Jospe, *Jerusalem and Other Jewish Writings by Moses Mendelssohn* (New York: Schocken Books, 1969), p. 65.
2. *Ibid.*, p. 66.
3. *Tosephta Sanhedrin* Chapter 13.
4. Jospe, *Jerusalem and Other Jewish Writings by Moses Mendelssohn*, p. 66.
5. *Ibid.*, p. 67.
6. *Ibid.*, p. 65.

7. *Ibid.*, p. 6.
8. Jospe, *Jerusalem and Other Jewish Writings by Moses Mendelssohn*, p. 69.
9. *Ibid.*, p. 69.
10. *Ibid.*, p. 69.
11. *Ibid.*, p. 61.
12. Alexander Altmann, *Moses Mendelssohn; A Biographical Study* (University of Alabama Press, 1973), p. 535.
13. Jospe, *Jerusalem and Other Jewish Writings by Moses Mendelssohn*, p. 77.
14. Hosea 13:2.
15. Jospe, *Jerusalem and Other Jewish Writings by Moses Mendelssohn*, p. 89.
16. *Ibid.*, p. 90.
17. *Ibid.*, p. 90.
18. *Ibid.*, p. 90.
19. *Ibid.*, p. 106.

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PSALM 24 AS THE KEY TO THE PROBLEM OF HASHEM S-VAOT

The determination of truth often requires the application of multiple perspectives to the problem at hand. This is true of the humanities in general, but is especially important to remember when one is dealing with religious material, specifically with *T'nakh*: in general, the more an intellectual process seeks to grasp the essential, the richer it must be in its analytic tools and in its synthetic scope.

That such propaedeutic remarks need to be made reflects the tendency towards compartmentalized thinking that infects our reading of *T'nakh*, a situation only partially due to the specialization-obsession associated with the modern academic Establishmentarianism. There is an additional factor, peculiar to Jewish religious studies, which exercises a particularly stultifying effect on the understanding of Biblical ideas, by largely avoiding what I'd like to dub the "theological-literary" approach to the text. By this term I mean to define a study of Bible which aims, through a sensitive "close reading" of the text and its structure, to elucidate and appropriate the "message" or kerygma, of the revelation.

The special factor, which seems to weigh so heavily on the minds of religious scholars, with such unnaturally limiting effect, is the preoccupation with the status of Jewish Studies as a *Science*. A scholarly science, from the purely sociological point of view, is pretty much whatever scholars say it is; and if you want your own activity to be recognized as legitimately scholarly, it had better meet the standards common among scholars. Biblical theology did exist in the "cultured" world,

but it was governed by the presuppositions of Christian theology. The traditional forms of Jewish theological Bible-reading (Hazzal through Rishonim down to Malbim and Hoffmann) were not, therefore, a gateway to academic respectability: they were often "Midrashic" in a flighty, tenuously-related-to-*Pshat*, kind of way; but moreover, they tended to accentuate the different orientation of the Jewish student, the assumptions whereby he was separated in his reading, from both Christian and secularist.

As a result of this, the Jew (and particularly the religious Jew who did *not* want to betray himself, but at the same time wished to belong to the world-scholarly community) was forced to confine himself within the *"Dalet Ammot"* of the methodologically-neutral disciplines; philology, Targum, Oriental studies, etc. To the extent that he had learnt to distrust his own subjectivity, he would be even less involved with ideas than his Gentile counterpart.[1]

All this does not mean that I wish to belittle the importance of "objective" disciplines for the understanding of Bible, nor that I am nascient of the signs which indicate that we are getting over our century-long "inferiority complex." Indeed, the criticisms of the above paragraphs have been heard from within the Establishment itself.[2] At the same time, however, it is assumed by many individuals that short of reverting to the Heder, one's only option is to remain in the neutral corners, to be a Jew in one's heart, but a "pure" scholar in one's study. There are still the unreconstructed Gradgrinds who believe that an adequate religious education in Bible consists of facts, information, and the kind of knowledge that can be measured in *Hidonim*.

This preface should clarify my own assumptions in the remarks that follow. My immediate purpose is the elucidation of the divine name HaShem S-vaot in certain sections of *T'nakh*. But this does not simply involve the definition of the term and/or etymology: this is desirable, perhaps even necessary, but not sufficient. It requires an investigation of the use of the term — where is it found and in what connec-

tions — but this too is not the whole story. After the facts and possible clues have been gathered, we must still ponder their significance for the Biblical text itself; we must apprehend, not the words, but the Bible working through the words, in that spiritual space at the far end of which our lives wait for the meaning.

I

There are several meanings which have been assigned to the word *"sava"* in Biblical Hebrew, some of which are germane to the Divine Name *S-vaot*. Let us enumerate some of them, citing salient verses, and evaluating each as a possible etymology of the divine Name.

1. The word sava often means "an army." Thus, the God of S-vaot would be a warrior God, and would make His appearance on the field of battle. An excellent text supporting this possibility can be found in David's cry to Goliath:

> You come upon me with sword and spear and shield; and I come upon you in the name of *HaShem S-vaot* the God of the armies of Israel which you have despised. (I Samuel 17, 45)

This view of S-vaot is made explicit in the famous Midrash on Exodus 3, 13f.:

> R. Abba bar Memel said: God said to Moses: 'It is My Name which you wish to know? According to My actions I am called: sometimes I am called E-l Shadaai, S-vaot, E-lohim, Y-HwH. When I judge mankind I am called E-lohim; and when I make war on the wicked I am called S-vaot . . . This is *Ehyeh asher ehyeh*, i.e. I am called according to My actions.[3]

2. *Sava* may refer to "the hosts of heaven:" This would include

a. astral bodies, as in the Torah's warning "Lest you raise your eyes heavenward and see the sun and the moon and the stars, all the *sava* of heaven, and stray . . . and worship them," (Deuteronomy 4, 19);

b. human souls, possibly; this is suggested by Nahmanides without proof.[4]

c. angels.

The third option is the most important one for our purposes, since, as we shall see, Ibn Ezra understood *Hashem S-vaot* to mean "God of the angels." Examples of the term *sava* for angels are not difficult to locate: the prophet Micaiah sees "*HaShem* sitting on His throne, and all the *sava* of heaven standing by Him on His right and on His left." (I Kings 22, 19); when Isaiah predicts the punishment of "the *sava* of heaven in heaven" (Isaiah 24, 21), it is quite likely he is referring to the guardian angels of the nations.[5] The consecration prophecy of Isaiah (chapter 6) furnishes a classic mention of *HaShem S-vaot* suggesting the relationship of that Name with the angels:

> I saw the Lord sitting on a throne . . . Seraphim standing above Him; each had six wings: with two he covered his face, and with two he covered his feet, and two he did fly; and cried one to another and said: 'Holy, holy, holy, *HaShem S-vaot*, the whole earth is full of His glory!

3. One may interpret *sava* as "hosts" without specifying the identity of the hosts: they may be celestial hosts, as suggested above, or terrestrial hosts (which may very well refer to Israel, without any necessary military connotation), or to all of these hosts together. The term *HaShem S-vaot*, then, would denote God's dominion over the cosmos, or certain specific members thereof. This tactic of exegetical eclecticism would seem to eliminate the difficulties that would arise were one to adhere strictly to one of the aforementioned possibilities: i.e. one could easily deal with verses in which one interpretation is plausible but the other is inappropriate. In addition, we have a genuinely new option: that *S-vaot* refers to two things at once. This approach is illustrated in a passage from *Pesikta Rabbati*,[6] cited by Rashi and Redak to I Samuel 1, 11:

> Hannah said to God: *'Ribono shel Olam.'* There is *sava* above and *sava* below. The *sava* above do not eat and do not drink, do not multiply and do not die but live everlastingly. The *sava* below eat and drink and multiply and die and do not live forever. I don't know which *sava* I belong to: if the *sava* above, I should not be eating or drinking or giving birth . . .; if I am of the *sava* below, I should be giving birth and eating and drinking.

4. There is a meaning of *sava* as a set time: "There is a *sava* for man on earth," cries Job (1, 1); and Isaiah consoles: "Speak soothingly to Jerusalem . . . for her *sava* is fulfilled . . ." (40, 2). This meaning is well-established, but irrelevant to the task of analyzing *HaShem S-vaot.*

5. Lastly, it is interesting to note that *S-vaot* is not only the plural of *sava* army, host — but also the plural of *sevi*, hart. Song of Songs (2, 7): "I have sworn you, daughters of Jerusalem, by *S-vaot* or by hinds of the field, that you not arouse my love . . ."

