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The undersigned, appointed by the

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Between East and West - The Life and Works of  
Rabbi Jehiel Jacob Weinberg

presented by Marc Shapiro

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BETWEEN EAST AND WEST: THE LIFE  
AND WORKS OF RABBI JEHIEL JACOB WEINBERG

A thesis presented

by

Marc B. Shapiro

to

The Department of Near Eastern Languages and Civilizations

in partial fulfillment of the requirements  
for the degree of  
Doctor of Philosophy  
in the subject of  
Near Eastern Languages  
and Civilizations

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## Dissertation Abstract

Rabbi Jehiel Jacob Weinberg (1884-1966) received his early education in the yeshivot of Lithuania and later served as a rabbi there. During World War I he moved to Germany, where he came to identify with the ideology of the German Orthodox, in particular the Berlin variety which encouraged the scientific study of Judaism in a religious context. While in Germany he became known as an outstanding halakhic (Jewish legal) authority and is currently regarded as a central ideologue of modern Orthodoxy's approach to Jewish law.

Weinberg's life, because it was so variegated, is also the mirror through which a number of significant social and intellectual trends are treated, several of which have not received much scholarly attention. Foremost among these are the yeshivot in Lithuania, the Mussar movement, the state of the rabbinate in Lithuania, Eastern European Jews in Weimar Germany, varying conceptions of *Torah im Derekh Eretz* (the synthesis of religious and secular), Orthodox Jewish attitudes towards *Wissenschaft des Judentums*, and the special problems of Orthodox Jews in Nazi Germany.

Weinberg's major claim to fame is his halakhic writings. This dissertation illustrates perhaps the most significant facet of these writings, namely, how Weinberg integrated aspects of the modern world into the halakhic system. This approach was based on the notion that reform, within limits, is a crucial element to the success of Orthodoxy. Weinberg is shown to follow in the path of his predecessors in Germany who believed that when confronted with faltering religious observance, traditional Orthodox practices must be modified in a liberal direction in order to increase their appeal.

Chapters five and six discuss the halakhic decisions Weinberg issued during the Nazi era, when German Orthodoxy was faced with unparalleled hardships in its struggle to maintain religious tradition in the face of persecution. Using a great deal of unpublished material, including Weinberg's private correspondence, this dissertation is able to

illuminate various aspects of Weinberg's career during this time and draw conclusions which are quite different than what is presented in recent historical treatments of the period. Many of these unpublished documents are included in the appendix.

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## Preface

On Tuesday, January 25, 1966, the coffin of Rabbi Jehiel Jacob Weinberg left Shaare Zedek hospital, in Jerusalem, accompanied by a throng of people. It had been transported from Switzerland, where Weinberg died the previous day. Among those accompanying the coffin to its final resting place were many of Weinberg's students, as well as a large number of religious and political leaders, including the country's chief rabbis, government ministers, and President Zalman Shazar. As Weinberg's coffin was about to be lowered into the hearse which was to take it to the cemetery in the Sanhedria section of Jerusalem, a number of yeshivah students intervened. They insisted, in accordance with Jerusalem custom, that the coffin be carried to the cemetery. After a short discussion the yeshivah students had their way. A few minutes later, as the funeral procession made its way on foot to the cemetery, it was met by a number of rabbis led by Weinberg's close friend, Ezekiel Sarna, head of the Hebron-Slobodka yeshivah. Sarna ordered the students carrying the coffin to proceed to the cemetery on Har ha-Menuhot. Many great Torah scholars were buried at this cemetery, and Sarna and his colleagues were adamant that Weinberg be laid to rest beside them. An argument ensued on the road with Sarna emerging victorious. Once again the funeral plans were altered.

A funeral such as this had never before occurred in Jerusalem and all the Israeli newspapers carried this strange event. Even those who had never heard of Weinberg were led to wonder why in death he could not rest in peace, and what it was about his personality that evoked such strong feelings between different camps. One generation after Weinberg's death, we still do not have a biography of him which would enable this question to be answered. In fact, although Weinberg is often discussed in the larger contexts of Jewish law in modern times and German Orthodoxy, and there is widespread acknowledgment of his significance, there are only a couple of meaningful articles devoted to him.

This dissertation aims to fill this gap in modern Jewish studies by providing a complete study of the life and achievements of Weinberg. In preparing this work I have often recalled the caution of Eliezer Berkovits, one of Weinberg's leading students, that any biography of Weinberg would "have to show the complexity of his character, the inner struggles, the tensions within the man, the tragedy and loneliness of his life." I hope this dissertation has accomplished this task, and in so doing allows us to better understand both the importance of the man, as well as why from the beginning of his life until its very end -- and even after -- Weinberg found himself being pulled in various directions.

\* \* \* \* \*

Chapters One and Two of this dissertation discuss Weinberg's early life in Eastern Europe. As with many other talented youth, Weinberg was sent to study at one of the great yeshivot of Lithuania. However, early on we find that Weinberg's interests were wider than those of most of his fellow students, and for awhile it was not clear whether Weinberg would follow the path which had been laid out for him, or whether he would abandon the world of the yeshivah and cast his lot with the "enlightened" ones of that period. The tensions in Weinberg's personality continued to show themselves even after he assumed his first rabbinic appointment in Pilwiski, Lithuania. During this time Weinberg assumed the role of defender of the traditional yeshivah against all attempts at reform. Yet despite his very conservative public stance, we can detect some ambivalence in his views, and he never severed his ties, or lost interest, with the world outside traditional rabbinic society.

Chapters Three and Four discuss Weinberg's move to Germany at the beginning of World War I, his attendance at the University of Giessen, and the beginning of his identification with the ideals of German Orthodoxy, particularly the Berlin variety. This took place at the very time that many of the young German Orthodox were rejecting the form of Orthodoxy of their fathers and turning towards what they regarded as more

authentically Jewish, namely, Eastern European Orthodoxy. It is most ironic that Weinberg, a native of Eastern Europe, should himself become one of the the leading spokesmen and advocates of German Orthodoxy.

Chapters Five and Six discuss Weinberg's life in Nazi Germany. From an early apologist for the regime and opponent of the anti-Nazi boycott, Weinberg soon became the preeminent Orthodox figure dealing with issues of Jewish law brought up by the Nazi restrictions, in particular the degree against *shehitah* (Jewish ritual slaughter). A detailed examination of the evidence, including unpublished material, reveals that in his treatment of the central issue of *shehitah* Weinberg balanced the technicalities of Jewish law with general concerns of Jewish public policy. Chapter Six also discusses Weinberg's major work of Talmudic scholarship, *Mehkarim ba-Talmud*, and analyzes how it aimed at synthesizing traditional and modern methods of learning. Conclusions are drawn about how objective, i. e., free from dogma, Weinberg's scholarship truly was.

Chapter Seven discusses Weinberg's life after World War II. It was then that he came into international prominence as one of the world's leading halakhic decisors. Using his post-war halakhic responsa, this chapter analyzes the major features of Weinberg's halakhic approach, concentrating on his responsiveness to contemporary societal change as a motivating factor behind halakhic rulings. Making use of much unpublished material, this chapter also discusses, and puts into proper context, Weinberg's views on a number of important issues which confronted the Jewish community in the post-war years. Many important documents referred to in the dissertation are published in the appendix. Unpublished letters of Weinberg, also referred to in the dissertation, will appear in a separate volume I am editing.

\* \* \* \* \*

I would not have been able to complete this study of R. Jehiel Jacob Weinberg were it not for the gracious assistance of many people, too numerous to name. Some, however, stand out. Professor Bernard Septimus was my first teacher at Harvard, and from his lectures, writings, and personal comments, I have learnt a great deal about how to study Jewish texts. I worked closely with Professor Jay Harris throughout the writing of this dissertation. In fact, for the past five years hardly a week has gone by that I did not benefit from his wisdom and guidance in a wide range of areas. He is a perfect model for all graduate students -- a professor who combines immense knowledge, exacting standards of scholarship, and a genuine care for his students. Over these last years he has shared his time most generously with me, and I will be forever in his debt for the great role he played in making my time at Harvard the joy it was.

My debt to Professor Isadore Twersky is also enormous. From him, more than anyone else, I learned how difficult it is to produce even one sentence of original scholarship. I hope my work has lived up to the high expectations he always set for me, and encouraged me to set for myself. His tremendous learning and genuine humility are an example for all.

Among others who have assisted me in various ways include Professor Shnayer Z. Leiman, Professor Lawrence Kaplan, Professor Mordechai Breuer, Professor Shaul Stampfer, Professor Daniel Schwartz, Professor Marvin Fox, Professor Reuven Kimelman, Dr. Yehudah Ben Avner, Dr. Philip Miller, Dr. Ofra Tirosh-Becker, Dr. Uri Melammed, Dr. Itamar Warhaftig, Dr. Gabriel Cohn, Dr. Joel Wolowelsky, Dr. Marion Aptroot, Rabbi Joseph Apfel, Rabbi Zalman Alpert, Rabbi Jerry Schwarzbard, Mr. Jeffrey Korbman, Ms. Lianne O'Dwyer, the Widener Library Judaica staff, and the Corn family of Potomac, Maryland, Weinberg's only surviving family. A special thanks must go to Dr. Abraham Weingort and his mother Miriam for all their help.

For financial support awarded to me during my years of graduate study, I must thank the Intercollegiate Studies Institute, the Leo Baeck Institute, the Memorial Foundation

for Jewish Culture, the National Foundation for Jewish Culture, and most importantly, Harvard's Center for Jewish Studies, currently under the direction of Professor Ruth Wisse.

My grandparents, Thomas Shapiro and Gwendolyn Freishtat, have always been a source of encouragement. The time I spend with them is truly precious. An enormous debt is due my parents for giving me the best possible home to grow up in, and my mother especially for always instilling optimism in me and my brothers. My father has been particularly involved with my scholarly growth and I will never be able to repay him. I can only say that when I think of him the words of Proverbs 17:6 come to mind.

Finally, I must thank my wife Susan for everything she has given to me. She, and our two children, Aliza and Yael, have brightened my life and made our home the supportive and loving environment it is. We should only be blessed with many more years together. It is to her that I dedicate this dissertation.

# I

## Early Life

The final decades of the nineteenth century found Jewish life in Russia, Poland, and Lithuania coming to grips with a number of new movements and philosophies, combined with widespread abandonment of tradition. What was a cohesive society in the previous century had, in a hundred years, been fragmented. Although the apostles of Jewish enlightenment (Haskalah), through their propagation of new ideals, had some influence in bringing about this modernization and acculturation, there were other important factors which were independent of Haskalah, although often indirectly nourished by it.<sup>1</sup> Foremost among them was the need for economic improvement, which was pursued by most without any concern for, or knowledge of, the Haskalah vision. It was these economic concerns which led many young people, including women, to study at gymnasiums and universities, an extremely rare phenomenon in previous generations when those men who engaged in intellectual pursuits focused on rabbinic literature.<sup>2</sup>

Although by the last two decades of the nineteenth century the majority of East European Jewry was still traditional, never before had the guardians of tradition been confronted with such a challenge, and never before was it so difficult to hold the allegiance of the young. Even in the smaller towns, where adherence to tradition was always stronger than in the cities, there were signs of the changing landscape, and one finds important elements of traditional society such as arranged marriages and Talmudic-centered education being questioned.

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<sup>1</sup> For a good summary of the important trends in nineteenth century Eastern Europe, see Lucy S. Dawidowicz, *The Golden Tradition* (New York, 1967), pp. 27-90.

<sup>2</sup> For figures on Jewish attendance at gymnasiums and universities, see Shaul Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh" (unpublished doctoral dissertation, Hebrew University, 1981), p. 132, who also points out that by the mid-1880's there were more Jewish students in the universities than in yeshivot. Regarding the beginnings of women's university study, and the reactions of the *maskilim* to this, see Shmuel Feiner, "Ha-Ishah ha-Yehudiyah ha-Modernit: Mikre-Mivhan be-Yahasei ha-Haskalah ve-ha-Modernah," *Zion* 58 (1993), pp. 467ff.

For many of the young intellectuals, who in previous years would have been expected to enter the rabbinate, the Haskalah literature, in particular Hebrew *belles lettres*, became the alternative to rabbinic literature. We know that even in the great yeshivah of Volozhin there were times when this literature was popular, much to the displeasure of the yeshivah administration.<sup>3</sup> It is true that even in previous generations yeshivot were known to be centers of enlightenment,<sup>4</sup> a phenomenon no doubt related to the fact that many students attending the yeshivot were not dedicated to their studies but had other motives in mind, for example, finding a good wife or escaping from home.<sup>5</sup> However, there is no doubt that by the last decades of the nineteenth century student interest in Haskalah literature, at the expense of Talmudic studies, was much more widespread than in previous years.

Having in mind the challenges faced by traditional society in the late nineteenth century, challenges which severely weakened this society, it might appear paradoxical that the great flourishing of yeshivot is to be found during this period. Yet, as Shaul Stampfer has shown, it was precisely because of the crisis in religious society that the Mussar yeshivot of Lithuania were created. As the positive response of traditional society to the inroads of non-traditional forces, the yeshivot intended to present a vision of life which could compete with the other ideologies for the allegiance of the young. Furthermore, as was actually pointed out by Weinberg,<sup>6</sup> and anticipated by R. Eliezer Gordon,<sup>7</sup> the great

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<sup>3</sup> See Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," pp. 74ff., who discusses all aspects of student interest in Haskalah. See also Jacob J. Schacter, "Haskalah, Secular Studies and the Close of the Yeshiva in Volozhin in 1892," *Tora' U-Madda Journal* 2 (1990), pp. 91ff.

<sup>4</sup> See Michael Silber, "The Historical Experience of German Jewry and Its Impact on the Haskalah and Reform in Hungary," in Jacob Katz, ed., *Toward Modernity: The European Jewish Model* (New Brunswick, N. J., 1987), pp. 114-115, 148 note 37.

<sup>5</sup> See Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," pp. 57-58. For a later period see Jacob Katz, *Bemo Einai* (Jerusalem, 1989), p. 50.

<sup>6</sup> "Die Jeschiwoth in Russland," *Jeschurun* 3 (1916), pp. 120-121.

increase in yeshivot during this period is also related to the decrease of those studying Torah in more informal settings.<sup>8</sup> That is, when local communities were full of men studying Torah, youths could stay in their hometowns in order to further their Torah education. In times such as these the two great yeshivot of Volozhin and Mir were sufficient for those who wished to study in such an institution. However, with the decline of Torah study on the local level it was necessary to create many other centers where students could devote themselves to this study, far removed from the unsupportive environments of their hometowns.

Having said this, two more points must be emphasized. First, even with the decrease of communal learning and the flourishing of yeshivot, the yeshivah was never a necessity for aspiring scholars. One need only be reminded of those outstanding scholars who never spent time at a yeshivah.<sup>9</sup> Second, even with the rise of anti-traditional ideologies and the decrease in local Torah study, the Lithuanian Jewish population as a whole remained more supportive of their budding Torah scholars than the populations of other lands. It is therefore no accident that there were many more of these scholars in Lithuania than elsewhere.<sup>10</sup>

It was into this East European Jewish society in transition that Jehiel Jacob Weinberg was born in 1884, his place of birth being Ciechanowiec, a Polish town in the Grodno district.<sup>11</sup> He was the oldest of five children who were born to his parents, Moses

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<sup>7</sup> See his sermon recorded in R. Yeruham Asher Warhaftig, *Shalmei Yeruham* (Jerusalem, 1941), p. 3 (unnumbered). See also R. Jacob David Wilovsky, *Beit Ridbaz* (Jerusalem, 1908), Introduction, p. 3 (unnumbered), who makes the same point with regard to Volozhin's rise to greatness.

<sup>8</sup> See also Ehud Luz, *Parallels Meet*, translated by Lenn J. Schramm (Philadelphia, 1988), p. 9.

<sup>9</sup> A list of such scholars would be most instructive. Without having conducted any formal inquiry into the subject, the following names stand out: R. Abraham Isaiah Karelitz (1878-1953), R. Isaac Herzog (1888-1959), and R. Joseph B. Soloveitchik (1903-1993).

<sup>10</sup> Cf. Emanuel Etkes, *Lita bi-Yerushalayim* (Jerusalem, 1991), p. 64.

<sup>11</sup> For reasons which are not clear, but presumably related to the German government's attitude towards Polish Jews, Weinberg always gave Pilwisk, Lithuania, as his birthplace in official documents. This was

and Scheine (*née* Kuzinsky). Virtually nothing is known of his family, thus testifying to its undistinguished character. Moses Weinberg seems to have at one time worked as a miller;<sup>12</sup> however, in his later years he operated a small store.<sup>13</sup> It is known that Weinberg had at least two brothers, whose names are unknown,<sup>14</sup> and three sisters named Duba, Feigel and Anna.<sup>15</sup>

Ciechanowiec, which was a medium-sized town with a fairly large Jewish population,<sup>16</sup> has one of the largest and most complete memorial books ever published for a European Jewish community, thus providing a good picture of what life was like there.<sup>17</sup> Isser Smolar has described how until the last years of the nineteenth century, the social and cultural life of the community, as with many similar communities, was still very much centered around the synagogue. Traditional life in Ciechanowiec did not yet have to confront, in any significant measure, the rising tide of new ideologies which had taken the larger cities by storm. One was still able to point to the study of Torah, at various levels, as the major avocation of Ciechanowiec's Jewish residents.<sup>18</sup>

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the site of his first rabbinical position. Although he always gave 1884 as the year of his birth, the exact month and day are not consistent in these documents

<sup>12</sup> This is the tradition of the Corn family of Potomac, Maryland, the only surviving descendants of Moses Weinberg.

<sup>13</sup> Told to me by Zvi Pasternack, a native of Ciechanowiec and one of the founders of the Mizrachi movement's Ciechanowiec branch; see Eliezer Leoni, ed., *Ciechanowiec: Sefer Edut ve-Zikkaron* (Tel Aviv, 1964), pp. 317-318. In Appendix, "Lebenslauf," Weinberg refers to his father as a "Kaufmann."

<sup>14</sup> Weinberg's letter to Samuel Atlas, dated December 24, 1946, and his article in Shlomo Zalman Pines, *Mussar ha-Mikra ve-ha-Talmud* (2nd ed., Jerusalem, 1977), p. 10.

<sup>15</sup> The first two names are found in Leoni, *Ciechanowiec*, p. 735. Anna came to America in the 1930's.

<sup>16</sup> The earliest population figures available are from the beginning of World War I, when the city had 4000 Jews. In 1921 there were 1649 Jews out of a total population of 3291 people. The devastation of the World War had taken its toll on Jew and non-Jew alike; see Leoni, *Ciechanowiec*, pp. 68-69.

<sup>17</sup> Leoni, *Ciechanowiec*; also see the little volume by Yehoshua Rosenbloom, *Iri Ciechanowiec* (Tel Aviv, 1951). The fact that Ciechanowiec does not have an entry in the *Encyclopedia Judaica* is surely an oversight and perhaps due to reliance on the Russian *Yevreyskaya Entsiklopediya*, which also omitted Ciechanowiec.

<sup>18</sup> See Isser Smolar, "Ha-Matzav ha-Tarbuti shel Yehudei Ciechanowiec be-Shilhei ha-Meah ha-Tesha Esreh," in Leoni, *Ciechanowiec*, pp. 337-339.

It is at the turn of the century that one can point to a breakdown of traditional patterns of life in Ciechanowiec, and by the early years of the twentieth century there were found there all of the new cultural and recreational interests of East European Jewry. Widespread Torah study was replaced by the drama and sports clubs which were then the rage. The city was also reflective of wider Jewish society in that there were representatives of all the different political and ideological movements found in Polish Jewry at the turn of the century. Needless to say, the common battles between the traditionalists and modernists were a part of the city's landscape.<sup>19</sup>

In his adolescent years, Weinberg was therefore exposed to the whole spectrum of East European Jewish life. As with most other inhabitants of the town, his own parents could be characterized as traditional,<sup>20</sup> and although we do not know much about his upbringing or his family's economic circumstances, it is clear that his parents were not part of the aristocracy which tended to send its children to the yeshivah. Rather, Weinberg was to be one of the students who broke with the traditional pattern and advanced beyond what should have been his set station in life. It was students such as Weinberg who helped create the myth that the yeshivot were institutions offering equal opportunity to all, when in fact, the aristocratic element in the yeshivah was well-established and self-perpetuating.<sup>21</sup>

No doubt, Weinberg attended one or more of the different *heders* in the town.<sup>22</sup> Yet he must have outgrown them very quickly for there are stories told about his brilliance while still a child, although, as is often the case, one must be wary of hagiographical elements. One noteworthy story has Weinberg as a child showing distinction by his participation in a Talmudic lecture of Rabbi Elijah Barukh Komay, the rabbi of

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<sup>19</sup> See Leoni, *Ciechanowiec*, pp. 64ff.

<sup>20</sup> Told to me by Zvi Pasternack.

<sup>21</sup> See Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," pp. 4-5.

<sup>22</sup> See Leoni *Ciechanowiec*, pp. 391-396, regarding these *heders*.

Ciechanowiec,<sup>23</sup> and it wasn't long before he became known as the "Ciechanowiecer *illui* " (prodigy)

In 1900 Weinberg traveled to Grodno and studied for a year in the *Beit Midrash* of the "Hevrah Shas." This *Beit Midrash* had been established in the latter part of the eighteenth century to serve a number of Talmudic scholars, and became well-known in the nineteenth century because the legendary saint and preacher Rabbi Nahum Kaplan used to frequent it.<sup>24</sup> The *Beit Midrash* was unusual in that it was composed of young married men, not a common practice at the time. Because of his great Talmudic knowledge, an exception was made to admit Weinberg. While in Grodno his fame continued to spread and, despite his young age, he was chosen to give Talmudic discourses in the "carriage drivers'" synagogue.<sup>25</sup> He lectured there every day and on the Sabbath delivered a homiletic discourse. For his services he was paid one ruble and twenty kopeks a month.<sup>26</sup>

In 1901 Weinberg made an important decision, the impact of which he felt until the day he died. He decided to travel to the Lithuanian town of Slobodka, on the outskirts of Kovno (Kaunas), and study at the famous yeshivah which had been founded by Rabbi Nathan Zvi Finkel (1849-1927) in the early 1880's.<sup>27</sup> Finkel, also known as the "Elder of Slobodka," was a student of one of R. Israel Salanter's leading disciples, R. Simcha Zissel

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<sup>23</sup> Aharon Sorasky, Introduction to Weinberg, *Et Ahai Anokhi Mevakkesh* (Bnei Brak, 1966), p. 17; Pinhas Biberfeld, "Le-Zekher ha-Gaon ha-Amity Maran Rabbi Yehiel Ya'akov Weinberg Z"L," *Ha-Ne'eman* (Tishrei, 5727), p. 30.

<sup>24</sup> See Dov Rabin, ed., *Entzyklopedia shel Galuyot: Grodno* (Jerusalem, 1973), vol. 9, p. 335. Kaplan's biography was written by Israel David Miller, *Toldot Menahem* (Petrokov, 1913), and expanded by Shmuel Yerushalmi, *Rabbi Nahum ha-Tzaddik* (Jerusalem, 1970). His association with the *Beit Midrash* led many people, including Weinberg, to mistakenly credit him with its founding. See Weinberg's letter in H. L. Gordon, "Aharei Mitato shel ha-Rav Rabbi Yehiel Ya'akov Weinberg Z"L," *Hadoar*, 21 Shevat, 5726, p. 235; hereafter referred to as "Letter to Gordon."

<sup>25</sup> Regarding it, see Rabin, *Entzyklopedia shel Galuyot: Grodno*, p. 339.

<sup>26</sup> "Letter to Gordon."

<sup>27</sup> During this time students began to gather around Finkel, but since there was never a formal establishment of the yeshivah, one cannot point to an exact date for its founding. See Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," p. 154.

of Kelm. He established his yeshivah, which devoted a great deal of time to the study of *mussar*, at a time when much of the rabbinic world was opposed to the new Mussar movement.

Finkel's position at the yeshivah was that of *mashgiah*, an innovation of the Mussar movement, whose job it was to instill in the students the *mussar* ideology. In this role Finkel advocated a new doctrine of *mussar*.<sup>28</sup> Whereas earlier adherents of the movement had stressed the natural defects of the human personality and its distance from the Divine as the way to ensure selfless devotion to God and uproot negative character traits, Finkel stressed the dignity and majesty of humanity. In his mind, only one who viewed himself as closely bound with the Divine could be expected to devote himself to God.<sup>29</sup> Based on this approach, Finkel insisted that the students' personal lives be conducted in a manner which, in addition to gaining the respect of the masses, would most importantly instill self-respect, for he believed that one who lacked proper self-respect would never be able to develop his spiritual potential. In line with this, Finkel made sure that the students be impeccably dressed and groomed in the manner of contemporary bourgeois society.<sup>30</sup> As with much else at Slobodka, this was a great innovation, as David E. Fishman has written: "Slobodkaite Musar internalized the modern bourgeois values of orderliness, personal hygiene, dignity, and restraint, and magnified their importance above and beyond any position they may have held in the traditional Jewish scale of values."<sup>31</sup>

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<sup>28</sup> A great deal about all aspects of Finkel's life and work is found in volume 3 of Dov Katz' *Tenuat ha-Mussar* (Jerusalem, 1982).

<sup>29</sup> See *ibid.*, chapter 8.

<sup>30</sup> See *ibid.*, pp. 288-290; Samuel Bialoblocki, *Em le-Masoret* (Tel Aviv, 1971), p. 234.

<sup>31</sup> "Musar and Modernity: The Case of Novaredok," *Modern Judaism* 8 (February, 1988), p. 42. The Slobodka form of *mussar* soon became fairly standard, with only the well known Novoredok school standing in direct opposition to Slobodka and advocating a brand of *mussar* characterized by abstinence, aloofness from society, suspension of rules of etiquette, as well as a strong ecstatic tendency. See Fishman's article cited above and Gedalyahu Alon, "The Lithuanian Yeshivas," in Judah Goldin, ed., *The Jewish Expression* (New Haven, 1976), pp. 461-462.

Another element of Finkel's attempt to profoundly shape the personalities of his students was that all aspects of their lives came under the watchful eye of the yeshivah.<sup>32</sup> Under such conditions it was more difficult for students to become devotees of Haskalah or Hibbat Zion than it was at the great Yeshivah of Volozhin where, despite some attempts at supervision, the affairs of students were not as closely monitored.<sup>33</sup> A further important difference between Slobodka, indeed all *mussar* yeshivot, and Volozhin was that the latter had no regard for any form of self-introspection designed to improve one's character and increase one's "fear of heaven." The study of Talmud for its own sake was the be-all and end-all of the yeshivah, and anything else was viewed as a distraction from this tremendous goal. Character improvement and "fear of heaven," while certainly important, were regarded as an unavoidable by-product of devotion to Talmud study and therefore did not merit any special concern.<sup>34</sup>

Before Weinberg arrived in Slobodka it had already become the desired destination of many top-rate students. Much of this was due to the closing of Volozhin, which had been shut down by the Czar's government in 1892 due to its refusal to introduce secular studies on a widespread scale.<sup>35</sup> Although it reopened a few years later it was without its two leading lights, Rabbis Naftali Zvi Judah Berlin, who had died, and Hayyim Soloveitchik, who had assumed the rabbinate of Brisk. Since the yeshivah did not have any of its old lustre, the gifted students who in previous years would have gone there instead turned to Slobodka. Here they could study under two of Lithuania's greatest scholars, Rabbis Isser Zalman Meltzer and Moshe Mordekhai Epstein.

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<sup>32</sup> See Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," p. 160.

<sup>33</sup> See *ibid.*, pp. 53, 76ff; Schacter, "Haskalah, Secular Studies and the Close of the Yeshiva in Volozhin in 1892," pp. 91ff.

<sup>34</sup> See Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," p. 50.

<sup>35</sup> See Schacter, "Haskalah, Secular Studies and the Close of the Yeshiva in Volozhin in 1892," pp. 76-133.

Although the students of Slobodka were in the confines of a *mussar* yeshivah, many of them still believed they could study as if they were in Volozhin, that is, ignoring all of Finkel's demands that they concentrate on *mussar*. The students were encouraged by the many leading rabbis (e. g. R. Zvi Hirsch Rabinowitz and R. Moses Danishefsky) who at this time were leading an assault against the study of *mussar* in the yeshivot. These rabbis argued that in addition to creating a sect, *mussar* study also threatened the hegemony of Talmud in the yeshivah curriculum. In this latter point they were certainly correct, for the advocates of *mussar* truly believed that it was just as important as the study of Talmud.

It wasn't long before a clear majority of the Slobodka students were opposed to the study of *mussar*, and some even went so far as to steal the *mussar* books and to disrupt Finkel's *mussar* lectures. The fact that Finkel is known to have given increased financial support to those students who agreed with his approach, further isolated him from the majority of students. Since it was obvious to all that Finkel would never accept any compromises when it came to *mussar* study, the anti-*mussar* faction was hoping to drive him out. They succeeded in 1897 when the controversy became so bitter that the yeshivah was forced to split.<sup>36</sup> Finkel retained the loyalty of about a quarter of the 250-300 students and relocated to another building in the city.<sup>37</sup> Since Meltzer had recently left to found his own yeshivah in Slutsk, Epstein was at this time the sole *Rosh Yeshivah*.<sup>38</sup> As he was not actively involved with the Mussar movement there was some suspense while the students waited to see to whom he would prove loyal. The "rebels" were very disappointed when Epstein chose to follow Finkel.<sup>39</sup>

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<sup>36</sup> See Dov Katz, *Pulmus ha-Mussar* (Jerusalem, 1972), chapter 7, and Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," pp. 164-165.

<sup>37</sup> See Katz, *Tenuat ha-Mussar*, vol. 3, p. 43, *Pulmus ha-Mussar*, pp. 99 and 264; and Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," pp. 164-165.

<sup>38</sup> His job combined Talmudic lectures with fundraising.

<sup>39</sup> See Katz, *Tenuat ha-Mussar*, vol. 3, pp. 43f.; Israel Zissel Dvortz, *Ha-Gaon Rabbi Moshe Mordekhai Epstein* (Tel Aviv, no date), p. 11.

The new yeshivah under Finkel's direction was named *Kenesset Yisrael* after R. Israel Salanter, while the original yeshivah was named *Kenesset Beit Yitzhak*, after the recently deceased R. Isaac Elhanan Spektor of Kovno, perhaps the leading halakhist of his time. Whereas *Kenesset Beit Yitzhak* was a continuation of the earlier yeshivah pattern seen in Volozhin, *Kenesset Yisrael*, now having rid itself, or so it thought, of anti-*mussar* agitators, set out to present a synthesis of Lithuanian Talmud study and *mussar* which was not found in any other yeshivot. It was Finkel who was responsible for joining the two areas on a large scale. He lectured on both Talmudic themes and *mussar*, and by so doing showed that the two were not opposing forces. In fact, Finkel's students related to his *mussar* lectures as was the norm with regard to Talmudic lectures, discussing and dissecting his every point.<sup>40</sup> This was a fulfillment of the dream of Rabbi Israel Salanter, who always spoke of the need for a synthesis between Talmud study and *mussar*.

However, although the yeshivah itself was dedicated to combining *mussar* and Talmud study, and only a few years earlier had split because of this issue, there were still many students who opposed *mussar* study and had not deserted *Kenesset Yisrael*, perhaps hoping to reform it from the inside. It is known that by the summer of 1901 the yeshivah was once again split into two camps, and even in the study hall the two factions sat on different sides.<sup>41</sup> As in the previous dispute, the students were divided between those who supported *mussar* study and Finkel's leadership and those in the opposition who, supported by the anti-*mussar* forces outside of the yeshivah, wished to see Finkel removed from his position. It is likely that pressure for his removal also came from students who

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<sup>40</sup> R. Jehiel Jacob Weinberg, *Seridei Esh* (Jerusalem, 1977), vol. 4, pp. 328-329 (hereafter SE); Katz, *Tenuat ha-Mussar*, vol. 3, p. 214.

<sup>41</sup> See Dvortz, *Ha-Gaon Rabbi Moshe Mordekhai Epstein*, pp. 24ff.; Katz, *Pulmus ha-Mussar*, pp. 264-267; and Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," p. 166. Dvortz, *Ha-Gaon Rabbi Moshe Mordekhai Epstein*, p. 28, suggests that the dispute over *mussar* was connected with the general intellectual ferment among the young in the years before the 1905 revolution. Since he does not elaborate and bring evidence to support this view, I am not able to judge its correctness.

resented having their every movement closely watched. With Finkel out of the way they would be able to more freely associate with Haskalah and Zionism.<sup>42</sup>

When Weinberg entered *Kenesset Yisrael* in 1901, it was at the height of its greatness, despite the *mussar* controversy. The study hall was filled with large numbers of promising Talmudists who would later become some of the world's leading scholars.<sup>43</sup> The students continued to arrive in Slobodka despite the yeshivah's difficult economic circumstances. In fact, the institution was surviving on the almost singlehanded support of the Berlin philanthropist, Emil Lachmann,<sup>44</sup> and there was very little food for the students. Finkel, despite the objections of the yeshivah's financial administrator, would not turn anyone away.<sup>45</sup>

Weinberg informs us that when he first arrived at the yeshivah he was amazed at how crowded it was. Newly arriving students simply picked a chair and would have rights to this seat for their entire stay at the yeshivah. There was also an aristocracy in the yeshivah whose seats were located along the eastern wall. Although this aristocracy created resentment among the other students, Finkel encouraged it and provided it with a number of additional honors, believing that this was the way to bring out excellence in an institution which in any event was elitist in nature. The most outstanding of the aristocracy, those who showed both brilliance and exemplary character, were invited to actually live in Finkel's home. It was because of actions such as this that Kovno's last chief rabbi, Abraham Kahana Shapiro, went so far as to say that Finkel's love for a talented student was greater than that of a father for his only son.<sup>46</sup> Strangely enough, although we know that the

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<sup>42</sup> See Luz, *Parallels Meet*, pp. 248-249.

<sup>43</sup> At this time, the great historian of Jewish philosophy, Harry A. Wolfson, also frequented the yeshivah, although he was officially a student at *Kenesset Beit Yitzhak*; see Hillel Goldberg, *Between Berlin and Slobodka: Jewish Transition Figures From Eastern Europe* (Hoboken, 1989), pp. 40-41.

<sup>44</sup> Regarding him, see Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," pp. 169-171.

<sup>45</sup> SE 4, p. 326.

dispute over *mussar* in the yeshivah was very intense at this time, Weinberg chooses to gloss over it in his recollections of his time at Slobodka.

In the atmosphere of the yeshivah Weinberg was able to thrive and achieve great Talmudic erudition. He thus became a favorite of Finkel,<sup>47</sup> who, according to Weinberg, "raised me as if I were his son."<sup>48</sup> While at the yeshivah he also had the opportunity to meet two of the other great leaders of the Mussar movement, Rabbis Naftali Amsterdam and Isaac Blazer, and they too left an incalculable impression on his life.<sup>49</sup> In fact, at Finkel's recommendation, Weinberg was chosen as Amsterdam's study partner and together they immersed themselves in the difficult halakhic work, *Ketzot ha-Hoshen*.<sup>50</sup> Years later Weinberg was to recall:

We, the younger students of the yeshivah of Slobodka, were proud that we had been deemed worthy of being close to him [Amsterdam]. We almost dance for joy because we were part of the group which comprised men of the caliber of R. Naftali Amsterdam, R. Isaac Blazer, and R. Simhah Zissel.<sup>51</sup> We rejoice in the fact that we gained the merit of beholding men of such gigantic moral stature.<sup>52</sup>

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<sup>46</sup> *Ibid.*

<sup>47</sup> See Zvi Matheson, "Ha-Tragedyah shel Adam Gadol," *Ha-Doar*, 12 Adar, 5726, p. 284.

<sup>48</sup> *Li-Frakim*, p. 365 (139). (The first page number refers to the Bilgoraj, 1936 edition. The number in parenthesis refers to the abridged Jerusalem, 1967 edition)

<sup>49</sup> Weinberg portrays these three figures in SE 4, pp. 296-312. He also records a number of *mussar* lectures of Finkel; see *ibid.*, pp. 312-324 and "Mi-Sihotav shel ha-Sava," *Kenesset Yisrael* (Shevat, 5698), pp. 30-32.

<sup>50</sup> SE 4, p. 298. (*Ketzot ha-Hoshen*, authored by R. Aryeh Leib Heller [1745?-1813], was regarded by many as the most challenging halakhic text, and to master it was a sign of genius.) See also on this page where Weinberg recalls a moving experience with Amsterdam that took place on Purim. Other Slobodka students who studied with Amsterdam had similar experiences; see Dov Katz, *Tenuat ha-Mussar*, vol. 2, p. 283. See also *ibid.*, vol. 3, p. 309, for another story involving Amsterdam and Weinberg.

<sup>51</sup> Zissel was one of Salanter's three leading students, the other two being Blazer and Amsterdam.

<sup>52</sup> SE 4, p. 304 (translation adapted from Leo Jung ed., *Men of The Spirit* [New York, 1964], pp. 270-271).

Through Weinberg's detailed descriptions of the yeshivah we see how important it was in shaping his life. As he puts it, it was the yeshivah which taught him that a Jew is incomplete without striving for a synthesis of Talmud study and *mussar*, for only this approach could bring forth the Torah's great life-sustaining power.<sup>53</sup> All of Weinberg's later writings on the Mussar movement were based upon his first hand experiences in *Kenesset Yisrael*. Indeed, even half a century after having left Slobodka, Weinberg's memory of the yeshivah remained vivid, as he described an event from 1903, the last *mussar* lecture of R. Isaac Blazer in *Kenesset Yisrael*.

I remember very clearly the talk he gave on the Yom Kippur before he went to Palestine.<sup>54</sup> It was in the Slobodka Yeshivah where he stood, wearing a white *kittel* and wrapped in his *tallit*. His text was: "Cast me not away in my old age." (Psalms 71:9) He told a story of soldiers who deserted the army and fled the country to avoid being tried as deserters. After some years, a new king issued a pardon on condition that they return to complete their military service. One old soldier agreed to come back. But when the country's officials saw his ageworn body, they scoffed at him and said he was of no value any longer. In telling this, Rabbi Isaac almost collapsed and then cried out to the students, "How fortunate you are that you are young! If you apply your time and energy you can still reach great heights. Have pity on a poor old man who wasted his time on earth."

The effect of his talk cannot be described. We felt an electric shock pass through us. Here was a man, a giant who had not stopped studying all his life, sobbing his fear that he had not fulfilled his duty to the Almighty. Anyone who has not heard this kind of address cannot possibly understand the meaning of a true religious experience. . . . For the graduates of the yeshivot, Rabbi Isaac Blazer was such a divine guide. His sweet voice, full of grief, still echoes in my heart. Whenever Yom Kippur night arrives, I relive that sacred hour, the holy face, the awesome scene, the timeless faith. He was "one of the patriarchs" -- as close to an angel that a human being can ever be.<sup>55</sup>

While it is true that the study of *mussar* was what distinguished *Kenesset Yisrael* from many other yeshivot, just as important was what bound it to the other schools,

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<sup>53</sup> "Kenesset Yisrael," *Ha-Modia*, 12 Heshvan, 5672, column 41 (this article also appears in Israel Zissel Dvortz, ed., *Kenesset Yisrael* [Poltava, 1912], pp. 4-9).

<sup>54</sup> This lecture was also remembered by Wolfson; see Isadore Twersky's introduction to Leo W. Schwarz, *Wolfson of Harvard: Portrait of a Scholar* (Philadelphia, 1978), p. xx; Goldberg, *Between Berlin and Slobodka*, p. 198, note 76.

<sup>55</sup> SE 4, pp. 307, 310 (translation adapted from Jung, *Men of the Spirit*, pp. 249-250, 253.)

namely, the advanced Talmudic study. As far as this was concerned, *Kenesset Yisrael* was no different than Volozhin in stressing the importance of Talmud study for its own sake, rather than in preparation for a career in the rabbinate.<sup>56</sup> As in Volozhin, one's social status was still very much determined by his Talmudic proficiency.<sup>57</sup> Finkel was well aware that any yeshivah that stressed character development at the expense of the traditional yeshivah curriculum would quickly develop a reputation similar to Novaredok, i. e., as a yeshivah in which Talmud study was not taken seriously.<sup>58</sup>

The presence of R. Moshe Mordeckai Epstein in *Kenesset Yisrael* was enough to prevent any misunderstandings about the central role of Talmud study in this institution. Epstein was one of the practitioners of the Lithuanian approach to Talmud study, which Norman Solomon has termed the Analytic Method, although, as Solomon has pointed out, Epstein's approach is less conceptual than members of R. Hayyim Soloveitchik circle, "and even where he uses the Analytic vocabulary one sometimes feels that [it] is his expression rather than his content which is non-traditional."<sup>59</sup> He also was a strong advocate of students acquiring in-depth understanding of small sections of the Talmud, as opposed to wide-ranging knowledge without analytical underpinning.<sup>60</sup> As with other practitioners of the Analytic Method, one of Epstein's central subjects of study was Maimonides' Code. In the Analytic circle, this was regarded as the most important commentary on the Talmud,

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<sup>56</sup> See Alon, "The Lithuanian Yeshivas," pp. 455-456.

<sup>57</sup> See Etkes, *Lita Beyerushalayim*, pp. 39ff.

<sup>58</sup> See Fishman, "Musar and Modernity: The Case of Novaredok," p. 43.

<sup>59</sup> Norman Solomon, *The Analytic Movement* (Atlanta, 1993), p. 64. See also the analysis of Epstein's method in R. Shlomo Yosef Zevin, *Ishim ve-Shitot* (Tel Aviv, 1966), pp. 277-291.

<sup>60</sup> See Epstein's *Levush Mordekhai to Bava Kamma* (New York, 1924), Introduction, p. 6, where he explains that one who knows the entire Talmud, but lacks analytical power, is regarded as an ignoramus: יען שפיקר ידיעת התורה לא בבקיאות צורת הדברים. אך פיקר הידיעה היא סברת והבנת הדברים. . . . אף מי שלמד כל הש"ס ולא הורגל בדרכי הסברות ע"ה [לאם הארץ]. See also Epstein's similar comments in the introduction to his *Levush Mordekhai on Bava Metzia* (Jerusalem, 1929), pp. 2-3.

and major conceptual analyses often used Maimonides' formulations as their starting point. Not surprisingly, all who studied under him were influenced in this direction, and Weinberg's own Talmudic approach has its origin in what he learnt at *Kenesset Yisrael*.<sup>61</sup>

Although Weinberg was very devoted to his rabbinic studies, he was also able to acquaint himself with the secular Hebrew literature of the Haskalah. His first serious exposure to this is known to have taken place in the winter of 1901. Weinberg was visiting his parents in Ciechanowiec for an extended period when a friend first introduced him to the writings of Peretz Smolenskin and Abraham Mapu. During this winter Weinberg read through the entire works of these two writers. As with numerous other yeshivah students, the discovery of Hebrew *belles lettres* was an exciting eye opener. In contrast to the dry use of Hebrew in rabbinic literature, modern Hebrew literature showed the beauty and versatility with which the language could be employed. Although, in an article written more than a decade after he left the yeshivah, Weinberg claims that contemporary yeshivah students have no fear of reading "forbidden books" and are, in fact, acquainted with all of the new literature being produced,<sup>62</sup> this does not appear to have been the case during his time in Slobodka. He certainly must have known that his actions would not meet with Finkel's approval.

After the winter of 1901, when Weinberg returned to *Kenesset Yisrael*, he must have shown signs of a personality change, for the administration suspected him of reading secular literature. Due to this there was some thought given to providing him with a roommate who would double as an administration spy. However, Weinberg was able to

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<sup>61</sup> Because his essays regarding Slobodka concern figures involved in the Mussar movement, he never mentions Epstein. There is, however, no doubt that Weinberg attended his lectures and looked upon him as his teacher; see e. g. SE 3, p. 381 and SE 4, p. 218, where he refers to Epstein as ״רבי ורבי״. On other occasions he refers to him as ״רבי״, a title he will rarely use for others. See also his eulogy for Epstein in *Li-Frakim*, pp. 219-220 (269-270).

<sup>62</sup> "Die Jeschiwoth in Russland," p. 122. In a 1913 letter, Isaac Halevy makes a similar point regarding Eastern European yeshivah students being aware of modern literature; see Asher Reichel, ed., *Iggerot R. Yitzhak Aizik Halevy* (Jerusalem, 1972), p. 205.

prevent this and his attachment to Haskalah literature did not seem, at first, to have affected him in any great way. Thus, in discussions with other students he is known to have opposed Zionism. He also read the rabbinic journal *Ha-Peles* and the literature put out by the so called "Black Cell,"<sup>63</sup> both of which were virulently anti-Zionist and anti-Haskalah, and once rebuked his good friend and roommate at *Kenesset Yisrael*, Zvi Matheson, for having attended a lecture of Rabbi Isaac Jacob Reines, the founder of the Mizrachi Movement.<sup>64</sup>

During this time Weinberg is further known to have supported the incipient Russian *Mahazikei ha-Dat* movement,<sup>65</sup> a predecessor of Agudat Israel and brainchild of Jacob Lifshitz, a leading Orthodox publicist who for years had been Rabbi Isaac Elhanan Spektor's personal secretary.<sup>66</sup> In 1902 Weinberg's name is mentioned, together with some other Slobodka students, as having given a donation to the group (one ruble and sixty kopeks).<sup>67</sup> Presumably, Weinberg backed the yeshivah administration when it confronted some forty students who had formed a Zionist society. The students refused administration orders to disband and only gave in when it became clear that not only would they be

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<sup>63</sup> See Yair Shifman, "Ha-Pulmus bein ha-Haredim u-vein ha-Tziyyonim me-ha-Kongress ha-Tziyyoni ha-Rishon ad Hofa'at 'ha-Peles,'" (unpublished master's dissertation, [Hebrew University, 1980?]), pp. 89-90; Isaac Levitats, *The Jewish Community in Russia 1844-1917* (Jerusalem, 1981), p. 180; Yosef Salmon, *Dat ve-Tziyonut* (Jerusalem, 1990), pp. 272ff.

<sup>64</sup> Matheson, "Ha-Tragedyah shel Adam Gadol," p. 284. Matheson went on to become one of the first Zionists in Ciechanowiec (see Leoni, *Ciechanowiec*, p. 255), and Weinberg became an admirer of Reines; see below, p. 33. Despite their differences in outlook, Weinberg and Matheson were very close during this period. In the coming years, Weinberg tried desperately, and ultimately unsuccessfully, to purge Matheson of his religious doubts. (In an undated letter to Matheson from 1924, Weinberg writes as follows: א'ני זוכר עוד בדיוק את המאורעות הללו שגרמו להפסק היחסים בינינו, אבל כמדומני (כ'י ה'י' זה מאורע של חלול שבת שגרר אחרי' עלבון בכבודי מצדך.) I have been able to locate sixteen letters from Weinberg to Matheson, fourteen of which date from 1904-1910. They will all be included in the volume of Weinberg's correspondence which I am editing.

<sup>65</sup> There was an earlier Galician *Mahazikei ha-Dat* movement founded in 1879; see Aryeh Bauminger, *et al.*, *Sefer Krakow* (Jerusalem, 1959), pp. 102ff.; Salmon, *Dat ve-Tziyonut*, pp. 222ff.

<sup>66</sup> Lifshitz outlined the program for his organization, which for some reason never really got off the ground, in an essay published in the Iyyar and Sivan issues of *Ha-Peles* 2 (5662). Lifshitz' essay was later republished, with an additional section, in his *Mahazikei ha-Dat* (Petrokov, 1903).

<sup>67</sup> *Ha-Peles* 2 (Tammuz, 5662), inside front cover.

expelled, but their chances of finding a good wife would also be put in jeopardy. Furthermore, those who had already received *semikhah* would have their ordination revoked.<sup>68</sup>

Yet despite his outward appearance, the contradictions in Weinberg's personality were continuing to develop. As Matheson writes: "Although he was firmly rooted in the traditional world of Torah and yeshivot, there were times when he played with the idea of leaving this world and crossing over to the world of the Haskalah, as it was called in those days."<sup>69</sup> In this regard, Matheson recalls an interesting anecdote regarding Weinberg's stay at *Kenesset Yisrael* and his relationship to Haskalah.<sup>70</sup> In 1903 Isidor Eliashev, the famous Yiddish writer known as *Ba'al Makhshoves*, was working as a doctor in Kovno. One day Weinberg prevailed upon Matheson to go to Eliashev pretending to ask his medical advice. During the conversation Matheson was to nonchalantly ask Eliashev if he had received a letter from Jehiel Weinberg of the *Kenesset Yisrael* yeshivah. When Matheson asked Eliashev about the letter, the doctor replied that he had received it but there was nothing he could do. It was only later that Matheson learned from Weinberg that he had asked Eliashev to assist him in acquiring a secular education.<sup>71</sup>

Weinberg was not unique among *Kenesset Yisrael* students in being attracted to the Haskalah. Indeed, even their teacher Finkel had, in his youth, been somewhat of a *maskil*.<sup>72</sup> Having seen the error of his ways -- he reportedly burnt all of his Haskalah

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<sup>68</sup> *Ha-Melitz*, February 25, 1902, p. 3. A secret Zionist organization was then formed. See their manifesto in "Keruzam shel Benei ha-Yeshivot," *He-Avar* 9 (1962), p. 106, which also expresses their discontent with the yeshivah administration.

<sup>69</sup> "Ha-Tragedyah shel Adam Gadol," p. 284.

<sup>70</sup> *Ibid.*

<sup>71</sup> Hayyim Haikel Greenberg, a hagiographical writer interested in guarding Weinberg's reputation, is shocked that anyone would reveal the ties Weinberg had in his youth to the Haskalah. See his *Kovetz Rabbani Torani: "Ahiezer"--"Torat Chaim"* (Tel Aviv, [1967?]), p. 18, where he writes that to reveal such information is a desecration of Weinberg's memory.

<sup>72</sup> See Eliezer Eliyahu Friedman, "Le-Toledot Kitat ha-Mussaraim," *Ha-Tor*, January 29, 1926, p. 9.

books -- Finkel was determined to prevent any of his students from falling into this path. Yet with all of his efforts, he does not seem to have had great success. Since many of the students were from small towns and had never been exposed to works of a secular nature, it was only natural that, despite all the obstacles Finkel placed in their path, they would be attracted to this new world.<sup>73</sup> In fact, we know that there were many students who, ignoring the yeshivah administration's opposition, took advantage of the Jewish library in Kovno, where they were able to read all sorts of Haskalah literature.<sup>74</sup>

In an illuminating passage, written a decade after he left the yeshivah, Weinberg describes the difficult circumstances faced by the young rabbis of Russia, and one can undoubtedly also see an autobiographical reflection.

The most tragic figures are precisely the young rabbis who stand between two magnets. Their young heart is pulled to where everything is exciting and alive, they hope and aspire, love and are loved. However, their feeling of Jewish responsibility tells them that it is forbidden to desert the sages and elderly righteous ones who carry on their weak backs the entire Jewish "spiritual wealth."<sup>75</sup>

Weinberg himself was one such tragic figure, being simultaneously pulled in two opposite directions while he struggled to decide upon his direction in life. However, as in his description, his sense of responsibility would, in the end, prevent him from abandoning Orthodoxy. Yet as we shall see, this sense of responsibility was not enough to keep him from changing the *form* of his Orthodoxy.

When he was about nineteen Weinberg was ordained.<sup>76</sup> This ordination was granted to him by two of the leading local rabbis, Zvi Rabinowitz of Kovno and Moses

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<sup>73</sup> See Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," pp. 156-157.

<sup>74</sup> See *Ha-Melitz*, February 25, 1902, p. 3; A. Litvin, *Yidishe neshomes* (New York, 1917), vol. 3, chapter on Slobodka towards the end of the book. (There are no consecutive page numbers.)

<sup>75</sup> *Li-Frakim*, p. 419 (333). See similarly his "Schulfragen im Ostjudentum," *Jeschurun* 3 (1916), pp. 490-491.

<sup>76</sup> According to Appendix, "Lebenslauf," and the information he supplied for both S. Wininger, *Grosse Jüdische National Biographie* (Czernowitz, no date), vol. 6, p. 233, and the *Jahres-Bericht des Rabbiner-*

Danishefsky of Slobodka.<sup>77</sup> It is logical to assume that it was standard procedure for the local rabbis to ordain in addition to any other rabbis. If this was not the case it would be strange for Weinberg, a devoted follower of Finkel, to be ordained by two of the leading opponents of *mussar*, who also happened to be leaders of the opposing Slobodka yeshivah, *Kenesset Beit Yitzhak*.<sup>78</sup>

Weinberg remained at the yeshivah another year, until just after Passover of 1903, making his total stay there about two and a half years.<sup>79</sup> Following this he journeyed to the Mir yeshivah together with Matheson and Finkel's son, Eliezer Judah. The latter was to marry the daughter of Rabbi Elijah Barukh Komay, former rabbi of Weinberg's hometown of Ciechanowiec, who had in the meantime become head of the Mir yeshiva. The "mission" of Weinberg and his companions, together with a number of other students sent by Finkel, was to establish Mir as a center for *mussar*. Through their successful accomplishment of this, Mir became one of the first of a group of yeshivot which were to be brought under Finkel's influence.<sup>80</sup> While at Mir, Weinberg also studied with the younger Finkel, having been requested to do so by both the latter and his father, with the elder Finkel putting an emphasis on the compilation of Talmudic novellae.<sup>81</sup>

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*Seminars zu Berlin für 1924* (Berlin, 1925), p. 28, Weinberg was ordained at age seventeen. As this would mean 1901, immediately after he arrived at *Kenesset Yisrael*, I do not believe it is accurate. The "Letter to Gordon" supports what I have written, for it implies that his ordination was not until just before he left Slobodka.

<sup>77</sup> See Samuel Noah Gottlieb, *Ohalei Shem* (Pinsk, 1912), p. 151, where Weinberg also mentions that he was ordained by Komay, Eliezer Rabinowitz of Minsk, and other unnamed rabbis (the information in this encyclopedia of rabbinic personalities came directly from Weinberg).

<sup>78</sup> Weinberg's great respect for Rabinowitz is seen in his essay on Kovno in *Li-Frakim*, pp. 397-411 (302-316). However, Weinberg's view of the factors behind Rabinowitz' opposition to *mussar*, namely, that he was manipulated and dragged into the conflict (*ibid.*, p. 405 [310]), is much too simplistic. Regarding Rabinowitz' opposition, see the more complete portrayal in Katz, *Pulmus ha-Mussar*, chapters 7 and 9.

<sup>79</sup> Matheson, "Ha-Tragedyah shel Adam Gadol," p. 284, appears to have a near-perfect recall of events, and I am relying upon him here. According to Weinberg's "Letter to Gordon," he spent *three* and one half years in Slobodka. This is incorrect and must be attributed to a simple lapse in memory.

<sup>80</sup> See Katz, *Tenuat ha-Mussar*, vol. 3, chapter 4, esp. p. 64. It was common for Finkel to send his best students to assist in the direction, or establishment, of other yeshivot. This was part of his efforts to spread the *Kenesset Yisrael* ideology; see *ibid.*, chapter 4.

While at the yeshivah of Mir, Weinberg's interests remained broad. It is clear that he was still intrigued by the world outside the yeshivah and continued to be torn in two directions. He gives us a glimpse of this in a passage he wrote some years later regarding a conversation he had with Komay. In it one sees the gulf that had already developed between Weinberg and the older generation.

I once noted to him that it was not easy for members of the young generation to remain totally removed from the new life, and one cannot require sacrifices such as this, which are more that they can handle. He gave me a clear answer: "Why is this possible for us and why did our forefathers succeed? Everything depends on strength of will and patience. One who has no strength is lost as far as Judaism is concerned." I was, of course, disarmed and had nothing to retort. I did not want to evoke the sad memories which he had experienced with his own children.<sup>82</sup>

In other words, it was not that Weinberg agreed with Komay that nothing was needed to revitalize Judaism. On the contrary, his hinting to the fact that some of Komay's own children abandoned Orthodoxy, a common phenomenon during this period even among the rabbinic elite,<sup>83</sup> showed that the latter's approach was misguided. However, Weinberg realized that the necessary adjustments would never come from men such as Komay, who even opposed the Mussar movement.<sup>84</sup> It would have to come from the younger generation, men such as Weinberg who remained faithful to tradition while

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<sup>81</sup> "Letter to Gordon;" Matheson, "Ha-Tragedyah shel Adam Gadol," p. 284. The time Weinberg spent with the younger Finkel instilled in him a lifelong love and admiration for his study partner. See his letter in *Ha-Ma'ayan* 6 (Tishrei, 5726), p. 45.

<sup>82</sup> "Schulfragen im Ostjudentum," pp. 454-455. It seems most likely that this conversation took place while Weinberg was studying at Mir.

<sup>83</sup> The most outstanding of these young rebels from rabbinic families was probably Jacob Klatzkin, son of R. Elijah Klatzkin, who became a leading Zionist thinker. It was this phenomenon which caused the rabbinic elite to be very concerned about their children's future religiosity. See e. g. Moshe Ostroveski, ed., *Ish Yerushalayim* (Jerusalem, 1937), p. 68, for R. Eliezer Gordon's apprehensions that his children might give up Orthodoxy if he remained in Lithuania instead of immigrating to the Holy Land. See also Wilovsky, *Bet Ridbaz*, p. 4 (unnumbered): בני הרבנים ובנותיהם גרועים הרבה יותר מבני הבצלה"ב.

<sup>84</sup> See Katz, *Pulmus ha-Mussar*, pp. 256, 279; Matheson, "Ha-Tragedyah shel Adam Gadol," p. 284; Moshe Tzinovitz, *Mir* (Tel Aviv, 1981), pp. 88-89; Yehoshua Ovsay, *Ma'amarim ve-Reshimot* (New York, 1947), p. 130.

recognizing the problems which existed in the traditional world. This is the unstated implication of the above-quoted passage.

At the end of 1904, after a year and a half of study at Mir, Weinberg left the yeshivah and went to Grodno in order to study Russian. It is not known whether this was done with the approval of the elder Finkel.<sup>85</sup> After his stay in Grodno Weinberg returned to Ciechanowiec. During this time we know that he once again tried to acquire a secular education, this time requesting assistance from Shemaryahu Levin (1867-1935), the noted Zionist author and former crown rabbi of Yekatrinoslav. From Ciechanowiec Weinberg wrote a letter to Matheson on December 9, 1905, which illustrates much of the confusion he was then going through.

I am able to inform you that after I received my exemption from the army I immediately informed Dr. Sh. Halevi<sup>86</sup> of this, and he answered me promptly with a long letter full of love and friendship. He wrote me that he is ready to stand by my side as much as possible, and advised me to wait a little while in my city until the storm passes and things calm down.<sup>87</sup> Afterwards I will travel to Yekatrinoslav and he will send me the letters which I need. I followed his advice and waited, and last week wrote to him. . . . However, I have not received any answer. I know that this is due to the postal strike and he is not able to send me letters. Therefore, I must now linger idly in our small town. It is as if I am sitting on burning coals, for my days and years are passing like lightning and I am either staying in place or going backwards. What should I do now? I know that it is very wrong at a time like this to worry about private matters. . . . Yet a man such as I, for whom it is impossible

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<sup>85</sup> "Ha-Tragedyah shel Adam Gadol," p. 284. In a letter from Weinberg to Matheson, dated January 24, 1906, Weinberg shows off his Russian writing skills and also requests Matheson to send him the Russian translation of Leo Pinsker's *Auto-Emancipation*.