Furthermore, you will notice that in *T'nakh* the titles of leaders are often names of animals (remember "the rams of Moab" in Exodus 15, 15!). It is conceivable, then, that *sevi* also bears the meaning of "leader, king". In fact, there is one verse in the Bible which is best understood in the light of this theory: when David delivers his famous elegy for the fallen Saul, he opens with the following lament:

> How is the *sevi* of Israel on your high-places killed, how have heroes fallen? (II Samuel, 1, 19).

If we understand *sevi* as a royal title of Saul, the verse makes excellent sense. The Biblical scholar J. P. Ross noticed that the Ugaritic equivalent of *sevi* (*zby*) *is* used as a title.[7] From this he deduces a new interpretation of *HaShem S-vaot*: God of royalty. He relates this to the concept of *HaShem melekh* —God as king of Israel. Whether or not this view is correct, it is certainly suggestive, and we shall return to this possibility later. It seems to be supported by such texts as Isaiah 44, 6: "Thus saith *HaShem S-vaot,* the King of Israel and its Redeemer".

II

In order to shed further light on the meaning of the term *S-vaot* as a Divine Name, we must turn to the Talmudic discussion of the halakhic status of this Name: is it one of those names which cannot be erased, in the same class as the Tetragrammaton, E-lohim etc., or is the term *S-vaot* devoid of *kdushat ha-shem,* a mere description of God, albeit a frequent one, an appellation to be classed with *Rahum, Hannun* etc., the erasure of which is not prohibited? This question is especially intriguing since *HaShem S-vaot* seems to be in construct form (*smichut*: *HaShem of S-vaot*) a fact already discussed by Ibn Ezra:[8] this would imply, offhand, that *S-vaot* is not *kodesh* (compare *E-lohei Yisrael,* where *Yisrael* would certainly not be considered a Name of God).

Our problem is, in fact, a disceptation of Tannaim (*B. Shevuot* 35a-b): A *baraita* asserts anonymously that *S-vaot* is one of the non-erasable Names. Yet, R. Yose says, "*S-vaot* may be erased, for He is only called *sevaot* because of Israel, as it says (Exodus 7, 4): "And I will bring forth My *sevaot,* My people, the children of Israel, out of the land of Egypt." The same dispute is quoted in Tractate *Soferim,*[9] and in *Avot deRabbi Natan,*[10] with one difference: instead of basing himself on the verse in Exodus, R. Yose refers to Deuteronomy 20, 9: "And the leaders of the *sevaot* will count the people."

R. Yose in the Gemara evidently subscribes to possibility number three of those enumerated previously; the version in *Soferim,* however, would place him in the first (military) category, though he could still be identified with the third option. In any event, he believes that *S-vaot* is a *shem shel chol,* an erasable epithet.

What is the view of those who disagree with R. Yose (and R. Yose's view is apparently rejected by Shmuel in the Gemara, and by Rambam and other Decisors)?[11] Broadly speaking, there are only two alternatives: either they reject R. Yose's understanding of the term *S-vaot* or they reject the conclusion he draws from the meaning of the term.

The first alternative strikes at the genitive nexus between *HaShem* and *S-vaot* that is assumed by R. Yose's reading of the term: *S-vaot* would then be a Name of God, rather than a statement of what God is the God of. Indeed we find elsewhere in Rabbinic literature, midrashim of *S-vaot* as composed of two words: "*sava-ot*",[12] meaning that God dominates His *sava*. Among the possibilities listed above, the first (God of War= God who is Warrior), which appears in Hazzal, and the fifth (the Regal God) fit quite easily. On the other hand, one may accept R. Yose's analysis of the term, but argue that, although from a grammatical-etymological point of view *sevaot* is a secular term in its origin, its use within the structure of the Divine Name *HaShem S-vaot* transforms both words into *bona fide shmot kodesh*. For those adopting the third of our possible explanations, viewing *S-vaot* as "hosts of heaven and of earth" this solution would seem to be the most convenient way to harmonize their view with that generally accepted by *Poskim*. Commentators such as Redak,[13] who gravitate toward the third option, simply acknowledge the Talmudic dispute on this matter, without drawing conclusions as to the analysis of the term.

One interesting point suggested, if not implied, by the preceding discussion, deserves to be made explicit now. The meaning of the term *S-vaot* as a divine Name can be distinguished from the "dictionary" meaning(s) of the root *sv'* in Hebrew. If this is the case, it is also likely that the meaning of the divine name may include more than one of the meanings distinguished above. The gap between etymology and meaning may be partially bridged by an examination of the contexts in which *HaShem S-vaot* is employed in T'nakh.

We first encounter the appellation at the beginning of the Book of Samuel, where Elkanah goes up to Shiloh to worship *HaShem S-vaot*. When, in verse 11, Hannah addresses *HaShem S-vaot* in prayer, this marks the first appearance of our term on an individual's lips. This fact is duly registered by the Amora R. Elazar (*Brakhot* 31b):

> From the day God created the world until then, there had been no person who called God by the name *S-vaot*, until Hannah came and called Him *S-vaot*.

Subsequently the term appears several times in Samuel.

It is a popular epithet of God in several prophets, notably in Isaiah,[14] Jeremiah,[15] Amos.[16] It is frequently associated with doxological material, and connected with themes of God's lordship over nature, the vacuity of the idols of the nations, and God's dominance over history. In Jeremiah 10, for example, all of these concepts appear: the assertion of God's power, the satire on idolatry, and the doxological ode to the Creator:

> Not like these [idols] is the portion of Jacob, for He is the Creator of all, and Israel the tribe of His heritage; *HaShem S-vaot* is His Name. (v. 16)

If we wish to connect these passages to our list of possible meanings, it is the second that emerges as the best candidate for *HaShem S-vaot*, that of the Lord of Nature.

These prophetic cases of *S-vaot* have been thoroughly analyzed by the contemporary scholar J. L. Crenshaw,[17] who has noted that one frequently discovers in this context the formula "*HaShem S-vaot* is His Name." It is interesting to note that the Amora Resh Lakish, when interpreting the name *S-vaot* as a cognomen for the Lord of Nature, chooses a verse containing this particular formula (Isaiah 48, 2). Maharsha, three centuries before Crenshaw, already noted the relevance of this formula for Resh Lakish:

> He who is *doresh* from *'HaShem S-vaot shemo'*: according to *pshat* it means *HaShem* to two *S-vaot*, that above and that below, it should have written: *'HaShem S-vaot hu'*; which is why they were *doresh* that He is Lord . . . (Commentary to *Hagigah* 16a)

While this analysis is important for the concept of *S-vaot* in the prophets, it will not play a large role in our subsequent investi-

gation. Nor am I able, at this time, to offer any simple formula to explain completely the specific appearances of our term in the Prophetic literature.[18]

What does seem obviously explanation-worthy is the renewed absence of our term in Ezekiel and Daniel, coupled with its heavy use in Second Temple prophecy (Haggai, Zechariah, Malachi). Lastly, to round out our survey of Biblical literature,[19] we turn to Chronicles, where, occasionally, the word *S-vaot* is omitted from the reproduction of an incident in Samuel.

Before we turn to Psalm 24, there is another concept to which the term *S-vaot* is related, without reference to which our picture would be incomplete. The Ark of the Covenant is sometimes associated with our concept.[20] Take, for example, II Samuel 6, 2:

> And David arose and went with the people who were with him . . . to bring up from there the Ark of E-lohim, which had been named after the Name *HaShem S-vaot* who dwells among the Cherubim.

If we look back again at our initial discussion of the word *S-vaot*, we are reminded of the second possibility, the God of the Angels, the God who dwells with the *Aron* "among the Cherubim." What is especially remarkable is what appears to be a conscious act of *naming* the Ark, implying that it had not been known by this appellation previously (which is quite consistent with our impression that the term *S-vaot* itself had been unavailable until two generations or so before).

III

The last several verses of Psalm 24 offer a remarkable opportunity to contrast our term *HaShem S-vaot* with other ways of describing God:

> Raise your heads, O gates, and be lifted everlasting doors; and the king of glory shall enter.

> Who is the king of glory? *HaShem* the strong and mighty, *HaShem* the mighty of war.
> Raise your heads, O gates, and lift up everlasting doors; and the king of glory shall enter.
> Who is the king of glory? *HaShem S-vaot* He is the king of glory. Selah.

Here there is a question, "Who is the king of glory?", which receives two distinct answers: first we are told that it is *HaShem* who is "mighty of war"; then we are introduced to our own —*HaShem S-vaot*. Is our epithet an interpretation of the preceding assertion, or is it a new, perhaps even contrasting, mulation? To get a better opening toward this question, we need to step back and look at the *mizmor* as a whole, with special sensitivity to its possible historical context (the so-called *Sitz im Leben*).[21]

The last verses of the chapter are balanced in the early section by another "question and answer" passage: "Who will go up on the mountain of *HaShem* and who will stand in His holy place?" is answered with a list of moral qualities. These verses (3-5), in themselves, separated from the rest of the chapter, sound like a recapitulation of themes already developed in Psalm 15, where the rhetorical question "Who will dwell in Your tent, who will inhabit Your holy mountain?" is asked, and receives a similar reply. The "Mountain" image may be viewed as metaphorical, indicating the sense in which moral aspiration is generally experienced as a going up,[22] though one can, and should, respond to King David's lifelong dream of building the *Bet haMikdash* on "God's mountain". There is, to be sure, a repetition, in Psalm 24, of the root *ns'*, which serves as a *leitwort* and creates a formal linkage between verses 3-5 and 7-10; but this does not yet clue us in as to the nature of the relationship, the *zusammenhang* of the *mizmor*.

Let's take a look at the verses preceding and following verses 3-5. The chapter had opened with a cosmic theme:

> To *HaShem* is the earth and its fullness, the world and its dwellers. For He has founded it upon seas, upon rivers established it.

This introduction does not, offhand, seem appropriate for a Psalm devoted to a description of the ideal ethical life; we must seek to relate it to the chapter as an organic whole.

Even more curious is verse 6, which connects the first part of the *mizmor* to the second part:

> This is the generation that seeks Him, that searches Your face, Jacob Selah.[23]

Leaving aside the difficult syntax of the *pasuk*, which I have tried to retain in my translation, one is troubled by the very existence of this verse: one would not expect to find, in Psalm 15, let's say, a reference to "this generation": the Psalm is devoted to the virtuous individual (and it little matters if "this generation" refers directly to David's contemporaries, or asserts of the individual described in verses 3-5, that a generation composed of such persons would indeed be a "God-seeking generation").

The concept that unifies and deepens our grasp of the chapter was discerned by Hazzal: the quest for *Bet haMikdash*. An Aggadah brought down in the Talmud[24] attributes the questions in verses 7-10 to King Solomon when he wished to bring the Ark into the Temple. The Ark cannot get through, and Solomon requests the gates to accommodate it. Both requests to "raise your heads" are not complied with, until Solomon recalls the virtues of David, at which point the gates open. If we accept the view that this *mizmor* is "about" the construction of the Temple, we can readily organize the various sections of the chapter. First we have an assertion of God's role as Creator of the entire universe. Against this background we are confronted with the aspiration to go up onto the holy mountain of God: a dialogue or "catechism", so to speak, yields the requisites expected of the man, nay the society, that hopes to erect such a sanctuary. Corresponding to man's commitment is the petition to God, that He make His Abode in the Temple, the symbolic expression of which is the entrance of the *Aron* to its destined home.

Lest you suspect this interpretation of overly midrashic character, let me refer you to Psalm 132, which is, in many respects, almost a twin of Psalm 24. Here too, the establishment of the Temple is described in two moments, one being the initiative of man, in this case identified explicitly with David; the second is the acquiescence of God to dwell in this sanctuary, which is described in language and form symmetrical to that of the first section.[25] The language is also closely related to the actual words used by Solomon at the inauguration of the Temple (as reported in II Chronicles 6), which makes it likely that we have here a slightly later development of the themes of Psalm 24. In any event, the Ark-motif occurs explicitly in Psalm 132, 8 (cf. II Chronicles 6, 41), echoing Numbers (10 35-6).

> Rise O *HaShem* to your resting place. You and the Ark of Your Might.[35]

Where does this leave the problem of *S-vaot*? Well, we have a seeming relationship between *S-vaot* and the Ark, which may be helpful. Then there is the "military" option, obviously present in verse 8; and there are the other possibilities, to the extent that they can explain separately or in combination, the meaning and function of *S-vaot* in this specific context. Let's see how Rishonim work things out.

1. Saadia Gaon, as reported by Ibn Ezra,[26] applies the military interpretation to our case. If this is true, the questions in verse 7 and verse 9 both receive the same reply. This is difficult, and vitiates this approach.

2. Ibn Ezra is committed to the view that the two questions are different in import. He projects the two questions onto two different stages of Jewish *Heilsgeschichte*, the first being the erection of the Temple by David-Solomon, while the second will take place with the construction of the Third, Messianic, Temple. Listen to his reasoning:

> If one should ask: 'Who is the King of Glory?', the answer is 'God the strong and mighty' who will show His might in His actions and wage war

for His saints. And the meaning is that when the Glory dwells among Israel they will live securely and not fear the enemy.

Raise your heads: a second time, refers to the return of the Glory with the coming of the redeemer (for there was no Glory during the Second Temple period) . . . [27]

Who is the King of Glory: again, because the Third Temple will abide. And he did not mention "mighty in war" because they shall "beat their swords into plowshares" . . . and the meaning of *HaShem S-vaot* is that the men of that generation will be like the angels of God; the meaning . . . is that God is called by this name because of the hosts of heaven as I have elsewhere explained, not because of the armies of Israel as the Gaon (i.e. Saadia) said.

Ibn Ezra follows, then, the Rabbinic view that our passage is dealing with the entry of the Ark into the *Kodesh haKodashim*. He analyzes the transition from the first stage to the second into two components:

a. The move away from the Warrior God.

b. The move toward *HaShem S-vaot,* which, according to Ibn Ezra, you will recall, refers to the angels.

One may recognize the correctness of Ibn Ezra's literary analysis without accepting (b); indeed, one who rejects Ibn Ezra's theory of *S-vaot* would be bound to revise or throw out wholesale, his reading of the content of our passage.

3. Redak maintained the distinction between the two historical stages in the passage, but developed it in a different manner: The Psalm is distinguishing two different moments in the history of the Ark. One stage represents the Ark as an aspect of the Warrior God; the second represents the role of the Ark within the framework of the Temple.

In order to understand this dual aspect of the Ark we must return to the Torah and the Early Prophets. The duality is stated in Numbers (10, 35-6):

Arise, *HaShem,* and Your enemies shall scatter, and those who hate You shall flee from Your Face.
And when it rested, he said: 'Come home again, *HaShem* to the myriad thousands of Israel'.

Clearly, the Ark's movement has something to do with God's appearance *kivyachol,* at the side of the armies of Israel. What Moses meant when he addressed the "Ark-at-rest" is not readily obvious, however.

When we turn to Biblical history, we find the Ark marching before the people in several places in Joshua (e.g. chs. 3 and 6). Later, the Ark is taken by the people from the Sanctuary at Shiloh to participate in a war with the Philistines (I Samuel 4); it is captured by the enemy, and, after the Philistines succumb to hemorrhoids and other sundry afflictions, is returned to Israelite hands (all this takes up a good deal of space in the Book of Samuel). In this disastrous episode the Ark functions in battle. It will later make an eventfully numinous journey to its final resting-place in the Temple, after which period its whereabouts become caliginous.[28]

Against this backdrop we can analyze our passage in Psalm 24, according to Redak. During the early pre-*Mikdash* period the Ark represented God the "mighty in war". The repetition of the question, however, brings us into the Temple Era: "In this verse it does not mention 'mighty in war', and the reason according to our explanation is that after the Ark dwelt in the Temple it did not go out to war anymore." What is the meaning of the term *S-vaot,* which Redak usually renders "hosts of heaven and earth?"

It says *HaShem S-vaot* because all of Israel would come to this House, and would not sacrifice elsewhere.

If you will, one might even interpret in this way the apostrophe of Moses in Numbers: first, when the Ark travels, it represents the God of conquest; but when it rested, Moses described the second, peaceful, career of the *Aron,* no longer a peregrinating

presence on the battlefield, now permanently abiding in the place that God had chosen.

This theory of our passage seems to be the most satisfactory, moving from Hazzal, and appropriating several passages in various parts of the Bible. We would, to sum up the discussion, recognize two stages in the history of the Ark, one preceding the Temple period, identified with war and conquest, the second identified with the entrance of the Ark into the Holy of Holies.

IV

What remains to be seen is, whether our term *HaShem S-vaot* can be better explicated in the light of this reading. Let us return to the earlier sections of our investigation, where we tried to classify the meanings and contexts peculiar to the term.

1. *HaShem S-vaot* the Warrior God. This possibility is a casualty of Psalm 24. The plausible interpretations of Ibn Ezra and Redak are based precisely on the distinction between the God of War and *S-vaot*. This, of course, does not mean that the etymology of *sava*=army is totally irrelevant; it may be a key to certain references; but it cannot function in this, a crucial, perhaps paradigmatic, context.