<sup>86</sup> I. e. Shemaryahu Levin.

<sup>87</sup> He refers to the revolutionary disturbances of 1905. In his article "Der 'Masmid,'" *Jeschurun* 4 (1917), pp. 425-430, Weinberg presents what appears to be a fictionalized account of an unnamed yeshivah affected by the revolutionary fever of 1905. (Although Weinberg refers to his story as "recollections," he was no longer in Mir in 1905, leading me to believe that the story does not reflect reality.) According to his story, only a lone student, out of the entire *Beit Midrash*, was ready to stand up against the Jewish revolutionaries who attempted to prevent the students from studying. Although it is doubtful whether Weinberg's account has any historical basis, it is known that the yeshivot were affected by the revolutionary fever, in particular Mir. See Katz, *Pulmus ha-Mussar*, p. 260, and Tzinovitz, *Mir*, pp. 87-88. Regarding Slobodka at this time see Katz, *Tenuat ha-Mussar*, vol. 3, pp. 52-53, and regarding Novaredok see Fishman, "Musar and Modernity: The Case of Novaredok," pp. 45-51. See also Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," p. 309, note 183, and for the period after 1905 see B. Schulman, "Ha-Ruah ha-Mahpekhant ba-Yeshivot," *He-Avar* 12 (1965), pp. 134-147.

to take part in the general tide, must certainly prepare himself for the future. In short, you now know my state of mind. My heart wanders and is empty. I lift up my eyes to the mountains; from where shall my help come [cf. Psalms 121: 1].<sup>88</sup>

How different recent Jewish intellectual history would have been had things worked out with Weinberg and Shemaryahu Levin! Zionism and Hebrew literature would have certainly gained a great mind, but Orthodox Jewry would have lost one of its most creative intellects of the century.

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<sup>88</sup> The portions of this letter quoted in the text appear in Matheson, "Ha-Tragedyah shel Adam Gadol," p. 284.

## II

### Pilwishki

In 1906, shortly following his letter to Matheson mentioned at the end of the previous chapter, Weinberg was offered the rabbinate of the Lithuanian town of Pilwishki (Pilviskiai in Lithuanian; Pilvishok in Yiddish), about thirty miles southwest of Kovno.<sup>1</sup> In order to attain this rabbinic position Weinberg was required to marry Esther Levin, the sixteen year-old daughter of the town's previous rabbi, Jacob Meir Levin.<sup>2</sup> According to one version Weinberg records, R. Zvi Rabinowitz was responsible for arranging his appointment to the rabbinate,<sup>3</sup> whereas elsewhere he portrays Rabinowitz as merely giving his approval.<sup>4</sup> According to Matheson, who was a witness to the event, it seems that Finkel realized that Weinberg was at a turning point in his life. In order to ensure Weinberg's continued adherence to the rabbinic lifestyle, Finkel arranged the marriage, or as Weinberg himself puts it, "forced him to marry."<sup>5</sup>

Matheson recalls Weinberg's marriage as being most tragic step in his life. He simply did not care for his bride who was both very young and unlearned, probably

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<sup>1</sup> In Appendix "Lebenslauf," and his letter to R. Isaac Herzog, dated October 16, 1950, Weinberg says that he received his first rabbinic post when he was twenty years old, i. e. in 1904. This is clearly impossible. In *Li-Frakim*, p. 405 (310), he writes that he became rabbi of Pilwishki in 1905. This is also the information in *Jüdisches Lexicon* (Berlin, 1930), vol. 4, col. 1360, *Jahres-Bericht des Rabbiner-Seminars zu Berlin für 1924*, p. 28; Wininger, *Grosse Jüdische National Biographie*, vol. 6, p. 233; and Harry Scheiderman and Itzhak J. Carmin, *Who's Who in World Jewry* (New York, 1955), p. 803. This date must also be incorrect, since his letter to Matheson, quoted above pp. 21-22, is dated December 1905 and Weinberg had not yet been appointed rabbi. In his letter in R. Abraham Abba Reznik, *Klei Sharet* (Netanya, 1957), pp. 1-2, he says that he served as rabbi for seven years until World War I broke out. This would mean that he assumed the rabbinate in 1907. However, the very reliable Matheson, "Ha-Tragedyah shel Adam Gadol," p. 285, claims that he served as rabbi for eight years prior to 1914, meaning that he assumed the position in 1906.

<sup>2</sup> See *Yahadut Lita* (Tel Aviv, 1967), vol. 3, p. 339. According to information in the record book of the Jewish Community of Helsinki (to where she later emigrated), Esther Levin was born on March 19, 1890.

<sup>3</sup> *Li-Frakim*, p. 405 (310).

<sup>4</sup> "Letter to Gordon."

<sup>5</sup> Matheson, "Ha-Tragedyah shel Adam Gadol," p. 284; "Letter to Gordon."

knowing little more than how to read the prayerbook. She was a typical Orthodox woman of the old generation whereas Weinberg, despite his yeshivah training, was still somewhat of a *maskil*<sup>6</sup> who read modern newspapers and books in both Hebrew and Russian, and had a good deal of contempt for the Jewish masses.<sup>7</sup> Compared to the intellectually and culturally aware young women he knew from Ciechanowiec, Levin had nothing to offer Weinberg, who was not prepared to seclude himself in the traditional Orthodox world of Lithuania and would obviously have preferred to choose his own wife. The relationship between Weinberg and Levin appeared doomed from the start. Although there were times when he considered calling off the wedding, Weinberg's own desire to join the rabbinate, together with the pressure of both his parents and Finkel, prevented him from taking this step. The marriage went ahead as scheduled and Weinberg became the town's new spiritual leader.<sup>8</sup>

Shortly after this Weinberg passed a government examination in Lomza and was appointed crown rabbi of the Pilwiski district.<sup>9</sup> In the mid-nineteenth century the Czarist government had created the office of crown rabbi in order to turn the rabbinate into an instrument of government policy. Only one who had acquired sufficient secular education and knowledge of Russian was permitted to assume the office. The crown rabbi, who often was Jewishly ignorant and non-observant, was never regarded as a spiritual leader by the

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<sup>6</sup> Throughout this chapter the words Haskalah and *maskil* are not to be taken in their technical sense, but rather as they were used in Orthodox parlance to describe a positive attitude towards secular studies and modernization, often at the expense of traditional religious practices. Modern scholarship does not recognize the existence of a Haskalah movement in the early twentieth century, and men such as Berdyczewski and Ahad Haam were actually opponents of the Russian Haskalah. In traditional circles these not so subtle distinctions were totally absent and the modern opponents of tradition were viewed no differently than their Haskalah predecessors.

<sup>7</sup> In his letter to Zvi Matheson, dated November 3, 1905, Weinberg writes: רחוק הוא ההמון מאידיאליות ורק שפה אחת מובנה לו היטב, היא שפת התנועת הפרטית, המטריאליסטית.

<sup>8</sup> Matheson, "Ha-Tragedyah shel Adam Gadol," p. 284; "Letter to Gordon."

<sup>9</sup> Appendix, "Lebenslauf;" *Jahres-Bericht des Rabbiner-Seminars zu Berlin für 1924*, p. 28; Wininger, *Grosse Jüdische National Biographie*, vol. 6, p. 233.

traditional community. Not surprisingly, he was almost always reduced to a bureaucratic role, representing the community with the authorities and taking care that births, deaths, and marriages were recorded in the communal registry. Together with the crown rabbi, communities would also employ rabbis whom they regarded as their spiritual leaders, but who were not recognized as such by the government.<sup>10</sup>

However, the fact remains -- and this has been overlooked in the scholarly literature on the subject -- that by the twentieth century there were a significant number of traditional rabbis who, as with Weinberg, were employed as crown rabbis. This meant that the title of crown rabbi no longer carried the stigma that was once attached to it. It is thus no surprise that R. Isaac Jacob Reines, in his defense of the Lida yeshivah's inclusion of secular studies, pointed with pride to the fact that students who studied at his institution would be able to find a career in the "spiritual rabbinate, the official rabbinate, or both of them together."<sup>11</sup> Similarly, R. Judah Leib Zirelson, himself a crown rabbi, urged his colleagues to follow in his path. He argued that by receiving government recognition, "spiritual" rabbis would raise the prestige of their office as well as ensure themselves a decent salary.<sup>12</sup> It is, of course, understandable that smaller communities which could not afford to employ two rabbis would have preferred a "spiritual" rabbi who could also obtain government recognition.<sup>13</sup>

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<sup>10</sup> See Azriel Shochat, *Mossad "ha-Rabbanut mi-Ta'am" be-Rusyah* (Haifa, 1976).

<sup>11</sup> *Shnei ha-Meorot* (Petrokov, 1913), section 2, part 2, p. 12b.

<sup>12</sup> See his letter in R. Aaron Cohen, *Kenesset ha-Gedolah* (Alexandria, 1904), vol. 2, p. 29a. See also R. Samuel Borstein's letter, *ibid.*, p. 51a. Zirelson expressed confidence that the government could be persuaded to modify its requirement of secular education for crown rabbis, so that knowledge of the national language would be sufficient. As he noted, this was all that was required for official rabbis in Congress Poland.

<sup>13</sup> It would be worthwhile to compile a list of traditional rabbis who also served as crown rabbis. In the biographical entries in Gottlieb's *Oholai Shem*, a number of individuals are identified as either crown rabbis, or as having received government permission to assume the office, the most notable being R. Zalman Sorotzkin, R. Ezekiel Lifshitz, R. Menahem Krakowski, and R. Abraham Shapiro. From a recently published letter of R. Hayyim Soloveitchik to R. Elijah Klatzkin, dated 1894, we see that the latter was crown rabbi in Mariampol. See *Sefer Zikaron li-Khvodam u-le-Zikhram shel ha-Rav Avraham Dov*

Pilwishki was smaller than Ciechanowiec, Weinberg's hometown, and according to the 1897 census 1242 Jews lived there (53% of the total population).<sup>14</sup> Although Weinberg comments that for Jews in Pilwishki it was considered a notable event when the wire of the *eruv* came down, from what we know of the town this is certainly somewhat of an exaggeration.<sup>15</sup> Despite its small size, there was a significant Zionist presence as well as a number of socialists and *maskilim*.<sup>16</sup> The community was able to produce a group of distinguished personalities, among them the poet Hillel Bavli (1893-1961) and the Talmudist Samuel Bialoblocki (1891-1960).<sup>17</sup> It is also known to have had a good number of scholars among its inhabitants, and the *beit midrash* was constantly in use.<sup>18</sup> As for the local Jews' economic situation, it too was satisfactory and they were predominantly engaged in agriculture and the raising of poultry, most of which was sold in Kovno or exported over the nearby German border.<sup>19</sup>

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*Weisfisch* . . . (Jerusalem, 1992), section 2, p. 138 (bound with Nahum Manasseh Gutentag, *Ayelet Ahavim*).

<sup>14</sup> *Yahadut Lita*, vol. 3, p. 339.

<sup>15</sup> *Li-Frakim*, p. 224 (274).

<sup>16</sup> M. Z. Levinson-Lavi, "Pilvishok," in Mendel Sudarsky, *et al.*, eds., *Lite* (New York, 1951), vol. 1, column 1533; Berl Kagan, *Yidishe shtet, shtetlekh un dorfishes yishuvim in Lite* (New York, 1990), pp. 403-404.

<sup>17</sup> In many ways Bialoblocki was similar to Weinberg. He too studied at Slobodka and became known as the "*illui* of Pilwishki." (As late as 1935 he was still known as such; see the cover page of *Ha-Maor* [Sivan-Tammuz, 5695]). He later traveled to the University of Giessen, where, only a few years after Weinberg had left, he earned his doctorate. As with Weinberg, he too combined traditional and critical study of the Talmud. Yet for some unknown reason, presumably a personal conflict, Weinberg had no respect for either his character or his scholarship. See his letter in *Ha-Pardes* (November, 1966), p. 33, for a scathing attack on Bialoblocki after the latter was appointed professor of Talmud at Bar Ilan University, accusing him of every imaginable sin, not to mention lack of scholarship. It is thus not surprising that in his letter in Reznik, *Klei Sharet* he does not mention Bialoblocki among the prominent personalities from Pilwishki. One should compare Weinberg's attitude to the glowing words of S. Y. Agnon and H. Z. Hirschberg regarding Bialoblocki in *Bar Ilan 2* (1964).

<sup>18</sup> A picture of the *beit midrash* is found in Sudarsky, ed., *Lite*, vol. 1, column 1534. This is almost certainly a picture of the rebuilt *beti midrash*, as the original one was destroyed in World War I; see *Yahadut Lita*, vol. 3, p. 339. A picture of a street in Pilwishki is found *ibid.*, in the section of pictures between pages 350 and 351. See also *Yahadut Lita: Temunot ve-Tziyunim* (Jerusalem, 1959), p. 39.

<sup>19</sup> Levinson-Lavi, "Pilvishok," column 1533; Reznik *Klei Sharet*, pp. 2-3.

These factors combined to make Pilwishki a fairly desirable position for a young rabbi, and Weinberg found the city quite pleasant, noting that he was greatly respected by Jew and Gentile alike.<sup>20</sup> Even when the economy soured in 1913, the townspeople were prepared to accept without objection his decision to forbid any arrangements with the Gentile population in order to allow work to be performed on the Sabbath. This was so despite the fact that other local rabbis had given such permission.<sup>21</sup> Pilwishki's positive effect on him was such, that forty years after he assumed its rabbinate he still fondly remembered the first halakhic discourse he delivered there.<sup>22</sup> Because we do not yet know enough about the Lithuanian rabbinate, I do not believe it is possible to say whether Weinberg's experiences were out of the ordinary.<sup>23</sup>

What caused Weinberg's difficulties was his failed marriage. After half a year he informed Matheson of his situation and urged the latter to come to Pilwishki to keep him company. Matheson acceded to his request and lived with him in Pilwishki for a year. During this time Matheson found Weinberg to be very lonely, wandering as a stranger through his own home. In addition to Weinberg and his wife, his mother-in-law and two of her small children also lived in the house. Yet only on the Sabbath would the entire family eat together, and, at least when Matheson was there, Weinberg did not even sleep at home.<sup>24</sup>

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<sup>20</sup> Reznik, *Klei Sharet*, pp. 2-3

<sup>21</sup> *Ibid.* p. 4; SE 2:21.

<sup>22</sup> SE 2, p. 67.

<sup>23</sup> The recent comments of Emanuel Etkes are too impressionistic and rely on too few sources in order to make any general statements. See his "Talmudic Scholarship and the Rabbinate in Lithuanian Jewry," in Leo Landman, ed., *Scholars and Scholarship: The Interaction Between Judaism and Other Cultures* (New York, 1990), pp. 107-132. Some might argue that Weinberg's nostalgic recollections of his time in the rabbinate, written 35 years after he left Pilwishki, do not reflect reality. Yet, at least for the beginning of his time in Pilwishki, we have contemporaneous evidence -- a June 14, 1907 letter to Matheson -- that confirms the picture he draws in the letter published in Reznik, *Klei Sharet*.

<sup>24</sup> "Ha-Tragedyah shel Adam Gadol," p. 285.

After a few years of marriage it was clear to Weinberg that he would have to divorce his wife if he did not intend to spend the rest of his days in misery. The only question was when he would summon up the strength to do so. In a very revealing letter to Matheson, dated December 5, 1909, we also learn that his misfortune was causing a rift in his relationship with his parents:

There have already been many moments when I forcefully decided [to leave my wife]. However, when the time comes to follow through on my decision, I falter. This is due to my cowardice and fear of the uncertain future. . . . Furthermore, I have many debts and my health is very weak. . . . I am very confused and lonely, and unto whom shall I pour out my grief and frustration? What is your opinion? Have you met my father? How does he view matters? It is clear to me that he does not feel my anguish. He is only concerned that his imaginary honor, which I acquired for him at the sacrifice of my life, should not disappear. Do you exchange letters with anyone from Pilwishki? What have you heard of my situation? I am practically separated from humanity and have no dealings with people. Give regards to my parents. I do not have even the slightest desire to write to them.<sup>25</sup>

Matheson notes that he received similar letters throughout the winter, yet still, Weinberg did not attempt to end the marriage. This was certainly not an easy step to take, for divorce was very uncommon in traditional Lithuanian society, and among members of the rabbinate it was unheard of. In addition to this, Weinberg's parents and his wife's family were pressuring him to come to terms with the situation. The latter were quite explicit that they would not allow Weinberg to divorce,<sup>26</sup> leading Matheson to suggest that Weinberg threaten to abandon his wife, without a *get* (Jewish divorce), if she did not agree to end the marriage. "He rejected this idea, arguing that [were he to do so] he would be forced to abandon his world, the world of the rabbinate. Aside from this, he was without means of support, for almost all of his income fell into the hands of his mother-in-law."<sup>27</sup>

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<sup>25</sup> *Ibid.*

<sup>26</sup> This information is contained in Weinberg's letter to Matheson, dated January 4, 1910. Weinberg's great bitterness was now causing him to resent the citizens of Pilwishki. In this letter he writes: אָנִי נוֹטֵן שְׂנֵאוֹ לְכָל אָנָשׁ פִּילװישְׁקִי, שֶׁהֵם בְּעֵינֵי בְּחִינַת צֵיט טֶף לַפְּגֵר. אִין אִישׁ מִשְׁתַּתֵּף בִּי וּבְצַעֲרִי.

<sup>27</sup> "Ha-Tragedyah shel Adam Gadol," p. 285.

A few years later, in 1912, Finkel sent a group of select students from his yeshivah to Pilwishki, hoping that if Weinberg would occupy himself teaching the boys, he would be able to overlook his troubles.<sup>28</sup> However, by this time it was too late and there was nothing which could be done to cause Weinberg to resign himself to his fate. He knew that he would have to end his marriage, the only question that remained was when. In the meantime Weinberg had developed a new interest which no doubt allowed him, in some measure, to escape his depressing circumstances. He had begun to take an active literary role among the Russian and Lithuanian Orthodox intelligentsia.

His most significant work appeared in the two leading Orthodox Hebrew newspapers, *Ha-Modia* of Poltava (Ukraine) and *Ha-Ivri* of Berlin.<sup>29</sup> *Ha-Modia* was edited by the rabbi of Poltava, Elijah Akiva Rabinowitz, a most interesting personality who had previously edited *Ha-Peles*, a magazine Weinberg read in his youth.<sup>30</sup> In the first years of the Zionist movement, Rabinowitz was an enthusiastic supporter and even attended the Second Zionist Congress in 1898. When, however, it was decided at this Congress to include "cultural" issues among the Zionist activities, he left the movement and became one of its most bitter opponents.<sup>31</sup>

Both in *Ha-Peles* and later in *Ha-Modia*, Rabinowitz used his considerable literary skill to lambast Zionism, and these publications were two of the first examples of the "orthodox fighting the modern world with its own weapon -- journalism."<sup>32</sup> When Weinberg began to write for *Ha-Modia* the opposition to Zionism was prominent in its

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<sup>28</sup> "Letter to Gordon;" *Jahres-Bericht des Rabbiner-Seminars zu Berlin für 1924*, p. 28; Wininger, *Grosse Jüdische National Biographie*, vol. 6, p. 233.

<sup>29</sup> Some of these articles have been reprinted in *Li-Frakim* and I will refer to this source when dealing with them.

<sup>30</sup> See above, p. 16.

<sup>31</sup> See Ya'akov Barnai, "Ha-Temurah ba-Emdat ha-Rav Rabinowitz mi-Poltava le-Tziyyonut," *Sinai* 70 (1972), pp. 282-288.

<sup>32</sup> Getzel Kressel, *Guide to the Hebrew Press* (Zug, Switzerland, 1979), p. 51.

pages. However, articles on a variety of different issues affecting the Jewish community were also published. By insisting that everything he printed be intellectually respectable, Rabinowitz ensured that the newspaper, which catered to the rabbinic elite, would not be viewed as simply a forum to bash opposing views. It was of great importance to Rabinowitz that all articles be written in impeccable Hebrew, demonstrating that even opponents of Haskalah and Zionism were capable of expressing themselves clearly in the revived language. The opponents of tradition were thus not allowed to lay claim to the mantle of Jewish cultural creativity. As Kressel puts it: "The paper shows the adjustment of extreme orthodoxy to modern means of expression -- even though it continued fighting those who invented them."<sup>33</sup>

Orthodox Hebrew papers were certainly not unknown before Rabinowitz, R. Jacob Ettlinger's *Shomer Zion ha-Ne'eman* being the most outstanding.<sup>34</sup> Still, Ettlinger's journal, the major focus of which was Talmudic discussion, had no resemblance to the Haskalah papers which were later to appear. It is true that some of these Haskalah newspapers, such as *Ha-Maggid*,<sup>35</sup> *Ha-Karmel*, and *Ha-Zefirah*, were conservative in nature and would have fit in just fine among many of the German Orthodox. However, they did not correspond to the form of Orthodoxy which characterized East European Jewry and occupied a position on the margins, read only by a small circle of *maskilim* and open-minded rabbis.

The creation of an Orthodox press in Russia must be credited to Jacob Lifshitz, whom I have already mentioned a couple of times. In an effort to combat the advocates of Haskalah, he became involved with the the newspaper *Ha-Levanon* in the early 1870's. It

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<sup>33</sup> *Ibid.*, p. 48.

<sup>34</sup> See Yitzhak Raphael, *Rishonim ve-Aharonim* (Tel Aviv, 1957), pp. 327-335; Judith Bleich, "The Emergence of an Orthodox Press in Nineteenth Century Germany," *Jewish Social Studies* 42 (1980), pp. 323-344.

<sup>35</sup> Although *Ha-Maggid* was for a time published in East Prussia, it was always intended for *maskilim* in the Russian Empire.

was here that he launched the first intensive polemical attacks against the *maskilim*. Although he set himself out as a strong opponent of what they were trying to accomplish, he still appeared to support, theoretically at least, a conservative Haskalah. This is how one is to explain his reference to the "beloved Haskalah," which unfortunately had of late been transformed into an anti-rabbinic phenomenon. According to Lifshitz, he would have been content to see the *maskilim* devote themselves to the scholarly study of Jewish sources and the writing of apologetic literature directed towards non-Jews. The problem was that they also presumed to know what was best for traditional Judaism and lectured the rabbis on how to improve matters.<sup>36</sup>

By publishing the journal *Ha-Peles* at the turn of the century, Rabinowitz followed in Lifshitz' footsteps and solidified the place of the Orthodox press in traditional East European circles, so much so that by the time he began to publish *Ha-Modia* in 1911, it is hard to believe that there was still any significant opposition to such papers.<sup>37</sup> This was not an unimportant accomplishment since it is known that many leading rabbinic figures originally opposed the creation of an Orthodox newspaper. Lifshitz himself mentions that when he first began his efforts in this direction, he was confronted by those who believed that it was impossible for this medium to ever be transformed into a proper method of advocacy for the Orthodox cause.<sup>38</sup>

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<sup>36</sup> See his article in *Ha-Karmel* 7 (1868), pp. 100-102, which appeared under a pseudonym, (see Lifshitz, *Zikhron Ya'akov* [Israel, 1968], vol. 2, p. 73). See also Gideon Kaznelson, *Ha-Milhamah ha-Sifrutit bein ha-Haredim ve-ha-Maskilim* (Tel Aviv, 1954), chapter 3; Seymour Siegel, "The War of the *Kitniyot* (Legumes)," in A. A. Chiel, ed., *Perspectives on Jews and Judaism* (New York, 1978), pp. 383-408; Israel Bartal, "Zikhron Yaakov' le-Rav Yaakov Lifshitz: Historiografyah Ortodoksit?" *Millet* 2 (1985), pp. 412-413.

<sup>37</sup> See R. Hayyim Ozer Grodzinski, *Kovetz Iggerot Ahiezer* (Bnei Brak, 1970), vol. 2, pp. 586-587, for an appeal signed by a number of leading rabbis urging support of *Ha-Modia*. Significantly, R. Hayyim Soloveitchik's name also appears. In 1907 we find Grodzinski advocating the creation of an Orthodox daily newspaper; see Reichel, ed., *Iggerot R. Yitzhak Aizik Halevy*, p. 121. R. Moses Nahum Yerushalaimski argued for the establishment of a daily newspaper as early as 1903. See his letter in Cohen, *Kenesset ha-Gedolah*, vol. 2, p. 20a. For R. Eliezer Gordon's attempt to establish an Orthodox paper, see R. Zalman Sorotzkin, *Ha-Deah ve-ha-Dibbur* (Jerusalem, 1965), vol. 3, pp. 116-117. See also R. Abraham Mordekhai Alter, *Osef Mikhtavim* (Jerusalem, 1988), pp. 93ff.

<sup>38</sup> *Zikhron Ya'akov*, vol. 2, p. 99, "Hergel Na'aseh Teva," *Ha-Modia*, 5 Tevet, 5671, col. 169.

In fact, this opposition to the newspaper format, whose basic purpose would be to polemicize against the opponents of Orthodoxy, had deep roots. We find that even when the Reform movement was just beginning there were those who opposed any sort of public attack upon it.<sup>39</sup> Once the Reform and Haskalah movements had taken off, and it was recognized that there was no hope of going back to the "innocent" days of old, an even more significant number of Orthodox thinkers came to oppose any sort of polemics. They argued that the negative effects of polemics far outweighed any value they might have. To begin with, the distraction from Torah study could not be justified.<sup>40</sup> Secondly, polemics by their nature have the effect of circulating radical and dangerous ideas among people who normally would never be exposed to them. R. Joseph Saul Nathanson<sup>41</sup> and R. Israel Meir ha-Cohen<sup>42</sup> are among those known to have held to this position.

Needless to say, the rabbinic opposition to Orthodox involvement with Haskalah newspapers was even more intense, and the *maskilim* considered it something of an event when a rabbi from the old school took to the Haskalah papers to defend his point of view.<sup>43</sup> As far as the *maskilim* were concerned, the fact that the rabbis avoided reading newspapers showed how truly isolated they were from the problems confronting the average layman. It is thus no surprise that many of the Orthodox, including Lifshitz, believed that the creation of an Orthodox press -- a sign that the Orthodox were, in fact,

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<sup>39</sup> See R. Elijah Ragoler, *Yad Eliyahu* (Jerusalem, 1969), vol. 1, no. 25; R. Zvi Hirsch Chajes, *Kol Sifrei Maharatz Chajes* (Jerusalem, 1958), vol. 2, pp. 1016-1017.

<sup>40</sup> This was the reason behind R. Naftali Zvi Judah Berlin's refusal to allow Volozhin students to publish a newspaper or even a Torah journal. See Schacter, "Haskalah, Secular Studies and the Close of the Yeshiva in Volozhin in 1892," p. 104.

<sup>41</sup> See R. Hayyim Sofer, *Kol Sofer* (Munkacs, 1882), p. 38a; *idem*, *Kan Sofer* (London, 1963), no. 48.

<sup>42</sup> *Kol Kitvei Hafetz Hayyim ZT"L* (Brooklyn, 1989), pp. 81 (first numbering), 91 (third numbering).

<sup>43</sup> See e. g. Samuel Joseph Fuenn's comments in *Ha-Karmel* 7 (1868), p. 105.

interested in dealing with the challenges of modernity -- would stop the attacks of the *maskilim* against them.<sup>44</sup>

Returning to the newspapers Weinberg wrote for, *Ha-Ivri* was a very different sort of paper than *Ha-Modia*. Published in Berlin, it was edited by Rabbi Meir Berlin (Bar Ilian), the son of R. Naftali Zvi Judah Berlin of Volozhin and a leader of the religious Zionist Mizrahi movement. Although it resembled *Ha-Modia* in that it too strove to be an intellectual newspaper for the religious community, its content was very different. It published articles of modern Jewish scholarship and poetry, approved of secular studies -- as is to be expected from a Western European newspaper -- and most importantly, supported Zionism.

As contributions to one of the newspapers were often regarded as a signal of one's ideological commitment, the fact that Weinberg simultaneously wrote for both apparently shows that he hadn't totally committed himself one way or the other regarding Zionism. This open mind is also seen in his relationship with Rabbi Isaac Jacob Reines, the founder of the Mizrahi movement who had started a yeshivah in Lida whose purpose was to combine Torah and secular studies.<sup>45</sup> Weinberg was a great admirer of Reines<sup>46</sup> and, at the latter's request, once delivered a lecture at the Lida yeshivah.<sup>47</sup> Yet this did not stop him from opposing the method of Reines' yeshivah and, for reasons which will soon become clear, he criticized it both in conversation with Reines and in public.<sup>48</sup> He also believed that

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<sup>44</sup> See Lifshitz' article in *Ha-Levanon* 9 (1873). pp. 273-275.

<sup>45</sup> For discussions of the yeshivah see Alexander Manor, *et al.*, eds. *Sefer Lida* (Tel Aviv, 1970), pp. 89-134; Yosef Salmon, "Reshit Reformah bi-Yeshivot Mizrah Eiropah," *Molad* 4 (1971), pp. 161-172; *idem*, "The Yeshivah of Lida: A Unique Institution of Higher Learning," *YIVO Annual* 15 (1974), pp. 106-125; and Geulah Bat-Yehudah, *Ish ha-Meorot* (Jerusalem, 1985), chapter 43.

<sup>46</sup> See his emotional essay in SE 4, pp. 353-359. (also found in *Li-Frakim*, pp. 412-423 [326-337]). The views expressed in this article, which found great favor with the Zionists, were opposed by some of the anti-Zionist German Orthodox, and they refused to publish the article in their newspaper; see Alexander Carlebach, "A German Rabbi Goes East," *Leo Baeck Institute Year Book* 6 (1961), p. 112.

<sup>47</sup> SE 4, p. 359

Reines' Zionist activities were a mistake, not because religious Zionism *per se* was unacceptable, but because Reines had adopted a path in opposition to the leading rabbinic scholars of the day.<sup>49</sup> At this stage in his life, Weinberg was not one to support independent judgments in such important areas.

Yet despite this criticism of Reines, Weinberg was not tilting in the direction of *Ha-Modia*. That is, he did not oppose secular studies on principle, and while in Pilwishki continued to expose himself to various fields of knowledge.<sup>50</sup> However, overcoming his youthful doubts, he now appears as a faithful defender of the yeshivah system that he was trained in. Therefore, he is adamant that yeshivah students, who need to devote their entire time to the study of Torah, should be kept far from any secular studies. Just as his teacher Finkel had been a devotee of Haskalah, only to later reject it, so too Weinberg now feels that his own youthful experiences are not something students should emulate. He may have "survived" his encounter with the secular world, but others might not be so fortunate.

In an article published in 1912, Weinberg's position is clearly formulated. Responding to those who believed that the yeshivot should teach secular studies as a way to attract the young to traditional Judaism, he writes:

This is a complete error which has already been disproved from experience. Those whose major purpose is a career go forth from the yeshivah and wander in other fields. These who stray into foreign territory shall not return to us because of a little European education which is given to them in a superficial manner on the stools of the yeshivah. Not from these shall Judaism be built and not in them shall Jews put their national trust. At the sound of the first shot these weaklings shall abandon the battle, and would that they not pass over into the camp of the enemy. For the nature of their education is such that they are incapable of making sacrifices for their Torah, which for them is only something to make use of. . . . The fulfillment of the Torah requires great sacrifices from us . . . our entire life must be a sacrifice. . . . Therefore, those who say that we should grab the coat corners of our young ones who are led astray, to attract them with "the beauty of Japhet so that we bring them into the tents of Shem," are making a great mistake. For when the spark of self-

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<sup>48</sup> *Ibid.*, p. 358.

<sup>49</sup> *Ibid.*, p. 357.

<sup>50</sup> Even the works of Wellhausen caught his interest; see *Li-Frakim*, p. 394 (299).

sacrifice has vanished from the heart, the hope for Judaism is lost. . . . It is true that there are only very few who will be able to rise up against the [trends of contemporary] life,<sup>51</sup> but from them shall Judaism be built!<sup>52</sup>

These words, which faithfully reflect the view of the Lithuanian yeshivot, are, in addition, a rejection of all that modern German Orthodoxy had come to stand for. According to Weinberg not only is secular education simply out of the question for yeshivah students, but in essence, it is only these students, those who devote themselves exclusively to Torah study, who are the backbone of traditional Judaism. The role of religious laymen, in particular those who wish to pursue a profession, has little importance for Weinberg when considering how best to ensure the survival of Orthodoxy. Yet it was precisely the religious laymen who were the cornerstone of R. Samson Raphael Hirsch's ideology of German Orthodoxy.

The sentiments behind Weinberg's view were elaborated upon some years later by R. Elijah Dessler, a leading ideologue of the Lithuanian yeshivot, and since his position faithfully reflects that of the East European rabbinic elite it is worth mentioning.<sup>53</sup> Dessler freely admits that the combination of Torah and secular studies advocated by German Orthodoxy had a great appeal for the masses and produced pious communities with very little attrition. However, Dessler continues, since Torah study was diluted in Germany it did not produce the outstanding scholars found in the East.<sup>54</sup>

As for Eastern Europe, Dessler is perfectly candid in stating that East European Orthodoxy had a much higher attrition rate among its young. Indeed, we know that as far

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<sup>51</sup> See Luz, *Parallels Meet*, chapter 1, which discusses the nineteenth century conflict between "Religion" and "Life."

<sup>52</sup> "Kenesset Yisrael," *Ha-Modia*, 12 Heshvan, 5672, cols. 39-40. See also "Le-Verur Mahuto shel ha-Mussar ha-Yehudi," *Ha-Ivri*, September 9, 1911, p. 409, where he warns against corrupting Jewish thought and ideals by bringing the "teachings of Japhet into the tents of Shem."

<sup>53</sup> *Mikhtav me-Eliyahu* (Bnei Brak, 1977), vol. 3, pp. 355-358.

<sup>54</sup> See also the comments of Elie Munk, quoted in Immanuel Jakobovits, "Torah im Derekh Eretz," in Moses Rischin and Raphael Asher, eds., *The Jewish Legacy and the German Conscience* (Berkeley, 1991), p. 168.

back as the 1880's there were more Russian Jews in the universities than in the great yeshivot,<sup>55</sup> It was in hope of attracting some of these students that in 1882 Reines established a yeshivah in Sventsyany, Lithuania, in which secular and holy were combined.<sup>56</sup> Meeting with widespread opposition, the yeshivah was soon forced to close. Not until 1905 did Reines repeat his experiment in Lida,<sup>57</sup> where once again the rabbinic elite united in opposition to any changes in the yeshivah curriculum as a means of responding to the widespread abandonment of tradition.<sup>58</sup> As Dessler explains, this opposition was due to the unique mission of the yeshivot, which was concerned with creating outstanding Torah scholars and never intended to have a mass appeal. Fully cognizant that the majority of youngsters would not succeed in this system, and a number would even abandon Orthodoxy completely, Dessler recalls Maimonides' comment in the Introduction to the *Guide*, that the instruction of a tiny elite is more important than attempting to educate a mass audience.<sup>59</sup> Or, in his own words, "this is the price which must be paid" in order to produce saintly Torah giants. As I have already mentioned, this approach is totally opposed to the view of Hirsch who believed that the only way to ensure the survival of traditional Judaism was by concentrating one's efforts on creating pious communities, not on building yeshivot which cater to the elite.<sup>60</sup>

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<sup>55</sup> See Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," p. 132.

<sup>56</sup> See Bat-Yehudah, *Ish ha-Meorot*, chapter 10.

<sup>57</sup> See Reines, *Shnei ha-Meorot*, section 2, part 2.

<sup>58</sup> See, e. g., "Maginei ha-Dat" (pseudonym), "Yeshivat Ara'i," *Ha-Peles* 5 (1905), pp. 673-678.

<sup>59</sup> "Let a thousand fools die and one wise man benefit." In actuality, Dessler's quote is derived from Shem Tov's commentary (p. 10a in the standard editions). Maimonides' words are: "I am the man who when the concern pressed him and his way was straitened and he could find no other device by which to teach a demonstrated truth other than by giving satisfaction to a single virtuous man while displeasing ten thousand ignoramuses -- I am he who prefers to address that single man by himself, and I do not heed the blame of those many creatures." See also Katz, *Tenuat ha-Mussar*, vol. 2, p. 218, where R. Simhah Zissel also quotes the comment of Shem Tov, believing it to be found in Maimonides' Introduction. Apparently, this was a well known passage, whose accuracy no one bothered to check.

<sup>60</sup> See Jacob Katz, *Ha-Halakhah ba-Metzar* (Jerusalem, 1992) p. 243.

At this time Weinberg was certainly not unaware of the views of Hirsch. He even recorded a conversation he had with a leading Russian rabbi who was very impressed with Hirsch's piety. Weinberg asked this rabbi why the East European Jews should not strive to develop a German-style Orthodoxy, and the rabbi replied in a surprised manner:

First, we don't have any rabbis of the caliber of Hirsch. Second, do you really want to replace the *Sha'agat Aryeh*<sup>61</sup> with the *Horeb*<sup>62</sup>? As long as we have young people who adhere to the Torah in our yeshivot, we have no reason to renounce our Torah in favor of even a small amount of "modern education."<sup>63</sup>

However, it remains doubtful whether Weinberg's knowledge of the philosophy of Hirsch, or of German Orthodoxy as a whole, was anything more than perfunctory. In fact, the previously quoted passage shows Weinberg strenuously opposing the very ideas that were advocated by Hirsch. The notion of making Judaism appealing, of putting the "beauty of Japhet into the tents of Shem," was at the center of Hirsch's program and was to apply to all people at all times.<sup>64</sup>

Throughout Weinberg's defense of the yeshivah, we see that he was very mindful of what was by then no longer a new phenomenon. Confronted with a population abandoning the tradition in ever-increasing numbers, the yeshivah students began to regard themselves as the last bastions of Judaism.<sup>65</sup> It is this assumption, namely, that the yeshivot were by themselves preventing a total dissolution of the religion, which is an important theme in Weinberg's writings of this period. Side by side with this notion,

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<sup>61</sup> A well known halakhic work by R. Aryeh Leib Guenzberg (1695-1785).

<sup>62</sup> Hirsch's classic study of the commandments.

<sup>63</sup> "Schulfragen im Ostjudentum," p. 456.

<sup>64</sup> See the complete study of Hirsch's system in Mordechai Breuer, *The "Torah-Im-Derekh-Eretz" of Samson Raphael Hirsch* (Jerusalem, 1970). See also Jacob Rosenheim, *Das Bildungsideal S. R. Hirschs und die Gegenwart* (Frankfurt am Main, 1935), p. 65. This volume has been translated into English by I. E. Lichtigfeld, (*Samson Raphael Hirsch's Cultural Ideal and Our Times* [London, 1951]), and it is from this translation that I shall take any quotes.

<sup>65</sup> See Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," p. 8.

Weinberg defends the yeshivot against the charge, so often heard among non-traditionalists, that yeshivah students lead lives of pain and sorrow. This accusation was levelled particularly at the *mussar* yeshivot, where sadness and grief were supposed to be prevalent. On the contrary, Weinberg replies, although the material circumstances of the yeshivah student were obviously not very good, happiness is not to be identified with financial success. "Anyone who has not seen the joyful life of the *beit midrash*, when it is inhabited by students of the Torah, has never seen joy."<sup>66</sup> Weinberg challenges the yeshivah's critics:

Ask the students of the *Kenesset Yisrael* yeshivah and they will tell you: We are not lacking anything at *Kenesset Yisrael*. There we hear things which fill our souls and bring excitement to our hearts. Our life, in our eyes, is holy, and our purpose is clear.<sup>67</sup>

For a long time the yeshivot had been condemned by many *maskilim* as centers of obscurantism, whose strict regimen, physical dilapidation, and intensive study of useless material was destroying the psyche of young Jews.<sup>68</sup> Other writers, e. g., Micha Josef Berdyczewski, who were more ambivalent towards the yeshivot, still criticized them for refusing to integrate modern currents of thought into the yeshivah curriculum. Although one begins to see a greater appreciation of the yeshivot among certain Haskalah writers of the late nineteenth century, such as Mendele Mokher Seforim, their major criticisms remained.<sup>69</sup> A well known expression of this sentiment is found in the famous poem of Hayyim Nahman Bialik entitled *Ha-Matmid* (1895). In this poem Bialik describes "pent

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<sup>66</sup> "Ha-Yeshivot (3)," *Ha-Modia*, 9 Iyyar, 5672, col. 412.

<sup>67</sup> "Kenesset Yisrael," col. 40.

<sup>68</sup> See Moshe Avital, "Ha-Yeshivah ve-ha-Hinnukh ha-Masorati be-Sifrut ha-Haskalah ha-Ivrit" (Unpublished Doctoral Dissertation, Yeshiva University, 1977); Schacter, "Haskalah, Secular Studies and the Close of the Yeshiva in Volozhin in 1892," pp. 84ff.

<sup>69</sup> Avital, "Ha-Yeshivah ve-ha-Hinnukh ha-Masorati be-Sifrut ha-Haskalah ha-Ivrit," chapter 6.

and unhappy souls" who devote themselves to the Talmud. The yeshivah student is nothing more than a "prisoner, self-guarded, self-condemned, self-sacrificed to study the law."<sup>70</sup>

It is in opposition to this widespread view of the non-traditionalists that Weinberg elaborates on the spiritual beauty and joy found in the yeshivah. Whereas Bialik had emphasized the freedom and happiness attained outside the yeshivah walls, it is Weinberg who turns this on its head. It is actually the yeshivah students who are the happiest and most content of the young generation, happy to study Torah and filled with a true zest for life. The lack of idealism which is seen in the younger generation, and which is responsible for the numerous defections from tradition, is not to be found in the yeshivah. This is so despite the fact that the yeshivah students lack the "freedom" of their peers. Even the hated *pilpul* is shown by Weinberg to be an essential part of Torah study, which also has positive social effects. The nostalgic view of the yeshivot of old, still shared in large part even by the non-traditional community, was not something of the distant past. Rather, Weinberg declares, this image was reality and could be experienced first-hand by anyone who ventured into the yeshivah.<sup>71</sup>

Weinberg continues his analysis by emphasizing that the yeshivah is a self-sufficient world which outsiders simply cannot fathom. With such a view he finds it completely understandable that the non-traditionalists have a negative impression of the yeshivah. Still, he claims to be amazed that the modern writers have shown no desire to understand the workings of the yeshivah, and have passed judgement upon it through ignorance. Ignoring the fact that men such as Bialik and Berdyczewski *were* products of the yeshivah and it was this familiarity which bred their contempt, Weinberg argues that it is a lack of any intimate knowledge of the yeshivah, on the part of the writers and the

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<sup>70</sup> See *ibid.*, pp. 256ff. where Avital discusses this poem in the context of Bialik's overall view of the yeshivot, which was not entirely negative.

<sup>71</sup> "Ha-Pilpul ha-Talmudi," *Ha-Ivri*, March 31, 1911, pp. 153-154. "Ha-Yeshivot (2)," *Ha-Modia*, 20 Shevat, 5672, col. 265; "Ha-Yeshivot (3)," col. 412.

general community, which explains why attempts to alter the negative perception will be in vain. The outsider looks at the yeshivah and sees only disorder. However, one who understands the yeshivah knows that within the apparent disorder are to be found the forces of an advanced moral and spiritual worldview. Since the yeshivah education is both natural and complete, Weinberg is able to forcefully assert that yeshivah students have no need for those who come "to educate' with [modern] pedagogic literature in their hands."<sup>72</sup>

In words which seem to be directed against Reines and Rabbi Chaim Tchernowitz, the director of a yeshivah in Odessa which had similarities to the one founded by Reines,<sup>73</sup> Weinberg elaborates on what he believes to be one of the most significant problems facing traditional Judaism in Eastern Europe, namely, the widespread desire to tamper with the structure of the yeshivot. Facing such a challenge, one could no longer adopt a middle-of-the-road position. Rather, one had to stand with either the forces of tradition or those of reform. Weinberg's response is simply to "drive out the foreign spirit" which some wished to see enter the yeshivah walls. "Either the yeshivot should be worthy of their name in the complete historical sense or they should not exist at all!"<sup>74</sup>

These strong words show a complete rejection of any adjustments in the yeshivah curriculum, such as were carried out by Reines and Tchernowitz. Weinberg realizes that what he is advocating stands against the onslaught of modernity. He also realizes that few will be able to follow in this path. Still, since this is the only way to secure the future of

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<sup>72</sup> "Ha-Yeshivot (1)," *Ha-Modia*, 6 Shevat, 5672, cols. 232-233; "Ha-Yeshivot (2)," cols. 264-265; "Ha-Yeshivot (3)," cols. 411-415; "Al ha-Yeshivot," *Ha-Modia*, 12 Sivan, 5671, cols. 506-507. "Keneset Yisrael," col. 40; "Teshuvah le-Ahar Zemanah," *Ha-Modia*, 22 Adar, 5671, col. 343. This complete rejection of the value of modern pedagogy with regard to the yeshivah is important, and we will return to it when we later examine how Weinberg's attitude was to change

<sup>73</sup> See Benjamin Hoffsever, "Ha-Rav Chaim Tchernowitz, 'Rav Tzair,' ve-ha-Yeshivah be-Odessa" (unpublished doctoral dissertation, Yeshiva University, 1967).

<sup>74</sup> "Keneset Yisrael," col. 40. See also SE 4, p. 358. Throughout Weinberg's lengthy essays, the only words of criticism directed against the yeshivot, and he does not specify which yeshivot, in particular, he has in mind, are that *mussar* texts are not being studied sufficiently ("Le-Verur Mahuto shel ha-Mussar ha-Yehudi," p. 411). This criticism loses virtually all of its significance when weighed against the many pages which Weinberg devotes to glorifying the yeshivot.

traditional Judaism, he believes it is essential that his approach be followed. We see very clearly that, as with Dessler, and in opposition to Hirsch, it is more important for Weinberg to be left with a small core of support, unadulterated through contact with modernity, than to adopt strategies which will appeal to the larger community.

Weinberg did not view his reactionary stance as doomed to failure. On the contrary, as he explains in his essays, he believed it was working because the yeshivah students appeared to be standing strong against the modern currents of thought. That is, they were succeeding where he almost failed. Once again we see that success and failure are measured by the impact of modern ideas on the yeshivah, not on society at large. The yeshivot have become independent and self-sufficient entities, and their success is largely divorced from what happens in the wider Jewish community. It would seem that the plan of R. Hayyim of Volozhin to create a yeshivah independent of the local rabbi and community has now reached its pinnacle.<sup>75</sup> The lesson Weinberg draws from the success of the yeshivot is not that Orthodoxy could confront modernity and emerge unscathed, as had been accomplished by the German Orthodox. Rather, Orthodoxy could succeed by *ignoring* modernity entirely. With the tenacity of a young ideologue, Weinberg was able to consign the abandonment of tradition to a feebleness of will, a lowly ethical outlook, and a lack of patience and endurance with which to confront life's problems. Ideological sincerity is discounted as an option.<sup>76</sup>

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<sup>75</sup> See Emanuel Etkes, "Shitato u-Fealo shel R. Hayyim mi-Volozhin ki-Teguvat ha-Hevrah ha-'Mitnagdit' le-Hasidut," *Proceedings of the American Academy for Jewish Research* 38-39 (1972), p. 19 (Hebrew section). Stampfer, "Shalosh Yeshivot Lita'iyot ba-Me'ah he-Tesha-Esreh," pp. 18-19, argues that there is no evidence supporting Etkes' contention that R. Hayyim consciously chose to create a fundamentally new type of yeshivah.

<sup>76</sup> "Ha-Yeshivot (1)." Cf. Søren Kierkegaard's explanation of anti-religious sentiment in Christian circles: "People try to persuade us that the objections against Christianity spring from doubt. That is a complete misunderstanding. The objections against Christianity spring from insubordination, the dislike of obedience, rebellion against all authority." *Journals*, translated by Alexander Dru (London, 1938), p. 193, no. 630.

During a time when Jewish nationalism had assumed a powerful position in the Jewish community, it is particularly disturbing to Weinberg that the secular Jewish nationalists did not recognize what he refers to as the national power found in the yeshivot. Logically, he feels, the Jewish nationalists should have the greatest affinity for the yeshivot, since it is the latter which are responsible for the survival of the Jewish people and which link Jews throughout the Diaspora. Although it is not noted by Weinberg, the scorn shown by Zionists for traditional life in general, and the yeshivot in particular, was a relatively recent phenomenon. When the Hibbat Zion movement first arose in the mid-1880's, its leaders displayed a romantic longing for the religious life of the masses. Much of what was disdained by the earlier *maskilim* was rediscovered, as it were, by the *Hovevei Zion*, who were even prepared to broker a political accommodation with the Orthodox.<sup>77</sup> With time, however, this admiration was to dissipate, as the reluctance of the Orthodox to compromise on matters of religion became obvious. It was then that the nationalists picked up where the *maskilim* left off and began to denigrate Orthodox culture in all of its particulars. The biography of Eliezer Ben Yehudah is most illustrative in this regard.

It is in response to this later manifestation that Weinberg stresses the importance the yeshivot could play in the revival of Jewish nationalism. As he puts it, once the nationalists recognize the important place of the yeshivot there will then be the possibility of joint efforts between the two camps in matters of common concern.<sup>78</sup> Totally lacking from his critique is any sense of the different understandings of nationalism at issue. Why the Zionists should feel affinity with a group whose "nationalism" is only expressed through the study of Torah is not even mentioned by Weinberg. It is difficult to see this sort of essay, lacking as it does any serious analysis, as being directed at anyone other than

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<sup>77</sup> See Luz, *Parallels Meet*, pp. 31-33.

<sup>78</sup> "Ha-Yeshivot (1)."

members of the traditional community who wish to be reassured of the justice of their position.

It is not only the secular nationalists who are the objects of Weinberg's wrath. He also confronts the Orthodox community with their own failings, chief among them being that they do not sufficiently appreciate the yeshivot. This is seen in both the paltry sums they donate to the yeshivot and in the way they treat the yeshivah students.<sup>79</sup> However, the ultimate blame for this unfortunate situation is to be directed at the rabbis who have done nothing to prevent the community from developing such hostility toward the yeshivot and its students.<sup>80</sup> Indeed, whereas in earlier years the rabbis were "the key to the hearts of the masses," it is now apparent to both the Orthodox and their opponents that the influence of the rabbinate has degenerated, so that even the best of rabbis have lost a great deal of their former authority.<sup>81</sup> Yet one should not be surprised at this development for, as Weinberg points out, the rabbinate is full of men who should have chosen other careers, and they are assisted in their duties by blatantly dishonest community leaders. With this comment Weinberg opens a blistering attack on the state of the rabbinate in Russia and Lithuania.<sup>82</sup>

Since the struggle to obtain rabbinic positions was necessarily tied in with politics and influence, dishonesty and backroom political dealings between communal leaders and rabbis, not to mention the outright buying of rabbinic positions, has a long history. The latter practice is even referred to in the Talmud<sup>83</sup> and its prohibition is recorded in the standard codes.<sup>84</sup> Yet despite all the criticism, and a number of *herems* promulgated

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<sup>79</sup> "Kenesset Yisrael," *Ha-Modia*, 19 Heshvan, 5672, cols. 55-57 (this article also appears in Dvortz, ed., *Kenesset Yisrael*, pp. 10-13); "Ha-Yeshivot (2)," cols. 264-265.

<sup>80</sup> "Ha-Yeshivot (2)." See also *Li-Frakim*, pp. 3-4.

<sup>81</sup> Regarding this observation, see also Luz, *Parallels Meet*, p. 204.

<sup>82</sup> "Al ha-Rabbanut," *Ha-Modia*, 10 Av, 5671, cols 631-634.

<sup>83</sup> *Sanhedrin* 7b.

<sup>84</sup> Maimonides, *Hilkhot Sanhedrin* 3:8-9; *Tur*, *Hoshen Mishpat* 8; *Shulhan Arukh*, *Hoshen Mishpat* 8:1.

forbidding the sale of rabbinic offices -- one rabbi went so far as to blame the massacres of 1648 on this sin<sup>85</sup> -- it nevertheless remained a common practice and is often referred to in rabbinic literature.<sup>86</sup> In the nineteenth century R. Solomon Judah Rapoport referred with pride to the fact that he broke with the universal practice and refused to shower the community leaders with presents in order to ensure his appointment.<sup>87</sup> By this time the purchase of rabbinic positions had become so prevalent that R. Shalom Schwadron and R. Isaac Schmelkes, two leading nineteenth century halakhists, were led to defend it. In their mind, it was now regarded as acceptable because the community leadership would not even consider a rabbi's candidacy unless he paid them off.<sup>88</sup> In fact, although payments for

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<sup>85</sup> See R. Berakhiah Berekh Shapira, *Zera Berakh* (Amsterdam, 1730), Introduction. See also R. Hayyim Eleazar Shapira, *Minhat Eleazar* (Brooklyn, 1991), vol. 1, no. 6, where a *herem* is printed, signed by such eminent rabbis as Mordecai Jaffe, Solomon Luria, Samuel Edels, Isaiah Horowitz, Ephraim Luntshitz, and Meir of Lublin. This *herem* is also found in Israel Heilprin, *Pinkas Va'ad Arba Aratzot* (Jerusalem, 1990), pp. 62-65. For further discussion see Haim Hillel Ben-Sasson, *Hagut ve-Hanhagah* (Jerusalem, 1959), pp. 221-228; and Ben Zion Dinur, *Be-Mifneh ha-Dorot* (Jerusalem, 1953), pp. 106-108. See also Shapira, *Minhat Eleazar*, vol. 1, p. 10a, note 1, where he refers to a rabbinical conference in 1901 which also publicized the prohibition of buying rabbinic positions. See Ze'ev Aryeh Rabiner, *Ha-Gaon Rabbi Eliezer Gordon ZT"l* (Tel Aviv, 1968), pp. 149-150, for a communal ordinance prohibiting the rabbi from paying for the needs of the community either as a loan or as a gift, the latter of which is simply a more indirect way of purchasing the position than paying off the community leaders. (These ordinances do, however, allow a community to require the rabbi to give some temporary support to the widow and children of his deceased predecessor.)

<sup>86</sup> See the numerous sources discussed in Shapira, *Minhat Eleazar*, vol. 1, no. 6; R. Abraham Bornstein, *Avnei Nezer* (Tel Aviv, 1964), *Yoreh Deah*, no. 465; Berish Weinberger, ed., *Iggerot Shapirin* (Brooklyn, 1983), p. 249.

<sup>87</sup> See his letter in Simeon Buechler, *Shai la-Moreh* (Budapest, [1895]), p. 34. Rapoport singles out his adversary R. Zvi Hirsch Chajes as having bought the rabbinate of Zolkiew. However, there is no reason to believe this accusation; see Mayer Herskovics, *Maharatz Chajes* (Jerusalem, 1972), pp. 94-95. See also R. Zvi Ezekiel Mikhaelzon, *Pinot ha-Bayit* (Petrokov, 1925), Introduction, p. 7a, who writes with pride: לֹא הָיִיתִי מַצּוּלֵם מֵהַרְבָּנִים שֶׁקּוֹנִים אֶת כִּסְאוֹתֵיהֶם בְּמִמּוֹן בְּעוֹהֵי יָד וְאֵין לְתַאֲרֵי הַחִילוּל הַשָּׁם בִּימֵינוּ אֵלֶּה, אֲשֶׁר הוֹתֵר הַדְּבַר בְּפִוּמֵי, However, he continues as follows (p. 7b): נִבְלָה נַפְשָׁה בִּישְׂרָאֵל, כִּי הָרַב מְרַבֵּה כֶּסֶף מְקַנְתּוֹ, וְחֻכְמַת הַמַּסְכֵּן בְּזוּיָהּ, אוֹי לְדוֹר שֶׁכֵּךְ צִלְתָּה בִּימֵי, וְתוֹרָה מֵה תִּהְיֶי צִלְיָה.

<sup>88</sup> *Da'at Torah* (Toltshava, 1911), p. 96; *Beit Yitzhak* (Przemysl, 1892), *Yoreh Deah* II, no. 16. Other defenses of the practice are found in the responsa of R. Manasseh Eichenstein and R. Joshua Horowitz, contained in Eichenstein's *Alfei Menasheh* (Przemysl, 1895), no. 8. See also Reines, *Shnei ha-Meorot*, section 2, part 2, p. 7b; Zvi Eleazar Lifshitz, "Al Devar Minui ha-Rabbanim," *Yagdil Torah* 2 (5670), pp. 16-18; and Shmuel Yosef Agnon, *Lifnim min ha-Homah* (Jerusalem, 1976), pp. 63-64. After showing, to his satisfaction, that nineteenth century rabbinic salaries were generally very small, Etkes writes: "This phenomenon is even more striking against the background of the fact that in an earlier age the office of rabbi in Poland and Lithuania was considered a respectable source of income as follows from the numerous testimonies concerning the sale of rabbinic offices in the seventeenth and eighteenth centuries. The readiness

rabbinic positions were not generally carried out in public,<sup>89</sup> even this was not unheard of. In the early twentieth century there is at least one example of a rabbi actually advertising in the newspaper for another rabbi, *any rabbi*, to buy his position from the community.<sup>90</sup>

Weinberg elaborates on the corruption involved in rabbinic appointments in both the large cities and small towns, and his disillusionment with the state of the rabbinate is obvious. Although the obvious solution would be to reform the process whereby rabbis are chosen, a goal which had been attempted in previous years,<sup>91</sup> Weinberg realizes this would not be easy to achieve. However, he notes that if the religious leaders do not bring about a change in the procedure, it will not be long before change will be forced upon them. Presumably, he is referring here to the anti-traditional elements in league with the government. Yet as he sees it, all is not lost. Although it is true that the rabbinate no longer has significant influence, and because of the corruption involved in appointments many qualified people refuse to enter the profession, he believes that large numbers of Jews will soon experience a revulsion from secular culture and decide to seek out their heritage. It is therefore crucial that when these Jews return to the synagogue they are met by someone qualified to lead.

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of some individuals to invest large sums in order to obtain a rabbinic post indicates that the rabbinate was then thought of as a worthwhile financial investment." See his "Talmudic Scholarship and the Rabbinate in Lithuanian Jewry," p. 119. However, since it is clear that the practice of buying rabbinic positions was also prevalent in the nineteenth century, a fact not noted by Etkes, his description of the universally low salaries of nineteenth century East European rabbis presumably needs to be revised. (All of the sources mentioned in the preceding few notes, as well as many others, will be analyzed in much greater detail in a comprehensive article dealing with the purchase of the rabbinate throughout Jewish history.)

<sup>89</sup> See R. Shlomo Yosef Zevin, "Tsiyurm Ketanim," *Ha-Modia*, 21 Kislev, 5671, cols. 131-132.

<sup>90</sup> See the Warsaw daily *Haynt*, 26 Heshvan, 5671, p. 4. This truly amazing advertisement, printed together with other more mundane offerings, reads as follows:

**הוֹדָעָה לְרַבָּנִים**  
 בהיות שאנכי הח"ם בדצוני לנסוע מפ"ק וושלוקאוא פלך גראדנא לאה"ק  
 איה"ש אך אנשי העיר הנ"ל נצרכים לכסף בעד החובות המגיע לי וצוד,  
 בערך שני אלפים רוב, לבן כל רב שי"ל הסך הנ"ל יוכל לבא לפ"ק  
 "ברשותי" לקבל משרת הדיבנות דפ"ק בטח.  
 מאתי רפאל גארדאן חופ"ק הנ"ל.

<sup>91</sup> See Etkes, "Talmudic Scholarship and the Rabbinate in Lithuanian Jewry," pp. 123-125.

The decline of the rabbinate's prestige is a constant theme in rabbinic writings and Weinberg's comments in this regard are not particularly novel. The nostalgic yearning for the days of old when the authority of the rabbi was thought to have been unquestioned and held sacred by his flock, has always been the rabbinic response to communal usurpation of the rabbi's power. Although the "golden age" of the rabbinate is a myth, it is true that it was only in the last part of the nineteenth century that the authority of the East European rabbinate was reduced in a very substantial fashion. Now, for the first time, there were large segments of the population which had no use for traditional religious life. However, Weinberg parts company with the normal lamentations about the decline of the rabbinate by pointing a finger at his own colleagues and accusing many of them of being part of the problem. As he puts it:

We have already been worthy to see men empty of Torah and lacking wisdom ascend to the highest rungs of the ladder of the rabbinate . . . and there is no one to sternly rebuke them for their insolence which breaks through all boundaries. . . . Ignorance is not satisfied with what it already has, but it wishes to spread throughout, and conquer, the entire rabbinic world.<sup>92</sup>

In a follow-up article Weinberg again picks up with his criticism of the rabbinate. However, here he adds a new flaw to his list, namely, that of rabbis who spend their time acquiring secular knowledge at the expense of Torah study. In opposition to the demands of the *maskilim* and his rabbinic colleague Reines, Weinberg stresses that there is no reason why the traditional rabbi is no longer a suitable leader for his flock. Leadership and spirituality are essential for the rabbi, and it is obvious that neither of these qualities are guaranteed by secular degrees. Weinberg is not here negating the value of secular studies *per se*, only arguing that they have no relevance to the role of the rabbi. Although he does

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<sup>92</sup> "Al ha-Rabbanut," cols. 632-633. Following this article *Ha-Modia* printed an anonymous response which was very biting and sarcastic, and accused Weinberg of demeaning the Jewish people; see "Li-She'elat ha-Rabbanut," 14 Elul, 5671, cols. 713-714. Weinberg was strongly defended in a letter which appeared *ibid.*, 6 Tishrei, 5672, col. 770.

not mention it, the fact that this criticism comes from the pen of a crown rabbi, who had attained the requisite education advocated by the *maskilim*, makes it all the more interesting.<sup>93</sup>

Weinberg has enough criticism to go around and he turns next to the contemporary Hebrew writers. These writers were regarded by the Orthodox as the ideological successors of the early *maskilim*, and Weinberg's criticisms reflect the dispute between the *maskilim* and the rabbis which had been going on for two generations. As with many of his contemporaries, he accuses the writers of bearing a great deal of responsibility for the rabbinate's decline. Although these writers have no real contact with the Jewish masses and, as Weinberg puts it, their literary skills are minor, they have nevertheless succeeded in defining themselves as the progressives and placing the rabbis in the category of reactionaries, a categorization whose inapplicability Weinberg does not feel the need to explain. In addition to their lack of understanding of the traditional role of the rabbi, the Hebrew writers' anti-rabbinic campaign is also due to their own bitterness at not being able to achieve any influence in contemporary Jewish life.<sup>94</sup>

In attempting to bridge the gap between the two camps, Weinberg argues that a *modus vivendi* could only be established when the boundaries of each group would be firmly established. There is a place for modern Hebrew literature as long as it does not presume to be the authority on matters of religion and society.<sup>95</sup> With such a clearly understood separation, and with the rabbinate's preeminence assured, Weinberg believes that the latter would be happy to listen to intelligent suggestions and criticism of the writers. In other words, for Weinberg there is no opposition *per se* to modern Hebrew literature. As for the writers, Weinberg claims that if they were truly concerned with the state of the

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<sup>93</sup> "Al ha-Rabbanut (2)", *ibid.*, 13 Tishrei, 5762, cols. 791-794.

<sup>94</sup> "She'elat ha-Rabbanut ve-ha-Ittonut ha-Ivrit," *Ha-Modia*, 23 Iyyar, 5670, cols. 73-74; "Al ha-Yeshivot," col. 507.

<sup>95</sup> See above, p. 31, where I quoted Lifshitz' similar argument.

Jewish people, they would readily adopt this suggestion. "Let the [Hebrew] literature stretch forth her hand in peace. The rabbinate was always ready, with [its own] hand outstretched in peace, to accept those who returned."<sup>96</sup>

Despite this plea, Weinberg realized that there was little chance the secular Hebrew writers would change their ways, and it is unlikely that his articles were even directed towards them. If he really desired to have an influence on the non-Orthodox he would have taken to writing for their papers, as was done by Lifshitz and R. Joseph Preil, a well known Orthodox intellectual whose brilliant essays were taken seriously in all circles.<sup>97</sup> Throughout his writings of this period, Weinberg shows a great distrust of the disseminators of the Haskalah. This distrust is so great that even though many of the *maskilim* were saying the same things he was, especially with regard to the rabbinate, he does not grant their views any legitimacy. Thus, in discussing the reasons why many of the *maskilim* supported the Mussar movement, Weinberg claims that their motives were simply to hurt Orthodoxy by backing a movement which was creating controversy.<sup>98</sup>

Despite Weinberg's strident tone in his articles in *Ha-Modia*, there is evidence that he was not totally set in his ways. Indeed, this strident tone may have been Weinberg's way of compensating for his own inner ambivalence concerning many of the issues he was now publicly defending. The opposing tendencies of his personality which we saw earlier were still present, and the Haskalah that he criticized so much still held some appeal to him. Thus, Matheson recalls that in the summer of 1911 Weinberg sent an article he had written to Nahum Sokolow, editor of the Haskalah paper *Ha-Tzefirah*. The article dealt with the way in which the wise and righteous are portrayed in rabbinic literature. Weinberg was

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<sup>96</sup> "She'elat ha-Rabbanut ve-ha-Ittonut ha-Ivrit," column 74.

<sup>97</sup> Regarding him see Salmon, *Dat ve-Tziyonut*, pp. 215-221.

<sup>98</sup> *Li-Frakim*, pp. 404-405 (309-310). Even as conservative a writer as Katz, *Pulmus ha-Mussar*, p. 285, recognized that Weinberg had unfairly evaluated the motivations of the *maskilim*. See also Katz, *Tenuat ha-Mussar*, vol. 1, pp. 211-212.

hoping that he could get close to Sokolow and that the latter could somehow help him get out of his distressing predicament. Unfortunately for Weinberg, Sokolow informed him that although the article had good elements it was not up to the standard of those published in his journal.<sup>99</sup> If Weinberg hoped to become a shining star on the Hebrew literary scene, his confidence must have been severely shaken. Any interest he still had in Haskalah was from then on submerged.

Still, it was the same attitude that allowed him to break with the traditional rabbinic pattern and send an article to Sokolow, that also enabled him to clearly see the problems plaguing the Orthodox world. The need to revamp the rabbinate and the importance of the Hebrew press were areas of concern to all *maskilim*, and Weinberg shared these concerns. The difference between them was that Weinberg wished to work within traditional boundaries to bring about the desired changes. He was too much a part of the rabbinic fold to think differently.

Recognizing that the *modus vivendi* he wished to see between the secular Hebrew writers and the Orthodox would never become reality, Weinberg suggested another plan of action. Unable to benefit from the highly developed Hebrew literature of the non-Orthodox, it was important to create an Orthodox Hebrew literature. Although there were a number of Orthodox newspapers and journals in Eastern Europe, this new literature was to be different than what was then in vogue in Orthodox circles, for the latter's primary purpose was simply to criticize the views of the non-Orthodox. As Weinberg puts it, this approach only succeeded in attracting an embarrassingly low level of writing that reflected very poorly on the Orthodox. Weinberg is emphatic that this type of polemical literature will never be able to sustain Orthodoxy's younger generation.<sup>100</sup>

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<sup>99</sup> See Matheson's letter in *Ha-Doar*, 19 Adar, 5726, p. 302. This article was later to appear in the May 24, 1912, issue of *Ha-Ivri* under the title, "Tzaddik ve-Hakham al Pi Mussagei Hazal."

<sup>100</sup> "Al Sifrut ha-Ortodoksit," *Yagdil Torah* 3 (1911), pp. 20-22 (Arabic numerals). The entire three years of the journal (1909-1911), which was edited by R. Isser Zalman Meltzer and R. Benjamin Tomashoff, have been reprinted (New York, no date).

Jacob Lifshitz had often questioned, and complained, about why the Orthodox world was showing a total disregard for all attempts at creating an Orthodox literature. According to Weinberg, the reason is obvious. The Orthodox world will never be, and has never been, attracted to the type of negative propaganda being produced by the Orthodox publicists. Lifshitz, a veteran of precisely this type of literature, had devoted his life to reviling the non-Orthodox spokesmen, both in his articles and through the anonymous, scurrilous publications of the so-called "Black Cell".<sup>101</sup> Indeed, when Lifshitz himself spoke about the need for the creation of an Orthodox literature, forty years before Weinberg, he specifically included as one of his reasons the obligation to engage in polemics against the non-traditionalists.<sup>102</sup> As he was later to point out, these polemics were actually designed to strengthen Orthodox public opinion, rather than hopelessly attempting to change the attitudes of the *maskilim*.<sup>103</sup> It is in response to the approach of Lifshitz that Weinberg decides to express his views, and he is hopeful that the former, although many years his senior, will follow in his path.<sup>104</sup>

In fairness to Lifshitz, it must be pointed out that when he began to publish his polemical articles the traditional world had just been shaken by the 1869 articles of Moses Leib Lilienblum attacking the *Shulhan Arukh*.<sup>105</sup> This type of article had, in earlier years, been commonplace in Germany and would no longer cause anyone there to raise an eyebrow. However, in Russia, attacks on the *Shulhan Arukh*, in Hebrew no less, were

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<sup>101</sup> Although he never admitted to belonging to the organization, there is little doubt that he was one of its leaders; see Rav Tzair [Chaim Tchernowitz], *Pirkei Hayyim* (New York, 1954), p. 141, and Shifman, "Ha-Pulmus bein ha-Haredim u-vein ha-Tziyyonim me-ha-Kongress ha-Tziyyoni ha-Rishon ad Hofa'at 'ha-Peles,'" pp. 89-90.

<sup>102</sup> *Ha-Levanon* 8 (1872), pp. 17-19.

<sup>103</sup> *Zikhron Ya'akov*, vol. 2, pp. 101-102.

<sup>104</sup> "Al Sifrut ha-Ortodoksit," pp. 20-22.

<sup>105</sup> See S. Breiman, "Pulmus ha-Tikkunim ba-Dat be-Sifrut ha-Ivrit," *He-Avar* 1 (1953), pp. 115-132; Kaznelson, *Ha-Milhamah ha-Sifrutit bein ha-Haredim ve-ha-Maskilim*, chapter 4.

unheard of. It was this shock that led numerous traditional rabbis, with the full support of Salanter, to go on the offensive and publish polemical responses in the newspaper *Ha-Levanon*.<sup>106</sup> In fact, the literary response to Lilienblum's articles actually had broad historical implications, for as Stanislawski has pointed out: "This appropriation of a Hebrew newspaper as a central tool in the defense of the faith was a crucial milestone in the transformation of traditional Judaism in Russia into an Orthodox Judaism."<sup>107</sup>

Weinberg, however, would have been able to reply that what was once necessary had lost its usefulness by 1910. Indeed, he was very proud that the negative and polemical literature received little backing from either the rabbinate or the Orthodox laity. Put simply, such literature "is not worthy of honor and support."<sup>108</sup> In Weinberg's view it would be a disgrace for the "people of the book" to take time away from profound Torah study in order to read the superficial newspapers and journals that presumed to represent them. Orthodox writers spent their time either complaining about the lack of support for the creation of an Orthodox literature or attempting to imitate the style of the Haskalah writers. It was thus no wonder that they did not have any impact on the Jewish community. They were not the ones who could create a richly original literature in which polemics had no place.

Following in the footsteps of Salanter,<sup>109</sup> Weinberg stresses that there is no reason why Jewish revival could not be accomplished based on traditional sources. The authentic Jewish thought reflected in the literature of men such as Maimonides and Halevi could provide inspiration for modern intellectuals. Not surprisingly, Weinberg notes that there is no need for secular studies in order for one to reach the heights of spirituality and culture.

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<sup>106</sup> Regarding the dispute see Michael Stanislawski, *For Whom Do I Toil?: Judah Leib Gordon and the Crisis of Russian Jewry* (Oxford, 1988), pp. 91ff.

<sup>107</sup> *Ibid.*, p. 93.

<sup>108</sup> *Al Sifrut ha-Ortodoksit*, p. 22.

<sup>109</sup> See SE 4, p. 372; "Rabbenu Yisrael Z"L ve-Torato ha-Mussarit," in Judah Elbinger, ed., *Ha-Levanon* (Warsaw, 1912), pp. 3ff.

Rather, all that is necessary in this regard is contained in the Torah. The teachings of Judaism cannot be understood, as the Zionists would have it, as a form of Hebrew nationalism, different from other cultures only in form but not in kind. On the contrary, it is precisely because Judaism is different in kind that any attempt to understand it other than through internal investigation is doomed to failure.

Further elaborating upon his earlier point, Weinberg asserts that the leading medieval Jewish philosophers did not make use of abusive and sneerful language and did not author provocative polemics against their opponents. Rather, they devoted their time to serious exploration of matters of the faith, and this itself was enough to show the authenticity of their positions. Men such as these never had reason to complain that they were being ignored, and the lesson in this for modern times is self-evident. Weinberg thus agrees with the previously mentioned position of R. Joseph Saul Nathanson and R. Israel Meir ha-Cohen that one need not be concerned with refuting the non-traditionalists.<sup>110</sup> To do so would only distract the rabbis from their true problem, that of keeping Orthodox Jews in the fold. Furthermore, the strengthening of the Orthodox position would, by itself, provide any necessary refutations.<sup>111</sup>

Although Weinberg's goal of creating an Orthodox literature of intellectual worth seems reasonable enough, it was much easier said than done. Whether for lack of interest or lack of ability, none of the leading East European rabbinic figures were essayists. Indeed, most traditional rabbis were only able to write words of *mussar*, when, as R. Kook pointed out, what was needed was a literature showing signs of intellectual ferment.<sup>112</sup> As Weinberg recalls, his colleagues even expressed their disapproval that he

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<sup>110</sup> See above, p. 32.

<sup>111</sup> "Le-Verur Mahuto shel ha-Mussar ha-Yehudi," p. 409; "Al ha-Sifrut ha-Ortodoksit," pp. 45, 81-83, 101-102.

<sup>112</sup> *Iggerot ha-Reiyah* (Jerusalem, 1962), vol. 1, no. 188, (letter to R. Isser Zalman Meltzer concerning the publication of his new journal, *Yagdil Torah*.)

had chosen to enter this field.<sup>113</sup> Both Weinberg and Kook were well aware that it had been many years since leading rabbis had written what can be described as Jewish thought. This can no doubt be explained by the fact that traditional Jewish society was relatively static, and there was no great need for expositions of Jewish belief. All intellectual efforts went into the study of Talmud and halakhah. The problem with this was that times were changing and Orthodoxy was fighting a losing battle. Its leaders were ill-equipped to respond to contemporary challenges, and this explains the agitation for the creation of an Orthodox press. Although, as Weinberg admits, many of the East European rabbis were not able to author a coherent analysis of the issues confronting Orthodoxy, he believes that the creation of a new form of literature will itself bring about a change in traditional thought patterns. It is this change which will foster a new generation of Orthodox writers who will be able to meet the modern challenges.<sup>114</sup>

Of course, this new literature which Weinberg discusses will advocate the position of the rabbinic elite, and there will be no compromises with modernity or with popular opinion. In a striking passage Weinberg writes:

I am not embarrassed -- for fear that perhaps they will caricature me as a "dark reactionary" -- to publicly proclaim my distress concerning the awesome confusion that has descended into our spiritual world from the day that we went forth from the "walls of the ghetto." The earlier days, when the Jewish people were closed up in the "walls of the ghetto" and totally removed from the frontiers of general culture, were better than these days with regard to wisdom and understanding. Concerning the development of the intellect, leaving aside all else -- with this everyone agrees! With regard to ethical and moral development, the very day that the government decreed that the ghetto be destroyed and its gates broken down were as "dark for Israel as the days that they worshipped the Golden Calf." The authentic Hebrew thought, which is without fault or adulteration, ceased. Broken was the historic thread which united and bound us with the earlier rabbis, upon whose authority the nation relied throughout its long years.<sup>115</sup>

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<sup>113</sup> *Et Ahai Anokhi Mevakkesh* (Bnei Brak, 1966), p. 45. Throughout his Pilwishki years, Weinberg published only one article of traditional rabbinic scholarship. It appeared in *Yagdil Torah* and is reprinted in SE 3, pp. 376-379.

<sup>114</sup> "Al ha-Sifrut ha-Ortodoksit," p. 101.

<sup>115</sup> *Ibid.*, pp. 81-82.

With this passage Weinberg stakes out his position in the debate over the value of Jewish social and cultural integration in Gentile society. In fact, there is no question that Weinberg's nostalgic view of pre-modern Jewish life was the prevailing sentiment of the East European rabbis, and perhaps also the laity.<sup>116</sup> What is most interesting is that this view stands in total opposition to the position of R. Samson Raphael Hirsch, which Weinberg himself was later to endorse.

Hirsch felt that the ghetto had taken from Jews the elements of a healthy political, economic, and social existence. Following from this notion, "Hirsch was convinced that the conditions of modern life afford better prospects for the development of Torah-living, of a life that would be more accomplished and more satisfying than under the conditions of the ghetto. . . . [T]he alienation of Israel from the achievements of general culture did not derive from the genuine character of Judaism."<sup>117</sup> As I have already noted, it is questionable whether Weinberg, at this time, had a real understanding of the views of Hirsch or any of the other German Orthodox intelligentsia. Although the Hebrew translation of Hirsch's *Nineteen Letters* had long been available, Weinberg does not show any signs of having read it. He thus does not see any conflict between what he writes and suggesting that the works of the German Orthodox be translated into Hebrew as a means of reviving the Jewish spirit.<sup>118</sup>

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<sup>116</sup> See Mordechai Breuer, "Emancipation and the Rabbis," *Niv Hamidrashia* 13 (1978-1979), pp. 26-51. Among the few East European rabbinic leaders known to have supported Emancipation are R. Zvi Hirsch Chajes, R. Zvi Hirsch Kalischer, and R. Dov Ber Meisels. See Bruria Hutner-David, "The Dual Role of Rabbi Zvi Hirsch Chajes: Traditionalist and *Maskil*" (unpublished doctoral dissertation, Columbia University, 1971), pp. 91ff.; Jacob Katz, "Tsevi Hirsh Kalischer," in Leo Jung, ed., *Guardians of our Heritage* (New York, 1958), pp. 215ff.; Efraim Kupfer, *Ber Meisels* (Warsaw, 1952); Moshe Kamelhar, *Rabbi Dov Ber Meisels* (Jerusalem, 1970).

<sup>117</sup> Breuer, *The "Torah-Im-Derekh-Eretz" of Samson Raphael Hirsch*, p. 23. See also *ibid.*, p. 28 and *idem*, "Emancipation and the Rabbis," pp. 45-50.

<sup>118</sup> "Al ha-Sifrut ha-Ortodoksit," p. 101.

Some years previous, R. Israel Salanter had also recommended translating Hirsch's works into Russian and Hebrew in order to reach the young Jews of Eastern Europe,<sup>119</sup> and Weinberg probably knew of this. However, unlike Weinberg, Salanter was well aware of the nature of German Orthodoxy. Although, as we shall see, he did not wish to see East European Orthodoxy transformed along the lines of the German model, he was more amenable to reforms in the traditional system of education than was Weinberg, whose position is that of an ultra-conservative attempting to keep the traditional floodgates firm against the onrush of societal change.<sup>120</sup>

Yet even though Weinberg does not appear to have read the works of the German Orthodox, his advocacy of their writings is not a surprise. Forty years prior to this Lifshitz had also pointed to the German Orthodox newspapers as a model. It was the German Orthodox who were the first to confront the fact that their version of Judaism could no longer be identified with the Jewish community at large. As a means of responding to this new threat, they produced a number of intellectually stimulating works of Jewish content. The German Orthodox, in particular Hirsch, were thus the natural model for the East European Orthodox in dealing with what was for them a new phenomenon.<sup>121</sup> If, however, Weinberg were to have examined the writings of Hirsch, he would have seen that the aspiration to integrate into the modern world, to bring the "beauty of Japhet into the

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<sup>119</sup> Katz, *Tenuat ha-Mussar*, vol. 1, p. 223, Etkes, *R. Yisrael Salanter*, pp. 261-262.

<sup>120</sup> See Katz, *Tenuat ha-Mussar*, vol. 1, pp. 218ff.

<sup>121</sup> See e. g. Moses Ahronson's translation of *Iggerot Tzafun* (Vilna, 1891), Introduction, p. 12 (As M. Breuer points out in *Tradition* 16 [Summer, 1977], p. 146, the vocalization *Tzafon* is a mistake); R. Menahem Mendel Landau, *Mekitz Nirdamim* (Petrokov, 1903), pp. 28b-29a; Bat-Yehudah, *Ish ha-Meorot*, p. 163. From Weinberg's own era, see R. Isaac Eleazar Hirschowitz, *Meitav Higayon* (Vilna, 1913), p. 24, and R. Hayyim Ozer Grodzinski's approbation to this work. For other examples of interest in Hirsch, see the translations of Hirsch's writings in *Ha-Modia*, 2 Nisan, 5672, cols. 383-384, Erev Shavuot, 5672, cols. 481-486, 15 Sivan, 5672, cols. 500-503, 2 Adar 12, 5673, cols. 377-379, 2 Adar 19, 5673, cols. 392-395, 2 Iyar, 5673, cols. 479-582, 9 Iyyar, 5673, cols. 495-499, 8 Sivan 5673, cols. 557-562. See also Hermann Klein, "Das Ostjuden-Problem," *Judische Monatshefte* 3 (1916), p. 99: ". . . sagte mir der Rabbi von Czortkow: 'Ersuchen Sie in meinem Namen die deutsche Orthodoxie, dass die Werke Rabbiner Hirsch's ז"צ" in die heilige Sprache übertragen werden, damit wir etwas für unsere Jugend haben. Der ist Modern und echtjüdisch, ja sogar chassidisch.'"!

tents of Shem," is ever-present. Yet Weinberg complains that this approach has only corrupted traditional Jewish thought!

All this raises the interesting issue of the relationship between East European Orthodoxy and German Orthodoxy, which will also be discussed in a later chapter. For now, it is important to call attention to the fact that among the East European Orthodox there was always a great deal of admiration for the accomplishments of Hirsch and German Orthodoxy as a whole, combined with a lack of real understanding of what German Orthodoxy was all about. The fact that most East European Jews were unable to read the German Orthodox literature had a great deal to do with this ignorance. The majority of East European rabbis were, however, convinced of one thing, namely, that German Orthodoxy should remain in Germany where it was doing a good job. As for attempts at transferring it to the East, this they strongly opposed.<sup>122</sup>

If the East European rabbis would have been aware of the true nature of much of German Orthodoxy, it is likely that many of them would not have been even this tolerant and would have agreed with the Lubavitcher rebbe, R. Sholom Dov Ber Schneersohn, who saw German-style Orthodoxy as a negative influence even for German Jews. As he put it, their combination of holy and secular caused the Torah and the commandments to become nothing less than a body without a soul, leaving the majority of the German Orthodox "without Torah, without prayer, and with few good deeds."<sup>123</sup> Along this theme, a recent author has argued, perhaps exaggerating somewhat, that if the East European rabbis were

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<sup>122</sup> As will be seen later, R. Hayyim Ozer Grodzinski was particularly fearful of German Orthodox influence. Yet he did write an approbation for the Hebrew translation of Hirsch's writings; see *Ahiezer: Kovetz Iggerot*, vol. 2, pp. 589-590. R. Abraham Isaac Kook's views in this regard are also noteworthy, but his relationship to *Torah im Derekh Eretz* is more complicated and requires special treatment. For some recent comments, see Shlomo Aviner, "Maran ha-Rav Kook ve-Havdalah ben Kodesh le-Hol," *Ha-Ma'ayan* 22 (Tishrei, 5742), pp. 66-69; Raphael Auerbach, "Harav Kook ve-Yahaso le-Shitat 'Torah im Derekh Eretz' ve-Isheha," in Hayyim Hamiel, ed., *Be-Oro* (Jerusalem, 1986), pp. 528-548; Reuven Gerber, "Hitpathut Hazon ha-Tehiyah ha-Leumit ba-Mishnat ha-Rav Avraham Yitzhak Hacoen Kook," (unpublished doctoral dissertation, Hebrew University, 1991), pp. 257-262.

<sup>123</sup> *Iggerot Kodesh* (Brooklyn, 1987), vol. 5, pp. 9, 14. See also *Iggerot Kodesh* (Brooklyn, 1982), vol. 2, p. 465, that the German Orthodox are lacking in "fear of heaven."

aware of the true nature of German Orthodoxy, they never would have agreed to join the German founded and led Agudat Israel movement.<sup>124</sup> In fact, Schneersohn made a similar point in explaining why R. Israel Meir Hacoen and R. Isaac Jacob Rabinowitz supported the Agudah.<sup>125</sup> Of course, the reverse may also be true. Had the German rabbis and communal leaders realized how, in half a century, the Agudah would come under the control of the East European elements and become the ideological opponent of Hirsch's vision of *Torah im Derekh Eretz*,<sup>126</sup> it is unlikely that they would have founded such an organization.

Along these lines, I have noted elsewhere that any expressions of support for Hirsch by the Hungarian rabbis who were persecuting R. Esriel Hildesheimer must be explained as due to this ignorance. Hirsch's philosophy was in essence much more of a revision of traditional thought than anything Hildesheimer had advocated. In addition, Hirsch had instituted some reforms in the prayer service. All this would have been enough for the extremist Hungarian rabbis to brand him a heretic.<sup>127</sup> In fact, it is known that earlier in his career, when he was in Nikolsburg, he did encounter opposition from right-wing members of his community, not to mention other Hungarian rabbis.<sup>128</sup>

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<sup>124</sup> Yerahmiel Yisrael Yitzhak Domb, *Ha'atakot* (Jerusalem, 1990). Cf. Meir Bar Ilan, *Mi-Volozhin ad Yerushalayim* (Tel Aviv, 1971), vol. 2, pp. 398-399. See also Jacob Rosenheim, *Zikhronot* (Tel Aviv, 1955), p. 173, for R. Elijah Akiva Rabinowitz' complaint, at the first Agudat Israel convention, that the majority of the East European rabbis could not understand what was being said in the German speeches, and that they should therefore be translated into Yiddish. (The request was turned down.) See also Schneersohn, *Iggerot Kodesh*, vol. 2, p. 698. It was precisely because of R. Isaac Jacob Reines' knowledge of the nature of German Orthodoxy that he was opposed to the participation of the East European Orthodox in Agudat Israel; see his *Shnei ha-Meorot*, section 2, part 1, chapter 5. See also R. Hayyim Eleazar Shapira, *Iggerot Shapirin*, p. 275: איך ליהתחבר למנהגם וצם הדקטורים הצד'יקים של להם.

<sup>125</sup> *Iggerot Kodesh*, vol. 2, p. 693.

<sup>126</sup> See Mordechai Breuer, "Agudat Yisrael ve-ha-Ortodoksyah ha-Ma'aravit," *Ha-Ma'ayan* 5 (Tishrei, 5725), pp. 15-18.

<sup>127</sup> See my review in *Tradition* 25 (1989), p. 98.

<sup>128</sup> See Leopold Greenwald, *Le-Toledot ha-Reformatziyon ha-Datit be-Germanyah u-ve-Ungaryah* (Columbus, Ohio, 1948), pp. 54ff.; Katz, *Ha-Halakhah ba-Metzar*, p. 240.

However, after assuming his rabbinic post in Frankfurt, away from the more conservative elements he earlier had to confront, he was able to win their support in his battle with R. Seligmann Baer Bamberger, when the latter opposed his ruling that the Orthodox must not retain communal ties with the Reformers.<sup>129</sup> The same Hungarian Jews who now looked upon him with awe,<sup>130</sup> would not see anything incongruous about referring to Schiller, whose writings Hirsch regarded as almost holy, with the epithet "may his name be blotted out."<sup>131</sup> This same lack of understanding is seen in the assertion that Hirsch's advocacy of secular studies was in the way of an emergency measure necessitated by the times. For example, R. Barukh Ber Leibowitz, a prominent Lithuanian *Rosh Yeshivah*, elaborates on this mistaken belief, which must have been widespread in Eastern Europe and finds repercussions in our own day.<sup>132</sup>

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<sup>129</sup> See most recently Jacob Katz, *Ha-Kera she-Lo Nitahah* (Jerusalem, 1995), chapter 23. It must have struck Bamberger as strange that R. Moses Schick, perhaps the most prominent Hungarian rabbi, would write him in order to support Hirsch's stand in the *Austritt* controversy (*She'elot u-Teshuvot Maharam Schick* [New York, 1961], *Orah Hayyim*, no. 306). Other than sharing similar positions with regard to remaining in a community together with the Reformers, the views of Judaism advocated by Hirsch and Schick were very different, and Bamberger was much more of a representative of Schick's old-style Orthodoxy. (In this regard, it is of interest that Katz has argued for the fundamental bond between Hirsch's advocacy of *Austritt* and *Torah im Derekh Eretz*; see *Ha-Halakhah ba-Metzar*, pp. 228ff.) One further point worth noting is that Hirsch's separatism was only a religious, not a national, separatism, and he never intended to place the Reformers outside of the Jewish people. However, this was advocated by many Hungarian rabbis, among them R. Moses Sofer, *She'elot u-Teshuvot Hatam Sofer* (Jerusalem, 1991), vol. 6, no. 89 (end), and Schick, *She'elot u-Teshuvot Maharam Schick*, *Orah Hayyim*, no. 305. It is not clear why this extreme step was always resisted by the German rabbinic authorities, who never gave up hope that the Reformers would return to the fold. See Yonah Emanuel, "Perakim be-Toledot ha-Rav Yaakov Ettliger Z"L," *Ha-Ma'ayan* 12 (Tevet, 5732), pp. 31-32; Judith Bleich, "Rabbinic Responses to Nonobservance in the Modern Era," in Jacob J. Schacter, ed., *Jewish Tradition and the Nontraditional Jew* (Northvale, N. J., 1992), pp. 54-62; and Katz, *Ha-Halakhah ba-Metzar*, pp. 71-72. (According to R. Solomon Eger, the German rabbis were afraid that any action on their part could backfire, and threaten Orthodox control of religious matters in their communities. See *Iggerot Soferim* [Tel Aviv, 1970], section 1, p. 84.)

<sup>130</sup> See Philipp Fischer, *In seinen Spuren* (Satoraljaújhely, 1922), Introduction and chapter 1.

<sup>131</sup> See my "Iggeret Bikkoret al Yeshivat Eisenstadt," *Ha-Ma'ayan* 34 (Tishrei, 5754), p. 18.

<sup>132</sup> *Birkat Shemuel* (New York, 1964), *Kiddushin*, pp. 38-42. For more recent comments, see R. Moses Swift, "Sefarim Hitzonim ba-Halakhah," in H. J. Zimmels, et al., eds., *Essays Presented to Chief Rabbi Israel Brodie on the Occasion of his Seventieth Birthday* (London, 1967), p. 207 (Hebrew section), and Benziyon Jakobovics, *Zekhor Yemot Olam* (Bnei Brak, 1989), vol. 2, p. 132.

R. Israel Salanter spent a good deal of time in Germany and acquired both an appreciation and understanding of German Orthodoxy. He too believed that German Orthodoxy was valuable, even necessary, but only on German soil where the old-style Orthodoxy was, unfortunately, no longer viable. In particular, he called attention to the lack of Talmudic scholars in Germany, a phenomenon that was directly connected with the form of Orthodoxy fostered there, which ensured an advanced secular education for all without, however, paralleling this with advanced Talmudic education. In Eastern Europe it was widely, and probably correctly, believed that German Orthodoxy would be disruptive of traditional religious life.<sup>133</sup> Surprising as it may seem, even Reines, the advocate of secular studies in the yeshivah, took a very strong stand against transplanting German-style Orthodoxy in the East.<sup>134</sup>

With this negative view of German Orthodoxy *vis-a-vis* traditional East European Orthodoxy, it is no wonder that all attempts to bring the former type to the East were

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<sup>133</sup> See Lifshitz, *Mahazikei ha-Dat*, p. 11b; Etkes, *R. Yisrael Salanter*, pp. 305-309; Hirsch, *Shemesh Marpeh* (New York, 1992), p. 282, note 40. Isaac Halevy's comments are typical of East European rabbinic sentiment (*Iggerot R. Yitzhak Aizik Halevy*, p. 158):

שהרי הרוב הגדול מהרבנים הצעירים הנם פמי הארצים. וכמצי כל הסצמפנאריסטים בורים פשוטו כמשמעו, ואין אחד מהם הבקי לא לבד באיזה מסכתות השי"ס, כי אם אפ"י בתנ"ך, ואם ידברו שם, הנה ידיעתם רק מהביבטל את אשר יזיק ברוסיא הוא לשלוח שמה רב מארץ אשכנז, כי בכל p. 205: קריטיק אשר שמעו לא יוכלו לצייר להם רב בלא תורה, ובלא בקיאות, ובלא ידיעת השם הלימוד, וזה יוכל באמת להזיק שם, ולפשות חילול השם German Orthodoxy is "bankrupt."

It is possible that Salanter's opposition to secular studies for the East European Orthodox was based on the negative experience he had with one of his pupils; see Weinberg, "Schulfragen im Ostjudentum," p. 455, note 1. The fact that R. Simhah Zissel, one of Salanter's leading students, founded two schools which combined Torah and secular studies (see Katz, *Tenuat ha-Mussar*, vol. 2, chapters 17-18), does not contradict Salanter's view. Salanter was never opposed in principle to the introduction of secular studies, if this could be done without negatively affecting traditional society. However, he was only willing to trust his beloved pupil to carry out this mission successfully; see Katz, *Tenuat ha-Mussar*, vol. 2, pp. 216-217. Thus, he could not support any broad-based reform of East European Jewish education. In order to prevent any possible misunderstanding of his position, he even refused to sign a letter urging Russian Jews to support the Berlin Rabbinical Seminary; see Etkes, *R. Yisrael Salanter*, p. 307. R. Isaac Elhanan's Spektor had no such reservations. See his letter in Meir Hildesheimer, "Ketavim bi-Devar Yesod Beit ha-Midrash le-Rabbanim be-Berlin," *Ha-Ma'ayan* 14 (Tevet 5734), pp. 34-36. It hardly needs to be mentioned that although he was very supportive, Spektor would have never endorsed the creation of an Orthodox rabbinical seminary in Lithuania. We will later see the same attitude with Grodzinski; see below, pp. 168ff.

<sup>134</sup> *Shnei ha-Meorot*, vol. 2, pp. 23ff (Hebrew numerals.)

doomed to failure.<sup>135</sup> Yet it is noteworthy that Salanter did not refrain from appropriating certain aspects of German Orthodoxy if he thought they could be of value in the East. One prime example is Salanter's advocacy of the publication of Jewish books in Russian in order to reach the assimilated East European Jews.<sup>136</sup> It is more than likely that he came to this decision after seeing the positive effect Jewish texts in the vernacular had in Germany. In recommending this step he parted company with virtually the entire rabbinic elite, which always opposed religious publications in the vernacular.<sup>137</sup>

Salanter's view that German-style Orthodoxy had no place in the East was opposed by Hirsch and Hildesheimer who did not believe that the brand of Orthodoxy they were espousing was only suitable for Germany. In line with this, Hildesheimer exerted great efforts in his unsuccessful attempt to foster a German-style Orthodoxy in Hungary.<sup>138</sup> Hirsch did not involve himself greatly with any practical reforms of East European Jewry, realizing the opposition he would run into. Yet he too strongly believed that the isolation from general culture which was the norm in the East was the unfortunate result of Gentile persecution that prevented Jews from completely fulfilling their God-given mission on earth. In his view, the time would come when East European Jewry would join their German brethren and assume their rightful place in society.<sup>139</sup>

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<sup>135</sup> See Luz, *Parallels Meet*, p. 10. One source which Luz does not refer to is *Ha-Levanon* 9 (1872), pp. 226-227, where one writer advocating educational reform points to German Orthodoxy as a perfect model of what could be accomplished in the East. See also S. T. Neuwedal, "Elbon ha-Yahadut me-Hitrashlut ha-Haredim," *Ha-Modia*, 2 Heshvan, 5671, cols. 23-25, and Schneersohn, *Iggerot Kodesh* (Brooklyn, 1986), vol. 4, pp. 323-324.

<sup>136</sup> See Goldberg, *Between Berlin and Slobodka*, p. 30; Hirsch, *Shemesh Marpeh*, pp. 281-282.

<sup>137</sup> See e. g. the observation of A. A. Friedman, in *Ha-Maggid*, July 30, 1885, p. 257.

<sup>138</sup> See Mordechai Eliav, "Mekomah shel ha-Rav Ezriel Hildesheimer be-Ma'avak al Demutah ha-Ruhanit shel Yahadut Hungaryah," *Zion* 27 (1962), pp. 59-86; *idem*, "Torah im Derekh Eretz be-Hungaryah," *Sinai* 51 (1959), pp. 127-142; and my "'Iggeret Bikkoret al Yeshivat Eisenstadt," pp. 15-25.

<sup>139</sup> See Breuer, *The "Torah-Im-Derekh-Eretz" of Samson Raphael Hirsch*, pp. 47-50, *idem*, "Mi-Be'ad li-Mehitzah," *Ha-Ma'ayan* 21 (Nisan, 5741), p. 42. Knowledge of this attitude might have led R. Abraham Schenker, the director of the *kollel* in Kovno, to misrepresent the institution to Hirsch in seeking a letter of support. In his letter Hirsch refers to the *kollel* as a place where both the holy and profane are studied.

However, Weinberg rejected the approach of German Orthodoxy to modern culture and Judaism,<sup>140</sup> In his article in *Yagdil Torah*, where he advocates the ideology of the rabbinic elite of Eastern Europe, he is most emphatic that modern culture is irrelevant for the Jews. Exclusive Torah study is their mission and only through this would the battle with the non-Orthodox be won.<sup>141</sup> It is precisely this view which would later be transformed.

Due to his many literary works, Weinberg was developing a reputation as a writer of talent. Because of this he was invited to contribute an article to the yearbook *Ha-Atid*, the majority of whose contributors were not Orthodox.<sup>142</sup> In this article, and in a similar one,<sup>143</sup> Weinberg explores the "essence" of Judaism. For him, it is of the utmost importance that there can be no separation of the idea of God from that of ethics, and he claims that Judaism originated this idea. As far as Jews are concerned, the only source for the Jewish ethical system is to be found in the Divine will, and because of this ethical ideals and religious practices are eternally joined. He also denies that external forces had any influence on Jewish ethical ideals, which in his eyes are derived exclusively from the Torah. Because of this he does not grant validity to comparisons between the Jewish ethical system and general ethical insights.<sup>144</sup>

Although Weinberg does not mention Salanter in his articles on this topic, it is clear that little of what he says is original. He is simply expounding Salanter's ideology which

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Presumably, Schenker told Hirsch that secular studies had a place in the curriculum. See Etkes, *R. Yisrael Salanter*, p. 294, note 80; Breuer, *The "Torah-Im-Derekh-Eretz" of Samson Raphael Hirsch*, pp. 47-48.

<sup>140</sup> See most recently David Ellenson, "German Jewish Orthodoxy: Tradition in the Context of Culture," in Jack Wertheimer, ed., *The Uses of Tradition* (New York, 1992), pp. 5-22.

<sup>141</sup> "Al ha-Sifrut ha-Ortodoksit," pp. 82-83.

<sup>142</sup> For some reason the article, "Mahut ha-Yahadut," never appeared in *Ha-Atid* but was published in *Ha-Ivri*, June 14, 1912, pp. 230-231 (see Weinberg's appended note).

<sup>143</sup> "Le-Verur Mahuto shel ha-Mussar ha-Yehudi," pp. 409-411.

<sup>144</sup> "Le-Verur Mahuto shel ha-Mussar ha-Yehudi," pp. 409-411, and "Mahut ha-Yahadut," pp. 230-231. Along this theme, see also *Li-Frakim*, pp. 291-292 (168-169).

was by now well known to students of the Mussar yeshivot.<sup>145</sup> He does, however, show more originality in dealing with the issue of apologetics, which was then a major type of Jewish literature. The desire to show that Judaism was an "acceptable" religion was what motivated a number of East European writers, much as the same rationale motivated the rise of *Wissenschaft des Judentums* in nineteenth century Germany. Weinberg held out no support for these apologists. To begin with, their constant concern with what the Gentile world was thinking blinded them to the actual sources of Judaism. They were so busy trying to show the similarities between Jewish and non-Jewish thought, that they did not even realize they were distorting the Jewish sources in order to bring them into harmony with progressive ideas.<sup>146</sup> Writing in a small town in Lithuania, far from the advances of modern culture and the difficulties this presented to traditional Jewish belief, it was easy for Weinberg to look down upon all such attempts at explaining Judaism. Approaches which were *de rigueur* in the West, often remained entirely misunderstood and unappreciated in the East.

As an example of the type of distortions of Judaism that the apologists were guilty of spreading, Weinberg told the following story. He was once at a gathering where a famous writer<sup>147</sup> was speaking about the mission of Judaism and the importance of Israel among the nations. The speaker tried to show the value of the Torah by pointing out that it is the first source for the commandment "Love thy neighbor as thyself." Therefore, it was imperative for Jews not to remove themselves from their role upon the historical stage. The speaker continued: "As long as one soldier is walking outside the mission of Israel has not been accomplished, and its right to exist has not ceased."

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<sup>145</sup> Perhaps he was also aware of M. Lazarus' classic work, *Ethik des Judentums*. See Henrietta Szold, trans., *The Ethics of Judaism* (Philadelphia, 1900), vol. 1 pp. 109ff.

<sup>146</sup> "Le-Verur Mahuto shel ha-Mussar ha-Yehudi," p. 410, and *Li-Frakim*, p. 393 (298).

<sup>147</sup> Presumably Joseph Klausner; see Weinberg, "Ba-Bayit u-ve-Hutz," *Ha-Modia*, 26 Adar 2, 5673, col. 413, for his response to Klausner's popular lectures on the Messianic idea in Judaism.

When Weinberg heard this he could not control himself. He approached the speaker and objected that the Torah did not at all teach such a lesson. He instead pointed to the verses "Howbeit of the cities of these peoples, that the Lord thy God giveth thee for an inheritance, thou shalt save alive nothing that breatheth," (Deuteronomy 20: 16) and "Unto a foreigner thou may lend upon interest but unto thy brother thou shalt not lend upon interest" (*ibid.*, 23:21).

Although he does not explain the significance of the verses he quoted, it is obvious that Weinberg was trying to show that there are indeed parts of the Torah that do not conform to what is in modern times is considered enlightened. The values of the Torah are not to be found in a few verses which appeal to modern thought. According to Weinberg, such an approach is degrading to the Torah for *every* verse in it is of equal value, even if it is unappreciated by modern man. One must not forget, he points out, that before the writing of the New Testament the verses of the Torah which are now held up as models of morality were ignored and even denigrated by enlightened gentiles.<sup>148</sup>

He further points out that in future years the same phenomenon may occur with other verses in the Bible. Although in Weinberg's day the idea of letting the fields rest every few years and the six day work week were gaining support, in previous years they were ridiculed. Still, the Torah spoke about these topics millenia ago. All this simply reinforces Weinberg's point that the Torah, in its *entirety*, is both divine and eternal. To carefully select portions from it as examples of a highly developed morality is therefore out of place.<sup>149</sup>

Tied in with this approach is his view that it is futile to attempt to convince anti-Semites that there is value in Judaism. This is especially true since it is well known among them that the apologists only quote a few select passages. This leads them to suspect that

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<sup>148</sup> *Li-Frakim*, pp. 390-391 (295-296).

<sup>149</sup> *Ibid.*, p. 392 (297).

the rest of rabbinic literature is not so "progressive." That the acclaimed apologetic work of R. David Zvi Hoffmann<sup>150</sup> did not have any effect on their outlook, leads to the inescapable conclusion that one must fight them with the "strength in one's fist," not with the weapons of logic.<sup>151</sup> As far as Weinberg is concerned, any efforts devoted to apologetic literature aimed at anti-Semites must be regarded as nothing more than a "Sisyphean labor."<sup>152</sup>

All this was stated with regard to apologetics aimed at the outside world. However, Weinberg doesn't hesitate to respond to anti-Semitic literature when his response is directed to the Jewish community. Although he makes it clear that he does not feel the need to show that Judaism conforms with modern norms, there are times when he does just that, showing that he too was uncomfortable with laws that appeared to be immoral. For example, the well known Talmudic laws that economically discriminate against Gentiles are one area which Weinberg feels he must clarify; not as an answer to the anti-Semites who aren't worthy of his time, but rather for the many young Jews who are confused regarding this and similar matters.<sup>153</sup>

Weinberg begins, in what is certainly a well thought out and carefully worded essay, by insisting that none of the discriminatory Talmudic laws are aimed at modern Christians. In rendering this judgment Weinberg fully adopts the view of the medieval sage R. Menahem Meiri. Meiri held that Gentiles of his day who conducted themselves

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<sup>150</sup> *Der Schulchan-Aruch und die Rabbinen über das Verhältnis der Juden zu Andersgläubigen* (Berlin, 1894).

<sup>151</sup> *Li-Frakim*, pp. 384, 388, 394-395 (289, 293, 297, 299-300). See also *ibid.*, p. 52 (23). The reason he gives for his attitude is most revealing of the way East European Jews, even the intellectuals, thought of anti-Semitism: יצן כִּי הַשְׂטָנָה אֵינָה אֶצְלֵם דְּבַר שְׂבִהֲגִיּוֹן אֶלֶּא תוֹלְדָה מִכִּרְחֹם מִהַטְּבַבּ (Ibid., p. 392 [297]) (cf. SE 4, p. 278, for his characterizations of various European peoples). See, however, *Li-Frakim*, p. 395 (300), where he contradicts this and claims that Gentile anti-Semitism has its root in jealousy of Jewish achievements.

<sup>152</sup> *Ibid.*, pp. 393-395 (298-300).

<sup>153</sup> *Ibid.*, p. 383 (288).

according to moral and religious principles were excluded from any discrimination. So much so, according to Meiri, that even though the Talmud states that a Jew need not return the lost objects of a Gentile or rectify any financial errors made by a Gentile,<sup>154</sup> this did not apply to those Gentiles who followed a standard of civilized laws.<sup>155</sup>

Weinberg also gives the standard explanation for the economic discrimination against Gentiles which is found in the Talmud.<sup>156</sup> According to him, the reason the sages permitted one to keep the lost valuables of a Gentile was not because the Gentile lacked any legal rights under Jewish law. Rather, it was due to the specific socio-economic circumstances which prevailed in Talmudic times. In those days the Gentiles were not accustomed to return lost, or even stolen, objects to their owners. Although robbery from Gentiles was forbidden, the sages did not require Jews to adopt a higher standard than their Gentile neighbors. Indeed, to do so would have been against judicial logic, which requires that all members of an economic group be treated equally.

In addition, he continues, it would have been impossible for the rabbis to have expected anything different from the Jews of their generation. It was the Jews who were being viciously persecuted, and much of this persecution took the form of simple robbery and pillage of Jewish property. Any money which a Jew kept through Gentile error was simply a small recovery of the enormous amounts which Gentiles had stolen from Jews. Rather than being surprised that the sages allowed such practices, one should be surprised that they weren't more "lenient" in this area. The reason they were not, Weinberg claims, is because they feared causing a desecration of God's name or of corrupting the values of the Jewish people.<sup>157</sup>

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<sup>154</sup> See *Bava Kamma* 113b and Maimonides, *Hilkhot Gezeilah ve-Avedah*, 11:3-4.

<sup>155</sup> *Li-Frakim*, pp. 384, 386 (289, 291).

<sup>156</sup> Although he does not mention it, it is possible that he adopted this reason from Hoffmann, *Der Schulchan Aruch und die Rabbinen über das Verhältnis der Juden zu Andersgläubigen*, pp. 162-163.

<sup>157</sup> *Li-Frakim*, pp. 384-385 (289-290).

Concluding this survey of Weinberg's writings from the Pilwishki period, what I have previously mentioned deserves to be repeated, namely, that we are not confronted with a thinker of great originality. Weinberg certainly had developed a good reputation among the Orthodox rabbinate, but considering the low quality of writing in this camp, their endorsement is not very significant. If not for Weinberg's later career, these early essays would hardly attract anyone's interest, and their only real value is that they enable us to study the development of Weinberg's thought. It is only in Germany that Weinberg's full talents begin to flower, and it is to this next stage of his career that we now turn.

### III

#### The War Years

In mid-1914 Weinberg traveled to Germany for medical treatment of some ailment, the nature of which is not known.<sup>1</sup> Not long after he arrived in Berlin, on August 1, the declaration of war against Russia and the general mobilization were proclaimed. In what was Weinberg's first trip to Berlin, he came alone, no doubt assuming he would be able to return shortly to Pilwishki. However, with the declaration of war, no travel between Germany and Russia was possible and Weinberg was forced to remain in Berlin. Like the other "transition figures" Hillel Goldberg has described,<sup>2</sup> the journey from Eastern Europe to Germany was to be pivotal in Weinberg's future intellectual development.

In the first days of the war, Weinberg met R. Abraham Isaac Kook at a Berlin train station. Kook, the rabbi of Jaffa and later to be chief rabbi of Palestine, had come to Germany in order to attend the ill-fated Agudat Israel Convention. It was Kook who helped ease Weinberg's difficult financial situation,<sup>3</sup> and a short time later Kook paid Weinberg a memorable visit to his apartment.<sup>4</sup> Being a Russian national, Weinberg was not in an enviable position and was at first ordered to leave the country, although this order was soon cancelled.<sup>5</sup> In the following month, on September 8, Weinberg wrote to Kook, thanking the latter for his assistance and for "joining in my sorrow." This letter is interesting both for the biographical details it supplies and also for the light it sheds on how Weinberg related to the German Orthodox during this time. It reads in part:

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<sup>1</sup> SE 3, p. 116.

<sup>2</sup> See his *Between Berlin and Slobodka*.

<sup>3</sup> Moshe Zvi Neriya, *Sihot ha-Re'iyah* (Tel Aviv, 1979), p. 175, and *Likkutei ha-Reiyah* (Kefar ha-Roeh, 1990), p. 340. See also Hayyim Haikel Greenberg, *Mi-Gedolei ha-Dor* (Tel Aviv, 1967), p. 3 of unnumbered pages.

<sup>4</sup> Hayyim Lifshitz, *Shivhei ha-Rei'yah* (Jerusalem, 1979), pp. 119-120.

<sup>5</sup> Ben Zion Shapiro, ed., *Iggerot la-Re'iyah* ([letters to Kook] Jerusalem, 1990), no. 79.

I received your dear letter and read it with joy. I did not answer until now because I was very busy and hardly had one restful day. When I received your letter I called . . .<sup>6</sup> and asked when I could visit him. He replied that because he is so busy he is not able to give me any time. I can only speak to him in the synagogue during services. Needless to say, I no longer concerned myself with him, and because of this I also did not go to Dr. . . .,<sup>7</sup> fearing that he too might push me away, which would cause me to become angry and hateful. It is better for me (so I thought) to leave some room for doubt, even though in the depths of my heart I do not believe in the sincerity of the German Orthodox, in particular concerning their relations with the Russian Jews. Now that, thank God, I no longer need him, I will visit him, God willing, in order to pay my respects. Thank God things are well with me (actually due to the endeavors of a Liberal rabbi from the Liberal community, as if God wishes to apportion merit to all Jews on different levels, for each has something the other lacks). They have allocated me money and, although it is limited, it comes to me in a private and honorable way. I have also found one who will give a guarantee to the doctor on my behalf.

There are many rabbis here and they all are going through difficult times. Thank God permission has already been given to travel to Russia. Many have already done so and those that remain will soon leave. I have not yet been given permission to travel because my city is close to the border.<sup>8</sup>

Not long after this, the leaders of the *Gemeinde*<sup>9</sup> offered to employ Weinberg as a *kashrut* supervisor for their institutions, a position he refused, despite the fact that he was short on money. As he explained, he did not want to be put in a position where he could be pressured by the community leaders to do something against his religious principles.<sup>10</sup> Things soon got better for Weinberg as he was offered, and accepted, the rabbinate of a small congregation which was located on Kantstrasse in the Charlottenburg section of Berlin,<sup>11</sup> an area to which many East European Jews gravitated.<sup>12</sup> However, this meager

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<sup>6</sup> The publishers have deleted the name.

<sup>7</sup> See previous note.

<sup>8</sup> *Iggerot la-Re'iyah*, no. 81. On September 1-3 German troops advanced, pushed the Russian First Army out of Germany, and occupied some Russian territory. They did not reach as far as Pilwiski and this explains why Weinberg was unable to return to the town.

<sup>9</sup> I. e. the general community which included both Reform and Orthodox institutions (often referred to as the *Grossgemeinde*). Some cities in Germany had both the *Gemeinde* and a separatist Jewish community (*Austrittsgemeinde*), which followed the lead of R. Samson Raphael Hirsch who ruled that, where allowed by governmental law, the Orthodox were not permitted to retain organizational ties with the non-Orthodox.

<sup>10</sup> Biberfeld, "Le-Zekher ha-Gaon ha-Amity Maran Rabbi Yehiel Ya'akov Weinberg Z"L," p. 31.

income did not completely solve his financial difficulties and he was forced to find residence in a small and simple room.<sup>13</sup>

As with all Easterners, the longer Weinberg remained in Germany the more he came to understand the German Jews' strange ways.<sup>14</sup> However, unlike many of the *Ostjuden*, he was not interested in segregating himself with his peers. On the contrary, despite all the faults of German Orthodoxy, faults his articles would soon call attention to, he wished to be a part of the intellectual ferment of this community, which was so different than what he was accustomed to in Lithuania. Of the many new insights he gained during his early days in Germany, one of them was that, contrary to the popular perception of the German Orthodox as being Talmudically ignorant, there was still serious Talmud study taking place among them. It is true that both German rabbis and laymen, despite significant achievements in *Wissenschaft des Judentums*, were not on the whole learned in rabbinic lore<sup>15</sup> -- a fact which many in the Orthodox community were now attempting to alter.<sup>16</sup>

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<sup>11</sup> Gordon, "Aharei Mitato shel ha-Rav Rabbi Yehiel Jacob Weinberg Z"L," p. 235; Weinberg's letter to Samuel Atlas, dated March 22, 1950; M. Pineas in Max Sinasohn, ed., *Adass Jisroel Berlin* (Jerusalem, 1966), p. 176; Max Sinasohn, *Die Berliner Privatsynagogen und ihre Rabbiner 1671-1971* (Jerusalem, 1971), p. 7; Wininger, *Grosse Jüdische National Biographie*, vol. 6, p. 233; and Matheson, "Ha-Tragedyah shel Adam Gadol," p. 285.

<sup>12</sup> See Jack Wertheimer, *Unwelcome Strangers: East European Jews in Imperial Germany* (Oxford, 1987), Appendix, table IIb.

<sup>13</sup> Zvi Levi, "Gaon, Ish Midot, Mehanekh," *Ha-Tzofeh*, January 13, 1967, p. 4.

<sup>14</sup> Weinberg makes particular mention of one of these strange ways, that of women singing together with men at the Sabbath table. See SE 2, pp. 15-16. Further illustration of how unusual this practice was to East European Jews is seen in the fact that R. Zvi Yehudah Kook saw fit to mention it in one of the youthful letters he wrote to his father from Germany. See *Tzumah Tzvi* (Jerusalem, 1991), p. 106.

<sup>15</sup> For Weinberg's comments on this lack of Talmud study, see "Schulfragen im Ostjudentum," pp. 495-496, and *Li-Frakim*, p. 172 (246). Regarding how German Orthodoxy became estranged from Talmud study, see Breuer, "The Torah-Im-Derech-Eretz" of Samson Raphael Hirsch, pp. 39ff. See also Moshe Samet, "Mishnato ha-Hevratit ve-ha-Historit shel R. Nahman Berlin," in Yehezkel Cohen, ed., *Hevrah ve-Historyah* (Jerusalem, 1980), pp. 131-132. Unlike Breuer, Samet portrays Hirsch as being something of an anti-Talmudist. The same approach is adopted by Howard I. Levine, "Enduring and Transitory Elements in the Philosophy of Samson Raphael Hirsch," *Tradition* 5 (Fall, 1962), pp. 282ff. See also the discussion in Eliezer Stern, *Ishim ve-Kivvunim: Perakim be-Toledot ha-Ide'al ha-Hinukhi shel Torah im Derech Eretz* (Ramat Gan, 1987), chapter 2, especially pp. 67-68; Joseph Elias' commentary to *The Nineteen Letters*, translated by Karen Paritzky (Jerusalem, 1994), pp. 305-306.

<sup>16</sup> See e. g. *Zur Agudas-Jisroel Jugendbewegung* (Frankfurt, 1913).

However, this appraisal was not universally valid, and there were circles in which even men with the broad Talmudic background of Weinberg could feel at home. Thus, in a letter from mid-1916 which appeared in a journal edited by Rabbi Salomon Breuer of Frankfurt, Weinberg writes: "It was a day of great joy for me when I saw that also in Germany scholars sit and discuss matters of Jewish law in these times of worldly tumult and trouble."<sup>17</sup>

It did not take Weinberg long to once again begin writing on the pressing matters of the day, but this time his language was German. The issue which was of the utmost importance, and was widely discussed in German Jewish circles, concerned the situation of East European Jews in the occupied territories. That this was even on the agenda of German Jewry was itself significant, since before the war hardly any thought was given to the Jews of Eastern Europe. As Weinberg was discovering, even the East European Jews in Germany proper were often treated with disdain.

In his recent book *Unwelcome Strangers*, Jack Wertheimer has proven that it is wrong to portray the German Jews as unconcerned with the fate of their East European co-religionists in Germany. Yet despite the great amounts of charity given by German Jewry, there was never any doubt among the overwhelming majority of them, the Orthodox included, that East European Jews were the cultural inferiors of their westernized brethren.<sup>18</sup> As an abundance of documented and anecdotal evidence illustrates, they often were blunt in informing the East European Jews just how they felt about the latter's lifestyle. Furthermore, the majority of East European Jews themselves, after having been exposed to the cultural superiority of German Jewry, as well as the watchful eye of an unfriendly government, agreed that it was best if they abandoned their traditional ways. How else to explain the fact that one does not find in Germany any traces of the varied

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<sup>17</sup> *Jüdische Monatshefte* 3 (1916), p. 282.