2. The angelic theory is maintained here, without difficulty, by Ibn Ezra. If you recall the verse in II Samuel 6, where God is named *S-vaot*-dweller-among-cherubim, you will note the added significance given to this verse by our study of Psalm 24: with the bringing up of the Ark by David, God is called by a new name *"S-vaot,"* representing the new aspect defined in Psalm 24.

3. The view that *S-vaot* represents "the hosts on high and below," fits smoothly, as witness Redak. But then again, the very eclecticism of this view guarantees its acceptability.

4. Let's re-examine the "modern" possibility, that *S-vaot* is a royal title, so that we are speaking of God the King, or the Royal God, i.e. the God who is related to the Royal framework. What would this Royal framework involve? I would suggest that this may be defined as a matrix of those elements which comprise the Torah's conception of a healthy ideal Jewish national-religious life: autonomous life in Eretz Yisrael, under the rule of the King whom God has chosen, reigning in the place which God has blessed with His presence, the *Mikdash*.[29]

What would emerge from this notion of *S-vaot* as the God presiding over the organic concept of *'Am Yisrael* and *Mikdash-Yerushalaim'* just adumbrated? We would, when we see the word *S-vaot* in certain contexts, be able to recognize the reality behind the term: i.e. the crucial importance of the transition towards the *Mikdash* and the ultimate dynasty of *Bet David*. Let's examine the appearances of our term in Samuel:

The first appearances come in the first chapter, setting the tone for the entire book: Elkanah goes to the pre-Temple sanctuary of Shiloh to serve *HaShem S-vaot*, where Hannah prays (note that Hannah, in chapter 2, 9, refers to the King, thus echoing the royal theme). Next comes ch. 4, 4, where the Ark is taken captive by the Philistines, thus ending the "military" stage in the function of the Ark. Next: ch. 15, 2, where Saul is commanded to destroy Amalek; this is, according to the Talmud, the responsibility of the *Melekh*, and the prelude to the construction of the Mikdash. When David enters upon the stage of history, he challenges Goliath with the name of *HaShem S-vaot*: a fitting introduction for the founder of the chosen dynasty.

In the Second Book of Samuel, the term *HaShem S-vaot* is clearly associated with the concept we have identified. Upon the capture of Jerusalem, the Bible comments:

> And David became greater and greater, and *HaShem* God of *S-vaot*, was with him (5, 10).

In ch. 6, the term is associated with the taking of the Ark up to Jerusalem. In ch. 7, our phrase is iterated in connection with the famous prophecy of Nathan to David and his progeny.

The prophet informs David that he himself will not build the Temple, but his son will; moreover, God will not abandon the House of David as He had rejected Saul: "Your house and kingdom are established forever . . ." (verse 16). In David's thankful response, he uses the term *S-vaot* in a manner highly consistent with our interpretation:

> And may Your name be magnified forever, that it be said: *'HaShem S-vaot* is the God of Israel, and the house of Your servant David established before You.' For You are *HaShem S-vaot* the God of Israel revealed to Your servant, saying: 'I will build you a house', (verses 26-7).

I will not undertake, within this essay, to discuss the occurrences of our term throughout *T'nakh*. My stress on the "Royal" meaning of the term does not, as mentioned before, vitiate other meanings. In particular, it is conceivable that different contexts of meaning may dominate different sections of Biblical literature. Within the literary prophets the sense of *HaShem S-vaot* God of nature is quite frequent, though cases of the "Royal"=David+Temple complex, occur here as well. E.g. Isaiah 8, which contains a prophetic denunciation of those who would reject the House of David, reaches a climax with the proclamation:

> Behold, I and the children . . . signs and wonders in Israel from *HaShem S-vaot* who dwells in mount Zion, (verse 18).

But if the appearance of our term in Prophets is not to be given a uniform explanation in every case, its absence certainly fits our hypothesis. *HaShem S-vaot* is conspicuous by its absence from Ezekiel and Daniel. These two books were composed in Babylonia; it is quite understandable that the name of God which most represents the ideal political-religious structure should be set aside.

It may be worthwhile to strengthen our suggestion about Ezekiel by noting some aspects of Ezekiel's approach to the Davidic-political feature in his eschatology. It has been recog-

nized by scholars that Ezekiel often uses the title *"na'si"*[30] instead of the usual *melekh*. It is incorrect to assume that this tendency indicates an anti-Monarchic bias in Ezekiel, since both terms are found in this prophet, and are applied to Jewish and Gentile leaders. But the chronic use of *na'si* may nevertheless betray a subdued atmosphere emanating from the Galut.

One may also listen for explicit reference to David. This occurs twice in Ezekiel, both towards the end of the book (if we leave out the concluding chapters about the Temple reconstruction).[31] In both cases the mention of David seems to be, from a literary point of view, the climax of prophetic hope. In ch. 34, the prophet speaks of the honest leaders who, in the future political structure, would replace the unworthy shepherds to whom they had become accustomed. The second, more famous, prophecy, in ch. 37, describes the political re-unification of Judah and Ephraim:

> And they will dwell in the land which I have given to My servant Jacob . . . and David My servant *na'si* over them for ever. And I shall establish for them a covenant of peace . . . and I will set My *Mikdash* among them forever, (verses 25-26).

Here the re-establishment of the House of David is coupled with the renewal of the Temple (this is the first reference in Ezekiel to the reconstruction of the *Mikdash!*). The name of David is husbanded and used at the proper, climatic, moments, in conjunction with another member of the *S-vaot* idea-complex: but the term *S-vaot* itself is absent.

Moving from our present conclusions, we may point to many other related questions which should be analyzed in the light of our study, and which may, in turn, enrich our already-earned insights. Let me sketch briefly three such areas for further investigation:

(a) It is interesting to note that the word *"sevi"* as a description of the Land of Israel, is especially common in Ezekiel and Daniel, where *S-vaot* is absent. These phenomena

may be interrelated, though it is quite likely that the popular of the word *sevi* may be due to the influence of the Aram *savé* (desire, implying the "desirable land").

(b) The points made with regard to Ezekiel need to be sharpened through comparison with those prophets who *do* employ *HaShem S-vaot* within the Exilic and post-Exilic context. Haggai, Zechariah and Malachi, prophesying in Israel at the time of the construction of the Second Temple, after all use our term heavily, as would be expected.

The same is true of Isaiah 40-55. Without entering into the question of the provenance of these chapters,[32] it is clear that the situation being addressed is that of the Babylonian Exile. The "husbanding" of reference to David is even more remarkable than that of Ezekiel. The only mention of David comes at the end of the section, ch. 55, 3:

> I will make an everlasting covenant with you: the sure mercies of David

While the solitary mention of David is quite impressive, especially after the various prophecies concerning Cyrus, God Himself, and the obscure "Servant of *HaShem*" as redeemer, the term *HaShem S-vaot* appears frequently; and the dominant mood of the prophecies is hardly subdued: to the contrary, there is an overpowering sense of the nearness of God, the lucid imminence of Redemption, etc. In certain respects, then, the role of the Davidic theme is similar to what we found in Ezekiel (the "subdued" sense).

(c) It is important to investigate other terms which may be connected with the same idea-complex as *HaShem S-vaot.* Such terms exist;[33] their identification would help to create a "family" of language associated with the Beth-David-Temple concept, and enable us better to map the contours of these notions within *T'nakh.*

V

By this time, we have come a long way from our modest task of defining the term *HaShem S-vaot* in the Bible. We have solved some problems only to raise others; we have con-

centrated on particular verses only to find the implications of our study reverberating all over *T'nakh,* indicating patterns of ideas in entire *sefarim,* which in turn open up new questions requiring additional study. Much of our discussion has proceeded from the key interpretation suggested by Ross: the Royal meaning of *S-vaot,* from which, aided by a sensitive reading of Psalm 24, and the corroboration of the sources in Samuel, we were able to deduce a new complex category in Biblical theology. At the end of this divagating preliminary investigation, it is encouraging to note that a similar understanding of the term *HaShem S-vaot* is already found in Midrash. Let me quote from the relatively neglected *Shir haShirim Zuta,* (an obscure work dating to the 10th century):

> All the nations wonder at what God does for His sons . . . on the day of the ingathering of the Exiles, as it says: 'And *HaShem* will be King over them on mount Zion from now to forever' (Micah 4, 7). But the Kingship is His, for it says: *HaShem* is King forever and ever' (Exodus 15, 18) . . . But he said to Israel: *'Kivyachol* I have no Kingship or power until you made me King'. You will not find *S-vaot* in the book of Ezekiel, meaning: So long as you are in Exile, I have no power or Kingship until you return to your own Kingship; as it says: 'And there will rise saviors on mount Zion to do judgment on the mount of Esau and *HaShem* will have the Kingdom' (Ovadiah 1, 21).[34]

NOTES

Note: I learnt of Ari Strikovsky's competent thesis on *HaShem S-vaot* (Yeshiva University, 1971) after the present article had already taken shape; I have made some reference to it in the footnotes. For my awareness of this unpublished work, I am indebted to the long memory of Rabbi Joseph Wanefsky.