<sup>18</sup> Regarding the condescending attitude of the Orthodox separatists in Frankfurt, see Jacob Rosenheim, *Erinnerungen: 1870-1920* (Frankfurt am Main, 1970), p. 131.

manifestations of East European Jewish culture which existed in the United States and England? Even Yiddish literature, the staple of this culture, was not to be found in Germany.<sup>19</sup>

Prior to the war, the culture and way of life of East European Jewry were basically unknown to the majority of German Jews, including the Orthodox. What was known was despised by a large percentage of German Jewry, and relations between the two were never marked by mutual respect or understanding. Although the Agudat Israel organization was formed with the desire to bring together the Orthodox of Eastern Europe and Germany, it was basically a rabbinic organization which had little affect on the layman. The negative feelings regarding German Jewry which Weinberg expressed in his previously quoted letter to Kook, were generally felt among East European Jews, and with good reason.<sup>20</sup>

It is true, as Mordechai Breuer has pointed out, that it was the Orthodox, together with the Zionists, who had the most sympathy for the *Ostjuden*. Furthermore, rabbinic figures, community leaders, and the Orthodox newspapers continuously stressed how important it was to view the East European Jews in a positive light. Yet such admonitions were often not taken to heart. We even find well known rabbis, such as Solomon Carlebach of Lübeck and Marcus Horovitz of Frankfurt, who expressed distaste for aspects of the Hasidic lifestyle.<sup>21</sup> In general, it seems to be the case that even though many of the Orthodox had respect for the East European Jews' piety and conveyance of Jewish values,

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<sup>19</sup> See Wertheimer, *Unwelcome Strangers*, pp. 179-180.

<sup>20</sup> See the discussions in Steven E. Aschheim, *Brothers and Strangers: The East European Jew in German and German Jewish Consciousness, 1800-1923* (Madison, Wisc., 1982), chapters 1 and 2, and Bar Ilan, *Mi-Volozhin ad Yerushalayim*, vol. 2, pp. 375-376. For further analysis of the situation of East European Jews in Germany, see S. Adler-Rudel, *Ostjuden in Deutschland 1180-1940* (Tübingen, 1959); and Trude Maurer, *Ostjuden in Deutschland 1918-1933* (Hamburg, 1986).

<sup>21</sup> See Aschheim, *Brothers and Strangers*, p. 166; Yitzhak Heinemann, "R. Mordekhai ha-Levi Horovitz u-Tefisat ha-Yahadut Shelo," *Sinai* 14 (1944), p. 169.

they deplored their lack of culture. It is thus no surprise that there was an almost complete lack of personal and social relations between the two groups.<sup>22</sup>

As is well known, the turning point in relations between German Jewry and the Jews of the East was the First World War. Although, as Wertheimer<sup>23</sup> and Breuer<sup>24</sup> have shown, the promotion of a more positive image of East European Jews can be seen at the beginning of the century, this was certainly not of major importance, at least not with regard to the non-Orthodox. It was only the war which had the effect of bringing about a changed attitude on the part of so many Germans, and which led to what has been called the "cult of the *Ostjuden*." During the war many soldiers had the opportunity to see first-hand the way East European Jews lived, and they were enamored by the simple piety and "living Judaism" which they found. They in turn brought these impressions back to Germany, and all of the Jewish newspapers were filled with articles on life in the East.<sup>25</sup>

Since this issue has been explored in depth by a number of writers, in particular Steven E. Aschheim, there is no need to elaborate any further on it. Of immediate interest to us is Weinberg's role in German-Orthodoxy's attempt to come to terms with the new reality, that is, hundreds of thousands of East European Orthodox Jews now living under German rule. As can be expected, Weinberg was thrilled about what appeared to be a coming together of East and West, although he was fearful that the German Jews were

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<sup>22</sup> See Breuer, *Jüdische Orthodoxie im Deutschen Reich*, pp. 325-326. Breuer, *ibid.*, p. 59, quotes the experiences of an Orthodox woman who, although she was working for a Jewish organization before the First World War, did not know that a "Polack" was a person until she came to America. See also Abuha di Samuel (Moses Auerbach), "Jüdischer Nationalismus und gesetzestreues Judentum," *Jeschurun* 4 (1917), pp. 630-631.

<sup>23</sup> *Unwelcome Strangers*, pp. 151ff.

<sup>24</sup> *Jüdische Orthodoxie im Deutschen Reich*, pp. 325ff.

<sup>25</sup> See Aschheim, *Brothers and Strangers*, chapter 7. On the often discussed "cult of the Osjuden" see *ibid.*, chapter 8. See also Sander Gilman, "The Rediscovery of the Eastern Jews: German Jews in the East 1890-1918," in David Bronsen, ed., *Jews and Germans from 1860-1933* (Heidelberg, 1979), pp. 338-365.

taking an interest in their Eastern brethren in order to "improve" them.<sup>26</sup> To counteract this tendency, it was vital that German Jews understand the spiritual world of the East, and this understanding could not come about through reading any of the popular and romantic accounts. It was Weinberg's hope that after the German Orthodox had begun to pierce the veil which surrounded their Eastern brethren, they would part company with the non-Orthodox and cease to regard the East European Jews as adherents of an old-fashioned Judaism which needed assistance from the modern Jews of Germany. It was with this goal in mind that Weinberg set out to write a series of articles on life in the East for the Orthodox journal *Jeschurun*,<sup>27</sup> which was edited by Joseph Wohlgemuth and reflected the ideology of the Rabbinical Seminary of Berlin.<sup>28</sup>

Although there were some among the German Orthodox who were so awed by their East European brethren that they publicly declared the superiority of the East, and forswore any attempts to modernize East European Jewish culture,<sup>29</sup> this view was a striking exception. For the most part, even those who were prepared to admit that the East European Jews were "the genuine Jews,"<sup>30</sup> and who sensed the power of their religiosity and the need for German Jews to join together with their Eastern brethren,<sup>31</sup> also realized

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<sup>26</sup> See *Li-Frakim*, p. 411 (315), "Die Jeschiwoth in Russland," p. 126.

<sup>27</sup> See Akiva Posner, "Ha-Yarhon 'Yeshurun' be-Arikhat Dr. Yosef Wohlgemuth," in Y. Tirosh, ed., *Shai li-Yeshayahu* (Tel Aviv, 1955), pp. 73-78.

<sup>28</sup> See "Die Jeschiwoth in Russland," pp. 52-53. In addition to the articles referred to in this chapter, see also "Der 'Masmid,'" *Jeschurun* 4 (1917), pp. 425-430; "Ein russisch-jüdischer Gaon," *Die Jüdische Presse*, April 23, 1915, pp. 191-193; and "Vom Geistes des Ostens," *Der Israelit*, November 23, 1916, p. 2. For his article on Kovno which appeared in *Jeschurun* of 1916 ("Eine rabbinische Residenz und ihr letztes Fürst"), I have used the Hebrew version in *Li-Frakim*, pp. 397-411 [302-316]).

<sup>29</sup> See Eduard Biberfeld's speech in *Agudas Jisroel: Berichte und Materialien* (Frankfurt [1912]), pp. 43-4. Even Biberfeld hopes that a more modern Jewish culture will arise in the East. However, he is adamant that German Jews must not attempt to interfere with what can only be a natural development. See also Rosenheim, *Zikronot*, pp. 148-150.

<sup>30</sup> J. Wohlgemuth, "Beiträge zu einer jüdischen Homiletik," in *Jahres-Bericht des Rabbiner-Seminars zu Berlin für 1903/1904* (Berlin, [1905]), p. 3.

that there were serious deficiencies in East European Jewish life. One such deficiency, concerning which there was much discussion in German Orthodox circles, was the traditional East European school system, the *heder*.<sup>32</sup> It was clear to the German Orthodox that the days of the *heder* were numbered. A new reformed system of education would soon have to be inaugurated for the masses of Eastern Europe, and the only question was who would be its moving force, the Orthodox, the Zionists, or the Jewish socialists.

It is not surprising that the German Orthodox were shocked by the *heder*, and, as with the *maskilim* of the previous generation,<sup>33</sup> as well as a few open minded East European rabbinic leaders,<sup>34</sup> they were determined to reform, or even better, abolish the *heder* entirely. Aside from being unhygienic, there was no pedagogical method to the teaching, with untrained and unsupervised instructors initiating the students into Bible and Talmud study. The language of instruction in the *heder* was Yiddish, to which virtually all German Jews, the Orthodox included, shared a great antipathy.<sup>35</sup> Any secular education was only provided in accordance with what the law required, if there were such requirements, and these government regulations were not always adhered to. Even the so-

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<sup>31</sup> See Wohlgenuth, "Zionismus, Nationaljudentum, und gesetzestreues Judentum," *Jeschurun* 5 (1918), p. 163, who, in his typical manner, writes: "Die einzige Rettung liegt in dem Einswerden mit dem Ostjudentum, in unserer Rückassimilierung an den Osten."

<sup>32</sup> For comments and sources on *heder* education see A. M. Lifshitz, "Ha-Heder," *Ha-Tekufah* 7 (1920), pp. 294-352; Zvi Scharfstein, *Ha-Heder be-Hayyei Amenu* (New York, 1953); H. S. Kazhdan, *Fun Heyder un Shkoles biz Tsisho* (Mexico, 1956); Zvi Halevy, *Jewish Schools under Czarism and Communism* (New York, 1976), chapter 2; Diane Roskies, *Heder: Primary Education among East European Jews* (New York, 1977); Shaul Stampfer, "Heder Study, Knowledge of Torah, and the Maintenance of Social Stratification in Traditional East European Jewish Society," *Studies in Jewish Education* 3 (1988), pp. 271-289.

<sup>33</sup> See Steven J. Zipperstein, "Transforming the Heder: Maskilic Politics in Imperial Russia," in Zipperstein and Ada Rapoport-Albert, eds., *Jewish History: Essays in Honour of Chimen Abramsky* (London, 1988), pp. 87-109.

<sup>34</sup> See R. Aaron Cohen, *Kenesset ha-Gedolah*, vol. 2, pp. 14a, 23a, 30a-30b, 32b, 37a-37b, 40a (letters of various delegates to the 1903 rabbinic conference in Cracow); R. Menahem Mendel Landau, *Mekitz Nirdamim*, pp. 14a-17b. (For Weinberg's great admiration of Landau, see SE 1, p. 228. Landau's specific suggestions are rejected by R. Elijah Akiva Rabinowitz in *Ha-Peles* 5 [1905], pp. 683-684.) For the traditionalist response to modifications of the Jewish school system, see *Darkah shel Torah* (Vilna, 1902).

<sup>35</sup> See Zosa Szajkowski, "The Struggle for Yiddish During World War I -- The Attitude of German Jewry," *Leo Baeck Institute Year Book* 9 (1964), pp. 131-158.

called "improved heder," which was opposed by most of the East European Orthodox, never succeeded in adequately overcoming these faults.<sup>36</sup> Remarkably, it is also known that many East European rabbis were reluctant to teach the children of their community, even when the *melammedim* were unqualified or there were no *melammedim* at all and the children were growing up without any Jewish education. These rabbis feared that any such involvement on their part would only further degrade the status of their office.<sup>37</sup>

The situation for girls was even worse, since they were given absolutely no formal Jewish education. Instead, they attended the public schools and it is thus not surprising that the number of young women who were led to abandon Orthodoxy far exceeded that of the young men.<sup>38</sup> Without any exaggeration it can be stated that the reactionary opposition to providing any Jewish education for girls was responsible for thousands of Orthodox young women abandoning the tradition. Even Salanter, who so perceptively saw the problems of male yeshivah education, was not as farsighted when it came to girls' education.<sup>39</sup> The

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<sup>36</sup> See Zvi Scharfstein, *Toledot ha-Hinnukh be-Yisrael be-Dorot ha-Aharonim* (Jerusalem, 1960), vol. 1, pp. 389-410

<sup>37</sup> A proposal that the town rabbi teach the children of his community when there was no other Jewish education being provided to them was voted down at the rabbinic conference of Cracow in 1903. R. Elijah Akiva Rabinowitz' reason for opposing the proposal is recorded as follows: על ידי זה יחולל כבוד הרבנים אשר בלא זה כבודם מחולל בזמננו, ואם נטיל עליהם החובה הזאת יחשבו בעיני ההמון למלמדים פשוטים והיה אחר כך כל הרבנות למלומדות. See Landau, *Mekitz Nirdamim*, p. 12a, as well as *Ha-Peles* 5 (1905), p. 617, where Rabinowitz defends his view. See also *Ha-Peles*, *ibid.*, where R. Judah Leib Zirelson offers the same rationale as Rabinowitz (בצשותנו את הרב למלמד יושפל ערך הרב עד לצפר), to which he adds: על הרב להתמיד בלמודו גמרא ופוסקים מה שיבצר ממנו בהיותו מלמד. See *Mekitz Nirdamim*, pp. 12a-12b, for Landau's indignant response to what he viewed as an abdication of rabbinic responsibility. In the midst of his diatribe he writes: על חוס הרב על במדינה דליכא מקרי דרדקי האם יחוס הרב על כבוד הרבנות וילדי ישראל יגדלו כנכדים? [The proposal referred to at the beginning of this note was made by a Hungarian delegate and reflected the circumstances in a number of small Hungarian towns. As pointed out in *Ha-Peles* 5 (1905), p. 616, there were no communities in Russia and Poland which completely lacked *melammedim*. However, as we have noted, there were many communities in which the *melammedim* were completely incompetent, and even there men such as Rabinowitz and Zirelson regarded it as beneath the rabbi's dignity to personally offer the children instruction.)

<sup>38</sup> See Joseph Friedensohn, "Batei ha-Sefer le-Vanot Beit Yaakov be-Polin," *Ha-Hinukh ve-ha-Tarbut ha-Ivrit be-Eiropah* (New York, 1957), pp. 61ff.

<sup>39</sup> See Reines, *Shnei ha-Meorot*, section 2, part 1, p. 23b, who records a conversation with Salanter in which the latter expressed opposition to formal Torah education for women. Salanter died before matters

spectacle of young women from Hasidic families mocking their pious parents is often mentioned in literature of the period,<sup>40</sup> and as early as 1903 R. Menahem Mendel Landau unsuccessfully appealed to his colleagues to abandon their practice of withholding all Torah education from girls.<sup>41</sup> In the words of Aaron Marcus, the abandonment of Orthodoxy by hordes of young women happened without any of the rabbis "lifting a finger."<sup>42</sup> It was only when faced with an imminent spiritual catastrophe that the Orthodox leaders of the East, in particular Poland, were roused from their stupor and began to support girls' education in the form of the Beth Jacob schools. Having no idea how to implement this concept on a large scale, they turned to the German Orthodox for assistance, and the East European Beth Jacob movement was placed under the direction of the German Orthodox educator, Leo Deutschlander.<sup>43</sup>

However, this was implemented after the war, but before then girls' education was not yet on the top of many people's agenda, in either Germany or the East.<sup>44</sup> German Orthodox writers, with Wohlgemuth taking the lead,<sup>45</sup> were concerned with the larger issue of how to modernize the Jews of Eastern Europe. It was clear to them that the cultural

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reached a crisis stage, and one can assume that had he been alive, he would have been one of the first to challenge the traditional approach to women's education.

<sup>40</sup> See Friedensohn, "Batei ha-Sefer le-Vanot Beit Yaakov be-Polin," pp. 61ff.; Sara Schenierer, *Em be-Yisrael* (Tel Aviv, 1956), vol. 1, pp. 45, 51-52; Aharon Sorasky, *Toledot ha-Hinnukh ha-Torati* (Bnei Brak, 1967), p. 423; Gershon C. Bacon, "Agudath Israel in Poland: An Orthodox Jewish Response to the Challenge of Modernity," (unpublished doctoral dissertation, Columbia University, 1979), pp. 241-242; Moses Auerbach, *Me-Halberstadt ad Petah Tikvah* (Jerusalem, 1987), pp. 64-65.

<sup>41</sup> *Mekitz Nirdamim*, pp. 26a-28b.

<sup>42</sup> See Rosenheim, *Zikhronot*, pp. 180-181.

<sup>43</sup> See the comprehensive discussion in Bacon, "Agudath Israel in Poland," pp. 240ff. See also Abraham Atkin, "The Beth Jacob Movement in Poland (1917-1939)," (unpublished doctoral dissertation, Yeshiva University, 1959); Pinchas Biberfeld, "Leo Deutschländer z"l: Bildnis eines Erziehers," in *25 Jahre Jüdische Schule Zürich Festschrift* (Jerusalem, 1980), pp. 223-230.

<sup>44</sup> There were, however, some exceptions. See e. g. Auerbach, *Me-Halberstadt ad Petah Tikvah*, pp. 63ff., and the anonymous "Li-She'elat ha-Hinnukh ha-Banot," *Ha-Modia*, Erev Rosh Hashanah, 5671, cols. 364-365

<sup>45</sup> See in particular his "Deutschland und die Ostjudenfrage," *Jeschurun* 3 (1916), pp. 1-19, 65-95, 177-210, and "Erziehungsfragen in Ost und West," *ibid.* 4 (1917), pp. 1-13, 65-75, 129-153.

and educational philosophy of German Orthodoxy needed to be adopted by the East European Jews. In other words, traditional East European Orthodoxy was to be permanently altered. It was understood that these educational changes would also be accompanied by changes in language and dress. Yiddish was to be discarded and western garb introduced, for without taking these steps East European Orthodoxy would never be able to rise from its primitive state.<sup>46</sup>

These discussions did not only exist in a theoretical sphere, for the German government had decided to use German Jews as liaisons to the communities under its occupation, and the military authorities were intent on instituting far-reaching changes in these communities. Therefore, everyone in Germany who wrote about the issues affecting Jews in the East was hoping that his words would have an impact on the formulation of policy. To the dismay of the German Zionists, who were trying to spread their message among the East European Jews,<sup>47</sup> Rabbis Pinchas Kohn of Ansbach and Emmanuel Carlebach of Cologne were ultimately appointed as the German government's representatives. Their "mission" to the East included a number of social, educational and political elements, which led to varying degrees of accomplishment. Although Kohn and Carlebach were able to prevent any non-Orthodox group from instituting its own reforms in the traditional educational system, they themselves were almost completely unsuccessful in their "conscious and deliberate effort to reform Polish religious Jewry in accordance with their own *Torah-im-Derech-Eretz* pattern."<sup>48</sup>

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<sup>46</sup> See Aschheim, *Brothers and Strangers*, p. 166.

<sup>47</sup> See the amusing story in Rosenheim, *Erinnerungen*, p. 143.

<sup>48</sup> Carlebach, "A German Rabbi Goes East," p. 112. See also Carlebach's *Adass Yeshuun of Cologne* (Belfast, 1964), chapter 3; Rosenheim, *Erinnerungen*, pp. 140ff.; and the comprehensive article by Mordechai Breuer, "Rabbanim-Doktorim be-Polin-Lita Bimei ha-Kibbush ha-Germani (1914-1918)," *Bar Ilan Annual* 24-25 (1989), pp. 117-153. Whatever success Kohn and Carlebach did have was short-lived. See e. g. the report in *Ha-Tzefirah*, March 3, 1916, p. 3, about the opening of the "*Torah im Derech Eretz Heder*."

Furthermore, as Breuer has shown, it was not merely selfless consideration for the East European Jews which motivated Kohn and Carlebach's mission. Rather, it was believed that German Orthodoxy could itself be strengthened by providing it with a base among the large Polish Orthodox population, once the latter's cultural position was improved.<sup>49</sup> Finally, there is no question that both Kohn and Carlebach viewed themselves as agents of German foreign policy, did their utmost to damper any Jewish nationalistic feelings, either with regard to minority rights or Zionism,<sup>50</sup> and "at times regarded the Ostjuden as pawns in a German political game."<sup>51</sup> This came to the fore when a private memorandum of Kohn was published in which, as Aschheim puts it, he "discussed the political 'manageability' of various groups of Eastern Jews in the occupied territory."<sup>52</sup> In his comments he referred to the Lithuanian Jews coming into Poland as a "destructive element;" and, as shall be seen, Weinberg did not let this go unchallenged.

As previously mentioned, Kohn and Carlebach wished to reform the educational system of the East European Jews and introduce them to the method of *Torah im Derekh Eretz*, as well as proper, that is German, pedagogic techniques.<sup>53</sup> But was all this fitting for the Eastern Jews? This is the question Weinberg confronts, in particular in his article "Schulfragen im Ostjudentum," which was published in the *Jeschurun* of 1916.

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<sup>49</sup> "Temurot ba-Emdat ha-Yahadut ha-Ortodoksit be-Germanyah Kelapei ha-Tenuah ha-Leumit Bimei Milhemet ha-Olam ha-Rishonah," in *Proceedings of the Seventh World Congress of Jewish Studies: History of the Jews in Europe* (Jerusalem, 1981), p. 170.

<sup>50</sup> As I have already pointed out (p. 33, note 46), they refused to publish Weinberg's positive portrayal of the Mizrahi founder Reines.

<sup>51</sup> Aschheim, *Brothers and Strangers*, p. 167. See also Carlebach, *Adass Yeshurun*, pp. 64ff.; Avraham Rubenstein, *Tenuah be-Idan shel Temurah* (Jerusalem, 1981), pp. 38ff.

<sup>52</sup> *Brothers and Strangers*, p. 168. See also Breuer "Rabbanim-Doktorim be-Polin-Lita Bimei ha-Kibbush ha-Germani (1914-1918)," pp. 139ff.

<sup>53</sup> See *Ha-Tzefirah*, March 3, 1916, p. 3; Rubenstein, *Tenuah be-Idan shel Temurah*, pp. 41-42. See also Carlebach, "A German Rabbi Goes East," pp. 78-79, for Emanuel Carlebach's unsuccessful attempt to explain to Hasidim that their method of teaching reading was wholly inefficient.

Although Weinberg feels that the *heder* does have positive aspects, he has no difficulty admitting its faults, foremost among them being its lack of hygiene and the fact that most of the traditional, and thus untrained, *melammedim* lack the necessary qualifications. Even with regard to those *melammedim* who are qualified for their job, there is no denying that they belong to a previous epoch and it is impossible for them to adapt themselves to what is now required from teachers.<sup>54</sup> Because of these faults, Weinberg sees no choice but to take his stand with the *maskilim* who wished to reform the *heder*. It is of interest that Weinberg shows no opposition to identifying himself with these, admittedly conservative, *maskilim*, although he does not identify any of them by name. He further makes the point that the word *maskil* need not stand in opposition to Orthodox, even though this is the meaning it has taken on in history. In the context Weinberg uses it, the word represents those that strive for a general education that goes hand in hand with religious education.<sup>55</sup> In this regard, there is no real difference between the conservative *maskilim* of Eastern Europe and the German Orthodox, neither of whom supported a Torah-only curriculum. As Weinberg puts it, there is nothing objectionable with the secular subjects the reformers of the *heder* wish to introduce, and it is because of this that many pious rabbis are in agreement with the educational views advocated by the conservative *maskilim*.<sup>56</sup>

Weinberg is further prepared to acknowledge that it is only the conservative *maskilim* who examine the educational problems facing the youth from a "rational" perspective.<sup>57</sup> Unfortunately, Weinberg continues, these *maskilim* did not stick to a program of reform. Had they done so they would have been successful. Yet they attempted

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<sup>54</sup> "Schulfragen im Ostjudentum," pp. 451, 492-493.

<sup>55</sup> *Ibid.*, pp. 446, 450, 504-505.

<sup>56</sup> *Ibid.*, pp. 446, 450-451.

<sup>57</sup> *Ibid.*, pp. 450, 504.

to totally uproot and abolish the traditional system. That all reforms of the East European educational system would have to take place within the framework of the old *heder*, was, Weinberg adds, obvious to all who did not have an ax to grind. It was also explicitly acknowledged by Wohlgemuth, the leading German advocate of reform.<sup>58</sup> Weinberg continues by pointing out that in their fervor, the *maskilim* went so far as to disrupt the study of Talmud, the basis of traditional education. Such actions, he concludes, could never have endeared the *maskilim* to the general community, and it is no wonder that their efforts failed.<sup>59</sup>

Although Weinberg has already shown where his sympathies lay, he is very careful to explain, with great respect, what prompted most of the leading East European rabbis to oppose any reform in the traditional school system.<sup>60</sup> It was not because they were simplistic and feared the spirit of inquiry or reason. Nor can it be said that they opposed any advancement on the part of the masses. Rather, their fear stemmed from a concern that the existence of traditional Judaism was threatened by the ideologies found in various secular studies. Because of this they also opposed the study of foreign languages, not because there was anything wrong with the languages *per se*, but because of the secular literature, expressing non-Jewish ideals, which accompanied the languages. If this opposition to acquiring a secular education meant that young Jews would have a more difficult time making a living, then the East European rabbis believed that this was a price which had to be paid. Even the study of science, whose importance was recognized by East European rabbis since the time of the Vilna Gaon, was now regarded as a danger to the Jewish spirit. As for studies in the humanities, even when these did not express non-

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<sup>58</sup> This is a basic point in his lengthy writings on the issue. See e. g. "Erziehungsfragen in Ost und West," pp. 74-75.

<sup>59</sup> "Schulfragen im Ostjudentum," pp. 451, 453.

<sup>60</sup> This justification of the anti-reform party is so detailed and sympathetic that, according to Wohlgemuth, it overshadows Weinberg's own pro-reform stand. See "Erziehungsfragen in Ost und West," pp. 66-67.

Jewish ideals they still were opposed. In the opinion of the East European rabbis, the humanities simply did not have value for Jews, for the Talmud itself gave expression to a fully developed cultural spirit, containing within it all that one needed to know. Why then should one study non-traditional texts?<sup>61</sup>

To be sure, the rabbis of the old school believed that they were strong enough to prevent any tinkering with the traditional system. "As long as there is a possibility to save the old, there is no reason to look to replace it with the new."<sup>62</sup> Yet Weinberg feels that the rabbis who hold this view are operating under an illusion, and their position is much more precarious than they imagine. It is because of this that he feels the need to depart from the "party line." This must have been a very difficult step for him to take, and he is at great pains to justify his position. Yet however much care he takes to distinguish himself from the non-Orthodox opponents of traditional education,<sup>63</sup> by calling for reforms he realizes that he is opposing the leaders of East European Orthodoxy. Men such as R. Hayyim Soloveitchik, R. Israel Meir ha-Cohen, and the Hasidic rebbes were not yet convinced that the old methods were unworkable. That they caused economic hardship was obvious, but this, in and of itself, was not reason enough to part with the old. In fact, Soloveitchik was quick to insist that in order for him to join Agudat Israel it had to agree not to interfere with traditional communal life in Lithuania and Poland. Although there were some discordant tones, the German leadership of Agudah agreed with this demand.<sup>64</sup>

In calling for reforms, Weinberg is also opposing his own earlier viewpoint which was discussed in the previous chapter. Now Weinberg recognizes the need for two

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<sup>61</sup> Schulfragen im Ostjudentum," pp. 453-454, 490-491, 497-498; "Die Jeschiwoth in Russland," p. 123.

<sup>62</sup> "Die Jeschiwoth in Russland," p. 124.

<sup>63</sup> See "Schulfragen im Ostjudentum," pp. 490ff.

<sup>64</sup> See Rosenheim, *Erinnerungen*, pp. 122-123; *Zikhronot*, 126-127. Despite this agreement, Schneersohn remained suspicious of German intentions and refused to be a part of the Agudah; see *Iggerot Kodesh*, vol. 2, nos. 366 (pp. 672-673), 368 (pp. 691-692), 395, vol. 5, nos. 1044, 1044\*.

different types of educational institutions -- one whose main goal would be to provide general knowledge in a Jewish atmosphere, and one which would retain its emphasis on Torah study, without overlooking the need to train students for an economically viable profession. Weinberg's new approach is one which takes all of Jewry into consideration, rather than concentrating on the elite yeshivah students.<sup>65</sup> It is now that Weinberg begins his move into the world of German Orthodoxy. He still has a ways to go before he is an integral member of this society, when he will no longer feel the need to apologize profusely for his advocacy of secular studies, but he is clearly moving in this direction.

Thus, in a total departure from the views he expressed a few years earlier with regard to the requirements of a good rabbi, when he claimed that there was no reason for rabbis to acquire a secular education,<sup>66</sup> Weinberg now writes that he recognizes "the sad truth" that rabbis without any such education are severely handicapped in leading their flocks.<sup>67</sup> Although, of course, he does not wish to see any degeneration of Orthodoxy, "the fast pace of economic development, even within the Jewish community, demands different measures and a different kind of preparation for life."<sup>68</sup> It is because of this that not only must reforms be instituted in the traditional schooling system, but they must be introduced and supported by the East European Jews themselves, including the Hasidim, who until now had viewed any attempts at reforming the school system as the first step to a total abandonment of Orthodoxy. If the rabbis and masses of Eastern Europe do not adopt a different outlook, Weinberg continues, then all the reforms in the world will not have any

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<sup>65</sup> See in particular "Schulfragen im Ostjudentum," p. 499: "Wir würden unserer Aufgabe nicht Genüge tun, wollten wir nur für einen beschränkten Kreis, -- sei es auch den wichtigsten, und nicht für die Allgemeinheit Sorge tragen.

<sup>66</sup> See above, p. 46

<sup>67</sup> See *Li-Frakim*, pp. 410-411 (315-316).

<sup>68</sup> "Schulfragen im Ostjudentum," p. 491.

affect. But he is confident that they will change their views, and even the Hasidim will not court disaster by stubbornly holding on to their old ways.<sup>69</sup>

It is important to note that despite his advocacy of secular studies, Weinberg is not referring to any broad-based scheme of *Torah-im-Derekh-Eretz*. One finds no appreciation of Western culture or talk of a synthesis between the Jewish and the secular. Indeed, he is careful to note how unfortunate it is that reforms are necessary. That is, it would have been preferable had the economic circumstances enabled a continuation of the old, and the high Jewish culture of the East would not have to be diluted with vocational-type training. Weinberg's concerns are entirely of a practical nature, namely, how will the young be able to earn a decent livelihood later in life if they are not given the proper tools?<sup>70</sup> Yet as we have noted, even these cautious reforms are a change from Weinberg's previous views, which strongly opposed any modification of the traditional schooling system.<sup>71</sup>

Together with the suggested revisions of the *heder* system, came the efforts to bring German-style Orthodoxy to Eastern Europe. Concerning this attempt, Weinberg strongly dissents, arguing that the German form of Orthodoxy is unsuited for Lithuania, and even less so for the Hasidim in Poland. As he puts it, German Orthodoxy is based on a unique religious feeling which cannot be appreciated except by one educated in the German manner, in which different worlds of thought are amalgamated. By ignoring this fact, all the good intentions of the German Orthodox could end up destroying what is precious to their Eastern brethren.<sup>72</sup>

Anyone who reads his essays will see clearly that Weinberg's heart is still in the East, and it is as a member of this community that he identifies himself and opposes the

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<sup>69</sup> *Ibid.*, p. 504.

<sup>70</sup> See also SE 4 p. 294.

<sup>71</sup> See chapter 2. In chapter 4 I will discuss Weinberg's later position, which rejects this narrow, vocational approach.

<sup>72</sup> *Li-Frakim*, p. 411 (316).

introduction of German Orthodoxy to his homeland. But why in particular does he believe that the German form of Orthodoxy is unsuitable for the East? As he explains it, traditional Judaism in Eastern Europe is fresh and pulsating. It is there that Torah study for its own sake, the powerful ideal of the yeshivot, still has great importance. Indeed, one lacking in Torah scholarship is regarded as nothing less than an inferior Jew. In contrast to this, German Jews study Torah, not for its own sake, but in order to know how to regulate their lives. Furthermore, ignorance of Torah is not viewed by the German Orthodox in such a negative light. In short, a Judaism without Torah is to the East European Jews what a Judaism without divine service is to the German Jews.<sup>73</sup>

The truth of this description is illustrated by an event which occurred in the previous generation in Frankfurt. Although the pious Orthodox Jews of this city were proud of their devotion to the teachings and philosophy of Hirsch, when Hirsch's son-in-law, Rabbi Salomon Breuer, attempted in 1890 to establish a yeshivah, he met with fierce opposition from the local community which refused to contribute financially to the institution. In their mind, yeshivot were for the East European Jews, had no place in the landscape of modern German Orthodoxy, and were excluded from Hirsch's educational system.<sup>74</sup> As Rosenheim recalls, it was simply unheard of, and incomprehensible, for a German Jew to consider sending his son to study at one of the great yeshivot of the East.<sup>75</sup> The change in attitude towards Eastern European yeshivot would only begin in the second decade of the twentieth century.

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<sup>73</sup> "Schulfragen im Ostjudentum," p. 396. "Ein Judentum ohne Thora ist ihm dasselbe, was dem deutschen Juden ein Judentum ohne Gottesdienst ist." See also Isaiah Wolfsberg, "Yahadut Lita ve-Yahadut Germanyah," *Talpiot* 3 (1947), pp. 7-31.

<sup>74</sup> See Breuer, *Jüdische Orthodoxie im Deutschen Reich*, p. 111; Eliezer Posen, "The Frankfurt Yeshiva," in *Ateret Zvi: Jubilee Volume Presented in Honor of the Eightieth Birthday of Rabbi Dr. Joseph Breuer* (New York, 1962), p. 150; and Rosenheim, *Erinnerungen*, pp. 42-43.

<sup>75</sup> *Erinnerungen*, pp. 69-70.

Weinberg further elaborates on the differences between East and West, and, in a strong attack on the philosophy of *Torah-im-Derekh-Eretz*, writes:

Talmud and profane knowledge are separated by a deep chasm with regard to ideological and spiritual content. It is impossible for one who thoroughly studies the ideas of Kant to simultaneously immerse himself deeply into the Maharam Shiff or the *Kezot ha-Hoshen*. One whose nature has been fashioned alongside Goethe and Schiller is not open to the beauty of the *aggadot* of Rabba bar bar Hana. The few famous exceptions to this in Germany do not prove anything. These are just the privileged few.<sup>76</sup>

Once again we see that Weinberg is opposed to any attempt at synthesis of secular and Jewish learning, even claiming that the German Orthodox have failed in this regard. The "Talmud-only" approach of the yeshivot is regarded as the sole authentic method of acquiring Jewish knowledge, and in this context Weinberg repeats his opposition to Reines' yeshivah which combined Jewish and secular studies.<sup>77</sup> Put simply, all of Western culture is of no intellectual or spiritual value for Jews. Furthermore, it stands in opposition to "Jewish culture," and will be a negative influence upon those who wish to become true Jewish leaders (*gedolim*).<sup>78</sup>

Of course, nothing could be more in opposition to the philosophy of Hirsch. For Hirsch, the beauty of Goethe and Schiller was, as Breuer put it, concentric with the beauty in Jewish texts. Each of these spheres fructified and complemented the other, and, contrary to Weinberg, there was no conflict between Jewish culture and the best of German culture.<sup>79</sup> The Talmud scholar who had no exposure to these texts had not completely

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<sup>76</sup> "Schulfragen im Ostjudentum," p. 496.

<sup>77</sup> See also "Die Jeschiwoth in Russland," p. 123; SE 4, p. 358.

<sup>78</sup> See also "Eine Rede zur Tagung der Agudath-Yisroel in Frankfurt a. M.," *Die Jüdische Presse*, February 1, 1918, p. 44, where Weinberg repeats his advocacy of the Torah-only approach for those who wish to become part of the Orthodox intelligentsia.

<sup>79</sup> See Breuer, *Jüdische Orthodoxie im Deutschen Reich*, p. 73. In describing Hirsch's philosophy I have followed Breuer's latest presentation. In his earlier study, *The "Torah-Im-Derekh-Eretz" of Samson Raphael Hirsch*, there is at least one significant difference. On p. 24, Breuer writes: "*Torah-im-Derekh-Eretz* is not a physical mixture but a chemical compound. Torah and life, Judaism and culture, do not complement each

developed his character. What to Weinberg was a positive trait was regarded by Hirsch and his followers as an abandonment of the Orthodox Jew's role on earth, which required an appreciation of, and involvement with, advanced culture. It is thus clear from Weinberg's writings of 1916-1917 that while he had a respect for what German Orthodoxy had achieved, he was in no way prepared to grant it the same validity as East European Orthodoxy. After all, Orthodoxy of the East was a wholly Jewish product, whereas German Orthodoxy had been sullied through contact with Gentile ideas.

Another concern of Weinberg's during the war years was the effect the war was having on the foundation of East European Orthodoxy, the yeshivot. Because fundraising in Western Europe was now virtually impossible, many of the yeshivot were in a financial crisis and threatened with closure. Weinberg regarded this as the most devastating blow of the war, and in an earnest manner urged German Jewry to come to their rescue.<sup>80</sup> Although his earlier essays on the yeshivot were written to give expression to a feeling all of his colleagues shared, his essays in Germany were written in order to expose a population to something they knew nothing about. Addressing his German co-religionists he writes:

In our days the yeshivah is more than a mere academy. It is a place of refuge for those few who strive for a complete preservation of their Jewish way of life, and for those who wish to escape from the foreign milieu and influences of the non-Jewish spirit. The yeshivah nowadays means a concentration of the original Jewish spirit. It is a fully developed autonomous world in which the life of the Jewish mind remains pure, free of any strange admixture. It is a sovereign territory in which the spirit of the old Judaism can develop freely, protected from all disturbances and obstacles. . . . Thus, the yeshivah students of today are the last bearers of historic Judaism. The yeshivot are the fortresses of Judaism, and their students the only ones destined to defend them.<sup>81</sup>

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other, but achieve complete identity." However, in his recent book, p. 73, Breuer writes that *Torah im Derekh Eretz* does *not* mean achieving complete identify, but rather, both the Jewish and the secular retain a "clearly demonstrable identity" and thus complement each other.

<sup>80</sup> See his "Rettet die Jeschiwoth!" *Der Israelit*, January 11, 1917, pp. 2-3.

<sup>81</sup> "Die Jeschiwoth in Russland," p. 121.

How successful he was in convincing his readers of the yeshivot's great importance is unknown, but there was never a more impassioned adherent of a cause.

In the early days of the war, Weinberg viewed his stay in Germany as temporary, believing he would soon be returning to the East where "living Judaism" in all of its brilliance was to be found. As we have seen, his 1914 letter to Kook mentions that he had not yet been given permission to return home. However, by 1916, with Germany in control of the Pilwiski district, Weinberg could have returned there had he wished. Instead, he chose to remain in Germany where he continued to take part in Berlin's Jewish cultural and intellectual life. Despite all his nostalgia for the East, he was now under the spell of the West.

Although not officially a member, Weinberg began to frequent Berlin's *Beit Va'ad ha-Ivri* (the Hebrew Club), which was formed in the spring of 1917. This club attracted a large number of East European and "Palestinian" intellectuals, among them Jacob Simhoni, Zalman Rubashov (Shazar), Shneour Zalman, and Shmuel Agnon. In fact, for a time Weinberg lived in a pension together with Simhoni, Shazar and Jacob Nahum Epstein.<sup>82</sup> As with Weinberg, these were men who could no longer be constrained by the limits of Jewish intellectual life in the East, and, as if drawn by a magnet, had made their way to Berlin. With them Weinberg was able to find intellectual companionship and enduring friendship.<sup>83</sup> Gershom Scholem recalls that at the Hebrew Club's gatherings Weinberg was the only one who had no hesitations about lecturing in Hebrew, and he did so complete with Ashkenazic pronunciation.<sup>84</sup> We also know that during this time Weinberg lectured before both the student union of the Rabbinical Seminary of Berlin (about the

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<sup>82</sup> Zalman Shazar, *Or Ishim* (Jerusalem, 1973), vol. 1, p. 222.

<sup>83</sup> In 1920 Weinberg was to perform the wedding of Agnon and his bride, Esther Marcus -- against the wishes of Marcus' father. See the interesting story in Reuven Avineri, "Nissuin shel Agnon," *Ma'ariv*, May 6, 1988, p. 5

<sup>84</sup> *Mi-Berlin Lirushalayim* (Tel Aviv, 1982), p. 101.

Lithuanian yeshivot)<sup>85</sup> and the Union of Jewish Academicians (*Bund Jüdischer Akademiker*), an organization comprised mostly of Orthodox university students.<sup>86</sup>

In 1917 Weinberg authored a long-winded, and not very profound, article entitled "The Way to Understanding with the Orthodox."<sup>87</sup> In this article, really not much more than a sermon and very similar to what he wrote in his earlier essays, Weinberg argues that the reason why Orthodoxy is confronted with such opposition in the Jewish world is because its essence is misunderstood. However, in reality, all segments of Jewish life need the Orthodox in order to survive. Weinberg continues by urging the Orthodox to speak up for their rights and organize themselves in order to achieve their goals; goals which should be inner-directed and exclude battles with the non-Orthodox or even attempts to influence them. As he puts it, the Orthodox communities of both East and West have enough faults of their own which need to be dealt with before trying to appeal to a wider audience. By arguing in such a fashion, we see that he must not have been happy with the way Agudat Israel was developing.

Although Weinberg acknowledges that it would be worthwhile for the Orthodox to work together with other segments of Judaism on issues of common concern, this is only so when there is no possibility that Orthodoxy will be weakened in the process. Furthermore, it goes without saying that the guardians of tradition cannot be expected to be tolerant of their brethren's abandonment of this tradition. As Weinberg puts it, in almost fighting words:

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<sup>85</sup> "Protokollbuch des seminarischen Vereins 'Dibbuk Chawerim,'" entry for December 4, 1915. (Jewish Theological Seminary of America, ms. no. 3675).

<sup>86</sup> *Bund Jüdischer Akademiker Korrespondenzblatt* (Summer, 1917), p. 10. Regarding this very influential organization, see Breuer, *Jüdische Orthodoxie im Deutschen Reich 1871-1918*, pp. 331ff.

<sup>87</sup> The article originally appeared in the Agudah paper in Poland, *Dos Yiddishe Vort*. Weinberg translated it and published it as "Verständigung: Ein Wort für Nichtorthodoxe." It appeared in installments in *Der Israelit* of 1923 (June 21, 28, July 5, 12, 26, August 2, 9). It also appeared in a Hebrew translation by Aharon Sorasky (*Et Ahai Anokhi Mevakkesh*, pp. 49-76). For convenience sake I shall refer to this edition in citing Weinberg's essay.

Is it easy to say to a son that he should be tolerant of them that insult his mother? Tolerance?! Will a man forgive his brother when he sees the apathy shown to him, that he is unconcerned with his pain or happiness? Should one perhaps have tolerance for him who forsakes his mother, his wife and his family. . . . Tolerance is a modern invention! I can love or hate my brother, but under no circumstances can I be tolerant of him. From my brother I demand, and have the right to demand, that he not deprive me of the possibility to love him properly, as one loves a brother.<sup>88</sup>

Yet, despite these comments, the fact that Weinberg is theoretically prepared to work with the non-Orthodox on issues of joint concern, shows that he opposes the Frankfurt *Austritt* mentality which shunned any such cooperation.

Weinberg's differences with the German Agudah and its *Austritt* ideology can also be seen elsewhere. At the beginning of 1918 Weinberg, as the representative of the Slobodka yeshivah, was scheduled to give a speech at the Agudat Israel convention in Frankfurt. Unable to attend, he was forced to publish the address. Because of his criticisms of the direction Agudat Israel was moving in, Weinberg chose to submit the piece to the Mizrahi organ, *Die Jüdische Presse*,<sup>89</sup> rather than to *Der Israelit*, which reflected the Agudah position and probably would have refused to publish it.

Although the Agudah has by now degenerated, and reflects all that is bad about partisan religious politics, one must remember that when it was founded in 1912 there were high hopes, from all sections of the Orthodox population, that it would be able to rise above party and political squabbles and represent what was regarded as Torah-true Judaism. What was envisioned was a truly international group encompassing all Orthodox Jews. As time went on it became obvious that this was an unattainable goal, for, as Jacob Rosenheim describes at length in his memoirs, the religious and political differences between the various segments of Orthodoxy throughout the Diaspora were too thoroughgoing to be

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<sup>88</sup> Pp. 57-58.

<sup>89</sup> "Eine Rede zur Tagung der Agudath-Yisroel in Frankfurt a. M.," pp. 44-45.

patched over. This was especially the case when anti-Zionism became a hallmark of the Agudah. Still, it was the early high hopes which led R. Abraham Isaac Kook to leave Palestine in order to attend the ill-fated 1914 convention, where he was to speak on issues relating to the Land of Israel. It was also these hopes which convinced R. Meir Berlin (Bar Ilan), the leader of the Mizrachi, to attend the Agudah's first Kattowitz conference in 1912 and to pledge his support for Agudat Israel as the true representative of traditional Judaism.<sup>90</sup>

In his article Weinberg warned the Agudah members against drifting away from their lofty goals and turning into a political party which would, by definition, have to exclude segments of the Orthodox community. However, the organization appeared to be heading in this very direction, and the uproar over Pinchas Kohn's negative comments about Lithuanian Jews were the proof of this.<sup>91</sup> Rather than disassociating itself from what he had said, the separatist newspaper, *Der Israelit*, actually came to his defense.<sup>92</sup> That is, they defended the man who had insulted the segment of Judaism out of which arose Jewry's leading scholars.

In fact, Weinberg was just as angered by the defense of Kohn than by Kohn's words themselves. Reflecting its *Austritt* mentality, *Der Israelit* claimed that Kohn had been misunderstood, for his negative comments about the Jews of Lithuania were actually only made with reference to the non-Orthodox. It was this type of defense which infuriated Weinberg, for Kohn's memorandum was directed to the German government. Weinberg, for his part, was insistent that when dealing with the non-Jewish world "we recognize no difference between Torah-true and other Jews." A few months later he again picked up

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<sup>90</sup> See his article "Agudat Yisrael," *Ha-Ivri*, May 31, 1912, p. 213, and the report on the conference *ibid.*, June 14, 1912, pp. 225-230. See also Bar Ilan's *Mi-Volozhin ad Yerushalayim*, vol. 2, pp. 396-400, and Rosenheim, *Erinnerungen*, p. 125.

<sup>91</sup> See above, p. 78.

<sup>92</sup> "Alljüdische Politik," *Der Israelit*, January 17, 1918, pp. 1-3.

with his attack against the politicization of Orthodoxy, accusing the German Orthodox of ignoring the East European Jewish masses and not showing proper concern for the feelings of the young generation. According to Weinberg, this sorry state would continue until German Orthodox life was completely democratized.<sup>93</sup>

The dispute between Weinberg and *Der Israelit*, mentioned in the previous paragraph, is illustrative of a fundamental difference between the Orthodox communities in Germany and those in Lithuania and Poland. The German Orthodox, even those who did not separate from the general community, could not have been surprised by *Der Israelit's* defense of Kohn, in which it claimed that he was only giving the government a negative portrayal of the non-Orthodox. This is so for ever since the rise of the Reform movement in the early nineteenth century, the German Orthodox did not shy away from involving the government in their religious disputes.<sup>94</sup> At the beginning, when they were still the dominant party in Judaism, they denounced the Reformers as a sect, dangerous to true religion, and urged the government to close their temples.<sup>95</sup>

As the century progressed and the Orthodox lost power, they once again turned to the government. This time they argued that it violated their religious principles, indeed their very freedom of conscience, to be forced to remain in one communal framework with the Reformers. Thus, as Jacob Katz has noted, the very people who would have liked nothing more than to have the government suppress the Reformers, had now become advocates of freedom of religion when it was their freedom which was threatened.<sup>96</sup> All this shows that the tendency to look to the government for assistance in religious disputes was anything but foreign in Germany.

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<sup>93</sup> "Die Demokratisierung der Orthodoxie," *Der Israelit*, June 20, 1918, p. 1. The editor appended a strong refutation of Weinberg's opinion.

<sup>94</sup> See Bleich, "Rabbinic Responses to Nonobservance in the Modern Era," pp. 62-66.

<sup>95</sup> See Michael A. Meyer *Response to Modernity* (Oxford, 1988), chapter 1.

<sup>96</sup> See *Ha-Halakhah ba-Metzar*, pp. 10-14.

It was a government decision which finally allowed the Orthodox to form separate communities, and even those who remained in the general community did so with the understanding that if the Reformers crossed certain lines they too would withdraw from the community. Those who continued to belong to the general community, and they were the overwhelming majority of the German Orthodox, justified themselves by pointing to the decision of Bamberger mentioned in the previous chapter.<sup>97</sup> However, despite a great deal of mistaken assertions to the contrary, even Bamberger was not a philosophical supporter of the concept of one community, and on a number of other occasions agreed that the Orthodox should withdraw.<sup>98</sup> We thus see that the notion of Jewish unity was not a fundamental overriding concern of nineteenth century German Orthodoxy.

The situation in Lithuania and Poland was very different. For a few reasons, chief among them being the lack of any real Reform movement and the fact that Orthodox tax payments were not used to support non-Orthodox institutions, there was never a separatist Orthodoxy in these countries. Even after the non-Orthodox had become a force to be reckoned with, and the large cities became battle grounds between Orthodoxy and its opponents, each one struggling to control communal leadership, there was never any real attempt to form breakaway Orthodox communities from which the non-Orthodox would be excluded. Even the most vigorous Orthodox ideologues, such as Lifshitz, argued against such a step.<sup>99</sup> The Orthodox were content to struggle with the non-Orthodox over all

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<sup>97</sup> See above, p. 58.

<sup>98</sup> See R. Simhah Bamberger, *Zekher Simhah* (Frankfurt, 1925), no. 230; Moses Auerbach, "Seligmann Bär Bamberger," *Jeschurun* 15 (1928), p. 536; Hermann Schwab, *The History of Orthodox Jewry in Germany*, translated by Irene R. Birnbaum (London, [1950]), chapter 10; M. L. Bamberger, "Seligmann Baer Bamberger," in Leo Jung, ed., *Jewish Leaders* (New York, 1953), pp. 192-193; David Henshke, "Mahloket le-Shem Shamayim," *Ha-Ma'ayan* 13 (Tammuz, 5733), pp. 41-44; B. S. Hamburger's biographical essay in *Kitvei Rabbenu Yitzhak Dov ha-Levi mi-Würzburg* (Israel, 1992), pp. 543ff. The first significant German Orthodox figure who opposed *Austritt* on philosophical grounds was R. Marcus Horovitz. Regarding his views, see Heinemann, "R. Mordekhai ha-Levi Horovitz u-Tefisat ha-Yahadut Shelo," pp. 162-171.

<sup>99</sup> See e. g. Lifshitz' strong comments in *Mahazikei ha-Dat*, pp. 7a (note), 29a.

communal issues, including the appointment of the rabbi, rather than disrupt communal unity.

The sentiments behind this position were articulated by the Volozhin *Rosh Yeshivah*, R. Naftali Zvi Judah Berlin, in a responsum in which he strongly criticized the new *Mahazikei ha-Dat* organization in Galicia, which was also pursuing a separatist agenda.<sup>100</sup> In words similar to those used by Weinberg, and which accurately reflect Lithuanian and Polish rabbinic attitudes, Berlin emphasizes the need for all Jews to be united when confronting the Gentile world. As he puts it, it is literally this unity which enables them to survive all attempts at their destruction.<sup>101</sup> In this responsum Berlin also coins his famous expression, describing the separatist ideology as "sharper than swords upon the body of the nation and its survival." Agreeing with the position of R. Joseph Saul Nathanson and R. Israel Meir Hacoheh mentioned previously,<sup>102</sup> Berlin rejects the value of polemical battles with the non-Orthodox, and can only advocate an increased study of Torah as the means of returning all Jews to the proper path.

In fact, as Rosenheim recalls, the question of *Austritt* was one of the real sticking points in the early years of Agudat Israel. The Hungarian delegates insisted that in cities which had separatist communities only their members should be allowed to join the new organization. This became known as the "Hungarian Demand." The separatist rabbi of Frankfurt, Salomon Breuer, did not go this far, but still maintained that positions of authority in the movement should be reserved for those who joined the separatist community. However, the Lithuanian and Polish delegates, led by R. Hayyim Soloveitchik -- who had earlier been supportive of Breuer -- rejected this view.<sup>103</sup> If these delegates did

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<sup>100</sup> *Meshiv Davar* (Brooklyn, 1987), vol. 1, no. 44.

<sup>101</sup> However, when not confronting the Gentile world, Berlin urges the observant to keep apart from their non-religious brethren; see *ibid.*, no. 9.

<sup>102</sup> See above, p. 32.

not share Berlin's negative view of the separatist ideology, they certainly were neutral on the whole question and did not believe that it should be of any real importance. After all, every one of them was a member of a community which combined the Orthodox and non-Orthodox, and they had never attempted to duplicate the separatism of Germany and Hungary in their lands. As Gershon Baccn has pointed out in discussing the politics of Agudat Israel in inter-war Poland, the Orthodox claimed that they spoke for the vast majority of the country's Jews, and therefore "any hint at separatism would be self-defeating."<sup>104</sup>

For the Lithuanian and Polish rabbis to have agreed with Breuer's separatist agenda, even though it technically only applied to communities which already had two segments, would have also implied that there was something lacking in their own Orthodox consciousness. Furthermore, as Rosenheim recalls, the Lithuanian and Polish Orthodox who had settled in Germany hardly ever joined the separatist communities, and, coming from their background, did not see any religious significance in their action. To agree with the separatists would have meant that there was a serious religious deficiency in these Jews, something the majority of Lithuanian and Polish rabbis, not to mention Rosenheim himself, could never admit.<sup>105</sup>

Throughout 1918, with the war turning badly against the Germans, Weinberg remained in Berlin. In fact, we even find him delivering an anti-war sermon on Rosh Hashanah of this year. Yet in order to better understand this, some background is necessary. As is well known, Germany was swept up in war fever throughout the First World War. It was a time of great patriotism in which foreigners obviously had no part. Virtually the

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<sup>103</sup> Rosenheim, *Erinnerungen*, pp. 123-124. See also Schneersohn, *Iggerot Kodesh*, vol. 2, nos. 360, 363, 366, vol. 5, no. 1044, and Hayyim Eiz, "Al Devar Agudat Yisrael," *Ha-Modia*, 23 Shevat, 5673, cols. 267-268. According to Isaac Breuer, *Moriyah* (Jerusalem, 1982), p. 207, Soloveitchik only had a tactical disagreement with Salomon Breuer, but in principle he supported him.

<sup>104</sup> "Agudath Israel in Poland," p. 45.

<sup>105</sup> See Rosenheim, *Erinnerungen*, pp. 130-131, *Zikhronot*, pp. 192-194, *Oholai Ya'akov: Ausgewählte Aufsätze und Ansprachen* (Frankfurt, 1930), vol. 2, pp. 174-181.

entire German Jewish community, including the Orthodox who were about fifteen percent of this population, had united in support of their government. With the exception of England,<sup>106</sup> there was no other European country in which the patriotic feelings of Orthodox Jews even approached that of the German Orthodox.<sup>107</sup>

One of the most outstanding examples of this patriotism was Joseph Wohlgenuth, a leading Orthodox intellectual and lecturer at the Berlin Rabbinical Seminary, who actually published a pro-German tract entitled "The World War in the Light of Judaism."<sup>108</sup> In the

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<sup>106</sup> England's Chief Rabbi Joseph Hertz even went so far as to declare that *kohanim* were required to serve in the army – a position which caused an enormous amount of controversy in the Orthodox community. For the text of his statement see the *Jewish Chronicle*, April 14, 1916, p. 18. See also R. Shlomo Yosef Zevin, *Le-Or ha-Halakhah* (Tel Aviv, 1957), p. 59. Kook was in England during the war, where he strongly opposed Hertz and did his utmost to secure army exemptions for both yeshivah students and *kohanim*. As far as Kook was concerned, this war had nothing to do with Jewish interests, and therefore Jews should seek, if possible, to remove themselves from it. See Alexander Carlebach, *Men and Ideaa*, pp. 101-104, and R. Zvi Yehudah Kook, *Le-Hilkhot Tzibbur* (Jerusalem, 1987), p. 13.

<sup>107</sup> See the many publications listed in Louis Lamm, *Verzeichnis Jüdischer Kriegeschriften* (Berlin, 1916). Regarding the patriotism of the Zionist R. Nehemiah Anton Nobel, see Rachel Heuberger, "Nehemias Anton Nobel – ein orthodoxer Rabbiner zwischen deutschem Patriotismus und religiösem Zionismus," *Trumah* 3 (1992), pp. 151-174, esp. pp. 158ff. See also Chaim Schatzker, "Emdato ha-Yehudit-Germanit shel ha-Noar ha-Yehudi be-Germanyah be-Et Milhemet ha-Olam ha-Rishonah ve-Hashpa'atah shel ha-Milhamah al Emdah Zo," in B. Oded, et al., eds., *Mehkarim be-Toledot Am-Yisrael ve-Eretz-Yisrael* (Haifa, 1972), vol. 2, pp. 187-215, who stresses the importance of Jewish interests in the younger generation's enthusiastic pro-war stand.

<sup>108</sup> *Der Weltkrieg im Lichte des Judentums* (Berlin, 1915). See also his *Krieg und Judentum* (Frankfurt am Main, 1916). Juda Ari Wohlgenuth, "Joseph Wohlgenuth," in Leo Jung, ed., *Guardians of Our Heritage* (New York, 1958), p. 349, in referring to his father's pro-German attitude, writes: "His accent, however, was not on 'patriotism' but on his love for the Jewish people, whom he yearned to see redeemed from Czarist cruelty." This judgment is a complete distortion of the elder Wohlgenuth's views. Any reader of his essays will immediately see that not only is there a great deal more "patriotism" involved than the younger Wohlgenuth is prepared to admit, but virtually everything the elder Wohlgenuth writes is tied up with his love for, and desire to increase the glory of, the Fatherland. See especially his essay "Unser Kaiser," *Jeschurun* 2 (1915), pp. 1-18 (also found in *Der Weltkrieg im Lichte des Judentums*, pp. 62-75). One must remember that Wohlgenuth actually declared God to be on the side of Germany, making the struggle nothing less than a holy war. Furthermore, the war was not merely directed against Russia. Due to his patriotism, Wohlgenuth was also prepared to see England and France be destroyed. (After the Nazi rise to power, and in somewhat of a cruel joke, students at the Berlin Rabbinical Seminary would occasionally leave Wohlgenuth's patriotic works on his desk. See Isi Jacob Eisner, "Reminiscences of the Berlin Rabbinical Seminary," *Leo Baeck Institute Year Book* 12 [1967], p. 38.) The nature of German Orthodoxy's attitude towards the war effort is a most fascinating chapter, which has not yet been explored in depth. For some recent and illuminating comments, see both Mordechai Breuer, *Jüdische Orthodoxie im Deutschen Reich 1871-1918*, pp. 342-350, and Rivka Horwitz, "Voices of Opposition to the First World War among Jewish Thinkers," *Leo Baeck Institute Year Book* 33 (1988), pp. 233-259. In the bibliographical note found in Breuer's English version of his book (*Modernity Within Tradition* [New York, 1992], p. 490), he writes that there is an abundance of publications, circulars and archival documentation on the wartime activities of Orthodox Jewry in Germany. This material can be found in the Central Archives for the History of the

spirit of the times Orthodox Jews, with the enthusiastic support of the rabbinate, widely volunteered for the army.<sup>109</sup> Since volunteering for army service would, of necessity, require one to violate various Jewish laws, such as those related to the Sabbath and Kashruth, this step was opposed by R Esriel Hildesheimer during the war of 1870-71.<sup>110</sup> Yet R. David Zvi Hoffmann, Germany's leading halakhic authority during World War I, had a different view.<sup>111</sup> In any event, the patriotic atmosphere was such that even if halakhic objections were raised, they were simply pushed to the side.<sup>112</sup>

Although there were certainly a large number of Orthodox rabbis and intellectuals who did not share Wohlgenuth's extreme position,<sup>113</sup> and they did not refrain from commenting on the evils and undesirability of war,<sup>114</sup> one does not find them openly criticizing German war aims or speaking of a Jewish interest which diverged from the interests of the Fatherland. It is thus significant that Weinberg actually delivers a sermon, undoubtedly before East European Jews who knew nothing of German patriotism,<sup>115</sup> in which he proclaims that the war has nothing in common with Jewish interests and Jews therefore have no reason to join in it. As he puts it, the Jew does not wish to take part in wars against others, but rather in a war against the beastliness inherent in himself, for it is

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Jewish People, Jerusalem; Bayerisches Hauptstaatsarchiv (Kriegsarchiv), Munich; and the Bernstein Collection of Yeshiva University Archives.