1. While one occasionally hears similar complaints from our Christian brethren, my impression is that they are less trammeled in developing theological-literary analysis. See B. S. Childs *Biblical Theology in Crisis.*
2. See for example, the address by Prof. Moshe Goshen-Gottstein in *Vetus Testamentum Supplementum,* 27 (Congress Volume: Edinburgh; Leiden 1975).
3. *Shmot Rabba,* 6, 3.

4. Commentary on Genesis, 2, 1. It may be instructive, perhaps, to view this theory as a variation on Redak's.
5. See, for example, Ibn Ezra and Redak *ad. loc.* as well as S. D. Luzzato. This analysis would have obvious implications for the history of Biblical angelology: the concept of each nation having a celestial *sar*.
6. 43, 3.
7. "Ja-hweh S-vaot in Samuel and in Psalms" (*Vetus Testamentum* 17, 1967). See G. R. Driver *Canaanite Myths and Legends*, p. 38. (H. L. Ginsberg's translation of Keret Epic).
8. Long Commentary of Exodus 3, 15. The term *E-lohim S-vaot* appears in Psalm 80, but is explained away easily by Redak, as is occurrence in Psalm 84. It is also, I believe, to the point to mention that these cases are all in the "E-lohistic" area of Psalms. I don't understand Strikovsky's remarks on this subject (pp. 212-2). He cites neither the standard modern Hebrew discussions by Cassuto, *The Documentary Hypothesis*, ch. 2, pp. 22-24; and Segal, *Mavo haMikra*, Vol. 3, pp. 554f, nor the crucial evidence of R. Bolling's article " 'Synonymous' Parallelism in the Psalms" (*Journal of Semitic Studies*, vol. 5, 1960).
9. Beginning of ch. 4.
10. Ch. 34.
11. *Hil. Yesode haTorah* 6, 2; on the correct text of Shmuel's decision, see *Rishonim ad. loc.*
12. Hagigah 16a. The text, however, is dubious; see *En Yaakov* and *Dikduké Sofrim ad. loc.* (and Strikovsky, p. 68).
13. On Psalm 80, 15 (in *Mosad haRav Kuk* edition (1967) but not in other editions).
14. E.g. chs. 47, 4; 48, 2.
15. E.g. 31, 35; 51, 19.
16. E.g. 4, 13; 5, 27.
17. *Zeitschrift Für Die Attestamentliche Wissenschaft*, Band 81 (1969) pp. 156-175.
18. Strikovsky attempts to go through all the Biblical sources.
19. The situation in Septuagint and DSS is discussed by Strikovsky.
20. Strikovsky finds this point in pseudo-Rashi to I Chronicles 13, 6; on the assumption that this is Rashi himself he proceeds to read this meaning into Rashi on II Samuel 6, 2.
21. For Günkel's reading of this passage, and an amusing satire on it, see Publications of Israel Society for Biblical Research: *Sefer Zer-Kavod* (Jerusalem, 1968), Y. Bin-Nun *"Siman Sheélah"*, pp. 42fl. See also F. M. Cross: *Canaanite Myth and Hebrew Epic*, (Harvard U., 1973), pp. 91-111.
22. On the symbolism of height, see B. Bevan *Symbolism and Belief* (Port Washington, N.Y. 1968), pp. 28-82.

23. See Ibn Ezra and other commentators for meaning of verse.
24. *Shabbat* 31a and elsewhere.
25. It is my own suspicion that Malbim, in dividing ch. 132 into three sections, rather than the obvious two, may have been influenced by the tripartite division of ch. 24.
26. All we know directly of Saadiah's view is his translation of *S-vaot* as *gys*, which he adopts throughout the Bible, even in obviously non-military cases, e.g., Genesis 2, 1. For this reason it is possible that Saadiah did *not* subscribe to the Military meaning.
27. Contrast Ibn Ezra on Haggai 2, 9.
28. See Yoma 53b among other sources.
29. On the interrelationship between Jerusalem and the Davidic House, it would be interesting to check out various *halakhot*. See I. Senders in *Or haMizrach*, vol. 23, 1-2, pp. 64-5, where the possibility is raised, albeit in a strained way.
30. See J. Liver in *Encyclopedia Biblica*, vol. 5, cols. 981-2.
31. On the function of these strange chapters for Ezekiel's eschatology, see Rabbi I. Herzog:*Pitaron Hadash l'Ba'yat Sefer Yehezkel*, *Sinai* vol. 32, pp. 321-329.
32. The best-known work defending the unity of Isaiah is R. Margaliot: *Ehad Hayah Yesha'yahu*.
33. I intend, God willing, to expand on this and several other points more fully in the future.
34. Ed. S. Buber (Berlin, 1894), p. 30.

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HEGEL AND THE JEWS

George Wilhelm Friedrich Hegel is undoubtedly one of the better known and most influential political thinkers of the past two hundred years. His writings have often been linked to the rise of modern totalitarian states. All this fame though, has been centered upon his political and philosophical writings, and as a result, his *Early Theological Writings* have been virtually neglected. In this paper, I will discuss these writings, in particular those which deal with Judaism, and will attempt to integrate them into Hegel's better known political and philosophical views. I will also discuss these ideas in Hegel's personal historical perspective and offer a critical analysis of his major points.

Historical Background

Any attempt at understanding an author's writings must be prefaced by a historical background of the period and relevant information concerning the author's life. Hegel lived during the years 1770-1831, a period of political turmoil throughout Europe. During many of those years, Europe was a battleground as Napoleon and his armies conquered most of the continent, including Germany. Many Germans at the time, Hegel, included, welcomed Napoleon's conquest as the chance to be ruled by the enlightened spirit of the French Revolution. But these dreams went unfulfilled when Napoleon conquered Germany and used it solely as a base for operations against England. As a result of this exploitation of Germany, the German ruling class was able to discredit liberalism in the people's minds and upon Napoleon's defeat an authoritarian police-state was set up in Prussia.[1]

During these years the world of philosophy was also undergoing a transformation as the period of the Enlightenment with its stress on man's rationality was being replaced by Romanticism with its stress on the totality of man. This change was accompanied by a change in the status of the Jews in most European countries. The era of Hegel's life was the beginning of the era of emancipation of European Jewry which reached Prussia in 1812. It is within this historical background that we must try to understand Hegel's philosophy.

Hegel's Critique of Judaism

Throughout his theological writings and especially in *The Spirit of Christianity*, Hegel attacks Judaism on three major points, which he defines as being the basic spirit of the Jewish religion. Each one of these points must be analyzed separately and thoroughly.

The first and most often repeated criticism is leveled against the Jewish (i.e. Mosaic) law. He begins by characterizing the Jews as a people whose life is spent in a "monkish preoccupation with petty, mechanical, spiritless and trivial usages."[2] They are "overwhelmed by a burden of statutory commands which pedantically prescribed a rule for every casual action of daily life and gave the whole people the look of a monastic order."[3] With this type of legal code "the service of God and virtue was ordered and compressed in dead formulas."[4] He perceived the Jews as being in a master-slave relationship with their God which was exemplified by the Mosaic Law. This legal code stressed the nullity of man[5] and therefore forced the Jews to follow the laws out of fear of punishment from God, rather than out of true moral feelings. The Jews believed they could satisfy God with external deeds because only actions were commanded and not feelings, and at the same time they were satisfied with just "maintaining their physical existence and securing it from want."[6] These low levels of satisfaction precluded any yearning for higher spiritual attainment by the Jews and made Judaism "a non spiritual

entity lacking the seeds for a philosophy of spirit."[7] Hegel therefore glorifies the Essenes and John the Baptist who would not subordinate their spirit to this lifeless legal code, and instead searched for deeper moral and spiritual gratificatio

Hegel's second basic criticism of Judaism concerns the belief of the Jews as the chosen, holy people. This doctrine, according to Hegel, causes the Jews to segregate themselv from other people and look upon their fellow man with disdain and enmity. The Jews reject any attempt to integrate themselves within society because they view all other things as "a stuff, loveless, with no rights, something accursed, which as soon as they have power enough, they treat as accursed and then assign to its proper place (death) if it attempts to stir."[8] This disdain extends, in Hegel's opinion, to nature in general, and he tries to prove it by interpreting the Biblical stories of Noah, Nimrod and Abraham, which he sees as revealing the spirit of Judaism, in that vein.

The first man and his subsequent generations were all originally in a beautiful harmony with nature. But the Flood caused man to lose his faith in nature and broke up the harmony of the relationship. After the flood, Noah had the opportunity to restore this peaceful arrangement but instead he turned to a new idea, that both man and nature were under the control of a higher power — God. Under this dogma, God then promised to subject the rest of nature to man. Nimrod, at a later time, went even further, claiming that it is man who is the master of nature.[9] Both these ideas are what Hegel termed "peace of necessity"[10] which perpetuated the hostility between man and nature.

The next phase in the development of the Jewish spirit occurs when Abraham appears. He proceeds to combine the idea of hostility towards nature with his own idea of segregation from man. As a young man, Abraham left his home and family, thereby snapping the bonds of communal life and love which he had enjoyed, and spurning the completeness of the relationships with man and nature in which he had lived. He did this because he wanted to become his own overlord and

be totally self-subsistent. It is this spirit of independence and -subsistence despite the hardships imposed on him by his foe, nature, that influenced Abraham in his attitude towards other men.[11] In other words just as he viewed himself to be opposed to nature but was still able to make use of it, so was he opposed to all men yet still able to use them when necessary. "The whole world Abraham regarded as simply his opposite; if he did not take it to be a nullity, he looked at it as sustained by the God who was alien to it. Nothing in nature was supposed to have any part in God; everything was simply under God's mastery. Abraham, as the opposite of the whole world could have no higher mode of being than that of the other term in the opposition and thus he was likewise supported by God. His Ideal subjugated the world to him, gave him as much as he needed, and put him in security against the rest."[12] Abraham realized that the only way to stand against the world was to master it. He himself though was under the power of God, who was the only one powerful enough to master the world. By believing in this idea which was the basis for God's domination, he became God's favorite.

These feelings of hostility towards man and nature are traced through much of biblical history by Hegel. His most extensive example of this "spirit" deals with the episodes in the book of Judges, where the Jews are described as veering from the ways of God. He explains that what actually happend was that the Jews reduced their hostility towards man and nature, mingled with society, and began to appreciate beauty and nature. But those periods lasted only a short time because, as Hegel saw it, the Jews were incapable of communion with man and nature due to the fact that they had become dependant on the tension built up in a master-slave relationship.[13]

The third aspect of Hegel's criticism of Judaism is actually a synthesis of the first two, put in the perspective of his general world view. He attacks the Jews for stressing the "object aspect" i.e., the physical, finite aspect of the world, instead of the "subject aspect,"[14] i.e., the spiritual moral ideas, that are of true importance. This critique is very important in

regard to Hegel's general understanding of the world. He believed that world history was moved by a process of dialectics, with each clash resulting in bringing man a step closer to unity with spirit. The Jews, by stressing legality as opposed to spirituality, and by separating themselves from man and nature show lack of sensitivity towards the dialectic and therefore are "objects" acted upon in history, and not "subjects" who help move history through ideas.

The Place of the Jew in Hegel's State

Now that we have discussed the specific criticisms leveled aganist the Jews by Hegel, we must try to discern where this conception fits in to Hegel's political theory.

As stated earlier, Hegel lived during the time of Napoleon and the subsequent return to conservatism in Europe and thus his political theory is a reflection of the time. He begins by stating the premise that just as nature which is actual is rational, ethics which are actual in the state are also rational.[15] Therefore, just as man must accept the laws of nature and can't try to change them, so must he accept the laws of the state and not try to change them. This theory was summed up in the famous saying, "What is rational is actual and what is actual is rational."[16] In this view, the state is perceived as being "reason objectified,"[17] and the "actualization of freedom."[18] He sees the state as realized morality and states that "all the worth which the human being possesses — all spiritual reality he possesses only through the state."[19] This means that man can be moral only by being a member of the state. This concept is a direct contradiction to the Judeo-Christian concept that man's spirituality and morality emanate from God. As an extension of the idea of the state as the "realization of freedom," he rejects the traditional view of freedom and claims that freedom means abiding by the laws of the state which are the highest form of reason and morality.[20] Traditional freedom, i.e., the lack of restraints is actually an enslavement to desire and only by following the laws of state is man truly free.

Obviously, in this view there is no room for revolution. It is also very clear that Hegel views the state as being of primary importance and man as having no value outside the state. This is known as an organic theory of state. It is in these terms that we must investigate the position of the Jews in Hegel's state. Using these idea we must also try to understand what was Hegel's conception of Emancipation of the Jews.

As previously mentioned, Hegel viewed the Jews as "objects" who are acted upon in history and who have no rights. He said they were the dissolution of the unity of man and spirit, and that they themselves lacked the self-consciousness needed to achieve the unity, which is a pre-condition for the desirable unities in other fields of human activities. He also points out that the few times the Jews did try to change, their attempts ended in failure, as the new spirit they tried to adopt went against everything they had even been taught. In his book, *The Recurring Pattern,* Nathan Rotenstreich quotes Hegel as regarding "the Jewish principle as foreign to the state."[22] He claims that Hegel seems to consider the state as identical with one polis based on the free decision of its citizens. According to him, Judea failed to provide the opportunity for such a free decision. Added on to all these negative factors is the Jewish tendency towards segregation. It is quite clear that all these traits contradict major points in Hegel's political philosophy. Starting from the overall concept first, the Jews' segragationist policies contradict the idea of an organic state where everybody in the state is in harmony with each other, like the organs in an organism. Connected to this is the notion that the state is the epitome of reason and morality as achieved through the dialectic, and the belief that the Jews aren't moral and have no comprehension of the dialectic. The Jews also don't accept the idea that spirituality and morality are derived from the state and that the state is a secular deity. This, as I have mentioned, contradicts the Jewish doctrine of a higher godly morality and would cause a loyalty problem among the Jews in the state. Finally, as Rotenstreich men-

tions, the state is composed of free men making free decisions according to Hegel, and the Jews, by being enslaved to their legal code are not free and cannot make free decisions. The obvious conclusion therefore is that the Jews are seen as outsiders in Hegel's state.

Using all this information, Hegel's view of Emancipation should become evident. An emancipation of the Jews would not serve any useful purpose because they lack the philosophical outlook necessary to be part of a nation state. Granting them equal rights would not make them any more sensitive towards the dialectical unity nor would it make them change their idea of a morality that is higher than the state's. Finally, there is not even a guarantee that Emancipation would change the Jewish segragationist policy. This question once again refers to past Jewish history where the Jews couldn't maintain their changed character and reverted back to isolationism. All these sentiments are evident in a statement written by Hegel in *The Spirit of Christianity* which could be applied directly to the issue of Emancipation. He writes, "The subsequent circumstances of the Jewish people up to the mean, abject, wretched circumstances in which they still are today, have all of them been simply consequences and elaborations of their original fate. By this fate — an infinite power which they set over against themselves and could never conquer — they have been mistreated and will be continually mistreatment until they appease it by the spirit of beauty and so annul it by reconciliation."[23] In other words, the Jews are in their predicament because of their many shortcomings and only when they adapt their behavior and learn to overcome these flaws in their characters, will their situation change. Emancipation by itself is an empty gesture if the Jews don't change internally first.

Hegel's Theology in Historical Perspective

After having discussed Hegel's critique of Judaism and then integrating it into his political philosophy, we must now try to explain the causes of his theories. It is important to

place his ideas in historical perspective and to try to determine what were the factors influencing his thinking. At this point I'd like to advance the theory that there were two major influences on Hegel which led him to propound his ideas. These two causes were: (a) The influence of Kantian philosophy and (b) the movement of Romanticism. Romanticism had the more wide spread affect on Hegel's own religious thinking, while Kant's philosophy served as the basis for part of his attack on the Jewish spirit.

Immanuel Kant, who is known as the leader of the German Enlightenment, was Hegel's mentor, and as such, influenced his philosophy greatly. This can be seen explicitly in Hegel's criticism of the Jew's stress on legality and not morality. Kant's philosophy seemed to suggest a third type of religion based entirely on man's autonomous conscience and moral reason.[24] He said that man should act out of moral feelings and not because of fear or as the result of some law. This exact concept is conveyed in Hegel's criticism of the Jewish legal code. He claimed that because *everything* was ordered by the legal system all the acts lost their meaning and the Jews acted morally because they were ordered to, and not out of moral feelings.