<sup>109</sup> See Breuer, *Jüdische Orthodoxie im Deutschen Reich 1871-1918*, pp. 342ff.

<sup>110</sup> See his letter in *Die Jüdische Presse*, August 12, 1870, p. 54.

<sup>111</sup> *Melammed le-Hoïl* (New York, 1954), vol. 1, no. 42.

<sup>112</sup> Although, in earlier years, Jews generally tried to avoid military service, as a rule they patriotically supported their monarch. See Marc Saperstein, "War and Patriotism in Sermons to Central European Jews: 1756-1815," *Leo Baeck Institute Year Book* 38 (1993), pp. 3-14.

<sup>113</sup> See *ibid.*, pp. 343, 486 note 178.

<sup>114</sup> Particularly noteworthy in this regard is Isaac Unna, "Zeitgemässe Mahnungen," *Jeschurun* 3 (1916), pp. 703-709. See also Miriam Gillis-Carlebach, *Hinnukh ve-Emunah* (Tel Aviv, 1979), pp. 151-152.

<sup>115</sup> During the war years Weinberg served as rabbi of a small congregation of East European Jews. See above, p. 68.

this war which will in turn bring about the peaceful union of all men. In the heart of wartime Berlin, Weinberg is prepared to admit that the anti-Semites are correct when they argue that Jews are not ready to include themselves in the sacrifices being made by the rest of the population. This is so, for although Jews are always prepared to offer sacrifices for their ethical vision, they cannot lend their support to "ideals which bring destruction to humanity."<sup>116</sup> Whether Weinberg had spoken out previously against the war is not known, but there is no evidence that points in this direction. In fact, this sermon, in its entirety, did not soon appear in print. It was not published until the Nazi era when Jewish patriotism during World War I no longer had any relevance.<sup>117</sup>

After the war came to its end Weinberg still chose not to return to Pilwishki. Yet he remained concerned with events transpiring in Lithuania, and there can be little doubt that he was the moving spirit behind a number of different ventures. For example, in the spring of 1920 he, together with Wohlgemuth and Meier Hildesheimer, established a fund to assist Lithuanian yeshivot.<sup>118</sup> A few months later we find the three of them once more asking the German people to be generous in support of the yeshivot.<sup>119</sup> We know that he was also involved with fundraising for the new teachers seminary which was established in Kovno.<sup>120</sup>

Weinberg also continued his literary endeavors. In 1918 he published his first study of the Mussar movement, Salanter's innovation which so revitalized the Lithuanian

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<sup>116</sup> *Li-Frakim*, p. 28 (14).

<sup>117</sup> Most of the sermon did appear in his "Rosch-Haschonoh-Gedanken," *Die Jüdische Presse*, September 6, 1918, pp. 343-344. In this essay Weinberg speaks generally about the evils of war. However, for obvious reasons, the passage in which he acknowledges that Jews have no desire to take part in this war has been removed. (I am taking Weinberg at his word that these passages were in the original sermon and were not simply added at a later date.)

<sup>118</sup> See *Die Jüdische Presse*, March 12, 1920, p. 85.

<sup>119</sup> *Ibid.*, 11 June, 1920, p. 1 (Hebrew section), June 18, 1920, p. 1 (Hebrew section).

<sup>120</sup> See *ibid.*, April 16, 1920, p. 128.

yeshivot. In fact, this article, and the ones he wrote a few years later, are significant in that they are the first in-depth study of the movement, and until this day still have value both for Weinberg's insight and for the oral history of which he was a recipient.<sup>121</sup> Despite Weinberg's undisguised partisanship and the fact that he was writing as an "insider," he was still able to provide an impartial, and at times even critical, examination of the movement.<sup>122</sup> In other writings of this period Weinberg discussed the relevance of the traditional prayer book, in particular its sacrificial references, to modern Jews.<sup>123</sup> He also continued his nicely written, but not too profound, explorations into the nature of the Jewish people and its religiosity.<sup>124</sup>

Believing that modern Hebrew literature was too important and influential for Orthodox thinkers to ignore, Weinberg began to write a series of essays on it, of which only two installments appeared.<sup>125</sup> It is in Weinberg's essay on Micha Josef Berdyczewski that one finds a number of fascinating points which, unfortunately, were never fully developed. Therefore, all we are left with are glimpses of what could have been some very refreshing thoughts on the nature of faith in the modern world.

The figure of Berdyczewski was bound to be fascinating to the Orthodox, Weinberg included, for his writings comprise, at one and the same time, the most strident

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<sup>121</sup> Immanuel Etkes has argued that a couple of points in Weinberg's oral history are exaggerated. See his *R. Yisrael Salanter ve-Reishitah shel Tenuat ha-Mussar* (Jerusalem, 1984), pp. 98 and 158, note 24.

<sup>122</sup> "Von den litauischen 'Moralisten' ihrer Ideenwelt und ihrem ersten Führer," *Jeschurun* 5 (1918), pp. 478-484, 585-606. A few years later he published the equally significant article, "R. Jisroel Salanter und die Mussarbewegung," *ibid.* 7 (1920), pp. 595-605, *ibid.* 8 (1921), pp. 52-61, 162-168 (These articles appear in Hebrew translation in SE 4, pp. 276-296).

<sup>123</sup> "Über Opferwesen und Opfergebete," *Die Jüdische Presse*, December 21, 1917, pp. 534-536, December 28, 1917, pp. 544-546, January 4, 1918, pp. 6-7, January 11, 1918, pp. 16-18.

<sup>124</sup> "Das Frohe Volk," *ibid.*, September 20, 1918, pp. 363-364; "Ha-Datiyut ve-Kiyyum ha-Mitzvot," *Jeschurun* 7 (1920), Hebrew section, pp. 8-11.

<sup>125</sup> "Ahad Ha-Am be-Tor Hogeh-De'ot u-Moreh," *Jeschurun* 7 (1920), pp. 118-122; "Ha-Sifrut ha-Ivrit ha-Hadashah ve-Kabarniteha," *ibid.* 8 (1921), pp. 31-39. The first essay is merely an introduction to *Ahad ha-Am* from the Orthodox perspective, but the promised analysis of the latter's work never appeared. The second essay is devoted to Berdyczewski.

opposition to tradition as well as a seeming pride in this very same tradition. Not surprisingly, it is this characteristic which has often been discussed in scholarly studies of the author. As Weinberg puts it, the key to Berdyczewski is his "Jewish heresy." This heresy arises from the same source as the holy, and is actually the result of deep spiritual longing. Furthermore, just as a distinction must be made between the base heresy of the masses and the profound heresy of thinkers such as Berdyczewski, Weinberg argues that the same is true with regard to the opposite pole of heresy, namely belief. In his mind, belief which is characterized by calm and fulfillment is actually a sign of inner emptiness and lack of thought. A man with such feelings is a believer because he does not have the strength to deny, and such "belief," or better lack of denial, can never be the source of creativity. True belief, which is both religious and creative, is stormy, active, and conquering, sharing nothing with the passive fulfillment just mentioned.

The way Weinberg expresses himself in these latter points bears such similarity to what G. K. Chesterton writes, that one must seriously question if Weinberg had read the latter's *Orthodoxy*, which appeared in German translation in 1909. For example, in the following famous passage Chesterton's words show a great resemblance to those used by Weinberg:

People have fallen into a foolish habit speaking of orthodoxy as something heavy, humdrum, and safe. There never never was anything so perilous or so exciting as orthodoxy. It was sanity; and to be sane is more dramatic than to be mad. It was the equilibrium of a man behind madly rushing horses, seeming to stoop this way and to sway that, yet in every attitude having the grace of statuary and the accuracy of arithmetic . . . It is always simple to fall; there are an infinity of angles at which one falls, only one at which one stands."<sup>126</sup>

The essays of Weinberg that I have just discussed were written while he was in Germany, after the war was over. The fact that he remained in Berlin, rather than returning to Pilwiski, is a clear sign that he was intent on remaining in Germany for good.

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<sup>126</sup> *Orthodoxy* (New York, 1990), pp. 100-101.

However, for a rabbi to succeed in Germany it was necessary for him to have an advanced secular education. Indeed, only one who had received a doctorate could aspire to one of the coveted rabbinic positions. This being the case, Weinberg set his sights on attending a university. Although he was very intelligent, fluent in a few different languages, and a prolific author, none of this carried any weight as far as German universities were concerned. Having only attended *heder* and yeshivot, Weinberg had never received the degree necessary for acceptance to a German university.<sup>127</sup> To remedy this situation, he turned to the Jüdisches Realgymnasium in Kovno, presumably without appearing there in person, and on April 30, 1919 was granted a "Zeugnis der Reife" (i.e. Abitur).<sup>128</sup>

Armed with this new degree, and a recommendation from Albert Einstein,<sup>129</sup> he was given permission to attend lectures at the Philosophical Faculty of the University of Berlin, although he was not officially enrolled as a student.<sup>130</sup> In the winter semester of 1919-20 the thirty-five year old Weinberg was finally exposed to university learning. During this term he attended the lectures of a number of different professors, among them Hermann Strack, the famous Gentile Talmudic scholar.<sup>131</sup> He remained at the University of Berlin for only one semester. It was then that he decided to leave Berlin to formally enroll at the University of Giessen, beginning with the summer semester.

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<sup>127</sup> Apparently the degree he was granted in Lomza (see above, p. 24), was not sufficient.

<sup>128</sup> This is the information Weinberg supplied to the University of Giessen, and it is currently found in their archives. The information in Appendix, "Lebenslauf," has a different chronology, which does not seem to be correct.

<sup>129</sup> A letter from Weinberg to Einstein, dated December 19, 1919, in which he both thanks him for the recommendation and inquires as to when he could pay a visit to "the great son of our people," is found in the Albert Einstein Correspondence, copies of which are kept at both Boston University and The Hebrew University.

<sup>130</sup> Information contained in the archives of Humboldt University of Berlin.

<sup>131</sup> Appendix, "Lebenslauf."

## IV

### Giessen and Beyond

The various religious and political disputes which were a part of German Orthodoxy in the late nineteenth century continued in the years of Weimar. Before discussing the next stage of Weinberg's career, it is necessary to review a major disagreement between two important groups, known respectively as "Berlin" and "Frankfurt." The ideology of "Berlin" had its source in the Rabbinical Seminary of this city, a unique experiment in Orthodox rabbinical training founded by Rabbi Esriel Hildesheimer.<sup>1</sup> Recognizing the need for rabbis with modern educations, he attempted to establish a seminary while still in Hungary. After meeting with unrelenting opposition from his Orthodox colleagues, Hildesheimer moved to Berlin where the local Orthodox community was very supportive.

The Seminary he established in Berlin was the only institution under Orthodox auspices in which students were required to have a significant secular education before they were admitted. It was expected that they would also continue their general education at the university level.<sup>2</sup> Furthermore, *Wissenschaft des Judentums* was a central element of the

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<sup>1</sup> Regarding all aspects of the history and ideology of the institution, see S. Goldschmidt, "Die Gründung und Bedeutung des Rabbiner-Seminars," *Jeschurun* 7 (1920), pp. 216-255; Moses Auerbach, "Ziel und Wege der heutigen Rabbinerausbildung," *Der Israelit*, September 15, 1932, pp. 1-3, September 22, 1932, p. 6, September 19, 1932, p. 4; Bernard Perlow, "Institutions for the Education of the Modern Rabbi in Germany" (unpublished doctoral dissertation, Dropsie College, 1954), chapter 4; Moses Shulvass, "Beit ha-Midrash le-Rabbanim be-Berlin," in S. Mirsky, ed. *Mosdot Torah be-Eiropah* (New York, 1956), pp. 689-713; Isi Jacob Eisner, "Reminiscences of the Berlin Rabbinical Seminary," pp. 32-52; Mordechai Eliav, "Das orthodoxe Rabbinerseminar in Berlin," in Julius Carlebach, ed., *Wissenschaft des Judentums* (Darmstadt, 1992), pp. 59-73; and the very important comments of Eliezer Stern, *Ishim ve-Kivunim: Perakim be-Toledot ha-Ide'al ha-Hinukhi shel Torah im Derekh Eretz* (Ramat Gan, 1987), chapter 4.

<sup>2</sup> Whether Hildesheimer believed that secular studies were of inherent worth, as did Hirsch, or merely of pragmatic value is not entirely clear, as there is some ambiguity in Hildesheimer's work. However, most scholars agree that on the whole he leaned to the second alternative. See Breuer, *Jüdische Orthodoxie im Deutschen Reich*, pp. 125-126; Stern, *Ishim ve-Kivunim*, pp. 91ff; Mordechai Eliav, "Gishot Shonot le-Torah im Derekh Eretz -- Ideal u-Metziut," in Mordechai Breuer, ed., *Torah im Derekh Eretz* (Ramat Gan, 1987), pp. 50-51; Azriel Hildesheimer, "Rabbi Ezriel Hildesheimer ve-Hashkafato al Torah im Derekh Eretz," in *ibid.*, pp. 75-82; Kalman Kahana, "Ha-Gaon Rabbi Ezriel Hildesheimer u-Veit Midrasho," *Ha-Ma'ayan* 29 (Tammuz, 5749), p. 6; David Ellenson, *Rabbi Esriel Hildesheimer and the Creation of a Modern Jewish Orthodoxy* (Tuscaloosa, 1990), pp. 120ff.

curriculum, and was taught by some of the greatest names in German-Jewish scholarship.<sup>3</sup> Although the training of rabbis was central to the Seminary's *raison d'être*, Hildesheimer made clear in his address at the opening of the Seminary that he did not intend to create a "rabbi factory." Rather, in addition to rabbinic training, he hoped to make the Berlin Seminary the center of an Orthodox intelligentsia, consisting of merchants, theologians, lawyers, and doctors.<sup>4</sup> In this he was at least partly successful.<sup>5</sup>

In terms of commitment to the academic study of Judaism, there was little difference between the faculty of Hildesheimer's Seminary and its counterparts at the seminaries of Abraham Geiger and Zechariah Frankel. Indeed, Hildesheimer was always quick to defend the high academic standards at his institution.<sup>6</sup> The Orthodox scholars who were associated with the Seminary, even those who were uncompromising separatists in matters of Jewish communal politics, had no difficulty involving themselves in scholarly ventures with the non-Orthodox. Their motivations also seem to have been similar to those of the non-Orthodox scholars, with Hildesheimer speaking of the glorification of God's name which would accompany Orthodox successes in Jewish scholarship.<sup>7</sup>

The only real difference between the scholars at the Berlin Seminary and their non-Orthodox colleagues was in the realm of dogma, which was an important factor in biblical studies and the history of halakhah. In fact, as Breuer has pointed out, Orthodox scholarship in these areas was looked down upon for its lack of impartiality.<sup>8</sup>

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<sup>3</sup> For student interest in *Wissenschaft*, see the booklet *Unser Dibbuk* (Berlin, 1899), pp. vi-xii.

<sup>4</sup> *Jahres-Bericht des Rabbiner-Seminars für das orthodoxe Judentum pro 5684 (1873-74)* (Berlin, [1874]), p. 87.

<sup>5</sup> See e. g. *Jahres-Bericht des Rabbiner-Seminars zu Berlin für 1924* (Berlin, 1925), pp. 10ff.

<sup>6</sup> See e. g. Mordechai Eliav, ed., *Rabbiner Esriel Hildesheimer Briefe* (Jerusalem, 1965), Letter 57 (German section).

<sup>7</sup> *Jahres-Bericht des Rabbiner-Seminars für das orthodoxe Judentum pro 5684 (1873-74)*, p. 87; Breuer, *Jüdische Orthodoxie im Deutschen Reich*, pp. 174-175.

Nevertheless, even though the Seminary scholars were candid about their dogmatic assumptions, they believed that their scholarship, which upheld traditional views, was not based on dogma but was the result of an impartial examination of the evidence.<sup>9</sup> Whereas many of the Orthodox, in particular the students of Hirsch ("Frankfurt"), ignored the works of non-traditional scholars and even rejected the fundamentals of modern scholarship, the instruction at the Seminary, which accepted the assumptions and methodology of university scholarship, could not ignore Wellhausen but needed to *disprove* his heretical views. Hildesheimer and his successors believed that it was essential in modern times to confront head-on the views opposed to tradition. Any attempt to avoid this task would cause great damage, since the students would inevitably be exposed to the modern scholarly trends.<sup>10</sup>

The Seminary leadership was convinced that it was no longer possible to ensure theological conformity through the traditional arguments which had been advanced by men such as Judah Halevi. It was also impossible to advocate a theology based on faith alone, when this theology was in dispute with modern scholarship. Rather, the students had to be *convinced* that the traditional view was also in accord with the highest standards of scholarship. With great confidence, indeed over-confidence, the Seminary faculty believed that the conclusions of *Wissenschaft des Judentums* and modern biblical studies need not

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<sup>8</sup> See *Rabbiner Esriel Hildesheimer Briefe*, p. 134 (German section); Breuer, *Jüdische Orthodoxie im Deutschen Reich*, p. 186. However, it would appear to me that Breuer is mistaken in pointing to the dispute over the authenticity of B. H. Auerbach's edition of the *Eshkol* as an example of this phenomenon. To begin with, the main assault on Auerbach was led by Shalom Albeck, himself an Orthodox Jew. Secondly, this dispute had nothing to do with dogma interfering with scholarship. It was simply a question of whether Auerbach forged the text. Finally, it is not so clear, as Breuer would have it, that Albeck's attempt failed. On the contrary, the authenticity of Auerbach's edition is still highly questionable.

<sup>9</sup> See e. g. Hoffmann's introductory remarks in his commentary to Leviticus (Berlin, 1905), and his *Die Wichtigsten Instanzen gegen die Graf-Wellhausensche Hypothese* (Berlin, 1904). On Hoffmann's approach in this area, see Rav Tzair, *Massekhet Zikhronot* (New York, 1945), pp. 260-262.

<sup>10</sup> This is a common theme in Seminary literature. See e. g. S. Grünberg's comments in *Zum hundertjährigen Geburtstag des Rabbiners und Seminardirektors Dr. Israel Hildesheimer* (Berlin, 1920) pp. 14-15. See also Abraham A. Fraenkel, *Lebenskreise* (Stuttgart, 1967), p. 117; Joseph Abraham Wolf, *Ha-Tekufah u-Va'ayoteha* (Bnei Brak, 1965), pp. 111; and *Li-Frakim* p. 269 (322). For the opposing view of the Hirschians, see Jacob Rosenheim, *Das Bildungsideal S. R. Hirschs und die Gegenwart* (Frankfurt, 1935), pp. 25-27.

oppose traditional Jewish dogma. In fact, these modern fields of study could even be used to provide scholarly support for the traditional approach. Therefore, as noted above, the Seminary's academic study of the Bible was intent on showing the scholarly weaknesses of biblical criticism. Before graduation all Seminary students were to be made aware of how to present the traditional approach in a convincing, i. e. scholarly, manner.<sup>11</sup>

Rabbi David Zvi Hoffmann, a native of Hungary who succeeded Hildesheimer as rector of the Seminary, was also Germany's premier halakhic authority in the early twentieth century. In addition to this, he had for years been a practitioner of critical Talmud study and was an outspoken supporter of *Wissenschaft des Judentums*.<sup>12</sup> Although Hoffmann was a staunch opponent of the theories of Wellhausen, i. e. Higher Criticism, and in his Introduction to Leviticus advocated unambiguous acceptance of the Masoretic text, he was well aware of the difficulties in this text. It is not surprising, therefore, that he was willing to grant the possibility of textual corruption and minor post-Mosaic additions to the Masoretic text.<sup>13</sup> However, he argued that since in these few examples it is impossible to determine beyond all doubt what the original text must have been, it is proper to avoid all conjectural emendations.<sup>14</sup>

This was Hoffmann's view concerning the Pentateuch, and there can be no question that his approach was more liberal when it came to the non-Mosaic books. Still, it was not Hoffmann's views of the Bible which created controversy. This was left to Hildesheimer's son-in-law, Jacob Barth, another leading figure at the Seminary who was

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<sup>11</sup> See *Studien und Prüfungsordnung des Rabbiner-Seminars zu Berlin* (Berlin, 1928), p. 5.

<sup>12</sup> See his "Thora und Wissenschaft," *Jeschurun* 7 (1920), pp. 497-504, and my "Rabbi David Zvi Hoffmann on *Torah u-Madda*," *Torah u-Madda Journal* (forthcoming). See also David Ellenson and Richard Jacobs, "Scholarship and Faith: David Hoffman [sic] and his Relationship to *Wissenschaft des Judentums*," *Modern Judaism* 8 (February, 1988), pp. 27-40.

<sup>13</sup> See Moses Calvary, *Ben Zera li-Ketzir* (Tel Aviv, 1947), pp. 37-38.

<sup>14</sup> See his Introduction to Leviticus.

also one of the world's leading Semitists.<sup>15</sup> His research into Biblical Hebrew was based upon a comparative philological study of the other Semitic languages, especially Arabic. This research was carried on by his pupils, the most noteworthy being Samuel Grünberg who also taught at the Seminary. Barth's scientific approach to the Hebrew language in general, and the Bible in particular, while in accordance with the most advanced standards of scholarship, did not provide his students with a sense of the sacred. Indeed, followers of Hirsch argued that it was lecturers such as Barth who prevented the students from acquiring a true love of, and dedication to, Torah. For them, Barth's courses were almost no different than what one would find at the University of Berlin, where there was no distinction made between the study of holy and profane.<sup>16</sup>

Hirsch had built up an elaborate speculative etymological system, the basis of which was the uniqueness of the Hebrew language. In Hirsch's view, since Hebrew was a holy tongue, it could only be studied through itself or through Aramaic which was also viewed as a Jewish language.<sup>17</sup> The academic approach in comparative linguistics and philological research was thus anathema to the Hirschians.<sup>18</sup> As is to be expected, they regarded Barth's attempt to understand Biblical Hebrew through Arabic and other Semitic languages as a complete waste of time which did nothing to inspire religiosity.<sup>19</sup>

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<sup>15</sup> See Joshua Blau, "Yaakov Barth," in S. Federbush, ed., *Hokhmat Yisrael be-Ma'arav Eiropan* (Jerusalem, 1958), pp. 47-52.

<sup>16</sup> See Rosenheim's comments in *Erinnerungen*, pp. 54-55, *Oholei Yaakov*, vol. 1, pp. 217-224, and Isaac Breuer, "Rückblick auf das Jahr 5665," *Der Israelit*, December 3, 1903, p. 2131.

<sup>17</sup> See his *Gesammelte Schriften* (Frankfurt, 1912), vol. 5, pp. 143-199.

<sup>18</sup> See Hirsch, *Gesammelte Schriften*, vol. 6, p. 519, and Yitzhak Heinemann, "Ha-Yahas she-Bein S. R. Hirsch le-Yitzhak Bernays Rabbo," *Zion* 16 (1941), p. 63, for a more complex interpretation.

<sup>19</sup> See "Über jüdische Bibelexegese," *Jeschurun*, May 7, 1885, pp. 289-292; Yitzhak Heinemann, *Ta'amei ha-Mitzvot be-Sifrut Yisrael* (Jerusalem, 1993), vol. 2, p. 110. Yet it should be pointed out that on a number of occasions Rashi explains Biblical words by pointing to an Arabic origin. See the examples noted by R. Yaakov Hayyim Sofer, *Tal Hayyim* (Jerusalem, 1994), pp. 82-83.

Furthermore, and most controversial, Barth both accepted and taught the Deutero-Isaiah theory, which was regarded as bordering on the heretical by many Orthodox, particularly the followers of Hirsch.<sup>20</sup> Even though Barth could argue that his disputing the unity and traditional dating of Isaiah, as well as other post-Mosaic prophetic works,<sup>21</sup> violated no religious principles, this did not convince the followers of Hirsch, for whom dogma in these areas was much more rigid. The fact that Barth would advocate a theory which had almost no basis in traditional Jewish exegesis, but was adopted by the scholars of the Breslau Seminary,<sup>22</sup> gave the impression that his true loyalty lay with the latter camp. As Breuer puts it, "his lectures confirmed some of his students in their doubts rather than in their Orthodoxy."<sup>23</sup>

It is no wonder, then, that the Seminary's Orthodoxy was challenged in certain circles. Even Hoffmann did not escape this scrutiny. Although he was careful to point out that nothing he wrote in the area of *Wissenschaft des Judentums* should affect the practical halakhah, his research into rabbinic literature was revealing halakhic development in ancient times. In Hoffmann's opinion, the halakhah had been influenced by historical and sociological factors, as well as by the personalities of the men involved. He adopted this approach in his very first work, his doctoral dissertation *Mar Samuel*.<sup>24</sup>

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<sup>20</sup> See Zvi Weinberg, "Hartaotav shel Ya'akov Barth al Sefer Yishayahu ba-Beit Midrash le-Rabbanim be-Berlin," in Uriel Simon and Moshe Goshen-Gottstein, eds., *Iyyunei Mikra* (Ramat Gan, 1980), pp. 229-241; Calvary, *Ben Zera li-Ketzir*, pp. 36, 38; Fraenkel, *Lebenskreise*, pp. 117-118; Breuer, *Jüdische Orthodoxie im Deutschen Reich*, p. 173. (When Breuer writes that Barth never explicitly mentioned Deutero-Isaiah, he must refer to Barth's written work, for there was no such reticence in his lectures.)

<sup>21</sup> See e. g. his "Die Entstehungzeit des Buches Hiob," in *Jahres-Bericht des Rabbiner-Seminars für das Orthodox Judentum pro 5686 (1875-76)* [Berlin, 1876].

<sup>22</sup> See Heinrich Graetz, *Geschichte der Juden* (Leipzig, 1876), vol. 2, part 2, pp. 59ff.; Marsha L. Rozenblit, "Jewish Identity and the Modern Rabbi: The Cases of Isak Noah Mannheimer, Adolf Jellinek, and Moritz Güdemann in Nineteenth-Century Vienna," *Leo Baeck Institute Year Book* 35 (1990), p. 121.

<sup>23</sup> *Jüdische Orthodoxie im Deutschen Reich*, p. 173.

<sup>24</sup> (Leipzig, 1873).

Hoffmann was also open to criticism from the right for the way he quoted and discussed, in a detached and scholarly fashion, the views of authors regardless of their religious affiliations. As one critic put it, he "mentioned Rashi and Ramban in the same breath as Kittel and Wellhausen."<sup>25</sup> Although this is an essential element of modern scholarship, and was expected to be adopted by all Seminary graduates in their own research, it was this very method which was deplored by Hirsch and his followers, as well as by the leading Orthodox historian of the Talmudic period, Rabbi Isaac Halevy.<sup>26</sup> These men refused to grant legitimacy to the non-Orthodox scholars. Therefore, unlike Hoffmann, they would never quote the research of Graetz, Geiger or Weiss in support of their own historical conclusions. When Graetz and the others were quoted it was only to polemicize against their positions. It is thus not surprising that the Hirschians regarded the Seminary's approach as a dangerous concession to the spirit of the university.<sup>27</sup> Indeed, after examining *Mar Samuel*, Hirsch himself declared it heretical. He further expressed doubts as to whether the Seminary as a whole could be considered Orthodox.<sup>28</sup>

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<sup>25</sup> See "Von der Frankfurter Jeschiwah," *Jüdische Monatshefte* 4 (1917), p. 170; Breuer, *Jüdische Orthodoxie im Deutschen Reich*, p. 191. See, however, Wohlgenuth, "Nachwort des Herausgebers," *Jeschurun* 7 (1920), p. 511, where Hirsch is portrayed as more sympathetic to Hoffmann's biblical scholarship.

<sup>26</sup> Reichel, ed., *Iggerot R. Yitzhak Isaac Halevy*, p. 132. Halevy's comment is most typical: הלא אין חברתנו כהברלינצער אשר אחת היא להם אם יכתוב איש עבור התורה או נגד התורה.

<sup>27</sup> Note also the *Festschrift* published jointly by the Berlin *Gemeinde* and the Rabbinical Seminary in honor of Jakob Freimann, *Emet le-Yaakov* (Berlin, 1937). Among the non-Orthodox contributors include Leo Baeck, Ismar Elbogen, Max Wiener, Abraham Joshua Heschel, Immanuel Löw, and Gershom Scholem. The Hirschians, on the other hand, would never include the contribution of one who didn't identify with Orthodoxy. See e. g. their *Festschrift für Jacob Rosenheim* (Frankfurt, 1931).

<sup>28</sup> See *Rabbiner Esriel Hildesheimer Briefe*, Letter 74 (German section); Alexander Marx, *Essays in Jewish Biography* (Philadelphia, 1947), pp. 204-206; Breuer, *Jüdische Orthodoxie im Deutschen Reich*, pp. 170ff.; *idem.*, "Hokhmat Yisrael: Shalosh Gishot Ortodoksiyot," in Shaul Yisraeli, *et al.*, eds., *Sefer Yovel li-Khevod Morenu ha-Gaon Rabbi Yosef Dov ha-Levi Soloveitchik* (Jerusalem, 1984), vol. 2, p. 860; Yehoshua Markowitz, "R. David Zvi Hoffmann," (unpublished masters dissertation, Bar Ilan University, 1968), pp. 40-43; Hile Wechsler, *Devar Azharah le-Yisrael*, ed. Rivka Horwitz (Jerusalem, 1991), pp. 38-39 (first pagination). It is surprising that the correspondence of Hoffmann, Hirsch, and the others involved in this dispute has not yet been published.

Rabbi Seligmann Baer Bamberger of Würzburg shared these doubts. According to Hildesheimer, Bamberger believed that the Berlin seminary was even more dangerous to Orthodoxy than Geiger's institution.<sup>29</sup> Emil Lachman, the well-known Berlin philanthropist and supporter of the *Kenesset Yisrael* yeshivah, also agreed with this position. He went so far as to revile the Seminary students and cast doubts upon their religious sincerity.<sup>30</sup> Although it is true that, in time, Hirsch's followers, together with the rest of German Orthodoxy, made their peace with the Seminary and its faculty, they nevertheless retained a deep suspicion of any Orthodox efforts in the area of *Wissenschaft des Judentums*.<sup>31</sup> Some even went so far as to claim that the only true *Wissenschaft des Judentums* was the written and oral law. In their mind, all other areas of research were best described as *Wissenschaft vom Judentum*, that is, not the real thing.<sup>32</sup>

Unlike the faculty of the Seminary, the Hirschians would never imagine sending a letter of encouragement to mark the opening of the Hebrew University, even if, as in the case of the Seminary's letter, they expressed the hope that the studies carried out in Jerusalem would uphold the glory of the Torah.<sup>33</sup> In fact, almost immediately after the University's opening one finds them directing harsh criticism against it.<sup>34</sup> It is thus only to

<sup>29</sup> *Rabbiner Esriel Hildesheimer Briefe*, p. 50 (Hebrew section); Stern, *Ishim ve-Kivunim*, p. 107.

<sup>30</sup> *Rabbiner Esriel Hildesheimer Briefe*, p. 74 (Hebrew section).

<sup>31</sup> Regarding the attitude of Hirsch and his students to *Wissenschaft*, see Breuer, *Jüdische Orthodoxie im Deutschen Reich*, pp. 160-179 and *idem*, "Hokhmat Yisrael: Shalosh Gishot Ortodoksiyot," pp. 856-865. Hirsch himself coined the famous phrase: "Lieber Jude ohne Wissenschaft als Wissenschaft ohne Judentum;" see his *Gessamelte Schriften*, vol. 6, p. 393. See also Stern, *Ishim ve-Kivunim*, pp. 106-108.

<sup>32</sup> See Hermann Klein, "Das Judentum in seinen Grundzügen," *Der Israelit*, December 5, 1904, p. 2069; Michael A. Meyer, "Jewish Religious Reform and Wissenschaft des Judentums," *Leo Baeck Institute Year Book* 16 (1971), p. 35.

<sup>33</sup> *Der Israelit*, April 8, 1925, p. 6. See also the Agudat Israel supplement in *Der Israelit*, June 25, 1925. In 1937 the Seminary sent the Jewish Theological Seminary of America greetings on the occasion of the latter's fiftieth anniversary. See *Jahres-Bericht des Rabbiner-Seminars zu Berlin für die Jahre 1936 und 1937* (Berlin, 1938), p. 10. As with the Hebrew University, the Hirschians regarded the Jewish Theological Seminary as a center of heresy which certainly did not deserve of any acknowledgment on its anniversary.

<sup>34</sup> See the Agudat Israel supplements in *Der Israelit*, April 23, 1925, June 11, 1925. For criticism prior to the University's official opening, see *Der Israelit*, February 12, 1925, p. 3.

be expected that, although followers of Hirsch would often earn doctorates, for the most part they kept away from areas of Jewish scholarship. These areas were viewed as dangerous to the faith, and it is known that this approach was even able to influence some Seminary students.<sup>35</sup>

With such an approach it is understandable that the Frankfurt Orthodox and their sympathizers were intolerant of views which differed from their own, whether this be with regard to Reform, Zionism, communal unity, or varying conceptions of Orthodoxy.<sup>36</sup> When one of their own strayed from the path, as Raphael Breuer did when he published a commentary which interpreted the Song of Songs literally,<sup>37</sup> they were quick to criticize him.<sup>38</sup> This led Breuer to publish a second commentary which was more acceptable to his Orthodox circle.<sup>39</sup>

The Hirschians' intolerance is seen even more clearly in the way they related to the *Gemeinde* Orthodox rabbi of Frankfurt, Marcus Horovitz. Horovitz' scholarship and piety could certainly not be questioned. Yet the Frankfurt separatists treated him as no different than a Reform rabbi, regarding his synagogue as territory one was forbidden to enter. For the Frankfurt separatists, who regarded themselves as the true representatives of Orthodoxy, refusal to join their community was seen as a terrible error. Yet this error was forgivable as far as laymen were concerned. A rabbi, on the other hand, who followed this path was guilty of nothing less than an unforgivable rebellion against Torah values.

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<sup>35</sup> See Rosenheim, *Erinnerungen*, pp. 54-55; *The Blessing of Eliyahu* (London, 1982), p. 11.

<sup>36</sup> See the comment of Bar Ilan, *Mi-Volozhin ad Yerushalayim*, vol. 2, p. 376. See also the major study of Yaakov Tsur, "Ha-Ortodoksiyah ha-Yehudit be-Germanyah ve-Yahasah le-Hitargenu Yehudit u-le-Tziyonut" (unpublished doctoral dissertation, Hebrew University, 1982).

<sup>37</sup> *Die fünf Megilloth: Hoheslied* (Frankfurt, 1912).

<sup>38</sup> See e. g. *Der Israelit*, July 18, 1912, p. 9. Breuer defended his approach in *Zur Abwehr* (Frankfurt, 1912). For other attacks on Breuer's commentary, see "Die Tragödie des Hohenliedes," *Die Jüdische Presse*, May 10, 1912, pp. 177-179, and "Die Komödie der 'Abwehr,'" *ibid.*, August 30, 1912, pp. 334-336.

<sup>39</sup> *Lied der Lieder* (Frankfurt, 1923).

This extremism was absent in the Berlin separatist community, which was described by Ze'ev Jawitz as combining the holiness of the Land of Israel, the Torah scholarship of Vilna, and the culture of Paris.<sup>40</sup> The members of this community had a very good relationship with the *Gemeinde* Orthodox, and both segments were represented among the Rabbinical Seminary's faculty, student body, and financial supporters.<sup>41</sup> Unlike the situation in Frankfurt, leading members of the separatist community in Berlin were involved with Zionism and *Wissenschaft des Judentums*. Furthermore, they did not hesitate to join forces with the Reform if general Jewish interests were at stake. Still, and this is of great importance, despite the separatism, opposition to *Wissenschaft*, and general extremism of Hirsch and his followers, Hirsch's religious philosophy of *Torah im Derekh Eretz* became a guiding light for the overwhelming majority of Germany's bourgeois Orthodox, finding popularity in all circles, including the Rabbinical Seminary. Rejection of Hirsch's religio-political program, which Hirsch himself regarded as being of fundamental importance, was thus coupled with adoration of his "pure" religious philosophy. It is with this latter point in mind that one can speak of a German Orthodox ideology shared by all segments of what is often called Neo-Orthodoxy.<sup>42</sup>

After this brief elaboration of the different strands of German Orthodoxy, we can now return our focus to Weinberg's career during the Weimar years. Although at this time

<sup>40</sup> See Ze'ev Zvi (Hermann) Klein, *Orayta be-Galuta* (Buenos Aires, no date), Introduction.

<sup>41</sup> See Kahana, "Ha-Gaon Rabbi Ezriel Hildesheimer u-Veit Midrasho," p. 8; Benjamin Ze'ev Jacobson, *Zikhronot* (Jerusalem, 1953), pp. 58-59; Jacob Levy, "Zikhronot Neurim mi-Kehillah Kedoshah 'Adat Yisrael' be-Berlin," *Ha-Ma'ayan* 4 (Tammuz, 5724), pp. 7-8; Michael L. Munk, "Austrittsbewegung und Berliner Adass Jisroel-Gemeinde 1869-1939," in Herbert A. Strauss and Kurt R. Grossmann, eds., *Gegenwart im Rückblick* (Heidelberg, 1970), pp. 144-145. As Moses Auerbach recalled, the difference between the Berlin separatist community (of which he was a member) and its Frankfurt counterpart was described as follows: *שהגצנו לפרישה בפרנקפורט אמרו, אשרינו שזכינו לפרוש! בברלין אמרו, אוי לנו*. See Jacob Tsur, "Torah im Derekh Eretz" ve-"Torah ve-Avodah," in Breuer, ed., *Torah im Derekh Eretz*, p. 98. See also Yeshayahu Wolfsberg, Introduction to Abraham Berliner, *Ketavim Nivharim* (Jerusalem, 1969), p. xi: *לא צהלו ולא שמחו בניגוד לאנשי פראנקפורט מעולם לא צהלו ולא שמחו בניגוד זה גדולי ברלין לקראת פירוד זה*.

<sup>42</sup> Although "Neo-Orthodoxy" is a common term, its validity has been challenged by Julius Carlebach, "The Foundations of German-Jewish Orthodoxy: An Interpretation," *Leo Baeck Institute Year Book* 33 (1988), pp. 88-91.

he had little academic training in *Wissenschaft des Judentums* and Semitics, this was soon to change. In the summer of 1920, he traveled to the University of Giessen to pursue his academic studies full-time. It was there that he received his first intensive exposure to the world of modern scholarship. At first glance it might appear strange for Weinberg to leave Berlin, the intellectual and cultural capital of Orthodoxy, not to mention Germany as a whole, in order to settle in Giessen, which had only about a thousand Jews.<sup>43</sup> Indeed, many who lived through that period would agree with Reform Rabbi Joachim Prinz' comment: "If I could choose a time to live in, any place, I'd choose the 1920's in Berlin."<sup>44</sup> During the Weimar years Berlin was also teeming with East European Jewish intellectuals, including many of the greatest names in Hebrew literature. This ensured that Weinberg would not be lacking in intellectual companionship if he remained in Berlin. Yet Giessen had someone the likes of whom could not be found elsewhere in Germany, the great Semitic and Masoretic scholar Paul Kahle, who happened to also be a pious Christian minister and vigilant defender of Jewish literature against anti-Semitic attacks.<sup>45</sup>

Although by now much of the work of Kahle and his students has been rejected, when Weinberg journeyed to Giessen there was no serious challenge to Kahle's views, and he was regarded by many as the world's leading authority on the Masorah and Targumim. Twenty-five years later, Weinberg nostalgically recalled the university's pleasant atmosphere, where colleagues of different religions and nationalities were united in their commitment to scholarship under Kahle's guidance.<sup>46</sup> By choosing to do graduate work on the Bible, which, as far as the Hirschians were concerned, was the most dangerous of all

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<sup>43</sup> See *Encyclopedia Judaica* (Jerusalem, 1971), vol. 7, column 560.

<sup>44</sup> Otto Friedrich, *Before the Deluge: A Portrait of Berlin in the 1920's* (London, 1974), p. 11.

<sup>45</sup> Unless otherwise noted, all biographical information relating to Weinberg's stay at Giessen is taken from the University of Giessen Archives.

<sup>46</sup> Letter to Paul Kahle, dated March 23, 1947.

fields of university scholarship, there can obviously be no question regarding Weinberg's commitment to the Seminary's outlook.

Kahle himself was in for somewhat of a surprise, for never before had he encountered a student quite like Weinberg, who happened to be only a decade his junior. He found in Weinberg a man with massive knowledge of biblical, Targumic, and rabbinic literature. At the same time, however, there was a great deal Weinberg needed to learn in terms of method. Not only was he lacking the skills to engage in critical examination of the texts he knew so well, but the entire fields of *Wissenschaft des Judentums* and modern Biblical studies were foreign to him. It was in these areas that Kahle was to have an enormous impact on Weinberg's scholarly development. Yet it was not only Weinberg who was to profit from these years in Giessen, for Kahle himself pays tribute to the great assistance Weinberg offered him in his research.<sup>47</sup> In addition to his work under Kahle, Weinberg also studied two subsidiary subjects: Old Testament under Professor Hans Schmidt and philosophy under Professor Ernst von Aster.

Kahle was very happy with Weinberg's progress and soon asked him to accept an appointment as lecturer in Jewish studies, beginning with the summer semester of 1921. Although this new job would have eased his difficult financial circumstances, there was one problem which had to be confronted before he could accept the position, namely, an undisputed halakhah which states that Jews may not teach Gentiles Torah.<sup>48</sup> Weinberg was able to solve this problem with a responsum he authored in which he showed that teaching Gentiles Torah simply for academic purposes is not proscribed.<sup>49</sup> It is obvious that the

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<sup>47</sup> Kahle, *Masoreten des Westens* (Stuttgart, 1927), vol. 1, p. 78, vol. 2 (Stuttgart, 1930), p. 3, note 1. Kahle and Weinberg later jointly published "The Mishna Text in Babylonia: Fragments from the Geniza," *Hebrew Union College Annual* 10 (1935), p. 185-222.

<sup>48</sup> See Isaac H. Mann, "The Prohibition of Teaching Non-Jews Torah: Its Historical Development," *Gesher* 8 (1981), pp. 122-173; J. David Bleich, *Contemporary Halakhic Problems* (New York, 1983), vol. 2, chapter 16.

<sup>49</sup> This information is contained in SE 2:92, which is also devoted to the issue of teaching Gentiles Torah. (This responsum was addressed to R. Mordekhai Gifter, but for some reason his name was omitted when the

basis of this responsum is the fact that Weinberg was now acquainted with men such as Kahle, who were interested in Torah study purely for intellectual stimulation. It is certainly doubtful whether it would have been possible for Weinberg, while still in Pilwishki, to reach the same halakhic conclusions, for in Eastern Europe Gentile study of the Torah was usually understood to be related to Gentile attacks on the Jewish religion.<sup>50</sup>

An even greater problem which confronted Weinberg was that of biblical criticism. Although the "assured results" of Higher Biblical Criticism were regarded as dogma in the German universities, it was impossible for an Orthodox Jew such as Weinberg to accept the position of the Higher Critics. However, this did not mean that all forms of biblical criticism were off-limits to him. In fact, the dogmas of Orthodoxy with regard to critical study of the Bible were fairly broad, relatively speaking, from the perspective of the intellectuals gathered around the Rabbinical Seminary in Berlin.

Seeing himself as a follower of the Seminary's approach, Weinberg could uphold the traditional view of the complete Mosaic authorship of the Pentateuch and still regard himself as a critical scholar. Confident that the traditional view was defensible on scholarly grounds, Weinberg was not reticent about presenting this view in his lectures. Isidor Grunfeld, the well-known translator of Hirsch's writings, attended Weinberg's classes as a young student. He recalled:

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responsum was published). For similar treatments, see also SE 2:90 and *Moriah* 13 (Kislev, 5745), pp. 64-66. Surprisingly, Weinberg does not mention that Salanter was in favor of Talmud being included in the curriculum of German universities. See Etkes, *R. Yisrael Salanter ve-Reshitah shel Tanuat ha-Mussar*, pp. 259-260. There cannot be any question that Weinberg's responsum written in Giessen, as with many others he was later to write, was not an objective analysis. Rather, it was an attempt to justify what was already a common practice in Germany among Orthodox Jews who were involved with academic scholarship, and thus in contact with Gentile scholars. To give one example, it is well known that Hoffmann gave Hermann Strack a great deal of assistance in the latter's rabbinic studies. (However, Hoffmann was opposed to teaching Torah to Gentile youth, see *Melammed le-Ho'il*, vol. 2 no. 77.)

<sup>50</sup> For expressions of such sentiment, see R. Solomon Luria, *Yam shel Shlomo* (New York, 1953), to *Bava Kamma* 38a, and R. Aaron Walkin, *Zekan Aharon* (New York, 1977), vol. 2, no. 71. Such a fear continues to guide many decisors who confront this issue. See e. g. R. Israel Veltz, *Divrei Yisrael* (Bnei Brak, 1980), vol. 2, *Yoreh Deah*, no. 37: מי שבקי קצת בתולדות ימי צמחנו יודע שכל צרותיהן של ישראל בימי גלותם, עפ"י רוב באו לנו ע"י גבורתם שידעו קצת פטפוט אוריינית.

His lectures were always crowded. Not only students of theology and oriental languages, but also students of other faculties and even university professors sat at his feet, impressed by the depth of his thought and enchanted by the slow and deliberate manner of his lecturing and his deep sonorous speaking voice. I can never forget his brilliant strictures against Bible criticism and his convincing arguments in favor of the authenticity of Jewish tradition. Few were able to combine Talmudic and Biblical scholarship as Rabbi Weinberg did. With his sharp dialectical mind and his wide range of knowledge, this proud Lithuanian Jew did not find it difficult to impart, even to non-Jewish listeners, a deep respect for Jewish traditional values.<sup>51</sup>

In late 1921 or early 1922, Weinberg returned to Pilwiskhi for the first time. The time of his return was an important period as the Jewish communities had been granted national autonomy in the newly formed independent Lithuanian commonwealth. These communities had undergone many changes, most significant being that the younger generation had attempted, and often succeeded, in taking hold of the reins of leadership. The elders, formerly the backbone of the Jewish community but now viewed as reactionaries, were forced to resign their positions of authority and were relegated to obscurity. Confronting the tension brought about by this generation gap, and acting in his rabbinic mode -- although he had been gone for over seven years he was still considered the rabbi of the town<sup>52</sup> -- Weinberg delivered a sermon which was an attempt "to make peace between the old and young and to bring them together through mutual understanding"<sup>53</sup> Yet this sermon was the extent of Weinberg's efforts in this regard, for only a short time later he was to leave Pilwiskhi again. This time, however, he was no longer a married man. Having finally given his wife a divorce, after sixteen years of marriage, he was ready to start a new life in Germany.<sup>54</sup>

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<sup>51</sup> "The 'Ba'al Seride Esh,'" in Nisson Wolpin, ed., *The Torah Personality* (Brooklyn, 1980), pp. 103-104.

<sup>52</sup> See Weinberg's July 16, 1921 letter from Giessen to the communal leaders of the town, YIVO Archives, Lithuanian Towns, File 846, no. 36646, and M. Z. Levinson-Lavi's letter in *Bitzaron* 8 (1943), p. 278.

<sup>53</sup> *Li-Frakim*, p. 223 (273).

<sup>54</sup> Weinberg's letter to Zvi Matheson from 1924 (the exact date is unreadable). According to information in the record book of the Jewish community of Finland, Weinberg's former wife married the rabbi of Helsinki, Samuel Nathan Bukanz, on June 29, 1923. They emigrated to Palestine in 1926. An interesting bit of

Returning to Giessen, Weinberg immersed himself in the writing of his doctoral dissertation, as well as beginning his studies of Greek. The dissertation was to be an analysis of the Syriac translation of the Bible, the Peshitta, and its relationship to both Jewish and other ancient versions. At the same time, he taught courses in Bible, Mishnah, and Talmud for both beginners and advanced students. In the summer of 1923, Weinberg took his oral examinations in which he was tested by Kahle, Schmidt, and Aster. He passed these examinations with the mark "ausgezeichnet (1)" -- the top grade. During this summer he also handed in his dissertation, which received favorable judgments from the referees, Kahle and Schmidt. Both of them recommended that it should be accepted by the university on the condition that it be revised. Yet for some unknown reason, Weinberg never submitted a revised version. Thus, contrary to Weinberg's own testimony on many occasions, he was never officially granted a doctorate.<sup>55</sup> His dissertation has not survived, although it seems to be identical with his unpublished book on the Targumim that he often refers to.<sup>56</sup> All that Weinberg ever published on Targumic matters was one 1924 article which appeared in installments in the newspaper *Jüdisches Wochenblatt*.<sup>57</sup>

While Weinberg was in Giessen, significant events were occurring in Berlin, chief among them being the passing of Rabbi David Zvi Hoffmann in 1921. In addition to

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hagiography has R. Nathan Zvi Finkel fasting for forty days when Weinberg decided to settle in Germany. I heard this from Rabbi Bezalel Rakov who heard it from his father-in-law, Rabbi Naftali Shackovitsky. Rakov is currently the rabbi of Gateshead and was very close to Weinberg after World War II.

<sup>55</sup> In late 1927 the university attempted, without success, to contact Weinberg with regard to the revisions. In early 1928 it discontinued his program of study. Kahle no doubt regarded Weinberg as worthy of the degree, even if it was never officially awarded, for he always referred to Weinberg as "Dr." Similarly, Weinberg often signed his name "Dr. J. Weinberg," even in letters he wrote to Kahle.

<sup>56</sup> See e. g. SE 4, p. 49, note 1, and p. 103.

<sup>57</sup> It was later republished as "Zur Geschichte der Targumim. Eine Darstellung der Entstehung und Entwicklung der aramäischen Targumim." *Festschrift für Jacob Rosenheim*, pp. 237-258, and appears in Hebrew translation in SE 4, pp. 267-275. Alexander Sperber, who was to become a great Biblical and Targumic scholar, was at one time Kahle's assistant. He later published an article, "Peschitta und Onkelos," in Salo W. Baron and Alexander Marx, eds., *Jewish Studies in Memory of George A. Kohut* (New York, 1935), pp. 554-564, in which he advanced a number of suggestions which were similar to what Weinberg had proposed in his dissertation. Because of this, Weinberg suspected that Sperber might have stolen some of his ideas. This information is contained in Weinberg's letter to Kahle, dated February 10, 1949.

serving as rector of the Seminary, Hoffmann was also senior lecturer in Talmud and Codes. As such, he was the one primarily responsible for training the young men studying for the rabbinate. A few years before his death Rabbi Abraham Elijah Kaplan had been appointed to assist him, and he now assumed Hoffmann's role.

Kaplan was a native of Lithuania who had studied in the yeshivot of Telz and Slobodka (*Kenesset Yisrael*).<sup>58</sup> Despite the fact that he had no formal secular education, he was sympathetic to German Orthodoxy. He even assumed the task of translating some of Hirsch's writings into Hebrew. Kaplan, who was also a poet and unabashed Zionist, was a Talmudist of the first rank who created somewhat of a sensation in rabbinic circles when he published the first installments of his planned comprehensive commentary on the Talmud in the 1924 *Jeschurun*.<sup>59</sup> Had he remained at the Seminary, there is no doubt that he would have left an indelible mark on German Orthodoxy and Jewish history as a whole. But alas, this was not to be the case. In May of 1924, at the young age of thirty-four and in the midst of editing Hoffmann's responsa, he passed away suddenly.<sup>60</sup>

Although Kaplan's years at the Seminary were short, they had a great impact. He greatly encouraged the trend in which German Jews, having been positively affected by their encounter with the East, were striving for higher levels of religious enthusiasm and were once again beginning to take the study of Talmud seriously.<sup>61</sup> In this he was assisted by a few important Lithuanian immigrant rabbis, such as Salman Baruch Rabinkow of

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<sup>58</sup> In his letter to Samuel Atlas, dated June 9, 1965, Weinberg refers to Kaplan as his former student. Perhaps Kaplan was one of those sent by Finkel to study with Weinberg in Pilwiski.

<sup>59</sup> See I. Grunfeld, *Three Generations: The Influence of Samson Raphael Hirsch on Jewish Life and Thought* (London, 1958), p. 76; Fraenkel, *Lebenskreise*, p. 183.

<sup>60</sup> For biographical information on Kaplan, see the introduction to his *Divrei Talmud* (Jerusalem, 1958), vol. 1, pp. 11-14, and M. Altmann, "R. Abraham Elijah Kaplan," in Samuel K. Mirsky, ed., *Ishim u-Demuyot be-Hokhmat Yisrael* ([New York], 1959), pp. 324-337.

<sup>61</sup> See *Jahres-Bericht des Rabbiner-Seminars zu Berlin für 1924*, p. 8; Joseph Wohlgemuth, "Westjüdisches und ostjüdisches Empfinden," *Jeschurun* 10 (1923), pp. 1-8; Wolf, *Ha-Tekufah u-Va'ayoteha*, pp. 111-113; and Alexander Carlebach, "Ha-Im Hayu Pe'ulotav ha-Hinnukhit shel R. Eziel Hildesheimer Kishlonot," *Niv Hamidrashia* (1972), pp. 205-206.

Heidelberg,<sup>62</sup> Samuel Josef Rabinow of Hamburg, and Moses Schneider, who founded another yeshivah in Frankfurt. Concerning Frankfurt, in the post-war years Salomon Breuer's yeshivah had more native born students than foreigners. Furthermore, contrary to the situation at the time of the yeshivah's establishment, the community now assumed financial support of the school. Already during the war an organization was formed called the *Thorahbund*, which aimed at spreading Torah study.<sup>63</sup> By 1920 Wohlgenuth was able to declare that the East European influence which dominated German Judaism in the days before Mendelssohn had once again been renewed. It was this influence which was responsible for German Orthodoxy's changed outlook with regard to traditional study of Jewish texts.<sup>64</sup>

In recognition of this new phenomenon, the sainted moralist and halakhic authority R. Israel Meir Hacoen (1838-1933) sent, via Kaplan, an open letter to German Jewish students encouraging them to continue their Talmudic studies and recommending that they devote themselves exclusively to Torah study for a few years.<sup>65</sup> Together with this increased devotion to Torah study, which was seen clearly among the students at the Seminary, there was a noticeable decrease of these students' interest in *Wissenschaft des Judentums*.<sup>66</sup> This was made easier by the absence of the Seminary's leading practitioners

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<sup>62</sup> See Peter Honigmann, "Jüdische Studenten zwischen Orthodoxie und moderner Wissenschaft. Der Heidelberger Talmudistenkreis um Salman Baruch Rabinkow," in Julius H. Schoeps, ed., *Menora* (Munich, 1992), pp. 85-96.

<sup>63</sup> See Breuer, *Jüdische Orthodoxie im Deutschen Reich*, p. 325.

<sup>64</sup> "Nachwort des Herausgebers," p. 509. See also his address in *Das Rabbiner-Seminar zu Berlin: Ansprache aus Anlass des fünfzigjährigen Bestehens* (Berlin, 1923), p. 16; Miriam Gillis-Carlebach, "Ha-Mussag Yeshivah ve-Yihudah shel ha-Yeshivah ha-Lita'it be-Einei ha-Rav Dr. Yosef Zvi Carlebach," in Breuer, ed., *Torah im Derekh Eretz*, pp. 147-160; *Agudas Jisroel: Berichte und Materialien*, p. 11; *Zur Agudas-Jisroel Jugendbewegung*, pp. 12-13; *Was will, Was ist Agudas Jisroel* (Hamburg [1919?]), p. 6; Auerbach, "Die Bildungsfrage in der Thora-Treuen Judenheit Deutschland," in A. E. Kaplan and Max Landau, eds., *Vom Sinn des Judentums: Ein Sammelbuch zu Ehren Nathan Birnbaums* (Frankfurt am Main, 1925), p. 231; *Adass Jisroel Berlin*, p. 177.

<sup>65</sup> *Jeschurun* 10 (1923) pp. 1-3 (Hebrew section). The complete letter was first published in the second edition of Kaplan's *Be-Ikvot ha-Yir'ah* (Jerusalem, 1988), pp. 269-271.

<sup>66</sup> See Shulvass, "Beit ha-Midrash le-Rabbanim be-Berlin," p. 695.

of *Wissenschaft*, Barth (died 1914), Abraham Berliner (died 1915), and Hoffmann (died 1921).

It was Kaplan who introduced the Seminary's German students to both Mussar and the Analytic Method of Talmud study popular in Lithuania, which was very different than the straightforward approach to Talmudic study offered by Hoffmann.<sup>67</sup> Because of this, Wohlgemuth asserted, Kaplan was responsible for a revival of Talmud study at the Seminary.<sup>68</sup> The results were impressive and in 1922, after only two years at the institution, Kaplan was able to comment that although in 1920 he was not able to recite a Talmudic lecture from Telz in Berlin, he was now able to recite a Berlin Talmudic lecture in Telz. He also noted how the German students had adopted the give-and-take procedure which was a hallmark of the Lithuanian yeshivot.<sup>69</sup> No longer could anyone truthfully remark, as Isaac Breuer had done in an article originally published in 1917, that the students at the Berlin Seminary were "wissenschaftlich", but did not "learn" Talmud.<sup>70</sup>

With Kaplan's death the Seminary was in need of another esteemed Talmudist to continue his work. This is where Weinberg came into the picture. There is no doubt that the Seminary would have preferred a native German to take Kaplan's place, but it was no secret that it had been a long time since Germany had produced its own Talmudists.<sup>71</sup> Biblical scholars, practitioners of *Wissenschaft*, and philosophers could be found, but not Talmudists. It was precisely for this reason that Kaplan was chosen as Hoffmann's successor. Weinberg, now living in Berlin and working as a rabbi at one of the *Gemeinde*

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<sup>67</sup> See Joseph Wohlgemuth, "R. Awrohom Elijo Kaplan ZT"L," *Jeschurun* 11 (1924), pp. 233-245. I emphasize "German students," since a large percentage of the Seminary's students during this period were from the East, and presumably they were somewhat familiar with the Lithuanian method of Torah study; see Eisner, "Reminisces of the Berlin Rabbinical Seminary," p. 41.

<sup>68</sup> "R. Awrohom Elijo Kaplan ZT"L," p. 238.

<sup>69</sup> *Be-Ikvot ha-Yir'ah*, p. 204. He adds: הקול קול ליטא באולמי אשכנז השלויים.

<sup>70</sup> *Programm oder Testament* (Frankfurt, 1929), p. 22.

<sup>71</sup> See e. g. Hoffmann's introduction to *Melammed le-Ho'il*, p. 2.

synagogues,<sup>72</sup> was well known at the Seminary. As early as December, 1915 he delivered a Hebrew lecture about the Lithuanian yeshivot before the Seminary's student union. According to the report of his talk, it was received with "lively applause."<sup>73</sup> According to Weinberg, during the war years he was even asked to become Hoffmann's successor, before the Seminary backed away from this offer in favor of Kaplan.<sup>74</sup>

More important in establishing his reputation were the many articles he wrote for *Jeschurun*, the journal which reflected the Seminary's ideology. In addition, whereas his earlier articles had placed him somewhat in opposition to the ideals of German Orthodoxy, it was clear to all that in the intervening years his views had evolved. Weinberg's combination of Lithuanian-style Talmud study and conservative *Wissenschaft des Judentums* also corresponded exactly with the Seminary's curricular focus. A prime example of Weinberg's writing which reflects this approach is his article on women's hair covering in the 1922 *Jeschurun*.<sup>75</sup> This essay is a wonderful synthesis of traditional halakhic learning and modern scholarship. It is complete with textual emendations of rabbinic literature, philological analysis of the relevant biblical verses, and citations from the Peshitta, Septuagint, and modern Christian exegetes. It was this method which was advocated by Hoffmann and which so annoyed the Frankfurt Orthodox.

It was because of Weinberg's approach to German Orthodoxy and rabbinic literature that the Seminary felt confident in offering him the position of lecturer in Talmud and Codes. Inherent in this new position was that Weinberg would become the resident halakhist of the Seminary. He would also become the supreme halakhic authority for the

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<sup>72</sup> Weinberg's letter to Zvi Matheson from 1924 (the exact date is unreadable); Weinberg's letter in *Klei Sharet*, p. 2.

<sup>73</sup> "Protokollbuch des seminarischen Vereins 'Dibbuk Chawerim,'" entry for December 4, 1915. (Jewish Theological Seminary of America, ms. no. 3675)

<sup>74</sup> Letter to Samuel Atlas, dated June 9, 1965.

<sup>75</sup> Reprinted in SE 3:30.

numerous communal rabbis who were Seminary graduates, as well as for many others who had no formal connection to the institution. He was thus to be ensured a central role in German Orthodox life, despite his modest claim that he "was not worthy to publicize opinions and decide halakhah for the masses."<sup>76</sup> Weinberg accepted the appointment and, beginning in October of 1924, joined the Seminary staff.<sup>77</sup>

In his new position Weinberg was a fitting successor to Kaplan. As with Kaplan, he too exposed the students to the Lithuanian method of Talmud study, a method he described as: ". . . reaching the deepest content of a halakhah by collecting its details and then unifying them into an overall conceptual picture." "Only then," he continues, "can one grasp the fundamental idea that underlies the details of a halakhah, and finally reach a logical definition of the halakhic principle and thought-category."<sup>78</sup> Yet Weinberg surpassed Kaplan in that he combined the traditional method of Talmud study with the critical approach, making him Hoffmann's true successor.<sup>79</sup> Although he never studied under Hoffmann, the training Weinberg received in Giessen opened his eyes to modern methods of source and text criticism, in particular the art of responsible textual emendation, which he used successfully in his own teaching and research.

Despite his exposure to modern scholarship, Weinberg argued that one could never acquire a true understanding of Talmud without having also been trained in the traditional

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<sup>76</sup> SE 1, p. 3.

<sup>77</sup> *Jahres-Bericht des Rabbiner-Seminars zu Berlin für 1925, 1926, 1927* (Berlin, 1928), p. 4. For an overview of the Seminary and its faculty during this period and the years following (until 1934), see Auerbach, *Me-Halberstadt ad Petah Tikvah*, pp. 74-91.

<sup>78</sup> "Die Jeschiwoth in Russland," p. 117. In *Ha-Maor* ([Berlin] Heshvan, 5693), p. 39. Weinberg's method of study is said to be similar to that of R. Joseph Engel. No specific reasons are offered for this comparison. For analysis of Weinberg's method, see Abraham Abba Weingort, "Mi-Derekh Limudo shel ha-Rav Yehiel Ya'akov Weinberg," *Deot* 31 (Winter-Spring, 5727), pp. 19-22 (expanded upon by Pesah Paul Glavsky, *Deot* 32 [Summer, 5727], pp. 123-124), *idem*, "Al Mahut Kiddushei Ishah," *Ha-Ma'ayan* 24 (Tammuz, 5744), pp. 41-57, and Weingort's forthcoming volume devoted to Weinberg's *hiddushim*.

<sup>79</sup> See Akiva Posner, "Limmud ha-Talmud ba-Beit ha-Midrash le-Rabbanim," *Ha-Darom* 12 (1960), pp. 192-193.

yeshivah method. He therefore advised capable students to undertake study at one of the Lithuanian institutions.<sup>80</sup> He further cautioned students from Eastern Europe, who had only been exposed to the yeshivot, from studying at the Seminary. As he explained to a woman who wished to send her son there:

The sons of Germany are not like the sons of Poland. The Germans have already adapted themselves to a cold environment and they therefore successfully digest secular studies. However, the transition to German Orthodoxy is dangerous for those raised in the Hasidic climate of Poland which is totally infused with enthusiasm and ardor. German Jewry is not capable of inspiring those who possess a different temperament.<sup>81</sup>

Although it is known that Weinberg wrote many responsa during his first few years at the Seminary, only a few of them have survived, thus preventing any evaluation of his halakhic writings from this period. During this time, one of the important questions he was asked dealt with transferring remains from a Jewish cemetery in Silesia, no longer German territory, to Breslau. He considered this problem from all of its angles in a small book entitled *Pinui Atzamot Metim*.<sup>82</sup> Although he does have some reservations, Weinberg advances very strong reasons to permit the transfer. Another question he was asked concerned the permissibility of a *mikveh* in which the water, powered by an electric pump, was transferred to it from a well. Here too Weinberg found permission to be lenient, and his view was approved by Rabbis Moshe Mordekhai Epstein, Hayyim Ozer Grodzinski, and Barukh Ber Leibowitz.<sup>83</sup> When asked if it was permissible to convert one who, for

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<sup>80</sup> Shulvass, "Beit ha-Midrash le-Rabbanim be-Berlin," p. 703; M. Pineas in *Adass Jisroel Berlin*, p. 176; Weinberg and Pinhas Biberfeld, ed., *Yad Shaul* (Tel Aviv, 1953) p. 7; Aharon Sorasky, *Or Elhanan* (Los Angeles, 1978), vol. 1, p. 124, note 12.

<sup>81</sup> *Yad Shaul*, p. 5. This translation is taken from Aaron Rakeffet-Rothkoff, "The Spiritual Legacy of Rabbi Jehiel Jacob Weinberg ZT"L," *Niv Hamidrashia* 11 (1974), p. 95.

<sup>82</sup> (Berlin, 1926). Weinberg's lengthy responsum originally appeared in the 1925 *Jeschurun* and has been reprinted in SE 2:125. It was greatly praised by R. Hayyim Judah Ehrenreich, *Otzar ha-Hayyim* 3 (1927), pp. 72-74.

<sup>83</sup> SE 2:88. Leibowitz' responsum appears in Esriel Hildesheimer and Kalman Kahane, eds., *Sefer Zikaron le-Maran ha-Rav Yehiel Yaakov Weinberg ZT"L* (Jerusalem, 1969), pp. 33-39.

medical reasons, could not be circumcized, Weinberg authored two lengthy responsa in which he ruled in the negative. His opinion was supported by such leading figures as Grodzinski, Kook, and R. Abraham Shapiro of Kovno.<sup>84</sup>

Sometimes Weinberg's halakhic decisions brought him into conflict with East European scholars. An example of this is seen in his dispute with the eccentric R. Joseph Rozin of Dvinsk (1858-1936), a most formidable opponent for anyone to encounter.<sup>85</sup> Without question Rozin had one of the greatest Talmudic minds in history, and Bialik is said to have remarked that out of him one could fashion two Einsteins.<sup>86</sup> Aware of his brilliance, Rozin acted as if he were a medieval authority, showing a total disregard, often even contempt, for post-medieval sages. As for the *Shulhan Arukh*, the basis of Jewish law in modern times, he simply ignored this work when arriving at halakhic decisions.<sup>87</sup>

At the beginning of 1929 a question came to Weinberg regarding a woman whose husband had died, leaving her childless.<sup>88</sup> As he was survived by brothers she was obligated to participate in the *halitzah* ceremony. The problem was that it was not clear which of her two brothers-in-law should perform the ceremony. One brother-in-law lived

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<sup>84</sup> SE 2:102,103. Grodzinski's responsum is included in *Seridei Esh*. Kook's responsum is found in his *Da'at Kohan* (Jerusalem, 1969), no. 150. That Shapiro agreed with Weinberg is seen from Weinberg's letter to Kook in *Iggerot la-Re'iyah*, no. 210. Hoffmann, *Melammed le-Ho'el*, vol 2, no. 86, ruled similarly, yet his opinion had not been published in 1926 when Weinberg wrote his two responsa. Concerning this issue see R. Shmuel T. Rubenstein, "Mesholelei Milah Mehamat Sakanah -- Mah Dinam le-Giyur," *Toreh she-Be'al Peh* 29 (1988), pp. 28-32; Menahem Finkelstein, *Ha-Giyur: Halakhah le-Ma'aseh* (Ramat Gan, 1994), p. 168, note 14.

<sup>85</sup> See SE 3:44,45.

<sup>86</sup> See Zevin, *Ishim ve-Shitot*, p. 82, note 7

<sup>87</sup> Regarding Rozin's methodology see Zevin, *Ishim ve-Shitot*, pp. 91-152; Menahem Kasher, *Mefaneah Tzefunot* (New York, 1959); Moshe Shlomo Kasher, ed., *Ha-Gaon ha-Rogochovi ve-Talmudo* (Jerusalem, 1958); *idem*, ed., *Pirkei Mavo le-Torat ha-Rogochovi* (Jerusalem, 1966); *idem*, *Mishnat Rabbenu Yosef ha-Rogochovi* (Jerusalem, 1976); Moshe Grossberg, *Tzefunot ha-Rogochovi* (Jerusalem, 1976); Menahem Mendel Tenenbaum, *Shitat Limudo shel ha-Rogochovi Z"L* (no place, 1987). See also the recollections of Rav Tzair, *Pirkei Hayyim*, pp. 162-165.

<sup>88</sup> According to Samuel Atlas, the woman was Rozin's daughter, the wife of R. Israel Zitron of Petah Tikvah. See "Ha-Gaon Rabbi Yehiel Ya'akov Weinberg ZT"L: Kavim li-Demuto." *Sinai* 58 (1966), p. 285.

in Leningrad where he could not be reached. He was also completely non-observant. The other brother-in-law lived in Koenigsberg and had converted to Christianity. Upon being presented with the case, Rozin had ruled that the Berlin rabbinical court should perform the ceremony with the man from Koenigsberg. His reason was that one who rejects the entire Torah -- i. e. the man from Leningrad -- is halakhically no better than one who actually converts to another faith. Thus, it made no difference which of the brothers performed the ceremony.<sup>89</sup>

Weinberg, showing confidence in his own halakhic knowledge, did not hesitate to disagree with Rozin's opinion. To bolster his case he cited two authoritative sources, Rabbis Moses Isserles and Moses Sofer. In addition to the halakhic evidence upon which his ruling was based, there was another consideration Weinberg took into account. He felt that a sharp distinction must be made between one who converts to another faith, thereby rejecting the Jewish people, and one who has not formally excluded himself from his heritage, even though he is completely non-observant. According to Weinberg, there was no question that the latter must be regarded as a Jew. Weinberg feared that if Rozin's view were to be accepted, it would allow religious extremists to brand as apostates those Jews who weren't completely observant. This would bring the very definition of the term "Jew" into dispute.<sup>90</sup>

For his part, Rozin was contemptuous of Weinberg and even humiliated him in the presence of others. He replied to Weinberg as follows: ""You follow the gleaners<sup>91</sup> and I follow the Babylonian and Jerusalem Talmud."<sup>92</sup> In similar fashion he requested that Rabbi Meier Hildesheimer instruct the Berlin rabbinical court "not to gather from the gleaners in

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<sup>89</sup> *Tzafnat Paneah* (Jerusalem, 1968), vol. 1, no. 80.

<sup>90</sup> See Atlas, "Ha-Gaon Rabbi Yehiel Ya'akov Weinberg ZT"L: Kavim li-Demuto." p. 285.

<sup>91</sup> That is, figures lacking any originality, here referring to Isserles and Sofer.

<sup>92</sup> SE 2, p. 67. For an example of Rozin insulting the renowned Rabbi Isaac Elhanan Spektor, see Rav Tzair, *Pirkei Hayyim* p. 164.

order to needlessly cause a woman to become an *agunah*, God forbid."<sup>93</sup> Weinberg informed Hildesheimer that next to Rozin his view was insignificant, but that Hildesheimer should consult the leading sages of Lithuania, Poland, and Hungary. If they should disagree with Rozin, Weinberg continued, even if in Rozin's mind the opinions of these sages are worthless, the rabbinical court should act accordingly. Weinberg also sent copies of his responsum to a number of leading authorities, some of whom, incidentally, disagreed with him.<sup>94</sup>

Evidently unfamiliar with Rozin's easily irritated personality, Weinberg commented: "As for his words of contempt, I do not wish to respond. However, I am very shocked that a man as great as he would be offended by one who disputed with him for the sake of Heaven. Is this the way of Torah? How strange?!"<sup>95</sup> Weinberg also took offense at Rozin's characterization of Isserles and Sofer as the "gleaners," and during the dispute declared: "I will not listen to him because the law is not in accordance with his opinion. Rather, I am obliged to obey Rabbi Moses Isserles and Rabbi Moses Sofer, who have been accepted among our people as final authorities."<sup>96</sup>

In addition to his halakhic writings of the Weimar years, Weinberg also tried to don the mantle of philosopher, penning a lengthy article entitled "Thoughts about Judaism."<sup>97</sup> This article, picking up on themes he discussed in previous years, deals with a variety of different aspects of Judaism and religion as a whole. Weinberg is particularly interested

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<sup>93</sup> SE 3, p. 158.

<sup>94</sup> In addition to the responsa printed in SE 3:45, see *Yad Shaul*, pp. 313-315. When Weinberg writes that "all the sages" agreed with him (SE 2, p. 67), he is obviously exaggerating. For a large collection of responsa which discuss the question of *halitzah* with an apostate, and which Weinberg was unaware of, see *Takanot Agunot* (Odessa, 1887).

<sup>95</sup> SE 3, p. 158.

<sup>96</sup> SE 2, p. 67. See also SE 1, p. 245.

<sup>97</sup> It was published in *Vom Sinn des Judentums*, pp. 109-135, and has been reprinted in Weinberg's *Das Volk der Religion* (Geneva, 1949), pp. 19-63. It also appeared in Hebrew in *Li-Frakim*, pp. 366-380 (139-154), with a couple of insignificant changes.

with the nature of religious faith and the complicated psychological factors behind belief and unbelief. In fact, he claims that any attempt to understand religious faith must come from the discipline of psychology, rather than from philosophy as was attempted in medieval times.

As far as Weinberg is concerned, the logic-based approach of Maimonides and other medieval philosophers has nothing to do with true religious faith. It therefore cannot contribute to an understanding of the nature of this faith.<sup>98</sup> Religious faith for Weinberg is identified with feelings and states of being. It cannot be proven in the fashion of a mathematical formula as the medievals attempted to do. Indeed, once faith is based on observable facts, it has passed into a different realm, one of thought and understanding. As Weinberg previously emphasized in his essay on Berdyczewski and now repeats, faith is a psychological state arrived at after traveling through tempestuous waters.

It is because Weinberg argues that religious faith is only a psychological state, not based upon observable reality, that it is easier for him to claim that the Jewish people have an innate gift for interacting with the divine. All nations can obtain knowledge about God, but true faith, the basis of religiosity, is inherited. This genius for religious faith which the Jewish people have inherited also has its parallel in other nations, who have excelled in areas close to their spirit. For example, the Greeks found their genius in art.

In his lengthy discussion of the Jewish people's religious nature, Weinberg is careful to stress that he is not referring to religion in its narrow sense, that is, primitive religion, which is directed outward and answers questions about how and why the world functions. Rather, he is dealing with religion in its most advanced state, when it enables man to discover his inner being. This religion, exemplified by Judaism, finds its creativity in the commandments and the variety of interpretations offered in explanation of them.

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<sup>98</sup> See also *Li-Frakim*, pp. 97-98 (66-67).

As with his earlier attempts at philosophy, we do not find here any great originality of thought or striking ideas. In fact, it would be incorrect to characterize Weinberg as a philosopher. As I noted previously, although Weinberg tries to write as a philosopher, his essays end up reading like sermons. Despite his having studied philosophy at Giessen, there is no sense that he is ready to confront, or even aware of, the serious philosophical issues of his day. With regard to his discussion of the nature of the Jewish people, and the differences between the Greeks and Jews, Weinberg is simply following what had once been a widespread belief in national uniqueness, popularized by a number of writers, notably Herder.

One point which is of interest, however, is Weinberg's description of the Jews as a "Volk der Religion." In coining this phrase he probably had in mind the distinction Hirsch made between the Hebrew words *גוי* and *עם*, both of which characterize the Jewish people, and "Volk," which is not a valid designation for the Jews "unless we are able to separate from the term the concept of common territory and political power."<sup>99</sup> In referring to the Jews as "Das Volk der Religion," Weinberg is adopting Hirsch's view that the Jews are not a "Volk" in the classic sense, since their national character is of a purely spiritual nature, for which a homeland is not essential. Because of this, the Jews are to be regarded as an entity unlike any other in the world.<sup>100</sup>

At this juncture an important point must be made regarding the development of Weinberg's thought. We have previously seen how he had a lukewarm and even negative attitude towards secular studies. Any approval he expressed was in the context of vocational training. He specifically rejected the notion of a Hirschian synthesis<sup>101</sup> of

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<sup>99</sup> *Iggerot Tzafun*, p. 87 (sixteenth letter).

<sup>100</sup> See also *Li-Frakim*, pp. 294-295 (171-172), SE 3, p. 258. In the last source Weinberg expresses himself very similarly to Hirsch: "תורה" וְהָאֵרֶץ אֵינָהּ אֲלָא מִצַּע לְמִדְרָשׁ הַדְּרוֹחֵנִית שֶׁל תּוֹרָה" אָבֵל הַמִּדְרָשׁ, כְּלוּמַר, הַבְּסִיִּס לְחַיֵּינוּ וְלִקְיוּמָנוּ, הוּא רֶק הַתּוֹרָה. . . צְרִיכִים אָנוּ לְהַכְרִיז בְּפֶה מִלֵּא כִּי הַטִּירִטוּרִיָּה הַלְאוּמִית הִיא הַתּוֹרָה.

Jewish and secular, arguing that the *aggadot* of the Talmud and Schiller cannot exist simultaneously in one mind. Yet, shortly after his stay in Giessen we see that he had developed a much more positive view with regard to secular studies.

In a 1924 article Weinberg briefly confronts the view that secular education is what has driven the youth away from Orthodoxy. He rejects this position outright. For one, he argues, it is contradicted by the experience of German Orthodoxy, in which secular education is joined with commitment to tradition. More important is the fact that anyone who blames secular education for defections from Orthodoxy is advancing a shameful proposition, namely, that Orthodoxy can only exist through ignorance and obscurantism, but has no chance of survival in the modern world.<sup>102</sup>

We get a further picture of where Weinberg's thoughts stood from a eulogy he offered in 1927 in memory of Rabbi Hanokh Ehrentreu of Munich, who in addition to being an outstanding Talmudist was also a first-rate critical scholar. Speaking before the Union of Jewish Academicians, of which he was a member,<sup>103</sup> we see for the first time Weinberg's complete identification with the ideals of German Orthodoxy, in particular the Berlin variety which approved of academic Jewish studies.<sup>104</sup> Using Ehrentreu's life as his model, Weinberg is led to discuss the special problems which confront the Orthodox intellectual living in the modern world.

The Orthodox intellectual struggles to create a synthesis between the elements of modern culture, in particular critical research, and tradition. Yet he is heavily outnumbered, with opposition coming from two opposing sides. On the one hand, there are the non-

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<sup>101</sup> I have used the word synthesis since that is the term Weinberg uses. However, in his most recent work Mordechai Breuer has objected to describing Torah im Derekh Eretz as a synthesis. See above, p. 85, note 79.

<sup>102</sup> "Eine ן"ן Predigt für meine ostjüdischen Brüder," *Der Israelit*, September 25, 1924, p. 3 (Hebrew translation in *Li-Frakim*, p. 31).

<sup>103</sup> See *Li-Frakim*, p. 160 (230). For a later period see *Verzeichnis der Mitglieder des Bundes Jüdischer Akademiker Nach dem Stande vom 1. Februar 1929* (Berlin, 1929), p. 11.

<sup>104</sup> *Li-Frakim*, pp. 159-164 (229-234).

Orthodox Jews who have no binding ties to tradition and reject whatever they choose. Weinberg has no need to explain why this position is unacceptable in his eyes. On the other hand, there is a large segment of the Orthodox community which has isolated itself from modern intellectual trends. As with the non-Orthodox, it too is not confronted with any intellectual challenge to tradition. Although the apostles of isolationist Orthodoxy claimed that it was precisely this lack of any challenge to tradition which was the best argument in favor of their approach, Weinberg points to the heavy price paid by this form of Orthodoxy, that of obscurantism and lack of intellectual sophistication.

In comments which further develop a view originally formulated in his essay on Berdyczewsky, Weinberg stresses that true Orthodoxy means more, rather than less, struggle. It does not offer simplicity by avoiding modern intellectual problems, but rather brings with it more difficulties as well as more responsibility. This is not to be regarded as an unfortunate, but unavoidable, outcome of modernity. On the contrary, the uneasy interaction of tradition and modernity is the essence of what Orthodoxy is all about. Weinberg acknowledges that this confrontation has a tragic element, yet as he points out, all the great ideas in philosophy, science, and the social sciences had their origin in the struggle between received wisdom and new insight.<sup>105</sup>

The reason German Orthodoxy has received such esteem throughout the Jewish world, Weinberg continues, is that it has been able to create a synthesis between Judaism and modern learning and culture. It is this frame of mind that produced men of the caliber of Hirsch, Hildesheimer, Hoffmann, and Barth. As Weinberg explains, it is precisely because of this that the opponents of Orthodoxy view German Orthodoxy as a threat. It is German Orthodoxy which has shown the way to survive in modernity, and which will not simply wither away as the opponents expect East European Orthodoxy to do. This expectation, I

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<sup>105</sup> Cf. Kook, *Orot ha-Kodesh* (Jerusalem, 1964), vol. 2, p. 314: מי שאין נפשו משוטטת במרחבים, מי שאינו דורש את אור האמת והטוב בכל לבבו, איננו טובל הריטות רוחניות, אבל אין לו גם כן בנינים עצמיים.

might add, was bolstered by the massive defections in Eastern Europe during this period, compared to the relatively little attrition in German Orthodoxy.<sup>106</sup>

Weinberg continues along this theme, admitting that there are precious few who have been able to achieve a profound understanding of both Torah and modern civilization. "Yet these few, and Rabbi Ehrentreu at their head, will be an example for us." That is, even though ultimate success is not assured, the quest should not be abandoned. It is from men such as Ehrentreu that religious academics and university students must take their lead. From them they will also discover that there is a great deal to learn from both the sages of the East, whose exalted character not many in Germany are familiar with,<sup>107</sup> as well as from the sages of Germany. Only if the best of both of these worlds are combined will there be success, leading to the sanctification of God's name.

Turning to his audience of religious academics and students, Weinberg declares that it is their task to continue in the path of their predecessors and work for the synthesis of Jewish ideals and secular civilization. This synthesis is not to be relegated to the more technical aspects of daily life. That is, it does not mean the creation of "Shabbat belts" which allow people to carry on the Sabbath, or similar inventions which enable the Orthodox to have an easier life in the modern world. Rather, this synthesis must include all facets of life and speak to the most significant manifestations of the human experience. One who achieves this synthesis, in the way Hirsch envisioned it, will not experience any dulling of his religious sensibilities, as has been alleged by opponents of *Torah im Derekh Eretz*.

This latter comment is quite significant, for as we have seen, Weinberg himself once shared this opinion. In the previous decade Weinberg wrote the following words about the state of German Orthodoxy:

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<sup>106</sup> See Breuer, *Jüdische Orthodoxie im Deutschen Reich*, pp. 352-353.

<sup>107</sup> See also *Li-Frakim*, pp. 166 (240) and 171 (245).

The German Orthodox do give the example of pious Jews who at the same time take an active interest in the [literary] works of worldly culture, but they have never succeeded in blending the old spirit of Jewry and the young European spirit of knowledge to some sort of higher synthesis, in such a way that from it there emerged a creative and renewing impulse for the Jewish personality.<sup>108</sup>

Having spent a decade in Germany, Weinberg discovered that there were men such as Ehrentreu who did achieve the higher synthesis about which he had spoken. The combining of German culture and respect for critical scholarship with the "pure" Judaism found in Eastern Europe was not entirely lacking in Germany, and it was this path that Weinberg chose to follow. For the first time we find Weinberg not merely identifying with the ideals of German Orthodoxy, but even defending them against detractors. In so doing he is arguing that German Orthodoxy's approach to modernity, in particular as represented by the Berlin Rabbinical Seminary, is superior to that of East European Orthodoxy, which chooses to ignore the new challenges, hoping they will disappear on their own without causing religious havoc.

Socially, Weinberg still considers himself a stranger in Germany, and his heart lay with his people in Lithuania.<sup>109</sup> Yet intellectually, he is now a part of Germany. East European Orthodoxy being the safer course, Weinberg is understandably still reluctant to expose its "pure" Jewish culture to the modes of thought found in Germany.<sup>110</sup> He is also as adamant as ever that the basic curriculum of the advanced yeshivah must remain unaltered.<sup>111</sup> Yet the fact remains that as far as Weinberg is concerned, East European Orthodoxy is unable to respond creatively to the challenges of modernity. Serious thinking

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<sup>108</sup> "Schulfragen im Ostjudentum," pp. 496-497.

<sup>109</sup> See *Li-Frakim*, pp. 162 (232), 181-182.

<sup>110</sup> See "Ha-Yeshivot be-Rusyah" *Ha-Tzefirah*, September 5, 1920, p. 2.

<sup>111</sup> "Das Jeschiwoh-Problem," *Jüdisches Wochenblatt*, August 14, 1925, p. 349.

Jews must look towards German Orthodoxy which is the way of the future -- a most frightening prospect for the old-time rabbis of the East.

It is most interesting that at the same time Weinberg was finding his way to the Hirschian approach, others, who had been brought up in the ideology of *Torah im Derekh Eretz*, were turning their back on it. The previous generation looked upon Hirsch as the savior of German Orthodoxy, and this prevented any significant criticism of his approach. Indeed, his popularity increased so much after his death that much of German Orthodoxy was sustained by his *Torah im Derekh Eretz* ideology.<sup>112</sup> Yet by the beginning of the twentieth century, members of the new generation did not feel the same awe as did their parents and they were prepared to criticize Hirsch's approach. Although they admitted that it was necessary in its time, they did not believe that it continued to have a positive affect on Jewish life. They were thus ready to modify, or even reject, Hirsch's philosophy.

In his essay on Ehrentreu, Weinberg defends Hirsch against those in the German Orthodox community who had recently begun to criticize him. These critics argued that Hirsch's *Weltanschauung* was generally unachievable and instead led to a cold and unfeeling form of Judaism.<sup>113</sup> Although a decade earlier Weinberg agreed with this position, carried away by his enthusiasm for the Hirschian approach he now sharply limits the validity of such criticism. Nevertheless, it is difficult to deny that his earlier approach, which claimed that the Hirschian synthesis could never have more than individual successes, was correct. This was admitted by the rabbi and physician, Eduard Biberfeld, one of the rare few who were able to achieve the higher synthesis Hirsch spoke of. In fact, even before the war Biberfeld observed that *Torah im Derekh Eretz* was basically a fiction.

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<sup>112</sup> See above, p. 110, where I point out that Hirsch's ideology of *Torah im Derekh Eretz* achieved widespread influence, even among those who rejected his religious separatism and opposition to *Wissenschaft des Judentums*.

<sup>113</sup> *Li-Frakim*, p. 163 (233).

What took its place was a form of Orthopraxy that was inferior to the Orthodoxy of Eastern Europe, which, despite its cultural backwardness, properly emphasized Torah study.<sup>114</sup>

Since it is only the rare religious personality, such as Hirsch, who can see the divine in Schiller's poems or in the mountains of Switzerland, it is no surprise that instead of a synthesis of Jewish and secular, the Hirschian approach was producing a dualism among the German Orthodox. Although halakhah was adhered to, in many cases with extreme punctiliousness, these Jews' lives were not filled with much Jewish content. In this regard, it is almost as if all that separated the Orthodox from other Jews, indeed even from Gentiles, was the adherence to halakhah. In other words, the Mendelssohnian vision had triumphed. It was precisely with this in mind that Joseph Carlebach, a leading German rabbi and follower of Hirsch's teachings, could give a talk in 1929 on the *conflict* between Torah and *Derekh Eretz*, an unheard of topic among Hirschians in the previous generation.<sup>115</sup>

Although Eugen Mayer exaggerates when he refers to religion having become a sport,<sup>116</sup> there is no denying the fact that true religious feeling was not central to the mindset of the German Orthodox bourgeois. It certainly left much to be desired when compared with the "warmth" found among Orthodox East European laity. This perception led Isaac Breuer to ask, "was not Gerhart Hauptmann<sup>117</sup> more meaningful to us" than all the pious and learned rabbis?<sup>118</sup>

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<sup>114</sup> *Agudas Jisroel: Berichte und Materialien*, pp. 43-44. See also Eduard Biberfeld's comments in *Der Israelit*, July 29, 1909, p. 6, and Stern, *Ishim ve-Kivvunim*, p. 128.

<sup>115</sup> See Gillis-Carlebach, *Hinnukh ve-Emunah*, p. 22; Julius Carlebach, "Orthodox Jewry in Germany: the Final Stages," in Arnold Paucker ed., *The Jews in Nazi Germany 1933-1943* (Tübingen, 1986), p. 91.

<sup>116</sup> "Räumt, räumt, macht Bahn!" in *Gabe: Herrn Rabbiner Dr. Nobel zum 50. Geburtstag* (Frankfurt, 1922), p. 85.

<sup>117</sup> 1862-1946; German playwright, poet, novelist, and Nobel Prize laureate in literature (1912).

<sup>118</sup> Isaac Breuer, *Programm oder Testament*, p. 21. This reference, as well as the one mentioned in note 117, are both quoted by Breuer, *Jüdische Orthodoxie im Deutschen Reich*, p. 321.

With the secular severed from the holy, as was the case for so many Orthodox Jews in Weimar, it was only natural that religious people would begin to downplay the importance of the former. It certainly would continue to have vocational value, but would not, in contradiction to Hirsch's vision, have any place in molding the Jewish personality. After being exposed to the exclusively Jewish education of the East, the opposition to Hirsch grew among those for whom religion, and especially Torah study, had become a central facet of their life. They no longer saw any need for what they viewed as German Orthodoxy's compromises with secular culture. Instead they chose to incorporate into their lives the "pure" Judaism of Eastern Europe. As Eliezer Stern has remarked, this turn to the East by the German Orthodox, culminating in the founding of Agudat Israel, was nothing less than an admission that they had failed in their attempt to create a *Torah im Derekh Eretz* utopia.<sup>119</sup>

It is worth mentioning that there are signs of this transformation in German Orthodoxy even earlier. In 1909 R. Sholom Dov Ber Schneersohn, always a perceptive observer, sensed that the German Orthodox had begun to realize that something was missing in their Judaism. They identified it as a lack of sufficient Torah study, but Schneersohn believed they suffered from a lack of true "fear of heaven."<sup>120</sup> Even Jacob Rosenheim, a leading advocate of Hirsch's views, came under the spell of the East.<sup>121</sup> While not entirely abandoning his earlier views, he began to advocate that rabbis devote themselves exclusively to Torah. Rosenheim argued that intensive Torah study simply did not leave time to study Kant and Schelling. Furthermore, and in an apparent departure from

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<sup>119</sup> See the discussion in Breuer, *Jüdische Orthodoxie im Deutschen Reich*, pp. 317ff., upon which I lean heavily throughout this section. See also Mordechai Breuer, "Ortodksyah u-Temurah" in *idem*, ed., *Torah im Derekh Eretz*, pp. 85-95; Moshe Ahrend, "Dovrei Yahadut Germanyah ha-Haredit Lifnei ha-Shoah," *ibid.*, pp. 133-146; Stern, *Ishim ve-Kivvunim*, pp. 126ff.; and Baruch Kurzweil, *Be-Ma'avak al Erkhei ha-Yahadut* (Jerusalem, 1970), pp. 286-287.

<sup>120</sup> *Iggerot Kodesh*, vol. 2, p. 465.

<sup>121</sup> See Isaac Breuer, *Darki* (Jerusalem, 1988), pp. 111-112.

Hirsch's vision, he added that from a moral-ethical standpoint it was necessary for rabbis to devote themselves to a long period of exclusive Torah study.<sup>122</sup> This was a new approach, for while advocates of *Torah im Derekh Eretz* generally did not dispute the fact that the "Torah-only" approach was valid in certain countries, they were in agreement that the rabbinate of German Orthodoxy should not adopt this path. Since, in Rosenheim's conception, the laymen were presumably to continue along the Hirschian path, it is difficult to see how he would prevent a culture gap between the masses and their rabbis, something German rabbis were always careful to avoid and which would prevent them from ever endorsing Rosenheim's view.

Rosenheim was no doubt led to his view because the Hirschian philosophy had become stale. Indeed, no real advances had been made in the conception of *Torah im Derekh Eretz*, and almost everything said and written on the topic was a rehash of the master's words.<sup>123</sup> As Rosenheim pointed out, Hirsch created a model religious community and Hildesheimer trained rabbis and academic scholars. Yet neither was able to produce significant figures in the field of religious philosophy who would be able to carry on as ideological leaders of the *Torah im Derekh Eretz* movement. Wohlgemuth and Isaac Breuer were the two two exceptions that proved the rule<sup>124</sup>

New anti-religious philosophical trends, developments in science, biblical criticism, resurgent anti-Semitism, and Zionism also contributed significantly to the transformation of German Orthodoxy. This transformation was so far-reaching that, at its peak during the post-war years, many of the German Orthodox no longer viewed themselves as part of cultured German society. Even the basic principle of Hirsch's thought, that Emancipation

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<sup>122</sup> *Oholai Yaakov*, vol. 1, pp. 190-191.

<sup>123</sup> See Breuer, *Jüdische Orthodoxie im Deutschen Reich*, pp. 151ff., 317ff.

<sup>124</sup> *Oholai Yaakov*, vol. 1, pp. 184-188.

was a positive step in Jewish history, was being questioned, and as early as 1900 we find Emancipation being identified with assimilation.<sup>125</sup>

The traumatic times following Germany's defeat, which together with economic disaster brought about a questioning of comfortable old values, only strengthened the disillusionment with a German culture no longer viewed as relevant and in need of replacement by "true" Jewish values such as Torah study, Hasidism, and Mussar. Although in previous years it was the Orthodox of Eastern Europe who felt somewhat inferior when confronted with the pious and cultured Orthodox of Germany, the tables had turned and it was now the German Orthodox, especially the young, who were embarrassed by their form of Orthodoxy. Their cultural superiority no longer counted for much, and they felt inferior when comparing their level of Torah knowledge with that of their East European brethren. Many of the young Orthodox were no longer interested in intellectually grappling with religious and philosophical problems. Rather, they were looking for an easy solution, which they found in East European Orthodoxy. The Orthodoxy of the East, with its mystical or Talmud-centered approach, was much simpler than German Orthodoxy, lacking as it did all the intellectual and cultural baggage of the latter.<sup>126</sup> As Weinberg would put it, to "believe" meant so much less for the East European Orthodox than it did for the followers of *Torah im Derekh Eretz*.

At the same time that many of the German Orthodox were beginning to reach out for other interpretations of Judaism, Weinberg was doing the same, except he was turning to Neo-Orthodoxy. In this regard, Weinberg was no different than the first generation of Hirsch's students. As with them, and the limited number of contemporary Hirschian sympathizers in Eastern Europe,<sup>127</sup> he found this new philosophy so full of life and

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<sup>125</sup> "Rückblick," *Der Israelit*, January 11, 1900, pp. 59, 81.

<sup>126</sup> See Moses Auerbach, "Zur Geistigen Struktur der Deutschen Orthodoxie der Gegenwart," *Festschrift für Jacob Rosenheim* (Frankfurt, 1931), pp. 206ff.

<sup>127</sup> See *Unser Weg* (June, 1929), pp. 58-59, (April, 1930), pp. 54-55.

potential that he was able to overlook its shortcomings. Weinberg's intellectual development is thus strikingly similar to that of Maslow, the protagonist of Selig Schachnowitz' 1912 novel *Luftmentschen*, who forsakes Lithuania and the world of the yeshivah only to find religious renewal through Hirsch's philosophy.<sup>128</sup>

Nevertheless, the fact remains that despite his embrace of Neo-Orthodoxy, Weinberg himself had something to do with the changed atmosphere in Germany which contributed to the abandonment of the *Torah im Derekh Eretz* ideology. I have already noted the increase in Torah study which began in Germany, most significantly after the war, and that Weinberg played a major role in this. This new emphasis on "learning," or as Weinberg puts it, "love of Torah",<sup>129</sup> was bound to weaken the hold of *Torah im Derekh Eretz* on the intellectuals of the younger generation. In addition, during Weinberg's tenure at the Seminary it was a common occurrence for him to invite great Lithuanian Torah scholars, who happened to be passing through Berlin, to give Talmudic lectures at the institution. This further exposed the students to the yeshivah mode of study.<sup>130</sup> I have also noted that Weinberg encouraged his advanced students to study in the Lithuanian yeshivot. This was an entirely new concept,<sup>131</sup> and only a few years previous any German boy who expressed a desire to study in the East would have been regarded as demented.<sup>132</sup> Even after this practice had become fairly common, many parents, not to mention German rabbis, viewed it with less than sympathetic eyes. They understandably feared that it would lead to a rejection of *Torah im Derekh Eretz* Judaism.<sup>133</sup>

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<sup>128</sup> See Michael Brenner, "East and West in Orthodox German-Jewish Novels (1912-1934)," *Leo Baeck Institute Year Book* 37 (1992), pp. 311-313.

<sup>129</sup> *Li-Frakim*, p. 172 (246). See also "Das Jeschiwoh-Problem."

<sup>130</sup> See e. g. *Jahres-Bericht des Rabbiner-Seminars zu Berlin für 1925, 1926, 1927*, p. 4.

<sup>131</sup> Interview with Rabbi Shimon Schwab.

<sup>132</sup> See Rosenheim *Erinnerungen*, p. 24.

<sup>133</sup> See Breuer, *Jüdische Orthodoxie im Deutschen Reich*, pp. 353, 491 notes 11 and 12.

Although it is obviously impossible to know what went through Weinberg's mind, one can assume that he expected those students whom he encouraged to study in Lithuanian yeshivot not to return to Germany having abandoned the Hirschian approach. For to do so would mean to adopt the path of the East European rabbinate, which was not equipped with the tools necessary to serve a secularly educated Orthodox community.<sup>134</sup> Weinberg was not blind to the fact that serious Talmud study was almost always accompanied by a rejection of *Torah im Derekh Eretz*, and advocacy of the latter usually went hand in hand with lack of Talmudic achievement. Yet this did not absolve him from trying to create a new type of student, one who took seriously both Talmud study *and Torah im Derekh Eretz* – one just like him.

Throughout his time in Berlin during the years of the Weimar Republic, Weinberg kept away from inner Jewish political disputes. In fact, in his eulogy for Ehrentreu he calls attention to the latter's ability to rise above all party allegiances, noting that not everyone will regard this as worthy of praise.<sup>135</sup> Although other teachers at the Seminary were leading activists in either the Mizrachi or Agudat Israel, Weinberg kept his distance from both. While having close personal relations with leaders of both groups, he would not embrace the political agenda of either. As Eisner put it: "He was too critical and too subtle to see only one side of any problem, and this made it very difficult for him to fit into any rigid framework. Many organisations competed for his adherence, but hardly any, with the exception of the Seminary itself, really succeeded."<sup>136</sup>

When some members of the Mizrachi tried to win him over to their side, Weinberg responded with an answer that became legendary among his students: "You know the difference between Mizrachi and Agudah? The Mizrachi tastes better, but the Agudah is

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<sup>134</sup> See SE 2:8.

<sup>135</sup> *Li-Frakim*, p. 159 (229). See also his comments regarding Moses Auerbach, *ibid.*, pp. 270-271 (323-324).

<sup>136</sup> Eisner, "Reminiscences of the Berlin Rabbinical Seminary," p. 45.

more kosher."<sup>137</sup> When Rabbi Meir Bar Ilan later asked Weinberg to become one of the leaders of Mizrachi, Weinberg responded in a more serious vein. He declined the invitation claiming that the preeminent rabbis of Lithuania were opposed to the organization.<sup>138</sup> In this reply Weinberg was not commenting on the inherent value of the organization, or even denying that he personally supported it. Rather, he was merely explaining that he could not take a *leadership* role in an organization which was faced with such rabbinic opposition. As we shall later see, Weinberg's primary concern was with the ideal of Zionism and not the politics surrounding it.

Although attempts have been made to associate him with Agudat Israel,<sup>139</sup> there is no truth in this and Weinberg was never a member of the organization. Indeed, we have already seen that his view of the larger Jewish community was in stark contrast to the separatism which characterized the German Agudah. Furthermore, he could never accept the Agudah's denial of Mizrachi's religious authenticity. Although he does appear as a signatory to some of the Agudah declarations, all of these deal with matters that have nothing to do with the ideology of Agudat Israel *per se* (e. g. the need to strengthen religious education in Palestine).<sup>140</sup>

We also find that Weinberg had good relationships with, and was supportive of both, the *Gemeinde* Orthodox and the separatists. Although in earlier years he had served as a *Gemeinde* rabbi, and this also became the career of most of his students, all evidence suggests that this was not an ideological stance for him. He could just as easily have served

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<sup>137</sup> *Ibid.*

<sup>138</sup> Heard from Rabbi Bezalel Rakov who heard it from Weinberg.

<sup>139</sup> See *Ha-Modia*, January 26, 1966, p. 1.

<sup>140</sup> See e. g. the Agudat Israel supplements to *Der Israelit*, February 21, 1929, February 27, 1930, and February 26, 1931. For a later period, see *Der Israelit*, November 19, 1936, p. 14. Even the leading opponent of Orthodox separatism, R. Isaac Unna, had no objection to appearing as a signatory on these type of declarations.

in a separatist synagogue.<sup>141</sup> Yet while he would not commit himself to either side, in 1930 he did join the halakhah commission of the *Vereinigung traditionell-gesetzestreuer Rabbiner*, which was fairly moderate and was comprised mainly of those rabbis who were connected to the *Gemeinde*.<sup>142</sup> Many of the rabbis in the *Vereinigung* were also members of the *Allgemeiner Rabbinerverband*, which was comprised of both Reform and Orthodox rabbis, and Weinberg himself had no objections to his students joining this latter organization.<sup>143</sup> Those rabbis who refused to be part of an organization which permitted its members to join the *Allgemeiner Rabbinerverband* formed the *Verband orthodoxer Rabbiner*, which was committed to Hirsch's separatist ideology.<sup>144</sup>

By not endorsing the separatist agenda, that is, by regarding it as only an option, not a religious obligation, Weinberg was rejecting a central facet of Hirsch's and Salomon Breuer's religious ideology. However, Weinberg's stance was to be expected, for as with virtually all Russian and Polish immigrants, the issue of religious separatism had no real significance for him. Therefore, he did not believe in judging one's religiosity by whether one attended a separatist Orthodox synagogue or a *Gemeinde* Orthodox synagogue.

Just as he did not cast his lot with the separatists, so too Weinberg did not join the "Achduth" organization, whose leading thinker was Isaac Unna, rabbi of Mannheim and grandson of R. Seligmann Baer Bamberger. Founded in order to oppose the separatism of

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<sup>141</sup> See his letter requesting financial support for the Berlin separatist community in *Ha-Hed* (Elul, 5693), pp. 7-8, and his letters in *Ze'ev Zvi* (Hermann) Klein, *Orayta be-Galuta*, Introduction, and *Kahana Mesayea Kahana* (Berlin, 1938), pp. 5-6.

<sup>142</sup> See Yehudah Ben Avner, "Devarim le-Teur Peulatam shel Rabbanim Ne'emanei ha-Torah be-Germanyah," *Sinai* 91 (1982), p. 142.

<sup>143</sup> Appendix, Horovitz-Unna.

<sup>144</sup> See Alexander Altmann, "The German Rabbi: 1910-1939," *Leo Baeck Institute Year Book* 19 (1974), pp. 36-40. It is worth noting that in some German states separatist communities were not officially sanctioned. Yet this did not stop people from establishing autonomous communities within the greater community, whose only connection with the latter was the payment of taxes. Furthermore, there were a number of small, officially non-separatist communities, which for all intents and purposes were Orthodox. Thus, even though there were only a few official separatist communities, this does not reflect the number of rabbis and laymen who actually shared the separatist ideology.

Agudat Israel, Achduth aimed at unifying all Orthodox Jews regardless of their stand on religio-political questions such as Zionism and *Austritt*. This ideology, which stood in opposition to that expressed in *Der Israelit*, was supported by the newspaper *Jüdisches Wochenblatt*.<sup>145</sup>

Following in the footsteps of his teacher R. Marcus Horovitz and the latter's successor R. Nehemiah Anton Nobel,<sup>146</sup> Unna argued in favor of remaining within the general community and working with the non-observant in matters of communal concern. Confronting Hirsch, Unna argued that there was some ambiguity in his writings on the issue of *Austritt*, that his halakhic arguments were flawed, and that the religious situation in Germany had changed drastically since his time. To begin with, the existence of Orthodoxy was no longer threatened by Reform, something even the separatists admitted.<sup>147</sup> Furthermore, the modern Reform Jews were very different than their grandparents. This meant that rather than separating from them one had the obligation to bring them back to the fold, something which could only be done through a unified community.<sup>148</sup> Unna's argument was a particularly important one for the *Gemeinde* Orthodox to hear, since it is known that many of them felt a sense of religious inferiority when confronting the separatists who portrayed themselves as the only authentic Jews.<sup>149</sup>

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<sup>145</sup> See the complete discussion in Moshe Unna's introduction to R. Isaac Unna, *Le-Ma'an ha-Ahdut ve-ha-Yihud* (Jerusalem, 1975), chapter 8.

<sup>146</sup> See Rachel Heuberger, "Orthodoxy versus Reform: The Case of Rabbi Nehemiah Anton Nobel of Frankfurt a. Main," *Leo Baeck Institute Year Book* 37 (1992), pp. 45-58.

<sup>147</sup> See e. g. Eduard Biberfeld's comment in *Agudas Jisroel: Berichte und Materialien*, p. 44.

<sup>148</sup> See "Das Trennungsprinzip und die Zusammenarbeit der Gesetztreuen," *Jeschurun* 13 (1926), pp. 403-418; "Die Frage des Trennungsprinzips: Eine Replik," *ibid.* 14 (1927), pp. 87-90; and other relevant publications listed in the bibliography of Unna's writings in *Le-Ma'an ha-Ahdut ve-ha-Yihud*, pp. 375-391. In support of his position, Unna often cited R. Isaac Elhanan Spektor's view that religious Jews are obligated to use all means at their disposal in order to prevent the non-religious from sinning (*Ein Yitzhak* [Vilna, 1889], vol. 1, *Even ha-Ezer*, no. 1). Spektor's view was to become a major weapon in the hands of Achduth supporters. See e. g. *Jüdisches Wochenblatt*, June 19, 1924, p. 133.

<sup>149</sup> See Moshe Unna's introduction to *Le-Ma'an ha-Ahdut ve-ha-Yihud*, pp. 69-70.

In his only essay dealing with the topic, and a short one at that,<sup>150</sup> Weinberg rebukes both sides of the dispute for engaging in journalistic excesses and challenging the religious authenticity and sincerity of their ideological opponents. However, with regard to the issue itself he is most ambivalent. Although Weinberg admits that the actions of Hirsch saved Orthodoxy in Germany, he also recognizes that the changed circumstances have complicated matters, making the value of *Austritt* no longer self-evident. As Weinberg puts it, to decide which approach is correct, either communal unity or separatism, is something which can only be left to prophets and the passage of time, and future historians will be the ones to pass judgment on which position was more sensible. Not surprisingly, they are still in dispute on this point.

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<sup>150</sup> "Das Jeschiwoh-Problem."

## Beginnings of Nazi Rule

1933, the most significant year in recent German history, began under a cloud. The government was in turmoil and the new chancellor, Kurt von Schleicher, was having no success in rallying Parliament around him. The National Socialists had won a third of the seats in the Reichstag election of 1932, and refused to take part in any government unless Hitler be given the chancellorship. As with the previous chancellor, Franz von Papen, Schleicher was forced to resign at the end of January. It was then that President Paul von Hindenberg invited Adolf Hitler to form a government. On January 30 Hitler took the oath of office and soon afterwards persuaded Hindenberg to order new elections for the Reichstag. The elections took place on March 5, with the National Socialists receiving nearly 44 percent of the vote. Chancellor Hitler was now firmly in power.

Ever since Hitler's election in January, the world Jewish community had been expressing grave concern over the future of German Jewry. This was not the opinion of Weinberg, who had a very hopeful and, even for March of 1933, naive view of the new government. In mid-March he traveled to Mukachevo (Munkacs), Czechoslovakia, where he had been invited by his good friend and ideological opponent Rabbi Hayyim Eleazar Shapira, to attend his daughter's wedding. While there, Weinberg gave an interview to the local Jewish paper, *Di Yidishe Tsaytung*, concerning the situation in Germany. In this interview, he played down the anti-Semitic nature of the new regime, denied that Jewish political rights or livelihoods were at risk, and expressed optimism for the Jewish future in Germany, a country based on the rule of law.<sup>1</sup>

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<sup>1</sup> March 24, 1933, p. 7 (This issue of the newspaper is reprinted in *Rosh Simhati* [no place, 1992], a book commemorating the wedding).

A few days later, on his way back to Berlin, Weinberg stopped in Vienna<sup>2</sup> where he gave another interview, this time to the Vienna Orthodox weekly *Die Jüdische Presse*.<sup>3</sup> Here he reaffirmed, and expanded upon, his optimistic view that the Jews had nothing to fear from the Nazis. He also claimed that people and governments outside of Germany were sharply exaggerating the extent of anti-Semitic incidents in order to further their own political interests. As he put it, any actions of foreign governments on behalf of Germany's Jews were being taken against the wishes of the German Jews themselves.

Weinberg went on to say that it is the Jews, in particular the Orthodox, who understand and sympathize with the new national movement that has swept Germany. It is the religious Jews who understand how thankful they have to be to Hitler for his fight against communism and atheism. Weinberg admitted that there had been some anti-Jewish excesses, yet he claimed that one could not hold the government or the Nazi party responsible for this. He saw Germany developing in a manner similar to that of Italy under Mussolini, who succeeded in cleansing the country of anti-Semitism. Although a prohibition on *shehitah* (ritual slaughter) was a central facet of the Nazi program, Weinberg did not believe the government would institute such a measure. For one, since it would only affect religious Jews, it would do nothing to solve the Jewish question. Furthermore, it would greatly damage the country's image abroad.

As can be imagined, these comments touched off somewhat of a storm. Yet even before discussing this, it is necessary to add some context to what today appears shocking. To begin with, the tendency to downplay the anti-Jewish nature of the new regime was common in the weeks following Hitler's assumption of power. It was widely believed, and virtually all German Jewish newspapers expressed this view, that the anti-Semitic Nazi diatribes were merely propaganda designed to garner votes among the masses. There was

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<sup>2</sup> This trip is mentioned in SE 2, p. 362.

<sup>3</sup> March 31, 1933, p. 1.

also general agreement that in only a short while things would resume to normal, as Hitler would assume a more moderate stance.<sup>4</sup>

This illusion did not only afflict German Jewry, as can be seen in the fact that the *London Jewish Chronicle*, which was relentless in exposing the Nazi persecutions, was also able to hold out hope for the future. In the *Jewish Chronicle's* words, "the Nazi chiefs may acquire, in office, that sense of responsibility which they could not feel when wooing the passions of the rabble."<sup>5</sup> It was actually the Orthodox *Der Israelit* which expressed the most caution of all German Jewish papers. Although it too doubted that Hitler would follow through on his party's rhetoric, it forthrightly declared that "not to be aware of the seriousness of the situation would be criminally optimistic."<sup>6</sup> It was such "criminal optimism" that Weinberg and so many others were guilty of.

In focusing on the Nazi's opposition to communism, Weinberg was reflecting the views of many. As Kurt Blumenfeld wrote:

The complacency and blindness of the Jews was disturbed only by the fear of communism. It was always: one should not forget that Hitler is communism's fiercest opponent. Jews listened to the ghastly screamings of Hitler's election speeches and invariably only heard the anti-communist notes.<sup>7</sup>

This feeling of anti-communism also helps explain Weinberg's positive comments about Mussolini, which were not unusual since many Jewish newspapers spoke positively of the achievements of Italian Fascism. Indeed, there is reason to believe that a good percentage

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<sup>4</sup> See Margaret T. Edelheim-Muehsam, "Reactions of the Jewish Press to the Nazi Challenge," *Leo Baeck Institute Year Book* 5 (1960), pp. 316-317.

<sup>5</sup> February 8, 1933, p. 7.

<sup>6</sup> "Die neue Lage," *Der Israelit*, February 2, 1933, p. 2.

<sup>7</sup> *Erlebte Judenfrage. Ein Viertel Jahrhundertdeutscher Zionismus* (Stuttgart, 1962), p. 202 (and see also p. 182). My translation is taken from Jacob Boas, "The Jews of Germany: Self-Perceptions in the Nazi Era as Reflected in the German Jewish Press 1933-1938" (unpublished doctoral dissertation, University of California-Riverside, 1977), p. 67.

of the Jewish bourgeois in Germany would have been happy with a non-anti-Semitic dictatorship.<sup>8</sup> Weinberg himself would later describe how Judaism could be given a boost through the development of a sort of "Hebrew spiritual fascism," similar to the political fascism advocated by the Italian dictator.<sup>9</sup> It is most significant that Weinberg was prepared to link the name of Mussolini with Jewish spiritual matters, illustrating once again that the ideology of the Duce was not unacceptable in his eyes.

Although Weinberg was not the only apologist for Hitler during this period, because of his standing as a leading Orthodox rabbi his views were widely reported in Eastern Europe. It is true that there were other well known Orthodox figures who had publicly denied the atrocity reports, but these men were inside Germany and it was believed, rightly or not, that their comments were made under duress. This belief was reinforced when it became known that, on March 25, Hermann Goering met with a number of leading Jews in Berlin and demanded that they contact newspapers outside of Germany to deny that there were any Nazi organized assaults on Jews.<sup>10</sup> Presumably, this is the context within which one must view the March 25 telegram of Ezra Munk, an important Orthodox rabbi in Berlin, to Rabbi Leo Jung. In this telegram Munk urges Jung to publicize in all the American papers that the reports of atrocities are not true.<sup>11</sup> In response

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<sup>8</sup> See Boas, "The Jews of Germany" p. 65; Rudolf Kaula, *Der Liberalismus und die deutschen Juden. Das Judentum als Konservatives Element* (Munich, 1928); Elie Munk, *Judentum und Umwelt* (Frankfurt, 1933), pp. 21ff.; Donald L. Niewyk, *The Jews in Weimar Germany* (Baton Rouge, 1980), p. 198; Yehudah Ben Avner, *Vom orthodoxen Judentum in Deutschland zwischen zwei Weltkriegen* (Hildesheim, 1987), p. 18.

<sup>9</sup> *Li-Frakim*, p. 82.

<sup>10</sup> See Martin Rosenbluth, *Go Forth and Serve* (New York, 1961), pp. 250-254; Leonard Baker, *Days of Sorrow and Pain: Leo Baeck and the Berlin Jews* (New York, 1978), pp. 153-154.

<sup>11</sup> See Munk's telegram (lacking the date) and other documents from influential Jewish citizens, organizations, and newspapers, published in Jacow Trachtenberg, *Atrocity Propaganda is Based on Lies Say the Jews of Germany Themselves* ([Berlin, 1933]). The complete telegram appears in Munk, "Austrittsbewegung und Berliner Adass Jisroel-Gemeinde 1869-1939," p. 146, and Appendix, *Freie-Vereinigung für die Interessen des orthodoxen Judentums-Hitler*. See also "Gegen die 'Greuel'-Propaganda," *Der Israelit*, March 30, 1933, p. 3.

to the Goering meeting, similar telegrams were also sent by leaders of other segments of German Jewry.<sup>12</sup> However, Weinberg's comments differed from those of his countrymen in that he was never subjected to governmental pressure to portray the regime in a positive light. On the contrary, his opinion was expressed voluntarily. East European Jews, therefore, did not doubt that it reflected his genuine optimism about the future of German Jewry and the Nazi regime.

Among East European Jews, many expected such statements from the Reform Jews of Germany, whom they viewed as lacking Jewish pride. Understandably, there was little surprise when certain Reform and anti-Zionist figures began apologizing for Hitler. There was also no surprise when right wing groups such as Max Nauman's *Verband nationaldeutscher Juden* defended the Nazis, arguing that the atrocity reports were irresponsible exaggerations, the publicizing of which could put the Jews in a precarious situation.<sup>13</sup> Weinberg joined in this chorus and because of his standing in the rabbinic world, and the fact that he was East European, not a patriotic German, there was great shock in the East when his comments in *Di Yidische Tsaytung* became known.<sup>14</sup> Weinberg also surpassed most of his colleagues, not only in absolving the Nazis of all blame for the anti-Jewish excesses, but in showing that he sympathized with the Nazi movement and would be ready to lend his support if it would abandon its anti-Semitism.<sup>15</sup>

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<sup>12</sup> See Trachtenberg, *Atrocity Propaganda is Based on Lies Say the Jews of Germany Themselves*; Lucy Dawidowicz, *The War Against the Jews* (New York, 1975), p. 53. Even many German Zionists were opposed to world Jewish criticism of the regime. See e. g. Stephen Wise, *Challenging Years* (New York, 1949), p. 248; Carl Hermann Voss, "Letters from Stephen S. Wise to a Friend and Colleague: Morton Mayer Berman," in Charles Berlin, ed., *Studies in Jewish Bibliography, History, and Literature in honor of I. Edward Kiev* (New York, 1971), p. 483.