An even more wide-spread influence on Hegel's thinking must be attributed to the ideas of the Romantic movement, which was sprouting throughout Europe during Hegel's life. In his introduction to Hegel's *Early Theological Writings*, Richard Kroner states, "The Romantic mind is scornful of sharp boundary lines between realms of thought and life. It deliberately confounds . . . the divine with the human, the ideal with the real, life with dream. The Romanticist believes in the unity underlying all these zones and divisions . . . Hegel was a Romanticist in his longing for unity. Like the Romanticists, he firmly believed that all things were ultimately one and that boundaries were merely provisional."[25] This type of thinking is the core of Hegel's general world-view and is the concept to which he sees the Jews as being antithetical. He claimed that Jews lack the self-consciousness needed to attain their

own personal unities, which in themselves are pre-condition for attaining a unity in any other field.

Two other Romantic ideas which are closely related to each other also played a major role in formulating Hegel's ideas. As a youth in the Tubingon Seminary, Hegel was disillusioned with his studies, so, following the Romantic idea of returning to the Classics, he turned to Greek philosophy. What he found in this search fascinated him, and some of the ideas became incorporated into his own theological thinking. He saw ancient Greek religion as a religion of imagination and enthusiasm. It was a national religion which was united with the political aspects of state and which stressed man in this world as opposed to other worldliness. It also appealed to man's senses and emotions rather than to his intellect. Most importantly, he admired their sensitivity towards beauty and their friendship towards nature. All these concepts, Hegel claims, are lacking in the Jews. Judaism is a dull, lifeless religion which is disjoined from the idea of state. It stresses the nullity of man, has no sensitivity to beauty and is at war with nature. To summarize, Romanticism instilled both the idea of unity between man and God and unity between God and nature into Hegel's thought and it is these ideas that Hegel sees the Jews as contradicting.

Criticism of Hegel's Theory

The final step in understanding Hegel's theology must be a point by point evaluation and critical analysis of his critiques. To begin, we must discuss his evalution of Mosaic Law. As previously mentioned, Hegel saw Judaism as a religion composed of dead formulas where the people act out of duty and fear of God and not moral feelings. At first glance, this appears to be a valid criticism because in reality Jews are ordered to be moral. But this critique loses its validity when one realizes that almost all religions have rules specifying ideal moral behavior, and therefore are open to the same criticism. This includes Christianity, which Hegel defends in many of his writings. In fact, Hegel says that Jesus tried to instill true

morality into the people but he failed and therefore had to set up some rules of behavior. Therefore this first criticism is a very weak one.

Hegel's critique of Jewish segragationist tendencies is weak on a number of grounds. Judaism in its roots was a maverick religion, totally alien to the ideas of the time. As such, it required a strong base before it could branch out. Realizing this, Abraham left his environment and set up his own quiet surroundings where he could consolidate his followers. Following this consolidation, the Jews did branch out into the countryside. Throughout the rest of the Bible, Jews only resorted to segragationist policies when they were in danger of losing their identity. This explains such eras as the period of the Judges, which Hegel attacks extensively. In later years, the reason for Jewish segragation changes. The blame for separation in modern times lies with the church and the state which often specifically forbade Jewish association with Gentiles. During Hegel's time Jews were segragationist not by choice but by decree. It is only with the granting of Emancipation in Europe that Jews are allowed to break down the barriers and associate freely with their surrounding environment.

Hegel's most vitriolic attack on Judaism is his claim that Judaism is a dull, lifeless religion that is an object acted upon in history rather than a subject that moves history. He views Judaism as being a stagnant religion which lacks sensitivity towards the dialectic and therefore a religion that has failed to progress with the times. In this criticism Hegel is completely without foundation. Firstly, Hegel neglects to mention that Judaism, as the father of monotheism, has played a most significant role in world history. As for his claim that Judaism has stopped developing in history, this charge is a gross misrepresentation of the facts. Any scholar of Jewish history knows that Judaism has undergone many transformations since biblical times. Jewish leaders throughout the ages have been most sensitive to events and occurences around them and have made conscious efforts to internalize those events into everyday Jewish practice. In Hegel's own era Judaism was undergoing major

changes with the rise of Hasidism in Eastern Europe and, after his death, Judaism in Germany was drastically altered with the rise of the Reform and Neo-Orthodox movements. Given these modern examples, and with many other possible examples from earlier periods, it is clear that Hegel's attack on a "stagnant" Judaism must be discarded. Thus, we see that like antisemites before and after him, Hegel had no legitimate claim on which to base his Jewish prejudice.

NOTES

1. William Ebenstein, *Great Political Thinkers,* N.Y., Rinehart, 1960, p. 603.
2. G. W. F. Hegel, *Early Theological Writings,* Chicago, University of Chicago Press, 1948, p. 69.
3. *Ibid.,* p. 68.
4. *Ibid.,* p. 68
5. *Ibid.,* p. 192.
6. *Ibid.,* p. 194.
7. Nathan Rotenstreich, *The Recurring Pattern,* N.Y., Horizon Books, 1964, p. 188.
8. G. W. F. Hegel, *Early Theological Writings,* Chicago, University of Chicago Press, 1948, p. 188.
9. *Ibid.,* p. 184.
10. *Ibid.,* p. 184.
11. *Ibid.,* p. 185.
12. *Ibid.,* p. 187.
13. *Ibid.,* p. 200.
14. *Ibid.,* p. 191.
15. William Ebenstein, *Great Political Thinkers,* N.Y., Rinehart, 1960, p. 604.
16. *Ibid.,* p. 615.
17. *Ibid.,* p. 617.
18. *Ibid.,* p. 618.
19. *Ibid.,* p. 604.
20. *Ibid.,* p. 617.
21. *Ibid,* p. 618.
22. Nathan Rotenstreich, *The Recurring Pattern,* N.Y., Horizon Books, 1964, p. 64.
23. G. W. F. Hegel, *Early Theological Writings,* Chicago, University of Chicago Press, 1948, p. 199.
24. *Ibid.,* p. 5.
25. *Ibid.,* p. 15.

VIEW ESSAY

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NARCHISM AND JUDAISM

A review of *Jewish Radicals: From Czarist Stetl to London Ghetto* by William Fishman, N.Y., Pantheon Books, 1974.

In recent years an entire literature has developed on the alliance of the Jews with the political left. Henry Feingold, in his excellent study, *The Politics of Rescue,* examined the ambivalent relationship between the Roosevelt administration and the Jews during the Second World War.[1] Arthur Hertzberg detected the origins of modern antisemitism in the liberalism of the enlightenment that tolerated few expressions of cultural pluralism.[2] Similarly Edmund Silberner discovered surprisingly high quotas of antisemitic writings among socialist thinkers for whom antisemitism ought to have been the monopoly of capitalist bourgeois society,[3] Most recently, the question of antisemitism and anti-Zionism current in New Left circles has attracted great attention.[4]

In many ways these books originated from the legacy of the Nazi holocaust. The horror of Auschwitz provoked discussion on the silence of the liberal world during the tragedy. Significant questions were raised as to the political wisdom of Jews allying with left-wing political parties. The prewar myth that Jews ought naturally to vote liberal to defeat antisemitic forces on the right had now become a highly debatable proposition. In this context of disillusion with the liberal world, postwar historiography veered sharply away from traditional assumptions regarding Jewish political behavior and in itself contributed

to the ongoing debate over the directions such political activi ought to pursue. The opposition of the New Left to the State of Israel has recently even further undermined such traditio ist assumptions.

William Fishman examines the case of a particular group of Jews on the left, the Jewish anarchists of London's East End in the years prior to the outbreak of the First World War. Although the group studied was admittedly peripheral to the Anglo-Jewish community, one can understand the East End activity as an interesting, if somewhat extreme, case study of the genres of Jewish poltical liberalism and radicalism. For Fishman the study of such behavior is a "labor of love." He writes with great passion in portraying the careers of Jewish anarchists. His research is pioneering in his excellent use of oral history interviews with surviving anarchists and his utilization of the Anglo-Yiddish press although the latter is limited to anarchist organs.[5] The book stands as a contribution to Anglo-Jewish history, to socialist Jewish history, and to labor history in general.

The questions Dr. Fishman raises do, however, deserve further analysis. First, one must ask what relationship, if any, is there between Jewish emancipation and Jewish radicalism. Radical political behavior among Jews has by no means been limited to emancipated Jewish communities. Certainly Czarist Russia, as Dr. Fishman describes in his opening chapter, served as the "home base" and "training ground" for leftist Jews. Yet, the phenomenon of Jewish radical politics is in many ways intimately connected to societies which had previously granted civil and political liberties to the Jews.