<sup>13</sup> Regarding these groups see Carl Jeffrey Rheins, "German Jewish Patriotism 1918-1935: A Study of the Attitudes and Actions of the *Reichsbund Jüdischer Frontsoldaten*, the *Verband Nationaldeutscher Juden*, the *Schwarzes Fahlein*," (unpublished doctoral dissertation, SUNY Stony Brook, 1978). Naumann actually formed a special group (*Aktionsausschuss der jüdischen Deutschen gegen die anti-deutsche Hetze*) designed to combat the anti-German propaganda.

<sup>14</sup> See e. g. "Idiotishkayt un rishes," *Yidische Shtimme* (Warsaw), March 31, 1933, p. 2. Interestingly enough, Weinberg's later comments in *Die Jüdische Presse*, which were even more favorable to the Nazis, do not appear to have been known in the East.

One prominent attack on Weinberg's position, together with the pro-German messages of two Reform rabbis, was penned by S. Dorfson, the Prague correspondent for the Warsaw daily *Der Moment*.<sup>16</sup> From his article, entitled "Hitler Sends Messengers Throughout the World in Order to Calm the Jews," we get a glimpse of the impact Weinberg's interview had. According to Dorfson, Weinberg's comments were widely reprinted by Nazi and Nazi supporting newspapers as proof that German Jews were not being persecuted.<sup>17</sup> Dorfson also accuses Weinberg of stating that the real tragedy for the Jewish people was not the Nazi regime but Zionism. He continues by describing how Weinberg was warmly received by the German ambassador in Prague, who thanked him for his sympathetic stand and publicly proclaimed Weinberg as a distinguished preacher of Nazi ideology.

Dorfson's accusations against Weinberg were seconded by Rabbi Yehiel Meir Blumenfeld, a leading Mizrahi rabbi from Warsaw who published an "Open Letter" in the Warsaw paper *Ba-Derekh*. Although Blumenfeld is certain that Weinberg has not become "a paid spokesman for Hitler," as have the Reform rabbis of Germany (!), he is shocked by the newspaper reports that Weinberg had favorable things to say about Hitler. Particularly objectionable was Weinberg's assertion that Hitler only opposed the Zionists, a view that

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<sup>15</sup> Another Orthodox rabbi, Elie Munk of Ansbach, also expressed himself in words similar to those of Weinberg. "Without the anti-Semitism National Socialism would find in Orthodox Jews its most loyal followers. . . . [The Nazis] have taken up the war against the loosening of morals and respect for law, as well as against the emancipation of the female sex. They have replaced the democratic principle of majority rule with the principle of *Führertum*. They have put a stop to the progress of the collectivist economic system. All these steps are fully in accord with the direction of our religious will." *Judentum und Umwelt*, pp. 34-35. It is also worth noting that some Revisionist Zionists defended Nazism in a fashion similar to that of Weinberg, by saying, for example, "Were it not for Hitler's anti-Semitism, we would not oppose his ideology. Hitler saved Germany." See Tom Segev, *The Seventh Million*, translated by Haim Watzman (New York, 1993), pp. 22-23.

<sup>16</sup> April 30, 1933, p. 5.

<sup>17</sup> I have not been able to find a reference to Weinberg in any of the contemporary German papers, including the Nazi *Völkische Beobachter*, *Der Stürmer*, and *Der Angriff*. However, R. Joseph Apfel of Leeds, one of Weinberg's students in Berlin during this time, related to me that he remembers a headline in the sensationalist Berlin daily *BZ* which played up Weinberg's comments. Unfortunately, no copies of *BZ* have survived from the period under consideration.

even the anti-Zionist Orthodox would reject.<sup>18</sup> Blumenfeld demands that Weinberg publicly deny all that has been attributed to him. If such a denial is not forthcoming, Blumenfeld fears -- rather prophetically -- that any persecutor will be able claim that that he is not anti-Semitic but only anti-Zionist.<sup>19</sup>

Following these two attacks, and what must have been many private communications, Weinberg responded forcefully in a letter entitled "An Advocate, but for Whom?" This appeared in another Warsaw daily, the Orthodox *Yidishe Togblat*.<sup>20</sup> Directing his response to Dorfson, who was responsible for publicizing and distorting his interview, Weinberg begins: "I never dreamt that someone would accuse me of being a mouthpiece for Hitler in Czechoslovakia." Weinberg explains matters as follows. When he left Berlin for Mukachevo on March 13, the situation in Germany was not so bad. It is true that the newspapers had been carrying anti-Semitic articles and that some Jewish businesses had been closed, but he believed that these were only passing incidents which could be attributed to the revolutionary frenzy that had engulfed the masses. He was confident that in time things would settle. As for Dorfson's assertion, which was then picked up by Blumenfeld, that he pointed to Zionism as the real problem for the Jews, this is a complete lie for nowhere in the interview is Zionism even mentioned. Weinberg then points out, and this is of the utmost importance, that he gave his interview a few weeks before the organized Nazi boycott of Jewish stores on April 1. At this time no one had any idea that the very livelihood of Jews was going to be taken away.

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<sup>18</sup> In actual fact, the Nazis were more favorably inclined to the Zionists than to other segments of the Jewish population. See Boas, "The Jews of Germany," p. 111.

<sup>19</sup> May 4, 1933, p. 6. See also G. Kressel, "Hitler Rodef rak Tziyyonim," *Ma'ariv*, October 15, 1985, p. 11, who relies upon Blumenfeld's letter to attack Weinberg for his "anti-Zionist" defense of Hitler. Kressel writes that he searched the Jewish newspapers for a denial on Weinberg's part and did not find any. Had he looked a little harder, he would not have been led to accuse Weinberg of a crime he innocent of.

<sup>20</sup> June 20, 1933, p. 4.

Weinberg also denies Dorfson's report concerning his visit to Prague. According to Weinberg, the truth is as follows: While returning to Germany, he read in the newspapers that the Jews were being threatened with a boycott because they had been spreading horror stories in the foreign media and calling for a world-wide boycott of German merchandise. It was because of this that he decided to stop in Prague. There he gave another interview, which was designed to calm German fears. He also went to the German embassy but the ambassador, Walter Franz Koch, was not in. He therefore spoke to his assistant, Rudolf Holzhausen, and assured him that German Jews were strongly denying the atrocity reports. He urged Holzhausen to inform his superiors of this, in order to help put a stop to any boycott of Jewish stores.

Although Dorfson pointed out that Weinberg was honored for his service to the Reich, Weinberg insists that he made it clear to the embassy that he did not want any recognition. His actions were not intended to be of service to the government in calming the fears of Jews outside of Germany, but were for the benefit of those Jews who lived in Germany. Upon returning to Berlin, Weinberg informs us, he immediately wrote to two "influential, rich German ministers"<sup>21</sup> and

warned them that it is in their own interest not to enter into a war with both the Jewish and the entire civilized world, who will not remain silent when they see the torture of the German Jews who have contributed so much to both Jewish society and the intellectual world as a whole. They have spread German science and culture throughout the entire learned world and are therefore in no way deserving of such hatred.

Weinberg ended this letter to the ministers by appealing to them not to create another black day in Jewish history, which will be mentioned in Jewish prayers together with the destruction of the Temple and the Expulsion from Spain.

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<sup>21</sup> At this time only three of the eleven cabinet posts were held by Nazis. With the exception of the Chancellorship, both were second-rate; Wilhelm Frick as Minister of the Interior and Hermann Göring as Minister without Portfolio.

We thus see that Weinberg admitted that his confidence was misplaced. After the Nazi boycott of April 1, he no longer had such a sanguine view of the Jewish situation in Germany. However, although his illusion was shattered he did not go to the extreme of Leo Baeck. Baeck declared in a famous speech that, "the thousand year history of German Jewry has come to an end."<sup>22</sup> As with most others at the time, Weinberg believed Baeck was exaggerating. Despite the new difficulties, Weinberg was still hopeful that the government would moderate its course.<sup>23</sup>

Although Weinberg was no longer arguing that the anti-Jewish excesses had been exaggerated, his opposition to the boycott of German goods was not affected in the least.<sup>24</sup> This view was shared by all the important Jewish organizations in Germany. Even if it were true that their denials of the atrocity reports were only made under extreme pressure, their opposition to the boycott was genuine. In fact, there can be no doubt that the overwhelming majority of German Jewry of all political and religious persuasions opposed a foreign boycott. They correctly understood that it would do nothing to safeguard Jewish rights, and on the contrary, would bring about governmental and popular reprisals.<sup>25</sup> This explains why Jacob Rosenheim of Frankfurt, president of the World Agudat Israel, expressed his willingness to cooperate with the German government in order to put a stop to the boycott in Poland. Yet he noted that because of Jewish public opinion there, any such cooperation would have to be kept quiet.<sup>26</sup> Many Jewish groups in the United States, Europe, and Palestine also opposed the boycott,<sup>27</sup> as did the renowned R. Hayyim Ozer

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<sup>22</sup> Robert Weltsch, *An der Wende des modernen Judentums* (Tübingen, 1972), p. 67.

<sup>23</sup> See his interview in *Lubliner Togblat*, 29 Elul, 5693.

<sup>24</sup> See *ibid.* In this interview Weinberg mentions that he wrote two articles against the boycott.

<sup>25</sup> For Orthodox reaction, see e. g. *Der Israelit*, September 14, 1933, p. 5, November 6, 1933, p. 5. For Baeck's opposition to the boycott, see Baker, *Days of Sorrow and Pain*, p. 174.

<sup>26</sup> Appendix, Rosenheim-Foreign Ministry.

Grodzinski of Vilna, whose opinion carried more weight among the East European Orthodox than any other rabbi.<sup>28</sup>

Shortly following the anti-Jewish boycott day, and under the guise of preventing cruelty to animal, Hitler shocked the Jewish community by signing a decree on April 21, 1933 forbidding *shehitah* throughout Germany unless the animal had previously been stunned. At the same time it was decreed that poultry must be killed by having its head instantly severed from the body. Although Hitler had always pledged to do just that, and even before his rise to power the Nazi party had succeeded in passing such laws in Bavaria, Brunswick, and Oldenburg, most German Jews shared the view of Weinberg that the Nazis would never dare arouse negative world opinion through the institution of such a blatant anti-Jewish measure. After all, "animal rights" organizations had been trying to ban *shehitah* throughout Germany for some seventy years, but the various state governments refused to buckle under their pressure. Having emerged victorious from the long and hard battle for *shehitah*, it was simply incomprehensible to most Jews that all their efforts could be overturned with the stroke of a pen. Yet this is exactly what happened, with the Nazi government taking the high moral ground and condemning the Jewish ritual as lacking basic human decency.<sup>29</sup> Strangely enough, the central government did not ban the import

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<sup>27</sup> See Moshe Gottlieb, "The Anti-Nazi Boycott Movement in the American Jewish Community 1933-1941," (unpublished doctoral dissertation, Brandeis University, 1967); Segev, *The Seventh Million*, pp. 26ff.

<sup>28</sup> See Grodzinski, *Kovetz Iggerot Ahiezer* (Bnei Brak, 1967), vol. 1, p. 296; *Der Israelit*, September 20, 1933, p. 9. Nevertheless, Grodzinski would not publicly oppose the boycott once it was issued; see R. Joseph Elijah Henkin, *Kitvei ha-Gaon Rav Yosef Eliyahu Henkin* (Jerusalem, 1989), vol. 2 p. 217. Henkin also records R. Elhanan Wasserman's opposition to the boycott, which was not due to fear over possible repercussions against German Jewry, but because of a Talmudic statement that Jews were forbidden to rebel against the nations (*Ketubot* 111a). For other examples of Orthodox opposition to the boycott, see R. Joel Teitelbaum, *Al ha-Geulah ve-al ha-Temurah* (Brooklyn, 1982), p. 11; R. Moshe Blau, *Kitvei Rabbi Moshe Blau* (Jerusalem, 1983), pp. 250-251; R. Mordechai Savitsky, *Nezir Ehav* (no place, 1988), Introduction, (regarding R. Joseph Rozin); and Menachem Friedman, "The Haredim and the Holocaust," *Jerusalem Quarterly* 53 (Winter, 1990), pp. 86-114. For Orthodox support of the boycott, see R. Judah Leib Zirelson, *Lev Yehudah* (Jerusalem, 1961), pp. 70ff.; Isaac Gruenbaum, *Milhamot Yehudei Polanyah* (Tel Aviv, 1941), pp. 330-331; Immanuel Meltzer, "Ha-Herem ha-Kalkali ha-Yehudi ha-Anti-Germani be-Polin ba-Shanim 1933-1934," *Gal-Ed* 6 (1982), p. 154.

<sup>29</sup> Many commentators outside of Germany described the Nazi action by quoting Hosea 13:2: "They that sacrifice men kiss calves."

of ritually slaughtered meat. Yet since this was very expensive, and could not provide nearly enough food as was needed, the German Orthodox were immediately thrown into a quandary.<sup>30</sup>

The poultry issue was relatively simple to solve. As Weinberg shows, even though Isserles writes that it was customary to forbid one to sever the head immediately following *shehitah*,<sup>31</sup> this practice was not accepted by all. Furthermore, it was not even regarded by Isserles as halakhically forbidden. There was thus adequate halakhic support to permit the consumption of poultry when the head had been severed, particularly in a time of need.<sup>32</sup>

After receiving the verbal consent of many important East European scholars, Weinberg then prepared a long responsum explaining his views. As was his custom, he sent this responsum to the world's leading halakhists. Fortunately, many of their replies have been preserved.<sup>33</sup> Grodzinski agreed with Weinberg, yet only for those parts of Germany where the community was unable to obtain imported meat. Grodzinski concluded his letter by stressing that it was incumbent on the halakhic authorities to do all that was possible in order to find leniencies, so that Jews not be led to consume non-kosher food. He also noted that his opinion was only theoretical. Whether this leniency should be acted upon in practice was to be determined by the rabbis in Germany, for it was they who would have to ensure both the competence of slaughterers carrying out the new method of

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<sup>30</sup> Detailed information regarding all aspects of the 1933 anti-*shehitah* decree is found in the two volumes of primary sources edited by E. Munk and Michael L. Munk, *Edut Ne'emanah* (Jerusalem, 1974) and *Shechita: Religious and Historical Research on the Jewish Method of Slaughter* (Brooklyn, 1976). Much of the information in both of these books is taken from the archives of the Berlin Central Office of Shehitah Affairs. Regarding the pre-1933 prohibitions against *shehitah*, see Isaac Lewin, *et. al.*, *Religious Freedom: The Right to Practice Shehita* (New York, 1946), pp. 54-71; Yehudah Ben Avner, "Ha-Antishemiyut ba-Republikah ha-Veimarit be-Germanyah al Pi Itonut Yehudit," *Sinai* 107 (1991), pp. 274-275. Concerning the difficulties in importing meat, see Munk and Munk, *Shechita*, pp. 23-27, and Jeremiah J. Berman, *Shehitah: A Study in the Cultural and Social Life of the Jewish People* (New York, 1941), pp. 264-269.

<sup>31</sup> *Shulhan Arukh, Yoreh Deah* 24:5, 28:20.

<sup>32</sup> SE 1, pp. 173ff.

<sup>33</sup> See SE 1, pp. 173-246.

*shehitah*, as well as that his lenient ruling was made use of only where properly warranted.<sup>34</sup> Among others who supported Weinberg's view were Rabbis Leib Rubin of Vilkomir,<sup>35</sup> Menahem Mendel Chaim Landau of Zawiercie,<sup>36</sup> Judah Leib Zirelson of Kishinev,<sup>37</sup> Aaron Baksht of Shavli,<sup>38</sup> Isaac Unna of Mannheim,<sup>39</sup> and Joseph Susmanovitz of Slobodka.<sup>40</sup> Yet there were also those who opposed Weinberg, among them Rabbis Joseph Rozin of Dvinsk,<sup>41</sup> Hermann Klein of Berlin,<sup>42</sup> Jonah Zvi Horovitz of Frankfurt,<sup>43</sup> Moses Samson Wasserman of Breslau,<sup>44</sup> Menahem Mendel Kirschbaum of Frankfurt,<sup>45</sup> and Nahum Wiedenfeld of Dombrowa.<sup>46</sup>

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<sup>34</sup> *Ibid.*, pp. 218-221; Munk and Munk, *Edut Nee'manah*, p. 89; *She'elot u-Teshuvot Ahiezer* (Jerusalem, 1986), vol. 4, no. 17. According to Weinberg, only a few communities actually made use of this ruling. See SE 1, p. 376.

<sup>35</sup> SE 1, pp. 226-227. See also the text of the *Vereinigung's* statement in Unna, *Le-Ma'an ha-Ahdut ve-ha-Yihud*, pp. 56-57.

<sup>36</sup> *Ibid.*, pp. 228-231. Landau is not only adamant that Weinberg is correct and that his opponents' view will lead thousands to consume non-kosher poultry, but he also argues that it is improper for *anyone* to adopt a private stringency. This latter point is explicitly opposed by both Weinberg (pp. 194, 245) and Grodzinski (p. 220, *Kovetz Iggerot Ahiezer*, vol. 1, p. 89) who assume that the especially pious will choose not to rely on any leniencies

<sup>37</sup> *Ibid.*, pp. 235.

<sup>38</sup> *Ibid.*, pp. 235-237.

<sup>39</sup> *Ibid.*, pp. 237-238; Unna, *Shoalin ve-Dorshin* (Tel Aviv, 1964), no. 19.

<sup>40</sup> SE 1, pp. 238-245. R. Hayyim Eleazar Shapira was careful to point out that he would take no stand on the issue, since he saw valid points on both sides. See *ibid.*, pp. 223-226. It is therefore strange that Weinberg, *ibid.*, p. 245, cites him in support of his leniency.

<sup>41</sup> *Ibid.*, p. 222.

<sup>42</sup> *Ibid.*, pp. 221-222. He does, however, agree that the sick can rely on Weinberg's leniency.

<sup>43</sup> *Ibid.*, pp. 237-238, 377.

<sup>44</sup> *She'elat Moshe* (Tel Aviv, 1957), no. 85.

<sup>45</sup> *Menahem Meshiv*, vol. 2, no. 1 (found in Kirschbaum's *Ziyyun li-Menahem* [New York, 1965]).

<sup>46</sup> SE 1, pp. 403-405

The motivations of those opposing Weinberg were not purely halakhic in nature, but also took into account wider, subjective, considerations which are generally brought to bear in halakhic decision-making. Because such non-formal considerations are not grounded in explicit texts and cannot be refuted in the fashion of traditional halakhic argumentation, it is proper to refer to them as "meta-halakhic" considerations. As an example of such meta-halakhah, Klein argues that if the rabbis were to agree with Weinberg, then both the Jewish masses as well as the Nazis would conclude that in difficult times all is permissible. This could in turn lead the Nazis to even harsher decrees. Horovitz offers similar reasons for his opposition. For example, he worries that if the rabbis give permission to eat poultry in accordance with the Nazi decree, the masses would eventually be led to eat meat which had been stunned prior to *shehitah*. He also fears to depart from traditional Jewish practice and believes, together with Rozin, that the decree will eventually be cancelled. Finally, in a "pure" halakhic argument, Horovitz claims that the situation in Germany is one of persecution (*shemad*), where the Gentiles intend to force the Jews to violate their religion. According to the halakhah, in such periods no compromises are allowed.<sup>47</sup>

With the exception of the last point made by Horovitz, the arguments mentioned in the previous paragraph are meta-halakhic. They are not subject to proof or disproof on the basis of textual sources, but depend on an overall vision of which halakhic ruling will best serve the community; a vision which other authorities need not share. Opposition to altering the method of slaughter due to fears about how it will impact future actions of the government or the Jewish citizenry is clearly of a different nature than opposition to this step because the food is thereby rendered non-kosher.

In the case at hand, since halakhic texts by themselves cannot adequately support a stringent ruling, those rabbis who regarded a stringent ruling as essential to preventing the

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<sup>47</sup> See *Sanhedrin* 74a-b; Maimonides, *Hilkhot Yesodei ha-Torah* 5:3.

destruction of fundamental religious boundaries were forced to resort to the meta-halakhic considerations mentioned above. It is these very considerations which are decisively refuted by Unna, who also adds a meta-halakhic consideration of his own, directed against those "whose stringency is in reality a leniency." He fears that thousands of Jews will begin to eat non-kosher food if they are not permitted to eat poultry slaughtered in accordance with Weinberg's judgment. The rabbis who are strict will have to answer on Judgment Day and explain why, because of their hesitations, they allowed an entire country to forsake the Torah's commandments. As for the Nazi decrees falling under the category of religious persecution, this is incorrect because Jews were never *required* to eat non-kosher meat. This means that the anti-*shehitah* decree is no different than the removal of teachers from their positions or the boycott of Jewish stores. It is simply another way to oppress the Jews, but is not to be regarded as *religious* persecution.<sup>48</sup>

Weinberg also responded strongly to those who disputed with him, agreeing with a number of points made by Unna.<sup>49</sup> In a letter to one rabbi who pointed out that certain leading rabbinic figures did not accept Weinberg's position, the latter freely admitted that one could find halakhists who opposed him, but added:

Are you too stubborn to rely on an explicit ruling which Rabbi Hayyim Ozer Grodzinski, the Gaon of Munkacs, and other sages have agreed with? If you wish to adopt a personal stringency you may, and there is no need to seek out leading authorities upon which to base this stringency. However, where others are concerned, and where it is a matter of life and death for many and there is the possibility, God forbid, of them stumbling into sin, in this circumstance you have no right to be stringent.<sup>50</sup>

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<sup>48</sup> *Ibid.*, pp. 238, 387. See also the comments of R. Efraim Lassmann, *ibid.*, pp. 134, 139, and R. Leib Rubin, *ibid.*, p. 226. All these writers are in agreement that the German government had no interest in forcing Jews to violate religious laws. Lassmann even argues that the Nuremberg legislation forbidding marriages between Jews and Germans strengthened Judaism more than anything done by the rabbinate.

<sup>49</sup> SE 1, pp. 245, 246.

<sup>50</sup> *Ibid.*, p. 245.

The issue of quadrupeds was much more complicated. It was generally believed by Orthodox halakhists and laity that stunning an animal prior to slaughter rendered it non-kosher. Indeed, all interference with the slaughtering process was regarded as invalid and in previous years the leading German rabbis had refused to permit any procedure which caused the animal to become senseless.<sup>51</sup> Of course, the problem of obtaining kosher meat after the anti-*shehitah* decree did not only affect the Orthodox community, since many non-Orthodox Jews also observed the dietary laws. Yet it was clear that many of these people were not prepared to give up meat. They would instead purchase the non-kosher variety unless some halakhically valid method was found to permit stunning before slaughter. Another factor complicating matters was that the Berlin *Gemeinde* was considering purchasing non-kosher meat for community institutions such as the hospital and old-age homes. Although the *Gemeinde* leadership was dominated by Reform members, the *kashrut* of its institutions had always been under the supervision of the Orthodox. However, since meat was essential for the diets of the sick and elderly, the *Gemeinde* leadership felt that it no longer had any choice but to serve non-kosher.<sup>52</sup>

This was the situation facing Weinberg and his colleagues on the Halakhah Commission of the *Vereinigung traditionell-gesetztreuer Rabbiner Deutschlands*. They decided to turn to the leading halakhic authorities of Eastern Europe to see if there was some way, under these trying circumstances, that stunning could be permitted. They were not joined in this appeal by the members of the separatist oriented *Verband orthodoxer Rabbiner*, who adamantly refused all attempts at finding a way to alter the system of ritual slaughter.

As the *Vereinigung's* leading halakhist, Weinberg was chosen to travel to the East and discuss the situation with prominent scholars. He departed Berlin in September, 1933,

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<sup>51</sup> See Munk and Munk, *Shechita*, pp. 55-67, and the responsum of Hoffmann I published in *Ha-Ma'ayan* 34 (Tevet, 5754), pp. 10-12.

<sup>52</sup> SE 1, p. 6, Appendix, Weinberg-Grodzinski

journeying first to Mariendbad, Czechoslovakia, where many of the East European rabbis vacationed. Following this he traveled to Kovno, where he spoke to R. Abraham Shapiro, the rabbi of Kovno, and R. Joseph Susmanovitz of Slobodka, the son-in law of R. Moshe Mordekhai Epstein and a leading scholar in his own right. From Kovno he went to Cracow, and from there to Lublin and Warsaw, where once again he found himself in the middle of controversy.

Rabbi Dr. Meier Hildesheimer, Weinberg's good friend and one of the directors of the Seminary, had recently traveled to Warsaw to meet with Orthodox Jewish leaders in an unsuccessful bid to convince them not to join the anti-German boycott. His visit was supposed to have been secret, but local Jewish newspapers soon found out about it. These newspapers reviled him as an agent of the Nazis, helping doom the mission. Although Hildesheimer was forthright in explaining that a boycott would have a negative impact on the Jewish community, and this was certainly his firm belief, it was not known that the impetus of his journeying in person to the East was a warning from the government that if something was not done to halt the boycott movement in Poland, there would be repercussions against German Jewry.<sup>53</sup>

Although Weinberg tried to keep his visit a secret, it too was exposed. The newspapers reported that he had come to Poland for the same purpose as Hildesheimer, and he too was branded an agent of Hitler.<sup>54</sup> This forced Weinberg to publicly disavow that his trip had any connection with Hildesheimer.<sup>55</sup> Yet despite this disavowal, he still

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<sup>53</sup> See *Der Israelit*, September 20, 1934, p. 9; *Haynt* (Warsaw), September 17, 1933, p. 7 (interview with Hildesheimer); Binyamin Ze'ev Jacobson, *Essa De'i le-Merahok* (Bnei Brak, 1967), pp. 123-124; Interview with Esriel Hildesheimer (the son of Meier); Appendix, Rosenheim-Foreign Ministry.

<sup>54</sup> See *Naye Foksaytung* (Warsaw), September 22, 1933, p. 5, September 23, 1933, p. 5 (Weinberg is referred to as "Der Hitler-Rabbiner"); *Unzer Lebn* (Bialystok), September 24, 1933, p. 2, and the reports in *Lubliner Togblat*, 4 Tishrei, 5694, *ibid.*, 5 Tishrei, 5694, *Yidishe Togblat* (Warsaw), September 7, 1933, p. 6.

<sup>55</sup> See *Lubliner Togblat*, 29 Elul, 5693 (interview with Weinberg), *ibid.*, 7 Tishrei, 5694 (declaration of R. Meir Shapiro); *Unzer Lebn* (Bialystok), September 28, 1933, p. 4, *Naye Folkszaytung* (Warsaw), October 9, 1938, p. 2 (letter of Weinberg).

thought it wise to curtail his visit, but not before he had a chance to travel to Vilna in order to confer with Grodzinski. Grodzinski made it clear to Weinberg that he would not consider the halakhic permissibility of stunning until all possible halakhic objections had been satisfied. This was Weinberg's job in the treatise he was to compose. Even assuming Weinberg could satisfy the halakhic objections, Grodzinski indicated that his decision would still have to take into account the fact that the *shehitah* problem did not only affect German Jews. Grodzinski feared that any lenient ruling with regard to stunning could endanger the *shehitah* status quo in other countries and lead to widespread stunning legislation.<sup>56</sup>

The other leading halakhists agreed with Grodzinski that they should withhold their opinions until Weinberg had prepared a complete halakhic analysis of the issue. This analysis would have to confront the fact that stunning damaged an animal in a number of different ways, thus rendering it non-kosher. The Orthodox doctor Salomon Lieben of Prague had enumerated the following halakhic problems resulting from stunning.

1. Internal injury caused by the animal's collapse.
2. Damage to the brain.
3. Damage to the lung tissue and the adhesions of the lung.
4. Blood is absorbed in the organs.
5. After the stunning there were signs of injury on the animal's bowels.
6. Blood was found in the heart tissue indicating that the heart is weakened by the electric current.<sup>57</sup>

Before Weinberg studied this complex issue, he was faced with some fundamental questions regarding whether it was even desirable to try to find a way to halakhically permit stunning. Should the method of slaughter which was practiced for thousands of years by

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<sup>56</sup> SE 1, pp. 6, 370-371, 376.

<sup>57</sup> *Ibid.*, pp. 4-5.

the religion which taught the world about kindness to animals, Weinberg asked, be abandoned because of anti-Semitic pressure? If Jews began to stun animals before slaughtering, would this not be an admission that *shehitah* was inhumane?

These were weighty considerations and at first Weinberg was prepared to issue a ruling with other German rabbis entirely forbidding stunning. Yet he soon changed his mind, emphasizing that the meta-halakhic considerations mentioned in the previous paragraph do not compare to the threat that thousands of Jews will begin to consume non-kosher meat. Furthermore, "it is up to the leaders of Israel to show that they are not unyielding, God forbid, but that they too share in their people's pain and will do all they can to reach the gates of deliverance."<sup>58</sup> Having come to the conclusion that stunning should be permitted if there were halakhic grounds to do so, Weinberg set to work on his lengthy responsum, which was to be sent out to leading rabbinic figures throughout the world.<sup>59</sup>

In this responsum, which is actually a lengthy treatise, Weinberg advances a number of reasons which should lead to a lenient decision. Weinberg himself does not declare that stunning is permitted, for his purpose is only to present a case to the leading halakhists, not to issue a practical ruling. Nevertheless, he has confidence that with modern methods of stunning the animal would not be rendered non-kosher and all of his arguments lead in one direction.<sup>60</sup> Yet even with these arguments in favor of leniency, Weinberg claims to have always known that the leading halakhists, the Hasidim, as well as a large

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<sup>58</sup> *Ibid.*, p. 7 (translation of Robert Kirschner, *Rabbinic Responsa of the Holocaust Era* [New York, 1985], p. 49).

<sup>59</sup> *Ibid.*, pp. 6-8, 370, 375.

<sup>60</sup> See his interview in *Lubliner Togblatt*, 29 Elul, 5693. In SE 1, p. 7 and *Edut Ne'emanah*, p. 248 (letter from 1960), he writes that he was unable to dispel all doubts, since the scientific tests were inconclusive. However, Weinberg did not seem to show any such hesitation regarding the scientific tests during the crisis, and on the contrary, was confident in the correctness of his view. Certainly, as we shall see, he is not being candid when he writes: *נחלתנו למצוא צד של היתר אבל לא צלה בידי* (*Edut Ne'emanah*, p. 248).

percentage of the Orthodox masses would never agree to alter the time-honored practice of *shehitah*. This was something that their ritual instinct would never permit.<sup>61</sup>

Almost every rabbi who responded to Weinberg opposed, under all circumstances, any of the leniencies he put forth. R. Elhanan Wasserman and R. Aaron Kotler even argued that stunning should not be used for those who were medically required to consume meat. The rationale behind this extreme view was that any leniency might lead healthy people to also eat from the stunned meat. Furthermore, foreign governments would conclude that stunning is not really forbidden, endangering *shehitah* in other countries.<sup>62</sup>

The pressure against change was so great that those who initially agreed with Weinberg later retracted their opinions when confronted with the weight of opposing rabbinic authority. Many of those who opposed Weinberg's leniencies did so not because they disagreed with his halakhic conclusions, but because they were afraid to assume responsibility for such an important decision. Others were not even interested in his halakhic argumentation, since nothing could convince them to alter the method of *shehitah*. This was especially true with regard to Grodzinski, who initially suggested that Weinberg author a treatise on the question.

At first, Grodzinski had been prepared to impartially examine Weinberg's responsum. He also made it clear that he would not oppose any leniencies granted by the German rabbinate, unless his opinion was solicited in an official manner.<sup>63</sup> Even if the German rabbinate asked for his decision, and he issued a stringent ruling, he saw no need to publicly oppose the institution of stunning or to prevent slaughterers from making use of it. There were many non-Orthodox Jews who would not give up eating meat and

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<sup>61</sup> SE pp. 6-7, SE 3, p. 285.

<sup>62</sup> See Munk and Munk, *Edui Ne'emanah*, pp. 203-207, 208-209, 217-223.

<sup>63</sup> See also *ibid.*, pp. 43, 45, for 1927 letters from Grodzinski, in which he regards the stunning issue as an internal German affair. In fact, he writes that if the rabbis of one German state are forced to issue a lenient ruling they should not request the approval of rabbis in other states, for any such approval could endanger *shehitah* there.

Grodzinski believed that it would be preferable for them to eat meat of questionable *kashrut* than to eat meat which is absolutely non-kosher. As we have already seen, in his earlier responsum concerning the slaughter of poultry, Grodzinski wrote that it is incumbent upon the halakhist to find any and all grounds to be lenient in order to prevent Jews from giving up kosher food. Furthermore, in a 1927 letter he argued that stunning should be permitted in severe circumstances if the halakhic issues could be resolved.<sup>64</sup>

However, he soon adopted an entirely different approach. At the same time that Weinberg was publicly expressing his "regret" that a halakhically proper method of stunning had not yet been developed, Grodzinski was declaring his opposition to stunning no matter what any new medical tests would reveal. In order not to give rise to any false hopes, he opposed continuation of these tests and would not even consider what Weinberg had to say. As far as he was concerned, there simply was nothing to discuss. He also attempted, ultimately with success, to prevent Weinberg from publishing his treatise. If this was no longer possible, he wanted Weinberg to insert a note stating that since the leading Torah scholars had rejected stunning, all of his arguments must remain theoretical.<sup>65</sup>

According to Weinberg, Grodzinski abandoned his earlier view after being confronted with the burgeoning anti-*shehitah* movement in Eastern Europe.<sup>66</sup> Grodzinski now realized that any decision to permit stunning in Germany, even a decision by the Reform movement, was not simply an internal German matter. The implications were much greater, for any such decision would be regarded by East European governments as a green

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<sup>64</sup> *Ibid.*, p. 43.

<sup>65</sup> With regard to stunning *after shehitah*, for which there are no real halakhic problems, Grodzinski was prepared to be lenient; see *Iggerot Ahiezer*, vol. 1, p. 98. He obviously did not believe that granting such permission would have the negative repercussions he was so fearful about when discussing permitting stunning before *shehitah*.

<sup>66</sup> Regarding Poland see Szymon Rudnicki, "Ritual Slaughter as a Political Issue," *Polin* 7 (1992), pp. 147-160.

light to banning *shehitah* without prior stunning in their own countries, no matter what the local Orthodox rabbis said. This consideration was not present in previous years.

Weinberg also points to the great pressure brought upon Grodzinski. No doubt he is referring to rabbis in both Germany and Eastern Europe, as well as Hasidic leaders, who were adamant that Weinberg's leniencies be rejected outright. These men flooded Grodzinski with letters and telegrams. For his part, Grodzinski denied that his opinion was affected by any outside influences. In order to best ensure that Weinberg would not be able to issue a lenient ruling, he asked the leading East European rabbis not to respond to Weinberg. Rather, they were to send any comments regarding his responsum to Grodzinski himself. The logic behind this would seem to be that in the event a halakhist did express support for Weinberg, Grodzinski would then be able to pressure him to change his position without Weinberg knowing anything about it. The result would be a unanimous negative reply to Weinberg's responsum

That the views in opposition to Weinberg were based more on emotional and political considerations, which we have chosen to call meta-halakhah, than on pure halakhic analysis was privately acknowledged by Weinberg, as well as by some of his colleagues, both during the crisis and years later. Although in his letters Grodzinski continuously claimed that there were halakhic difficulties with stunning before *shehitah*, despite repeated requests he never elaborated. Weinberg quotes a private conversation in which Grodzinski told him that the leading halakhic scholars were unable to refute his view on halakhic grounds, but were still afraid to grant permission to stun. Yet this information was to be kept quiet so as to prevent a weakening of rabbinic authority. When Reform leaders, in an attack on the Orthodox, also asserted that the opponents of stunning were motivated by other than pure halakhic reasons, Weinberg strongly denied this. Similarly, in a letter to the Orthodox office of *shehitah*, Weinberg again denied that the opposition to stunning was based on anything other than formal halakhic sources.

Because Weinberg knew that many rabbis *were* basing their positions on meta-halakhic considerations, and because he did not wish for this to become public knowledge, he was alarmed after reading an article by Rabbi Ezra Munk which he believed could foster this impression. He even feared that some halakhists, who were supposed to examine the evidence impartially, might be swayed from ruling leniently because of the reasons advanced in Munk's article. As for his own public statement that stunning was absolutely forbidden, in a private letter he admitted that this did not represent his true view but was only intended for public consumption.<sup>67</sup>

Weinberg and his colleagues on the halakhah commission of the *Vereinigung* were hopeful that Grodzinski and other leading scholars in the East could be convinced to grant permission to stun. Even after Grodzinski had publicly declared his opposition, they held out the possibility that he might change his mind. During the two years following the anti-*shehitah* decree, Weinberg and his colleagues corresponded with scholars in the East and undertook journeys there to personally plead their case. However, once Grodzinski had made his decision, after which no other East European scholar would rule otherwise, he did not see any purpose in delegations of German rabbis journeying to see him. He made it clear that nothing could convince him to alter his view.<sup>68</sup>

Although Grodzinski probably believed that this put to an end to the issue, this was not the case. There was still the possibility that Weinberg would unilaterally issue a ruling permitting the stunning. Indeed, in previous years he had argued that the Halakhah

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<sup>67</sup> For documentation of the preceding paragraphs see SE 1, pp. 7, 122-123, 219, 371, 378, 379-380, 382, 386; Appendix, Weinberg-Unna, Jakobovits #1, Jakobovits #3, Weinberg-Herzog (written in 1954); Weinberg's letter to Pinhas Biberfeld, dated April 8, 1959; Weinberg's declaration in *Der Israelit*, May 17, 1934, p. 2; Munk and Munk, *Edut Ne'emanah*, pp. 123, 175, 176, 181, 184, 187, 190, 193, 218, 302; Munk and Munk, *Shechita*, pp. 64-65; *She'elot u-Teshuvot Ahiezer*, vol. 4, no. 16; Greenberg, *Mi-Gedolei ha-Dor*, p. 2 (unnumbered). According to this latter source, Weinberg believed that because of his responsum the halakhists who opposed stunning could declare it forbidden, but were not able to say that stunned meat had the status of unslaughtered meat (*nevelah*). In Appendix, Weinberg-Unna, Weinberg writes that his public statement was directed towards the "enemies in the known country." I assume he means the Nazi government, and not the Reform leaders, for why else would he adopt such a circumlocution.

<sup>68</sup> See Munk and Munk, *Edut Ne'emanah*, pp. 177, 181.

Commission of the *Vereinigung* should issue rulings even if they would not be accepted by all segments of the Orthodox population. However, the *shehitah* issue was much more delicate, since any unilateral lenient ruling would have brought about a split within German Orthodoxy. It would have also caused East European Jews to question the *kashrut* of German meat.

Furthermore, there was no doubt that a lenient ruling on Weinberg's part would have brought him into open conflict with Grodzinski, who, despite his friendship with Weinberg, would have been forced to take steps to delegitimize the latter's authority. When formally questioned as to whether he would rule against Grodzinski, Weinberg responded that he would need to think long and hard about this. But as Rabbi Julius Jakobovits insightfully added, "I understood from his words that at present he is not ready to do so."<sup>69</sup> Indeed, it was precisely because Weinberg realized the global nature of the problem that he was reluctant to independently issue a ruling, instead insisting that the world's leading halakhists be consulted.

For those who knew Weinberg, it was a foregone conclusion that he would not unilaterally issue a halakhic ruling while facing such opposition in the East. To do so would mean standing alone, since even those scholars who might normally have agreed with him would not dare challenge Grodzinski's authority. However, there was one more avenue to turn to, namely, Palestine. The only other rabbinic figure with the stature to oppose Grodzinski was Chief Rabbi Kook, and a lenient opinion from him would be supported by the many scholars of Palestine who were under his influence.

With this in mind, Weinberg twice wrote to Kook at the end of 1934.<sup>70</sup> He hoped that Kook would have "mercy" on the German Jews who were spending great amounts of money to import meat, on the many families who had already given up kosher meat, and on

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<sup>69</sup> Appendix, Weinberg-Halakhah Commission, Jakobovits #1; Pinhas Biberfeld, "Le-Zekher ha-Gaon ha-Amity Maran Rabbi Yehiel Ya'akov Weinberg Z"L," p. 31.

<sup>70</sup> *Iggerot la-Re'iyah*, no. 347.

the many more who would continue to do so if a solution was not found. As Weinberg puts it, Kook must decide if it is proper to cause thousands of Jews to consume non-kosher meat because of fear of what *might* occur in other lands.<sup>71</sup> There is no question that he regards this approach as improper, but as he explains: "we who are inside [Germany] cannot take upon ourselves the responsibility [for issuing a lenient ruling]." For some unknown reason -- perhaps Grodzinski was responsible -- Kook never responded to either of Weinberg's letters.

Without any support from Kook, the view of Grodzinski could not be opposed. Unlike some of his colleagues,<sup>72</sup> Weinberg was reconciled to the fact that there would be no permission given to stun, regardless of what new technologies were developed. Therefore, even though his responsum *did* advance grounds to permit stunning, in response to inquiries he was forced to deny this. He also let it be known that the Rabbinical Seminary unequivocally supported Grodzinski's ban. Weinberg himself, in a speech before surprised colleagues, even presented the meta-halakhic reasons behind Grodzinski's opposition to any leniency.<sup>73</sup> When, after the war, Weinberg eventually did publish his responsum, he was careful to remark that his arguments in favor of leniency were not for practical application.<sup>74</sup> Still, there is no doubt that he was sure of the correctness of his

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<sup>71</sup> The same point is made in R. Jacob Hoffmann's letter to Grodzinski, SE 1, p. 123. See also the lengthy letters of R. Efraim Lasmann, *ibid.*, pp. 123-140.

<sup>72</sup> See Unna, *Shoalim ve-Dorshin*, no. 21. As late as 1938 he asked Grodzinski to permit stunning with nitrogen, based upon the positive results of tests that had been carried out in Stockholm. Arguing in the same fashion as does Weinberg in his letter to Kook, Unna attempts to convince Grodzinski that fear over what might occur in other countries if permission is given to stun cannot outweigh the facts of the present, namely, that thousands have been led to abandon *kashrut*. Although in one letter (*Edut Ne'emanah*, p. 302), Grodzinski did promise to examine the results of the Stockholm tests, since any permission, even for nitrogen stunning, would have far-reaching repercussions, he could not agree with Unna; see SE 1, p. 8. See also R. Simeon Federbush, *Bi-Netivot ha-Talmud* (Jerusalem, 1957), pp. 215-216, for R. Solomon David Kahana's responsum on the topic. Kahana admits that there is no formal halakhic objection to stunning with nitrogen, but, adopting Grodzinski's approach, argues that there are meta-halakhic reasons, in this case political in nature [בְּרִיבְרִיבֵי הַפְּלִיטָה], which rule out a lenient decision.

<sup>73</sup> See Munk and Munk, *Edut Ne'emanah*, pp. 178-180, 183, *Shechita*, pp. 65-66.

<sup>74</sup> See SE 1, p. 7.

view. In line with this he noted that if this problem should arise again, the halakhists confronting it would concentrate on his arguments in favor of leniency, not on his words of caution regarding practical implementation of his view. When that happens, Weinberg asserted: "I am sure they will agree with my opinion."<sup>75</sup>

Weinberg and his colleagues in the *Vereinigung* did not cease their efforts, which lasted for over two years, until it became obvious that neither Grodzinski nor any of the other leading halakhists would support them. Yet in Germany as well there was significant opposition to Weinberg's lenient approach. The separatist oriented *Verband orthodoxer Rabbiner* would never agree to permit stunning. In its eyes, all of the complicated scientific tests being carried out were a waste of time. Horovitz and his colleagues were in agreement with Grodzinski that no matter what could be established halakhically, there were important meta-halakhic reasons why stunning could not be permitted.<sup>76</sup>

The leader of the *Verband* was Jonah Zvi Horovitz, originally from Hungary and now serving as rabbi of the Frankfurt separatist community. At the same time that Weinberg was sending copies of his responsum on stunning to leading East European halakhists, Horovitz was sending letters on behalf of the *Verband* urging these halakhists, "for the sake of the eternity of the Torah," not to issue any rulings with regard to either stunning or severing of the head of poultry before *shehitah*, unless inquiries had been made of them by the two rabbinic organizations.<sup>77</sup> By insisting that both organizations be represented in any appeal, he was effectively precluding the possibility that there would ever be such an appeal. Needless to say, it was very difficult for any halakhist to rule leniently on the stunning question after being confronted with the fact that even German

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<sup>75</sup> See Leo Jung in *Noam* 10 (1967), p. 11 (quoting Weinberg's oral remark); Greenberg, *Mi-Gedolei ha-Dor*, p. 3.

<sup>76</sup> As with Grodzinski, their position hardened over time. At the very beginning of the crisis they were prepared to issue a joint statement with the *Vereinigung*, promising that efforts to develop a halakhically acceptable method of stunning would continue. See *Der Israelit*, May 30, 1933, p. 5.

<sup>77</sup> SE 1, p. 374.

rabbis were expressing their opposition to such a step. Weinberg himself was aware of a number of rabbis who, due to Horovitz' intervention, refused to involve themselves with his proposals, precisely Horovitz' intention.<sup>78</sup>

Weinberg's response to Horovitz came in a strongly worded letter to Isaac Unna. From this letter we see how incensed he was that Horovitz felt he could interfere in the affairs of rabbis who were not members of his organization.<sup>79</sup> Even more offensive to Weinberg was Horovitz' implication that those who were looking for a way to permit stunning were in some way at odds with the eternity of the Torah. Furthermore, for Horovitz to speak of rabbis who were "trying to find leniencies in order to alter the traditional method of ritual slaughter" was equally slanderous, because it was the Nazis, not the rabbis, who altered the traditional method. Weinberg and his colleagues were forced to deal with this fact in order to try and prevent Germany's Jews from turning to non-kosher meat.

As Weinberg correctly observes, according to Horovitz there was no reason for him to have taken the trouble in composing his lengthy halakhic treatise or in discussing the matter with the leading East European scholars, since by definition no altering of the traditional method of *shehitah* could ever be sanctioned. Horovitz' other reasons (fear that a lenient ruling would be improperly extended by the masses, fear over a split in the Jewish community) are also dismissed out of hand by Weinberg, for once again, if one were to accept these reasons then by definition there is no way that a lenient ruling could ever be issued, and thus no need for any halakhic analysis. This, of course, was exactly Horovitz' point and he was even more extreme than Grodzinski, for the latter agreed with Weinberg on the question of severing the head of poultry. We clearly see in the Weinberg-Horovitz

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<sup>78</sup> SE 1, pp. 111, 375, 382; Appendix, Weinberg-Herzog; R. David Menahem Mainish Babad, *Havatzelet ha-Sharon* (Bilgoraj, 1938), no. 25.

<sup>79</sup> SE 1, pp. 374-377. See also Appendix, Horovitz-Unna. In the previous chapter I already called attention to the separatists' belief that they were the true representatives of Orthodoxy.

dispute the differences between those who were concerned with the wider community, and wished to prevent the eating of non-kosher meat, and the separatist Orthodox community, which rejected any compromises in religious standards designed to make life easier for those whose commitment to halakhah was not absolute.

At the same time that discussions over the *shehitah* issue were going on, Weinberg was once again confronted by Grodzinski, this time over plans to transfer the Seminary to Palestine.<sup>80</sup> Although Weinberg's role in this episode was not central, it is important to discuss for the further insight it gives into the relationship between East European Talmudists and the modern Rabbinical Seminary.

In the winter, 1933, Meier Hildesheimer, the son of Esriel and one of the directors of the Seminary, visited Palestine in order to lay the groundwork for the Seminary's move. With the Nazis in power, Hildesheimer believed that Jewish life could not productively continue in Germany and there was no reason for the Seminary to remain there. Furthermore, he was convinced that moving the Seminary to Palestine would have a strong impact on the development of religious life in the Holy Land. Although Hildesheimer and his colleagues realized this plan would meet with opposition from the extreme Orthodox elements in Palestine who opposed any sort of modern education, they had received the support of the Tel Aviv rabbinate. They mistakenly believed that the opposition would not include men of more moderate leanings such as Grodzinski.

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<sup>80</sup> For an earlier treatment of this episode, see Daniel R. Schwartz, "Early but Opposed -- Supported but Late: Two Berlin Seminaries which Attempted to Move Abroad," *Leo Baeck Institute Year Book* 36 (1991), pp. 267-283. Fortunately, I have obtained important unpublished material which was not available to Schwartz, allowing my presentation to complement his. (Only the final four pages of Schwartz' article are actually devoted to the transfer of the Seminary. The rest of the article discusses the relationship between the German Orthodox and their East European counterparts. Although I agree with the main thrust of what he writes, one point must be made in opposition to Schwartz' presentation. While it is true, as Schwartz points out, that many East European Talmudists were contemptuous of the halakhic learning of German rabbis, Weinberg was never challenged in this regard and these Talmudists never considered him a "German" rabbi. The sole example Schwartz brings in support of his mistaken contention to the contrary is the dispute between Rozin and Weinberg discussed above, pp. 122ff. Schwartz writes: "This episode showed Weinberg -- the Seminar's Lithuanian credentials, so to speak -- being treated highhandedly by a Lithuanian rabbi as if he were a virtually negligible German rabbi." As I have already noted, Rozin was anything but typical and he showed the same contempt for his eminent Lithuanian colleagues as he did for Weinberg.)

Yet when news of the prospective transfer first became known, Grodzinski began taking steps to prevent it. In his letter to Hildesheimer urging him to abandon the plan, he agrees that when the elder Hildesheimer established the Seminary it was an excellent idea and did a great deal to strengthen Orthodoxy in Germany. However, Grodzinski asserts, the elder Hildesheimer's idea of training rabbis who would also be secularly educated was only an emergency measure designed to battle the German Reform. In Palestine, which already had great yeshivot and lacked the Reform menace, there was no need for a "factory" to produce rabbis for whom secular studies would be primary and Torah study secondary.<sup>81</sup>

Although he was very friendly with Hildesheimer, Grodzinski tells him that "the truth is to be loved above all else." He therefore will not back down but will do all in his power to thwart Hildesheimer's plan. In this approach, which entirely surprised Hildesheimer, Grodzinski showed his total opposition to the *Torah im Derekh Eretz* philosophy being anything more than a measure of last resort, designed to salvage what little was left of crumbling Orthodox communities. Yet as he made clear, this situation did not exist in Palestine.<sup>82</sup> In a letter to Kook, Grodzinski further reveals his animus when he refers to the establishment of the Seminary in Palestine as "a foreign plant in the vineyard of the House of Israel in the Holy Land, planting there the German culture which has already struck many dead, and we saw what it brought them."<sup>83</sup>

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<sup>81</sup> Supporters of the Seminary always denied that it was a "rabbi factory," and in his address at the Seminary's inauguration, Esiel Hildesheimer stressed that his institution would not degenerate into this. See *Jahres-Bericht des Rabbiner-Seminars für das orthodoxe Judentum pro 5634 (1873-74)*, p. 87. It is worth noting, however, that in their appeal for German Jews to aid the yeshivot of the East, Meier Hildesheimer, Joseph Wohlgemuth, and Weinberg felt constrained to point out that these yeshivot were *not* rabbi factories. See *Die Jüdische Presse*, June 11, 1920, Hebrew supplement. The obvious implication is that the yeshivah which the German Orthodox were familiar with -- the Seminary --was popularly regarded as a rabbi factory.

<sup>82</sup> *Kovetz Iggerot Ahiezer*, vol. 2, no. 290.

<sup>83</sup> *Iggerot la-Reiyah* p. 458 (translation in Schwartz, "Early but Opposed -- Supported but Late," p. 281.)

Grodzinski proceeded to engage in a vigorous campaign of opposition to Hildesheimer's plan, writing to the leading rabbis in Germany and Palestine and urging them to make known to Hildesheimer their objections to the Seminary's transfer.<sup>84</sup> This led Rabbi Reuven Katz, the chief rabbi of Petah Tikvah and one not given to any sort of extremism, to write an article listing numerous reasons why the Seminary should not be transferred. From this article, which quotes excerpts of one of Grodzinski's letters to Katz, we see once again how fearful Grodzinski was of the basic characteristics of German Orthodoxy.<sup>85</sup>

Both Weinberg and Hildesheimer responded to Grodzinski's actions. Weinberg wrote to the latter, acknowledging his own opposition to the transfer of the Seminary and expressing his belief that Hildesheimer's efforts were doomed to failure. However, he adds that his opposition is based on different considerations than those advanced by Grodzinski. Weinberg does not reveal what these considerations are, although they were likely related to his often expressed belief that the situation in Germany would soon improve.<sup>86</sup>

Weinberg takes great exception to Grodzinski's negative comments regarding the Seminary. He simply does not understand why the latter has such an unfavorable opinion. In particular, he is upset by Grodzinski's use of the phrase "rabbi factory" to describe the Seminary. On the contrary, Weinberg replies, it is the Seminary which instills the love of Torah into German Jewry and influences many its students to study at the East European yeshivot. Showing his complete identification with the institution, Weinberg asserts that the

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<sup>84</sup> *Kovetz Iggerot Ahiezer*, vol. 2, nos. 289, 289; *Iggerot la-Reiyah*, nos. 316, 318, 320, 325; Appendix, Weinberg-Grodzinski.

<sup>85</sup> "Li-She'elat ha-Rabbanut be-Eretz Yisrael," *Ha-Hed* (Shevat, 5634), pp. 9-10. Rabbi Binyamin replies to Katz in this same issue of *Ha-Hed*. See also succeeding issues of this journal where Hildesheimer's plan is the subject of lively debate.

<sup>86</sup> In a lecture given to celebrate the *aliyah* of one of the Seminary's faculty at the end of 1934, Weinberg expresses the hope that the Seminary would soon be in Palestine, where it would be a blessing for the both the land and the people of Israel. (*Li-Frakim*, pp. 271-272 [324-325]). However, in light of Weinberg's letter to Grodzinski, one must understand these words in their utopian sense à la "next year in Jerusalem." That is, in Messianic days the Seminary will be transferred to the Land of Israel.

Seminary has glorified God's name and battled ignorance and heresy with more success than the heads of yeshivot in Lithuania and Poland. There is no reason why such a positive influence would not continue in Palestine.

Rather than being a "rabbi factory," Weinberg continues, the Seminary must be regarded as a yeshivah in the complete sense of the word. Not only are its standards just as high as those of East European yeshivot, but it is actually much more difficult to receive rabbinic ordination at the Seminary than in the East! As for secular subjects, Weinberg replies that it is true that students at the Seminary study Bible and Jewish history, yet wonders whether these can in any way be considered "secular."<sup>87</sup> Weinberg asks Grodzinski to remember that he is not merely the leader of the yeshivot, but rather, the leader of Orthodoxy as a whole. Because of this, the Seminary looks to him to defend it against detractors, not join in their derision.<sup>88</sup>

Hildesheimer's response was somewhat different than that of Weinberg. Grodzinski had expressed his amazement that Hildesheimer would embark on such a plan without consulting the leading Torah scholars in Palestine and the Diaspora. He mentions in particular the Council of Torah Sages of Agudat Israel. To this, Hildesheimer responds that he obtained the permission of Kook, Chief Rabbi Aronson of Tel Aviv, and many other rabbis who enthusiastically supported the project.<sup>89</sup> As Hildesheimer explains, the prime motivation behind the planned move is that, due to the political situation, in a short time the Seminary will have no foreign students and very few German students, meaning that the institution will no longer be able to exist. However, since the Seminary never regarded

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<sup>87</sup> By saying this Weinberg missed Grodzinski's point, which was that Seminary students were expected to *also* undertake study at the university.

<sup>88</sup> Appendix, Weinberg-Grodzinski.

<sup>89</sup> According to Katz, "Li-She'elat ha-Rabbanut be-Eretz Yisrael," p. 10, Kook informed him that he only gave his permission for the establishment of a teacher's seminary. Grodzinski asked Kook to clarify his opinion (*Iggerot la-Reiyah*, p. 465), but as far as we know, this was never done. Dr. Esiel Hildesheimer, who accompanied his father on the trip to Palestine, has informed me that he remembers Kook giving his permission to transfer the Seminary, but suggesting that it be established in Tel Aviv, not Jerusalem.

itself as an exclusively German institution, but viewed its influence as world-wide, it is only natural for it to be transferred.

As for moving to Palestine as opposed to other countries, Hildesheimer stresses traditional love for the Holy Land. He also shows great foresight in his comment that other European lands could also go the way of Nazism. Finally, Hildesheimer is convinced that the Seminary will be able to both bridge the gap between tradition and modernity currently afflicting Palestinian Jewry, as well as prevent the establishment of a rabbinical seminary under the auspices of the Hebrew University. Since Grodzinski had argued that the philosophy of the Seminary was only valid for a society under siege, this is exactly the point Hildesheimer picks up on, pointing out that the situation in Palestine is ripe for religious disaster if steps are not taken to counter it.<sup>90</sup>

Despite the great initiative shown by Hildesheimer, his plan never came to fruition. The opposition of Grodzinski and the rabbis in Palestine he had won over to his side forced even Aronson to abandon his earlier approval.<sup>91</sup> The opposition of the Seminary's board of directors was also impossible to overcome. Even while Hildesheimer was trying to change Grodzinski's mind, Weinberg, Auerbach, and Grünberg, the Seminary's three senior lecturers, wrote the chief rabbis of Tel Aviv to inform them that it would be unconscionable for the Seminary to abandon the Jews of Germany in this time of great spiritual need.<sup>92</sup> Although Hildesheimer continued to advocate his cause, forcing Grodzinski in June, 1934 to complain again to Weinberg,<sup>93</sup> his efforts were short-lived. In July, 1935, Hildesheimer died, and today one can only speculate about how religious life in Palestine-Israel would have developed had Hildesheimer succeeded in his efforts.

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<sup>90</sup> Appendix, Hildesheimer-Grodzinski #1-3.

<sup>91</sup> See his letter to Hildesheimer in Yitzhak Alfasi, *Ha-Hakham ha-Mufla* (Tel Aviv, 1985), pp. 116-117.

<sup>92</sup> Appendix, Seminary-Chief Rabbinate of Tel Aviv (English translation in Schwartz, "Early but Opposed -- Supported but Late," pp. 300-301).

<sup>93</sup> SE 1, p. 379.

Although the Seminary was to remain in Berlin, there were soon questions about whether Weinberg would remain there with it. Shortly after the controversy over the Seminary's transfer had ended, there was a new turn of events in Weinberg's life. Rabbi Samuel Isaac Hillman, who was head of the London Beth Din, had recently resigned his post and emigrated to Palestine. In the wake of this, the leadership of the United Synagogue of England, together with representatives of the English Federation of Synagogues, began the process of locating a successor. Most people expected that the choice would fall on Rabbi Ezekiel Abramsky, a well-respected scholar who was currently rabbi of the London Machazike Hadath congregation. Very few knew that in meetings at the end of October, 1934 the United Synagogue leadership had removed Abramsky from active consideration because of difficulties they had with him, both political and personal.<sup>94</sup> This meant that a new man had to be found and it was vital for him to be both a reputable halakhist as well as sensitive to the concerns of those in the wider community, the majority of whom were only nominally Orthodox.