In one sense such radicalism was fully consonant with the aims of emancipation. Anglo-Jewry constantly denied the existence of a "Jewish vote." If Jews had become fully Englishmen, then it was only logical that Jews be represented in all sectors of the British political spectrum. On a less theoretical plane, however, Jewish radicalism actually constituted a threat to the ideals of emancipation. In England, where emancipation was more delayed but also more complete than in any other

European country, the post-emancipation Jewish community deeply believed in the essential morality of English society and stitutions. In the eyes of Jewish leadership, antisemitism in England was non-existent even in potentiality. Separatist Jewish stitutions, especially Jewish political clubs, were denounced by the Board of Deputies of Anglo-Jews, the leading political stitutions. In the eyes of Jewish leadership, antisemitism in ovements dedicated to the overthrow of Victorian English society constituted a gross violation of the "bargain" of emancipation. Such movements represented as grave a threat to the glicization of the Jewish community as did political Zionism and consequently encountered very similar opposition from the ousinhood," that network of elitist Jewish families that dominated Anglo-Jewry in the generation following emancipation.[6]

Not all Jews fully shared these assumptions. In the immigrant communities of East London and the provinces, particularly, where antisemitism had by no means disappeared, "cells of sedition" were common among those who found their political leadership wanting in sensitivity to the real needs of the community. For such discontented Jews, emancipation had failed to solve the Jewish Question, and alternative solutions were desirable. Much as political Zionism was strongest in the ghetto and in the provinces, so political radicalism made deep inroads in such areas. In this context, one can better appreciate Herzl's appeal to various heads of state, that Zionism would function as a "safe" outlet for the radicalist political tendencies current in their respective Jewries. Perhaps nowhere was this truer than in England, where, as Dr. Fishman indicates in his concluding chapter, the success of political Zionism doomed the Jewish anarchist movement.

Other questions raised by Dr. Fishman during the course of his study involve the how and why of Jewish radicalism What were the sources of Jewish radicalism? How did Jewish radicals develop their anarchist rhetoric? Why did such men become radicalized? These questions of course apply not only to the group in Dr. Fishman's book but similarly to the more renowned radicals such as Rosa Luxembourg and Leon Trotsky.

Some have suggested that Jewish radicalism emanates from the Jewish tradition itself. In other words the universalism of the tradition impels the Jew to adopt ideologies of general humanitarian content. To create the messianic era one must immerse oneself in programs aimed at the betterment of society as a whole. That the tradition in itself commands the Jew to be universalistic is of course highly questionable. Citations in the spirit of universalism from the literary prophets can easily be countered by parallel citations from Ezra and Nehemiah denoting ethnic particularism. Given the questionableness of the universalism of the tradition, it is even more questionable whether Jewish radicals were influenced by any portion of the tradition at all. Certainly Trotsky and Luxembourg disavow any such conscious influences of Judaism. Attempts to link the tradition necessarily with reformist or radical politics ignore the reality that more often Jewish radicals have sought to escape their Jewishness rather than confront it. In this respect it is fascinating to observe that the Jewish heroes for London Jewish anarchists were the Mishnaic and medieval heretics Elisha ben Avuyah and Hivi Habalki, rather than Isaiah and Jeremiah.

Dr. Fishman suggests that Jewish anarchism, although motivated by personal ideology and only marginally related to Jewish values, appealed to London's East End as a political solution to the Jewish Question in ghetto areas. In other words, the conditions of the immigrants required radical solutions given the hostility of the Gentile world and the callousness of the indigenous Jewish community. Exactly how political anarchism could practically have solved the Jewish Question in the ghetto is never really explained. Dr. Fishman implies that the Jews gravitated to the left in response to hostility and pressure from the right. Significantly, after the passing of the Aliens Act in 1905, which was designed to sharply limit immigration into England and reflected greatly increased criticism and resentment of East End Jewry, Jews apparently voted Liberal in overwhelming majorities as a means of retaliating against the Conservative Party, which had sponsored the Act. Yet, there

was indeed a tremendous gulf between voting for the Liberal Party and joining a movement dedicated to remake society altogether. In this respect we ought continually to recall that very few Jews were actually radicals. The radicals' appeal to the Jewish community was certainly couched in terms of opposition to the political right. The small numbers of Jews affected by such an appeal truly reflected the more conservative leanings of the majority of the community.

A related question concerns the political wisdom of Jewish radicalism. Whether historians ought to issue judgments on such issues is somewhat debateable, but, as Sir Isaiah Berlin correctly discerned in his landmark essay, "Historical Inevitability,"[8] historians have in the past issued such judgments and undoubtedly will continue to do so in the future. Dr. Fishman is quite sympathetic to the anarchists. In his view, they at times acted misguidedly but were always well-intentioned. He treats acts of violence, physical clashes with orthodox Jews, and Yom Kippur balls as primarily examples of poor tactics. He apparently misses the destructiveness of such acts. For many of these men Judaism itself was reactionary phenomenon, and the salvation of the world lay in the overthrow of religion *per se*. Moreover, he misses the antisemitism common among many of the Gentile allies of the Jewish radicals, possibly because left-wing antisemitism in England was generally directed against the richer Jews although enough prejudice could and did extend to the immigrant community as well. The naive actions of Jews involved in radical politics quite correctly offended Anglo-Jewry as deeply as the anti-Zionism of the New Left offends American Jewry today.

Finally, Dr. Fishman mounts an implicit attack on the "financial aristocracy" of the Anglo-Jewish community, in particular the Jewish members of Parliament who supported restrictionist legislation. Similarly he cites the well-known antipathy of Chief Rabbi Herman Adler to the immigrant Jews. The failures of Anglo-Jewish leadership in relationship to the newly-arrived immigrants have been well-known since Lloyd Gartner's pioneering study.[9] The picture however ought not be simplified. Certain

Jewish M.P's, e.g. Lord Rothschild who served on the Royal Commission on Immigration, passionately defended the immigrants and fought against restriction. The Chief Rabbi acknowledged his failure to relate to the immigrant community and pleaded for a successor who would be more acceptable to East London. The Haham, Moses Gaster, was frequently at odds with the inherent conservatism of the Anglo-Jewish hierarchy. Finally, beneath the Cousinhood a new leadership was emerging in those years. Coalescing around institutions such as Bnai Brith and forming organs such as the *Jewish Review,* this newer leadership consisted of younger men, Norman Bentwich, Leon Simon, Paul Goodman, Israel Sieff, and others who found allies among the older leadership in Gaster, Chief Rabbi Hertz, and Herbert Bentwich. Together the group aimed at promoting a more consciously Jewish existence in England for all, immigrant and native Jew alike. The revolution these men mounted in 1917 ordained a new order in Anglo-Jewry, in which, Dr. Fishman cogently argues, anarchism seemed strangely anachronistic. The critique of Jewish leadership, voiced so often in our times, frequently portrays such leadership in black and white terminology and ignores the complexities of the particular Jewish communities.

Jewish radicalism continues as a force, albeit peripheral, within the contemporary Jewish scene. At times radical politics can function as a catalyst for the organized community to undertake effective action on certain Jewish problems. At other times radicalism can effectively agitate for reform on issues confronting society as a whole (e.g. Jewish peace groups during the Vietnam War). One cannot, however, overlook the destructive anti-Jewish tendencies of such radicalism. Jewish life ultimately depends on certain frameworks. When Jewish radicalism seeks to uproot such frameworks, Judaism and radicalism cannot coexist.

NOTES

1. Henry Feingold, *The Politics of Rescue,* N.Y., 1970.
2. Arthur Hertzberg, *The French Enlightenment and the Jews,* N.Y., 1968.

3. Edmund Silberner, *Western Socialism and the Jewish Question,* (Hebrew), Jerusalem, 1955.
4. e.g. Mordechai Chertoff ed., *The New Left and the Jews,* N.Y., 1971.
5. cf. Chimen Abramsky's review, *Times Literary Supplement,* June 20, 1975.
6. Chaim Bermant, *The Cousinhood,* London, 1971.
7. A noteworthy example of this reading of the tradition is Arthur Waskow, "How To Bring Maschiach" in Strassfeld, Strassfeld, and Siegel ed., *The Jewish Catalogue,* Philadelphia, 1974.
8. Sir Isaiah Berlin, "Historical Inevitability" in *Four Essays on Liberty,* London, 1969, pp. 41-117.
9. Lloyd Gartner, *The Jewish Immigrant in England* (2nd edition), London, 1973.