It was Chief Rabbi Joseph Hertz who suggested the name of Weinberg. Although he did not know Weinberg personally, and was sure that the latter did not speak English, he was familiar with Weinberg's reputation. He assumed Weinberg would be a good choice, as he was "a European celebrity of great culture, respected throughout the orthodox Community [sic] of the world."<sup>95</sup> When asked if he would be interested in the appointment, Weinberg responded affirmatively. Worried about the gossip that would ensue should Weinberg come to London, it was arranged for him to be interviewed at the Hague on November 8-9 by Sir Robert Waley Cohen, at the time first Vice President of the United Synagogue, and Dayan Asher Feldman, a member of the Beth Din.<sup>96</sup>

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<sup>94</sup> Honorary Officers of the United Synagogue minutes, October 24 and 25, 1934.

<sup>95</sup> *Ibid.*, October 24, 1934. (Sir Robert Waley Cohen quoting the Chief Rabbi).

<sup>96</sup> *Ibid.*, October 26, 1934; letters from Hertz to Weinberg, October 26, 1934 and November 1, 1934 (both bound together with the minutes).

Upon returning to London after the interview, Cohen gave a very positive preliminary report of his meeting with Weinberg.<sup>97</sup> In the following week he gave the complete report of his visit, in which he stated:

Dayan Feldman spent a day with him, and then we had a long talk about it the next morning, and I spent the afternoon in a long discussion with the gentleman. He made a most favourable impression upon me. He is undoubtedly a first-rate scholar with very high ideals and a strong sense of communal responsibility. He belongs to the ultra-orthodox section of the German Community, but showed himself fully conscious of the responsibilities attaching to the position of a Dayan serving the whole orthodox Community. He said he was unacquainted with conditions in this country, and that before definitely entertaining the idea of offering himself as a candidate for the appointment, he would wish to come over here and spend a fortnight in London. . . . If everything proves as favourable as I expect, then I think he will make a very suitable candidate for the vacancy.<sup>98</sup>

Back in Berlin Weinberg was seriously considering the position offered in London, and it is obvious that he did not view himself as inexorably tied to the Seminary. Although we do not know what provided Weinberg with the impetus to leave Berlin, no doubt the knowledge that religious life would be much more fulfilling outside the Nazi clutches was an important factor. Furthermore, we know that Weinberg's financial state in Berlin was not very secure.<sup>99</sup> Yet Weinberg feared that if he left, the Seminary would be unable to find a suitable replacement. It was highly unlikely that any East European scholar would be willing to settle in Germany. Lacking such a replacement, the Seminary would no longer remain an institution of serious Talmudic scholarship. Grodzinski seconded this fear<sup>100</sup> as did the directors of the Seminary, who even wrote to Hertz telling him that Weinberg's departure would create problems for them. They also tried to convince Weinberg that his position in Berlin was more significant than that offered in London. All of these

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<sup>97</sup> *Ibid.*, November 12, 1934.

<sup>98</sup> *Ibid.*, November 20, 1934.

<sup>99</sup> See Grodzinski's letter in SE 1, p. 380.

<sup>100</sup> *Ibid.*

considerations had an effect and six months after his interview at the Hague, Weinberg informed the United Synagogue that he would not be a candidate for the position.<sup>101</sup> He had chosen to place his fate with that of German Jewry.

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<sup>101</sup> Honorary Officers of the United Synagogue minutes, February 26, 1935, March 13, 1935; Interview with Alexander Altmann.

## VI

### The Nazi Era

After the shock of the Nazi ascent to power had worn off, German Jewry was forced to come to terms with their new status as second-class citizens. The majority response was to remain calm and wait for the inevitable ouster of Hitler, a view shared by Weinberg.<sup>1</sup> Yet this was not enough for many Jews, who chose instead to leave Germany. This fueled an exodus that continued until the war.<sup>2</sup> For those who decided to remain, there were a whole range of new challenges, both political and religious, which had to be confronted.

In the previous chapter I noted that the newspaper of the Orthodox separatists, *Der Israelit*, stood out from other Jewish papers in that it showed an awareness that the accession of Hitler to power was not something to be shrugged off lightly. However, this awareness did not lessen the separatists' desire for a communal life independent of the *Gemeinde*. An anti-Semitic regime was certainly not going to cause them to give up their most supreme value. Although they would cooperate with the *Reichsvertretung der deutschen Juden*<sup>3</sup> and other secular organizations when the legal and economic status as well as the honor of the German Jewish community were at stake, they would not give up

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<sup>1</sup> Zvi Levi in *Ha-Tzofeh*, January 13, 1967, p. 4; Weinberg's letters to Joseph Apfel, dated May 19, 1948 and January 9, 1951; and interview with Apfel, a student of Weinberg during the Nazi years.

<sup>2</sup> For details see Herbert A. Strauss, "Jewish Emigration from Germany: Nazi Policies and Jewish Responses," *Leo Baeck Institute Year Book* 25 (1980), pp. 313-361, *ibid.* 26 (1981), pp. 343-409, and Doron Niederland, "Defusei Hagirah shel Yehudei Germanyah 1918-1938" (unpublished doctoral dissertation, Hebrew University, 1988). One of the possible destinations was Spain, which brought up the question of the alleged ban on settlement in this land, an issue which Weinberg discounted. His opinion is found in a note to the responsum he composed on severing the head of poultry following *shehitah* (a copy is found at the Jewish National and University Library, Jerusalem). Weinberg also published this responsum in the Tel Aviv rabbinic journal *Ha-Maor*, and the note appears in the Tevet, 5694 issue, p. 10. For some reason this note was omitted when the responsum was published in *Seridei Esh* Regarding settlement in Spain, see my "The Herem on Spain: History and Halakah," *Sefarad* 49 (1989), pp. 381-394.

<sup>3</sup> An organization established in September, 1933 and intended to represent all German Jews.

their autonomy. Unlike the non-separatist Orthodox, they did not recognize the *Reichsvertretung* as the supreme communal authority.<sup>4</sup>

It was precisely the separatists' astute awareness of the seriousness of the situation, which became ever more apparent with the passage of time, that led their leaders to send an amazing letter to Hitler in October, 1933.<sup>5</sup> This letter, until now never published in full, has been described by Alexander Carlebach as "by and large a courageous and dignified document in spite of a certain amount of double-talk and apparent sycophancy which can be understood and judged only by those who have lived in the suffocating, nauseating atmosphere that pervaded Germany in the Nazi era."<sup>6</sup> In the letter, the separatist leaders begin by stressing the Jewish commitment to anti-Communism, the contributions that Jews have made to Germany, both through the Old and New Testaments and in World War I, and the fact that they are strong opponents of the worldwide boycott effort against Germany.

The letter then turns to the impossible economic situation which the government restrictions and popular prejudice have placed German Jews in. Without a change in the situation, German Jewry will be condemned "to a slow but certain death through starvation." The authors tell Hitler that they do not believe it is the intention of the government to destroy German Jewry, which loves the German soil and people and is bound to its culture. Even though some individuals might have this intention, they continue, "we do not believe it has the approval of the Führer." However, if they are

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<sup>4</sup> See the declaration of Ezra Munk and Isaac Breuer, *Der Israelit*, October 3, 1935, p. 1; Yehudah Ben-Avner, "Megamot shel Ihud u-Filug be-Yahadut ha-Ortodoksit be-Germanyah be-Shanim 1934-1935," *Keshev* 1 (December, 1985), pp. 5-14; Unna, *Le-Ma'an ha-Ahdut ve-ha-Yihud*, pp. 83-86; Jacobson, *Zikhronot*, p. 59; Abraham Margaliot, "The Dispute over the Leadership of German Jewry (1933-1938)," *Yad Vashem Studies* 10 (1974), pp. 133-134; and Esriel Hildesheimer, "Ha-Irgun ha-Merkazi shel Yehudei Germanyah be-Shanim 1933 ad 1945" (unpublished doctoral dissertation, Hebrew University, 1982), pp. 62ff.

<sup>5</sup> Appendix, *Freie-Vereinigung für die Interessen des orthodoxen Judentums-Hitler*.

<sup>6</sup> *Adass Yeshurun of Cologne*, p. 132.

mistaken in this assumption, and if the government does desire to eliminate Jewry from Germany, "we no longer wish to hold on to any illusions, and prefer to know the bitter truth. . . . We would then be able to make arrangements accordingly."

In concluding the letter the authors stress that they are not requesting the immediate abolishment of anti-Jewish restrictions, for they do not wish to create difficulties for the government. They are ready to accept, for the present, certain restrictions. Distancing themselves from the Reform, in a manner Weinberg was very opposed to,<sup>7</sup> the authors stress the uniqueness of Orthodoxy. They point out that Orthodox Jews never intended to acquire excessive economic influence since the Sabbath laws prevented this. Furthermore, Orthodox Judaism has always been strongly opposed to intermarriage and Jewish apostasy. What the Orthodox desire, they continue, is the possibility to freely practice their religion and earn a living without threats or abuse. They conclude: "In accordance with our religious obligation we shall always remain loyal to the government of the State. Within the German people the German Jew will gladly help in the reconstruction of the German nation, and do what he can to acquire friends outside the German borders ."

In this letter we see combined the expressions of loyalty which were standard for all German Jews, as well as the common belief that the government did not really intend to destroy German Jewry. However, the separatists distinguished themselves from other segments of German Jewry by at least recognizing that there was a *possibility* that the government intended a total removal of Jews from all aspects of German life.<sup>8</sup> Jews outside of Germany, Orthodox included, immediately declared Hitler to be the leading enemy of Jewry. German Jews, however, were forced to assume the role so often carried

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<sup>7</sup> For Weinberg's opposition to religious separatism when dealing with the Gentile authorities, see above, p. 90.

<sup>8</sup> Such an awareness is not found in the letters sent to Hitler by either the Zionist Federation of Germany or the *Reichsvertretung*. These letters are reprinted in *In Zwei Welten: Siegfried Moses zum Fünfundsiebzigsten Geburtstag* (Tel Aviv, 1962), pp. 119-127. English translations of the letters are found in Lucy S. Dawidowicz, ed., *A Holocaust Reader* (New York, 1976), pp. 150-159.

out by their Eastern brethren, that of proclaiming, publicly at least, their loyalty to an anti-Semitic ruler.

The separatists continued to go their separate path and in March, 1934 sent another letter to Hitler. This time they described the religious differences between themselves and the non-Orthodox, which forced them to establish their own representative organization which would be guided by Orthodox principles.<sup>9</sup> After this incident, however, Rabbi Leo Baeck, the head of the *Reichsvertretung*, requested that in the future they abstain from all such steps. He argued that adopting a non-unified front in dealing with the government would have negative repercussions for German Jewry as a whole. At the very minimum, he asked that the separatists inform his organization when they intended to have political dealings with the government. Because of the new political realities, the separatist leaders soon realized that, in large measure, Baeck's requests were justified. It was becoming clear to them that in the present era a policy of strict *Austritt* was no longer feasible. They therefore began to cooperate with the larger community in a closer manner than ever before.<sup>10</sup>

Aside from the the political challenges in the new Germany, there were many pressing religious issues brought on by the policies of the regime. As we have already seen with regard to the *shehitah* issue, it was in this area that Weinberg assumed a prominent role.<sup>11</sup> It is therefore worthwhile to make mention of a few of the halakhic issues he had to deal with, not for his halakhic method, which is not at all unusual, but to illustrate the difficult circumstances Orthodox Jews found themselves in. It hardly needs to be said that,

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<sup>9</sup> This letter is published in B. H. Auerbach, *Die Geschichte des "Bund gesetzestreuer jüdischer Gemeinden Deutschlands" 1919-1938* (Tel Aviv, 1972), pp. 70-71.

<sup>10</sup> See Hildesheimer, "Ha-Irgun ha-Merkazi shel Yehudei Germanyah be-Shanim 1933 ad 1945", pp. 65ff.

<sup>11</sup> In a letter to Moses Shulvass, dated February 23, 1935, Weinberg comments on how busy he was: אני נרוד ומוטרד בשל השאלות הרבות מכל קצוי אשכנז וגם מחוצה לה. לא יאומן כי יסופר!

at such a time, the halakhic authorities would generally bend over backwards, and make use of often ignored sources, in order to ease the halakhic burden facing their communities.

Many halakhic problems related to the difficulties of earning a livelihood. Although, while in Pilvishki, Weinberg did not agree to any sort of subterfuge whereby Jews would keep their businesses open on the Sabbath,<sup>12</sup> this attitude changed during the Hitler years when the economic situation of many Jews reached a crisis stage.<sup>13</sup> Thus, in 1935 he allowed a man to keep his store open on the Sabbath if he "sold" it to a Gentile every week. Weinberg explicitly stated that the reason he permitted this procedure was because of the emergency situation German Jewry found itself in. In such a time, he continued, it was crucial to make life as easy as possible for the Jewish community, in order that they not be driven to totally abandon the Torah.<sup>14</sup>

A few years later Weinberg again gave a similar decision, noting that he was motivated by the fact that "the Gentiles attempt to deprive the Jews of their livelihood and cause them to forfeit their possessions."<sup>15</sup> This discrimination was also seen in the refusal of non-Jews to help Jewish neighbors milk their cows on the Sabbath. The rabbi of Würzburg asked Weinberg whether it was permitted for the Jews to perform the milking themselves. Weinberg had reservations about granting such permission, even when the milking was performed in a manner approved by certain halakhists. However, because of the Jews' difficult economic situation he advised the rabbi to avoid giving a decision either way. He explained that it would be better for Jews not to milk the cows, but if they chose to do so the rabbi need not protest, since halakhic support could be found for their action.<sup>16</sup>

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<sup>12</sup> See SE 2:21, *Klei Sharet*, p. 4, and above, p. 27.

<sup>13</sup> Regarding the economic difficulties of Jews during this period, see also SE 2:51, SE 2:73, SE 2:74.

<sup>14</sup> SE 2:155. He concludes the responsum as follows: **וְהוּא יְהוּס אֶת שְׂאֲרֵי נַחַם יִשְׂרָאֵל שֶׁלֹּא יִצְטָרְכוּ לְהִיחָרִים כְּאֵלּוּ הַפְּנֹשִׁים אֶת הַתּוֹרָה פְּלִטְטוּרָה.**

<sup>15</sup> SE 2:21.

<sup>16</sup> SE 2:24.

What to do with threatened Jewish cemeteries in Germany was another problem Weinberg had to confront. In early 1936 he was asked by Joseph Carlebach, the rabbi of Altona and Hamburg, whether it was permissible to exhume bodies from a cemetery which was not guarded and bury them in a cemetery which could be protected. As far as 'pure' halakhah was concerned, Weinberg replied in the affirmative, and in another responsum spoke of the "very great fear" that Gentiles will exhume Jewish bodies.<sup>17</sup> However, just as in my discussion regarding the *shehitah* issue I showed that numerous meta-halakhic factors came into play, so too in Weinberg's response to Carlebach it was the meta-halakhic considerations which carried the day. Thus, Weinberg advised the rabbi not to permit the transfer, for he believed, as did his colleague R. Hermann Klein, that such a step would show the government that exhumation was permissible. This, in turn, could lead to widespread forced exhumation, which the Nazis had not yet ordered.<sup>18</sup>

When the government refused to allow Jews to gather publicly anywhere but the synagogue, Weinberg was asked if it was permitted to hold lectures on secular topics and have concerts there. The questioner called attention to the fact that not only were these an important element in encouraging Jews in their dire straits, but that lacking such cultural events in their own synagogues, Orthodox Jews would begin to frequent Reform temples where they might be affected by the latter's ideology. After examining the halakhic permissibility of using the synagogue for purposes other than that of prayer, and taking into account the difficult times he was living in, Weinberg concluded that secular lectures, by Orthodox speakers, were permitted. He added that it would be best if some words of Torah were used to open the lecture. Concerts, in particular those without a religious

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<sup>17</sup> SE 2:129.

<sup>18</sup> SE 2:127. In the following year the Nazis did order the exhumation of the ancient Jewish cemetery; see Naphtali Carlebach, *Joseph Carlebach and his Generation* (New York, 1959), pp. 191-195. There is a similar case in SE 2:128 where Weinberg discusses possible government confiscation of the Jewish cemetery. See also Grodzinski's letter in SE 1, pp. 378-379, from where we see that Weinberg also refused to allow the sale of synagogues to Christian groups, even if there were no longer enough Jews to maintain them.

theme, were forbidden. However, if the community was insistent, and any refusal would embroil the rabbi in a dispute, Weinberg believed that religious concerts could be permitted.<sup>19</sup>

Despite the many difficulties encountered by German Jewry throughout the Nazi years, Weinberg and the Seminary were actually going through a very productive period. Due to the exclusion of Jews from general society, Jewish institutions were now playing a central role in providing social, cultural, and educational services, with little government interference.<sup>20</sup> The Seminary, as the leading Orthodox institution in Berlin, became a focus of attention. Lectures and events held there assumed a more important role than in previous years. As we have already seen,<sup>21</sup> it was precisely because of the moral and religious support the Seminary gave to German Jewry that Weinberg and his colleagues refused to support Meier Hildesheimer's planned transfer of the institution.<sup>22</sup> Furthermore, although Hildesheimer, in his letter to Grodzinski, worried that the Seminary would have only a few students if it remained in Germany, this was not the case. A look at the list of students who attended during this time, many of whom were later to assume important roles in Jewish political and intellectual life, shows this clearly.<sup>23</sup>

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<sup>19</sup> SE 2:12.

<sup>20</sup> See Ernst Simon, "Jewish Adult Education in Nazi Germany as Spiritual Resistance," *Leo Baeck Institute Year Book 1* (1956), pp. 68-104; Munk, "Austrittsbewegung und Berliner Adass Jisroel-Gemeinde 1869-1939," p. 143; Joachim Prinz, "A Rabbi Under the Hitler Regime," *Gegenwart im Rückblick*, pp. 231-238; Boas, "The Jews of Germany: Self-Perceptions in the Nazi Era as Reflected in the German Jewish Press 1933-1938", pp. 88-89, 121 note 23; Kurt Düwell, "Jewish Cultural Centers in Nazi Germany: Expectations and Accomplishments," in Jehuda Reinharz and Walter Schatzburg, eds., *The Jewish Response to German Culture* (Hanover, New Hampshire, 1985), pp. 294-316; Yehoyakim Cochavi, "Peilut Tarbutit ve-Hinukhit shel Yehudei Germanyah 1933-1941 ki-Teguvah al ha-Etgar shel ha-Mishtar ha-Natzionalisti," (unpublished doctoral dissertation, Hebrew University, 1986); and Wolfgang Benz, *Die Juden in Deutschland 1933-1945* (Munich, 1988), pp. 75-267.

<sup>21</sup> See above, p. 172.

<sup>22</sup> In the years after Hildesheimer's death there were renewed efforts to transfer the Seminary. In a letter to Moses Shulvass, dated September 19, 1937, Weinberg reaffirmed his opposition.

<sup>23</sup> See Eisner, "Reminiscences of the Berlin Rabbinical Seminary," pp. 50-51, and Ernst G. Lowenthal, "In seinen Hörern noch lebendig . . . Das Rabbiner Seminar zu Berlin," *Emuna 9* (1974), pp. 103-110.

Confronted with a student body no longer permitted to study at the university, the directors of the Seminary allowed their students to attend lectures on secular subjects together with the students of the Reform *Hochschule*. This was something the Frankfurt separatists would never have sanctioned and illustrates once again the ideological differences between "Berlin" and "Frankfurt." The only restriction the Seminary insisted on was that the lectures be held at a neutral site. Some faculty members even admitted that they had no objection to their students attending lectures in the *Hochschule*, but due to Orthodox public opinion were not able to give approval for such a plan.<sup>24</sup>

During the Nazi years the most important figures at the Seminary were, aside from Weinberg, Jakob Freimann, lecturer in Jewish history, Alexander Altmann, lecturer in Jewish philosophy, Samuel Grünberg, lecturer in Bible and Hebrew language, and Esriel Hildesheimer, lecturer in geonic literature and librarian. It was they who set the tone of the institution and ensured that the synthesis of traditional learning and modern scholarship would continue. The opening of each semester at the Seminary was always something of an event, with students and members of the community coming to hear one of the faculty members deliver a learned lecture on an area of Jewish scholarship. The lectures were in various areas of modern Jewish scholarship rather than traditional Talmudic dialectics. The latter, while suitable for the study hall, was not deemed fitting for a public forum. Two lectures offered by Weinberg were "The Necessity of Investigation into the Sources of Halakhah"<sup>25</sup> and "The Relationship of Onkelos to the Masorah and the Halakhah."<sup>26</sup>

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<sup>24</sup> See Richard Fuchs, "The 'Hochschule für die Wissenschaft des Judentums' in the Period of Nazi Rule," *Leo Baeck Institute Year Book* 12 (1967), pp. 20-22. Fuchs also mentions the high regard Weinberg was held in by the *Hochschule* faculty. This esteem was apparently also shared by the great Semitic scholar Gustaf Dalman, for he chose to address a question to Weinberg dealing with Maimonides' attitude towards Gentiles; see Appendix Weinberg-Dalman. (Dalman himself wrote a great deal on the issue of Jewish attitudes towards Gentiles; see Julia Männchen, *Gustaf Dalmans Leben und Wirken in der Brüdergemeine, für die Judenmission und an der Universität Leipzig 1855-1902* [Wiesbaden, 1987], pp. 93-114.)

<sup>25</sup> See *Der Israelit*, April 26, 1934, p. 6, May 3, 1934, p. 14.

<sup>26</sup> See *ibid.*, October 29, 1936, p. 14.

The first lecture was later published in Weinberg's *Li-Frakim*.<sup>27</sup> Its importance is readily apparent, for here Weinberg explains how he views the ideology of the Seminary, and in particular, the relationship between traditional and modern methods of Talmud study. He begins by pointing out that the common distinction in "modern" Talmudic study between halakhic and scientific, that is, between traditional and modern, is really a fiction. "If the meaning of 'scientific investigation' is the clarification of concepts, the extrapolation from cognate ideas of the fundamental concepts and their logical and methodical construction," then the traditional study of Talmud is perfectly suited to be called scientific.<sup>28</sup> In advocating this position, Weinberg was adopting a very unpopular stand as far as academic Jewish scholars were concerned. At this time, most "modern" Talmudic scholars concentrated on issues of text history and philology. They did not have an appreciation for the conceptual understanding of Talmud and saw no scientific value in the detailed elucidation of Talmudic concepts offered by rabbinic scholars. Weinberg, on the other hand, argues that the only thing unscientific about traditional Talmud study is the aberration of *extreme pilpul*, yet this has no resemblance to the method of study carried out by the great minds of the yeshivah. As for moderate *pilpul*, it is the essence of Talmud study and "whoever eschews *pilpul* will not escape from the logical conclusion that he must reject the Talmud too."

Having said this, Weinberg turns to the traditional Talmudists who have no interest in *Wissenschaft*. It is they who often err in that they accept the text they have in front of them without realizing that it is a faulty text. Often this corrupt text will contradict other

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<sup>27</sup> *Li-Frakim*, pp. 258-263 (115-120). All excerpts are taken from Shalom Carmy, "R. Yehiel Weinberg's Lecture on Academic Jewish Scholarship," *Tradition* 24 (Summer, 1989), pp. 15-23.

<sup>28</sup> Cf. Harry A. Wolfson's similar comment: "Now, this method of text interpretation is sometimes derogatorily referred to as Talmudic quibbling or pilpul. In truth it is nothing but the application of the scientific method to the study of texts." *Crescas' Critique of Aristotle* (Cambridge, 1929), p. 27. See also *Li-Frakim*, pp. 219-220 (269-270), regarding the Talmudic works of R. Moses Mordekhai Epstein: כשנזכרה ויהיה לנו מדע צברי אמת, יכירו וידעו את צרך המחשבות הגדולות המפוזרות בטפרינו.

authoritative texts, forcing the traditional Talmudists into intellectual acrobatics in order to resolve the supposed conflict.<sup>29</sup> One value of modern scholarship is that it provides a method to establish proper texts. It is this facet of *Wissenschaft* which Weinberg stresses, and provides illustrations of, noting that he is not able, at this time, to deal with other aspects of modern Talmudic studies.<sup>30</sup>

Responding to the students' well-founded fear that by adopting Weinberg's approach they will be deprecated by traditional Talmudists, Weinberg calls their attention to the former rectors of the Seminary, Esriel Hildesheimer and David Zvi Hoffmann. In addition to their great Talmudic learning, and the respect offered them by all, these men were also among the founders of *Wissenschaft des Judentums*.<sup>31</sup> Turning to the students, he urges them to not only be satisfied that their approach has a basis in tradition, but to encourage others to follow in this path. Weinberg concludes:

A double vocation rests upon you: to introduce the love for the old *Beit Midrash* to those circles which viewed it as the remnant of a dated, vanishing past, and then to bring a new awareness and love for science and inquiry to those for whom the Torah and the literature and lifestyle connected to it are the highest attainment.

The method which Weinberg espoused in this lecture, and instructed his students in, is also seen in his first book on rabbinics, *Mehkarim ba-Talmud*.<sup>32</sup> The impetus for this

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<sup>29</sup> See also SE 3, pp. 346-347 for the following post-war comment: ואין כדאי להרבנות בפלפולים רק בכדי ליישב את השבושים של כותבי ספרים ומצתיקהם... וחלילה לנו לחדש דינים על יסוד כתבי-יד משובשים או על יסוד של שבושים שנפלו בהם צ"מ מצתיקים או מדפיטים בלתי הגונים, וד"ל.

<sup>30</sup> Significantly, Weinberg does not discuss another important aspect of modern Talmudic studies, that of source criticism. Perhaps he did not think that a public lecture was the proper forum to raise such a complicated and, from the standpoint of tradition, problematic issue. For a more complete analysis of the differences between traditional and critical Talmud study, see Menahem Kahana, "Mehkar ha-Talmud ba-Universitah ve-ha-Limmud ha-Masorati ba-Yeshivah," in *idem*, ed., *Be-Hevlei Masoret u-Temurah* (Rehovot, 1990), pp. 113-142. See also David Weiss Halivni, "Contemporary Methods of the Study of Talmud," *Journal of Jewish Studies* 30 (1979), pp. 192-201.

<sup>31</sup> In his introduction to *Melammed le-Hoel* (New York, 1956), Hoffmann himself had called attention to the vast gulf which separated traditional Talmud study from its more modern variety,

book appears to have been the discovery, by Kahle, of a Targum which differed from the traditional rabbinic interpretation of Exodus 22:4 (see below). In his own analysis, Weinberg deals with many aspects of the verse and its Talmudic interpretation, always taking into account the Jerusalem Talmud and halakhic *midrashim*, sources which were often ignored by traditional Talmudists. There is also a magnificent interweaving of modern scholarship and traditional learning in this book. For example, Weinberg's citation of the Samaritan version of the Pentateuch to illuminate a tannaitic opinion,<sup>33</sup> while a natural step for him, is entirely unheard of in traditional Talmudic exegesis.

Similarly, his dating of various strands of a *sugya* -- source criticism -- and his willingness to posit textual corruptions in order to answer Talmudic difficulties -- text criticism -- are characteristic of a *Wissenschaft* trained scholar. Weinberg is absolutely correct that similar explanations can be found in traditional sources, and throughout his work he is at pains to demonstrate the religious legitimacy of his approach.<sup>34</sup> As far as he is concerned, the only difference between him and his predecessors is one of degree, not of kind. Yet the difference between them would appear to be more significant than Weinberg makes it out to be, for the pre-modern scholars were entirely lacking a critical methodology. Any critical explanations offered here and there were outcomes of their traditional method of learning. These explanations did not arise from a new conception of how Talmudic literature should be analyzed. Weinberg, however, *does* have such a new conception, and in every *sugya* he examines one finds a deliberate attempt to incorporate both traditional and modern methods of scholarship, leading consistently to insights which can termed "critical." As he explains in the introduction to *Mehkarim ba-Talmud*, Weinberg

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<sup>32</sup> (Berlin, 1937-1938), vol. 1 (see p. 199 for the explanation of this strange publication date). The war prevented publication of any further volumes. This work is reprinted, minus the introduction, in the fourth volume of *Seridei Esh*. For detailed discussion of the book, see Samuel Atlas, "Li-She'elat Hilkhah Idit," *Horev* 9 (1946) pp. 59-78, and Michael Wilensky, "Be-Inyan Hilkhah Idit," *Horev* 10 (1948), pp. 35-56.

<sup>33</sup> SE 4, p. 20.

<sup>34</sup> See especially SE 4, pp. 119-120.

is hopeful that his work will mark a new approach to the study of Talmud and enable scholars to tackle the most difficult task in this field, that of illuminating the simple, and true, meaning of the text.<sup>35</sup>

Yet Weinberg's approach is quite conservative, and this marks an important difference between his method and that of other academic scholars. Because of this conservatism one must question whether, despite his numerous "critical" insights, Weinberg can properly be categorized as a critical scholar, in accordance with the way this term is currently understood. For example, although in the introduction to *Mehkarim ba-Talmud* Weinberg agrees that there are many Saboraic, and even Gaonic, additions to the Talmud, and in his discussions of the formation of *sugyot* points to numerous such occurrences, relying upon the famous letter of Sherira Gaon he rejects the notion that the Saboraim actually *composed* the Talmud. By declaring that all contrary theories, as brilliant as they may be, cannot stand before the testimony of Sherira, Weinberg confronts us with dogma rather than impartial scholarship, which would have no difficulty rejecting Sherira's view if it was found to be lacking. Similarly, when Weinberg rejects a critical view of R. Joseph Duenner -- and for good reason -- one senses that in addition to the scholarly considerations which lead to this conclusion, a dogmatic position is lurking behind. If this is not the case, how else to understand his exclaiming "God forbid" that the Babylonian and Jerusalem Talmud could misunderstand a tannaitic passage.<sup>36</sup> As Weinberg sees it, this is a conclusion which is out of bounds for dogmatic reasons, quite apart from any scholarly refutations which can be offered.

In addition to the topics mentioned above, also included in *Mehkarim ba-Talmud* are a number of interesting digressions that deal with areas as diverse as Rabad's view

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<sup>35</sup> ואמנם אין לך דבר יותר קשה מלצמוד על פשוטה של סוגיא. הפשט הפשוט הוא *Mehkarim ba-Talmud*, p. III; דבר המופלא ומכוסה ביותר

<sup>36</sup> *Ibid.*, pp. 38, 91

regarding the law of half-damage payment,<sup>37</sup> the formation of the Tosafot,<sup>38</sup> the nature of the Peshitta,<sup>39</sup> interpolations of Rashi's commentary into the printed text of the Talmud,<sup>40</sup> and the method of study of the medieval sages.<sup>41</sup> In this book, Weinberg also discusses questions of Biblical Criticism. Following in the path of Hoffmann, he does not simply denigrate it and support himself with the authority of tradition. Rather, he seriously discusses the views of the critics and points out, in a scholarly fashion, what he considers to be their errors.<sup>42</sup>

It was during the period of Nazi rule that Weinberg reached the pinnacle of his career, as he was chosen to become rector of the Seminary. Unfortunately, no record seems to have survived attesting to exactly when he assumed this office. In *Der Israelit* of December 28, 1934, Weinberg's name appears no differently than those of the Seminary's other faculty members, but in a letter dated February 26, 1935, he is referred to as the rector of the institution.<sup>43</sup> In issues of *Der Israelit* after this date he is also referred to as rector. Since the Seminary did not publish a yearly report for these years, no date for Weinberg's elevation would seem to be forthcoming. Be that as it may, Weinberg's choice as rector was only natural, as he was by far the most distinguished member of the faculty. The reason why it took so long for Weinberg to be chosen is probably due to the fact that Wohlgemuth, who had served on the faculty since 1895, might have taken offense. However, in the early 1930's an illness forced Wohlgemuth to retire, thus clearing the way

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<sup>37</sup> SE 4, pp. 62-65.

<sup>38</sup> *Ibid.*, pp. 82-88.

<sup>39</sup> *Ibid.*, pp. 103-104.

<sup>40</sup> *Ibid.*, pp. 116-118

<sup>41</sup> *Ibid.*, pp. 132-137.

<sup>42</sup> See *ibid.*, pp. 44-47.

<sup>43</sup> Appendix, Horovitz-Unna.

for Weinberg's appointment. He was now in the position of deciding who would be accepted for study at the Seminary, who would lecture, who would be ordained, which students would become candidates for vacant rabbinic positions, and similar administrative matters.<sup>44</sup>

Noteworthy among Weinberg's other writings from this period are a lengthy philosophical study of repentance, with a special emphasis on Maimonides' views,<sup>45</sup> an article, co-authored with Kahle, on the Mishnah,<sup>46</sup> and important notes to R. Abraham ben David's commentary on the Talmudic tractate *Bava Kamma*.<sup>47</sup> Also during this period Weinberg authored an extremely laudatory article on Herzl, whom he identifies as a penitent with great religious power, not entirely brought to fruition.<sup>48</sup> In fact, as Weinberg sees it, Herzl's nationalism had its origin in his religious nature, and is to be seen as a return to tradition rather than a rebellion against it. Based on this understanding, Weinberg explains Herzl's negative attitude towards the inclusion of "culture" in the Zionist program, a stand which divided him from other segments of his movement. Although his adversaries, with Ahad Haam at their head, saw Herzl's opposition as a sign of his complete assimilation and disillusionment from all things Jews, Weinberg regards it as an expression of his fundamental religiosity, which wouldn't allow the ideals of the Torah to

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<sup>44</sup> See Zvi Kurzweil, *Siyyum ve-Reshit* (Tel Aviv, 1992), pp. 81-82.

<sup>45</sup> *Li-Frakim*, pp. 334-351 (121-138). This article has been analyzed by Hayyim Barukh Friedman, "Ha-Teshuvah be-Mishnato shel ha-Rav Dr. Y. J. Weinberg," in *Teshuvah ve-Shavim* (no place, 1980), pp. 109-115.

<sup>46</sup> "The Mishna Text in Babylonia: Fragments from the Geniza," *Hebrew Union College Annual* 10 (1935), pp. 185-222.

<sup>47</sup> *Hiddushei ha-Ravad al Masekhet Bava Kamma*, ed. Samuel Atlas (London, 1940). Weinberg argued that this work was mistakenly attributed to Rabad, the well-known critic of Maimonides (he also argued against Rabad's authorship of the *Sifra* commentary attributed to him); see *ibid.*, pp. 378-379, 383, SE 3, p. 357, SE 4, pp. 213-214, *Yad Shaul*, pp. 83-84. For a rejection of Weinberg's views, see Isadore Twersky, *Rabad of Posquières* (Cambridge, 1962), pp. 80 note 16, 99-100.

<sup>48</sup> "Herzl Ish-ha-Dat," *Ha-Olam*, July 18, 1935, pp. 460-461.

be replaced by an artificial modern Hebrew culture.<sup>49</sup> Weinberg further explains that it is because of these lofty characteristics of Herzl that the opponents of Zionism -- in Lithuania and Poland at least -- were careful not to attack him personally, although they certainly could not agree with the Mizrahi that the title rabbi should be affixed to his name.<sup>50</sup>

With this last article in mind it is worthwhile to briefly discuss Weinberg's attitude towards Zionism during this period. Although he never devoted a substantial article to the subject, it is possible to glean from his writings some relevant thoughts. For example, from sermons he delivered we see how excited Weinberg was by the activity of Jews in Palestine following the Balfour Declaration and World War I.<sup>51</sup> In another sermon, Weinberg discusses in glowing terms the sacrifices made by the *halutzim* to build up the Land of Israel.<sup>52</sup> Although, to be sure, these people were not Orthodox, Weinberg regards as incredible the devotion they showed to the Jewish people and its Land. He is adamant that these Jews must be embraced, for it is precisely the *halutzim* who have provided the Jews of the Diaspora, including the Orthodox, with a place of refuge should they need it. Since the Orthodox have not taken part in the difficult work of building up the Land, have not suffered for the land, and do not have the idealism of the *halutzim*, Weinberg argues they have no right to criticize the latter. This approach of Weinberg is a fine example of religious Zionist ideology, an ideology which was willing to overlook the religious failings of the pioneers and instead focus on the positive aspects of their work.<sup>53</sup>

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<sup>49</sup> This significant point was first brought to my attention by Lawrence Kaplan, who has written a paper, as yet unpublished, on Orthodox attitudes towards Herzl.

<sup>50</sup> R. Abraham Elijah Kaplan, Weinberg's predecessor at the Seminary, was also attracted to Herzl's personality. See his essay in *Be-Ikvot ha-Yir'ah*, pp. 85-91. Among Orthodox intellectuals, even Isaac Breuer, a staunch opponent of Zionism, could not overlook Herzl's greatness; see "Dr. Theodor Herzl" *Ha-Hed* (Tammuz, 5693), pp. 17-18; Breuer, *Jüdische Orthodoxie im Deutschen Reich*, p. 339.

<sup>51</sup> See *Li-Frakim*, pp. 139 and 225 (275) .

<sup>52</sup> *Ibid.*, pp. 114-120 (73-79).

<sup>53</sup> See also SE 4 p. 375, where Weinberg writes that the Land of Israel has been sanctified through the selfless efforts of the *halutzim*. With regard to the religious *halutzim*, Weinberg writes as follows in a letter

It is Kook, in his classic *Orot*, who elaborates on the role of the non-religious in performing holy work. Weinberg shares this view, if not in Kook's mystical sense, certainly in the practical sense.<sup>54</sup> This ideology, however, was strongly opposed by Agudat Israel. The position of the latter was that the non-religious settlements were a completely negative force, whose members should receive absolutely no financial assistance from the religious community. This approach was rejected out of hand by Kook<sup>55</sup> and Weinberg.<sup>56</sup> In Weinberg's words, before speaking to the *halutzim* about religion, one must thank them for all that they have done for the Jewish people, the Orthodox included. As with Kook, Weinberg is sure that when the *halutzim* have been exposed to traditional Judaism they will adopt it. Weinberg, in agreement with Kook, certainly does not have in mind the form of traditional Judaism found in the Diaspora, in which spirituality, either through prayer or Torah study, is the focus of all efforts. Rather, he is referring to a new form of Orthodoxy which will also be anchored in the physical world. This will be an Orthodoxy which puts positive value in building up the Land of Israel and creating a modern country in accordance with Jewish law and ethics. When this occurs, "we shall all be worthy of seeing those *halutzim*, whose idealism for building up the Land was so great, also as the bearers of the Torah's flag."

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אוהב אני ביותר את הפועלים הפשוטים הנובדים to Moses Shulvass, dated March 26, 1937: אבל מה אני בפיניהם? היכול אני לבוא עבודת העם והארץ בקדושה ובטהרה. הלא לא יאמינו בי וגם ילעגו לי! ולשפוך את "אהבתי" בחיקם?

<sup>54</sup> He does not, however, share Kook's view of the essential importance of the Land of Israel. See the citation of Weinberg quoted above, chapter 4, note 100. Compare this to Kook's opposing words in *Orot* (Jerusalem, 1992), p. 9: "אין-ישראל איננה דבר חיצוני, קנין חיצוני לאומה, רק בתור . . . אמצעי למטרה של ההתאגדות הכללית והחזקת קיומה החמרי או אפילו הרוחני. . . המחשבה על-דבר ארץ-ישראל, שהיא רק צרך חיצוני כדי העמדת אגודת האומה, אפילו כשהיא באה כדי לבצר על-ידה את הרעיון היהדותי בגולה, כדי לשמור את צביונו ולאמץ את האמונה והיראה והחזק של המצות המעשיות בצורה הגונה, אין לה הפרי הראוי לקיום, כי היסוד הזה הוא רצוצ בצרך איתן הקודש של א"

<sup>55</sup> See *Iggerot la-Reiyah*, pp. 303-306.

<sup>56</sup> See SE 2, p. 156.

In 1936 Weinberg published a collection of essays, aggadic insights, and sermons under the title *Li-Frakim*. The homiletic section of this book was intended to meet a great need. As Weinberg explains, halakhic works were held in great esteem, but homiletics, while playing a central role in the Mussar movement, were regarded with scorn by many leading scholars. In their mind, only one unable to write halakhic treatises would spend time writing homilies. In contrast to this, Weinberg attempted to create a form of homiletics which would help stem the tide of irreligiosity, especially among the younger generation.<sup>57</sup>

In chapter 4 I discussed the beginnings of the disillusionment with Hirsch's philosophy and Weinberg's defense of Hirsch worldview. With the Nazi exclusion of Jews from German society and culture, it is understandable that Hirsch's teachings would be further challenged, in particular by the young. After all, here was a philosophy which was so closely connected to, some would even say dependent on, the manifestations of *Deutschtum* with which Jews no longer had any part.<sup>58</sup> The younger generation, and certainly many of their elders, could never dream of blaming the Jews for their own difficulties, by arguing they should have been more successful in showing that it was possible to "attain a synthesis between Judaism and its eternal forms on the one hand, and the cultural assets of the surrounding world on the other."<sup>59</sup> On the contrary, most regarded the present exclusion of Jews from "the cultural assets of the surrounding world," not as a reflection of Jewish failure, but as illustrative of the bankruptcy of the society

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<sup>57</sup> See *Li-Frakim*, pp. 3-8 (although this introduction is signed by the anonymous publisher, from a letter of Weinberg to Moses Shulvass, dated March 26, 1937, we see that Weinberg is really the author); SE 1, p. 2, SE 4, pp. 288-289, 342; Weinberg's approbation to R. Samuel Jacob Rubenstein, *Alfa Shemen la-Ner* (Paris, 1959); Etkes, *R. Yisrael Salanter*, pp. 281-282. Interestingly enough, I found an SS report on *Li-Frakim* in the archives of the German *Reichssicherheitshauptamt*. See Appendix.

<sup>58</sup> See Kurzweil, *Siyyum ve-Reshit*, pp. 63ff. In 1934, Gershom Scholem penned his sharp critique of *Torah im Derekh Eretz*, referring to it as Hirsch's "ghastly accommodation theology." See *The Messianic Idea in Judaism* (New York, 1971), p. 329. (This article originally appeared as "Politik der Mystik: Zu Isaac Breuers 'Neuem Kusari,'" *Jüdische Rundschau*, July 17, 1934, pp. 1-2.)

<sup>59</sup> *Die Laubhütte*, January 10, 1935, quoted in Herbert Freeden, *Die jüdische Presse im Dritten Reich* (Frankfurt, 1987), p. 130.

which advocated these cultural ideals. Now, more than ever before, young men were turning to the East and journeying to yeshivot in greater numbers. Rather than advocating the ideal of *Torah im Derekh Eretz*, they were adopting the principle of Torah only, or as was their slogan, *Torah ve-Mussar*.<sup>60</sup>

This increasing rejection of the *Torah im Derekh Eretz* philosophy was actively encouraged by East European scholars. For example, while traveling through Berlin in 1936, the renowned R. Elhanan Wasserman spoke out against the German Orthodox attitude towards secular studies. He even expressed this opinion in a lecture before the Seminary students.<sup>61</sup> Wasserman's major point was that secular studies had utilitarian value and were only permitted when necessary for one's livelihood. However, in complete opposition to Hirsch -- a fact acknowledged by Wasserman<sup>62</sup> -- he argued that secular studies can never contribute to the religious personality. Not surprisingly, before

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<sup>60</sup> See Breuer, *Darkhi*, p. 125; Jacob Rosenheim, *Die "Thora- und Mussar"-Bewegung* (Frankfurt, 1936). The reorientation of German Orthodoxy did not only move in the direction of the Lithuanian yeshivot. Religious Zionism was also a popular route. The *Torah ve-Avodah* movement, founded in 1927 by members of "Young Mizrahi," quickly built up its membership during the Nazi years as more and more of the young generation rejected the *Torah im Derekh Eretz*-German bourgeois lifestyle of their parents. See Joseph Walk, "The Torah Va'Avodah Movement in Germany," *Leo Baeck Institute Year Book* 6 (1961), pp. 236-256, and Yaakov Tsur, "'Torah im Derekh Eretz'" ve-'Torah ve-Avodah," in Breuer, ed., *Torah im Derekh Eretz*, pp. 97-107. Further discussion of this phenomenon is, however, beyond the confines of this chapter.

<sup>61</sup> It is interesting that Wasserman refused to pay a visit to Yeshiva University in New York, giving as his reason the fact that the works of Geiger, Zunz, and Weiss were studied there and blasting it as a "pseudo-yeshivah" and center of heresy. Yet he was not reluctant about lecturing at the Seminary, even though the very works he found objectionable were also studied there. Presumably, Weinberg's presence at the institution calmed his fears. See Aaron Rakeffet-Rothkoff, *Bernard Revel: Builder of American Jewish Orthodoxy* (Jerusalem, 1981), pp. 155-156; "Ikvesa di-Meshikha," in Wasserman, *Yalkut Ma'amarim u-Mikhtavim* (Brooklyn, 1987), pp. 60-61 (this passage has been excised from the Hebrew translation of Wasserman's article, *Ikveta di-Meshiha* [Jerusalem, 1942], 177.)

<sup>62</sup> This is significant, for as noted above, p. 58, there was a mistaken belief in Eastern Europe that Hirsch's approach was intended only as an emergency measure designed to save German Orthodoxy. Wasserman, however, was aware of the far-reaching nature of Hirsch's *Torah im Derekh Eretz* philosophy. See also Wasserman's essay in *Kovetz Shiurim* (Givatayim, 1960), pp. 72-75 and Moshe Munk, "Torah im Derekh Eretz Bimeinu," in Yonah Emmanuel, ed., *Ha-Rav Shimshon Raphael Hirsch: Mishnato ve-Shitato* (Jerusalem, 1962), p. 214.

Wasserman spoke Weinberg pointed out that the view of the Seminary with regard to secular studies did not correspond to that of its guest.<sup>63</sup>

Such public statements as made by Wasserman would not have been conceivable a generation or two previously, when East European scholars believed that the *Torah im Derekh Eretz* philosophy was necessary for ensuring the success of German Orthodoxy. Yet times had changed and the East European scholars could not be expected to lend their support to a philosophy which was now being abandoned by many of the German Orthodox themselves. With this in mind, they felt comfortable in expressing their view that the *Torah im-Derekh Eretz* philosophy should now be regarded as a burden to true religiosity, rather than as a shield against abandonment of tradition.<sup>64</sup>

It was in this context that Rabbi Simon Schwab published his *Heimkehr ins Judentum*.<sup>65</sup> Schwab, a twenty-five year old native of Frankfurt, had studied in Lithuanian yeshivot. There he became close to a number of East European sages, whose opposition to secular studies influenced him. His book was the first detailed rejection of the *Torah im Derekh Eretz* philosophy by one who had grown up in the Hirschian environment.<sup>66</sup> In this book one clearly sees the disillusionment with German culture in general, and Hirsch's *Torah im Derekh Eretz* philosophy in particular. The author argues that the Hirschian vision was "meant to be nothing more than a temporary emergency measure, not an ideal state of

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<sup>63</sup> See the reports of Wasserman's visit in *Der Israelit*, November 19, 1936, p. 14; Pinhas Biberfeld, "Gishatenu le-Historyah," in Moses Auerbach, ed., *Sefer Zikaron le-Rabbi Yithak Isaac Halevy ZT"L* (Bnei Brak, 1964), pp. 347-353; and Aharon Sorasky, *Or Elhanan* (Los Angeles, 1978), vol. 2, pp. 26-31.

<sup>64</sup> Already in 1928, R. Joseph Isaac Schneersohn, the Lubavitcher rebbe, felt comfortable in publicly declaring that the time had come for the German Orthodox to reject "the curse-bearing bitter water, the approach of Torah and *Derekh Eretz*." See his "Bikkoret Shitat ha-Hinnukh shel Haredi Germanyah," *Ha-Hed* (Av, 5688), pp. 1-3. See also his *Iggerot Kodesh* (Brooklyn, 1983), vol. 3, nos. 837 and 839, regarding dissemination of Habad ideology in Germany.

<sup>65</sup> (Frankfurt, 1934). One of Jacob Katz' first articles was devoted to Schwab's book. See "Umkehr oder Rückkehr," *Nachlath Zwi* 5 (1935), pp. 89-95.

<sup>66</sup> He was later to revert to an appreciation of *Torah im Derekh Eretz*. See his *These and Those* (New York, 1966), and *Selected Speeches* (New York, 1991), p. 243. He is also the author of the anonymous defense of German Orthodoxy ("Mikhtav be-Inyan 'Shitat Frankfurt'") in *Hama'ayan* 6 (Tammuz, 5726), pp. 4-7.

affairs." It was designed for nineteenth century circumstances which were no longer applicable.<sup>67</sup> Schwab also describes the Hirschian approach as utopian. Since it was almost impossible for people to achieve greatness in both Torah and secular studies, something had to be given up.<sup>68</sup> Reflecting the Nazi era, Schwab adds that his critique takes on added cogency when there is no connection between the religious and the cultural. In such times, it is only the Torah which can provide comfort and fulfillment.

Another sign of the sagging popularity of *Torah im Derekh Eretz* was Schwab's letter to a number of East European sages, asking if it was permissible to study secular subjects.<sup>69</sup> Here was an issue which was already long settled in Germany, but Schwab was questioning whether the conditions that led Hirsch and Hildesheimer to approve of secular studies still applied. The fact that this letter was sent to the sages of the East meant that the authority of the German rabbinate was no longer enough for Schwab and his sympathizers. They sensed that there was a gap between the traditional sources of Orthodoxy and Orthodoxy as practiced in Germany.<sup>70</sup>

It is interesting to note that although a few scholars responded to Schwab's letter, there was at least one who refused to do so on principle. R. Abraham Mordekhai Alter, the rebbe of Gur, while believing secular studies to be forbidden, would not allow himself to pen a criticism of the *Torah im Derekh Eretz* philosophy. As he put it, "one must be very

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<sup>67</sup> Pp. 114-115.

<sup>68</sup> This fact was earlier noted by Rosenheim. See above, p. 133.

<sup>69</sup> The letter is published in *Ha-Pardes* 13 (December, 1939), pp. 26-28. See Jacob J. Schacter, "Torah u-Madda Revisited: The Editor's Introduction," *Torah u-Madda Journal* 1 (1989), p. 15, note 1.

<sup>70</sup> The four Eastern rabbis who are known to have replied in writing are Wasserman, Judah Leib Bloch, Barukh Ber Leibowitz, and Joseph Rozin. Their replies are printed in Yehudah Levi, *Sha'arei Talmud Torah* (Jerusalem, 1981), pp. 296-312. One German rabbi, Hermann Klein, is also known to have replied; see his *Hokhmah im Nahalah* (Bilgoraj, 1935), pp. 99-103. As is to be expected, Klein's view was much more favorable to secular studies than were the views of his East European counterparts.

careful to protect the honor of Rabbi Hirsch."<sup>71</sup> This is another example of East European admiration for Hirsch, combined with repudiation of his educational philosophy.

Despite all the opposition to Hirsch's philosophy, Weinberg's attachment to it was not diminished. This is evident from a 1937 lecture which shows how much he had assimilated into his role as a leader of German Orthodoxy.<sup>72</sup> Even though, as noted above,<sup>73</sup> Hirsch and his disciples did not always see eye to eye with the Berlin Orthodox, this did nothing to lessen Weinberg's veneration for the sage of Frankfurt. In fact, Weinberg goes so far as to say, inaccurately, that there were no real differences between Hirsch and Hildesheimer and that the two simply picked different areas in which to concentrate their efforts. As Weinberg sees it, Hirsch devoted himself to spreading Judaism among the masses, while Hildesheimer's goal was to train rabbis and build up a religious intelligentsia. Furthermore, according to Weinberg, Hirsch was very happy to leave these activities to Hildesheimer. By thus blurring the very real differences between the two, Weinberg was enabling the Berlin Orthodox to regard themselves as students of Hirsch. They could now look upon the Seminary as an outpost of Hirschian ideology, despite Hirsch's complete opposition to the concept of a Rabbinical Seminary where *Wissenschaft des Judentums* was studied.<sup>74</sup>

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<sup>71</sup> See Grunfeld, *Three Generations*, pp. 48-49; Sorasky, *Toledot ha-Hinnukh ha-Torati*, p. 147. See also *Tikkun Olam* (Munkacs, 1935), p. 144, where even the extremist R. Hayyim Eleazar Shapira is able to see something positive in German Orthodoxy's method of pedagogy, since it can possibly "purify the impure."

<sup>72</sup> My discussion of Weinberg's view of Hirsch is based on the following: "Rabbiner Samson Raphael Hirsch zum Problem Judentum und Weltkultur," Weinberg's 1937 lecture which appeared that year in the Frankfurt periodical *Nachlath Zvi*. It was reprinted in Weinberg's *Das Volk der Religion* and it is to this work that I shall refer. His other studies of Hirsch are contained in SE 4 and in an article entitled "Torat ha-Hayyim," in Emmanuel, ed., *Ha-Rav Shimshon Rafael Hirsch: Mishnato ve-Shitato*, pp. 185-199. Although the latter two works were composed after he had left Germany, they reflect his thought as it had developed in his earlier years. There is therefore no reason not to regard them as relevant to this point in time. Weinberg's article "Torat ha-Hayyim" was reprinted in the Nezah publication *Be-Ma'aglei Shanah* (Bnei Brak, 1966), vol. 3, pp. 11-24. Yet, as Mordechai Breuer has pointed out, "objectionable" sections of the original article have been altered or simply excised; see *Ha-Ma'ayan 7* (Tishrei, 5722), pp. 71-72. A comparison of the two versions of the article reveals other examples of Nezah's tampering not noted by Breuer.

<sup>73</sup> See above, pp. 101ff.

After it is understood that Weinberg did not see any fundamental contradiction between his own position and the views of Hirsch, one is better able to appreciate his exposition, and advocacy, of Hirsch's thinking. According to Weinberg, Hirsch was one of Judaism's truly great thinkers whose ideas, despite being couched in difficult language, will never be outdated. "Not since Abravanel have the Jews been in a position to claim for themselves a man of such stature -- at once philosopher of religion, Bible commentator, and spiritual leader"<sup>75</sup>

For Weinberg, Hirsch was the one who prevented German Orthodoxy from fossilizing. He turned it into a living entity able to cope with the challenges of modern society. This was not a type of "salon Judaism," for he did not wish to make Jews fit for the "salon," but rather to make "salon Jews" fit for the Jewish study hall.<sup>76</sup> Those who already had a sense for art and beauty were able to be awakened by Hirsch to a feeling of religious consciousness, an effect which Weinberg claims also reached into the non-Orthodox community. It was Hirsch who provided answers for those youth seeking meaning in life and, according to Weinberg, there is no reason why he could not do the same for later generations.<sup>77</sup>

Scholars have debated as to whether Hirsch was looking for a synthesis between Torah and secular, or whether he believed that they should exist independently, each in its own sphere.<sup>78</sup> Weinberg has no doubt that it was a synthesis which Hirsch was looking

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<sup>74</sup> See *Das Volk der Religion*, pp. 71-72, and cf. Kahana, "Ha-Gaon Rabbi Ezriel Hildesheimer u-Veit Midrasho," p. 6.

<sup>75</sup> *Das Volk der Religion*, p. 65.

<sup>76</sup> Breuer concludes similarly: "Hirsch did not want to ease accommodation to a foreign culture for the 'old-time pious Jews,' but to establish new ties to the old life tradition for the 'new pious Jews' already deeply immersed in culture. Every page of his writings testifies to that." (*Modernity Within Tradition*, p. 72)

<sup>77</sup> *Das Volk der Religion*, pp. 67-68, SE 4, pp. 360-361 370; "Mikhtavim me-ha-Rav Y. Y. Weinberg ZT"L," *Ha-Ma'ayan* 32 (Tammuz, 5752), p. 19.

<sup>78</sup> See above, chapter 3, note 79, where I call attention to a contradiction in Breuer's writing on this very point. Hildesheimer did not advocate a synthesis between Torah and secular, but believed that each should

for, where all aspects of life are united with, and inseparable from, the religious life. With such a conception, one cannot separate one's religious commitment from one's "secular" activity, as each gives meaning to the other. The notion of a "secular life" simply has no meaning in Hirsch's, or Weinberg's, understanding of Judaism.

After Weinberg settled in Germany and became acquainted with Hirsch's philosophy, he could no longer hold onto the ideology of his Pilwishki days. In Germany he came to agree with Hirsch that it was the ghetto which caused a major distortion in Jewish values. It was the ghetto and other persecutions which turned Judaism into a religion of ritual and the synagogue. No more did Judaism encompass everyday life and no longer did pious Jews associate religion with science, art, politics, and professional life. Because of this mistaken conception, that religion is separate from "life," the pious strove to avoid the manifestations of modern life as much as possible. They devoted themselves instead to Torah study, as if this was where Judaism found its sole significance.

Another unfortunate outcome of the Jewish retreat from normal living patterns, Weinberg continues, was that religious feeling no longer was nourished by a healthy appreciation of the world and man's place in it. Instead, it was fear of divine wrath which became the motivating factor in the psyche of traditional Jews. This notion, as Weinberg puts it, while certainly important, was never intended to be at the center of religious experience and the sole decisive factor in determining how Jews live their lives. In short, the atmosphere of the ghetto did not allow one to experience Judaism in the most authentic way. Hirsch's philosophy, and Weinberg's enthusiastic promotion of it, are intended to correct the distortions and misplaced emphases that had become common in Jews' conceptions of their religion.<sup>79</sup>

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exist in its own sphere. See Mordechai Eliav, "Gishot Shonot le-Torah im Derekh Eretz," p. 52. See also above, chapter 4, note 2.

<sup>79</sup> SE 4, pp. 365-367.

Yet for all the talk of the importance of the "secular" which appears in Hirsch's writings, Weinberg, reflecting his love and sympathy for traditional East European Jewish society, assumes a conservative interpretation of Hirsch when he argues that the latter would agree that Judaism does not need to be complemented through the acquisition of culture. Contrary to a widespread feeling among the German Orthodox, Weinberg stresses the following two points: 1) one who has only studied Torah is not to be regarded as culturally deficient, 2) no set of values outside of Torah is a prerequisite for the enrichment of one's personality.<sup>80</sup>

As Weinberg understands Hirsch, he was not interested in assimilating elements of general culture into Judaism, for this would diminish the authentic Hebrew culture. Rather, he stressed that Judaism, as the *highest* culture, does not merely concern itself with matters of law but with the whole person in all of his interactions. It is the Torah which can solve all cultural and ethical problems, for it is the Torah which is at the center of the Jewish soul. The arts and sciences are significant and must not be ignored. Yet they are to be forged by the force of the Torah and not vice versa. Weinberg puts this in an Aristotelian light by saying that Torah is the form and *derekh erez* the matter upon which the Torah works. This matter then itself becomes part of Torah. In Weinberg's opinion, this is the true meaning of the Hirschian synthesis.

It makes no sense, Weinberg continues, to say that Hirsch "permitted" the Orthodox Jew to involve himself with general society or that his system was an "emergency measure" dictated by the times. On the contrary, it is the Jew's mission to be involved with general society and all such activities, when carried out with the proper intentions, are raised to the level of divine service. Weinberg emphasizes this to show that, contrary to the opinion of Isaac Heinemann,<sup>81</sup> Hirsch's understanding of Judaism was far

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<sup>80</sup> *Das Volk der Religion*, p. 73: "Kein frommer Jude kann sich mit dem Gedanken befreunden, dass, wenn er nur viel Thora gelernt hat, nicht als kulturell vollwertig zu gelten habe, oder dass er zu Bereicherung seiner Persönlichkeit die Kultur ausserhalb der Thorah suche müsse."

removed from that of Mendelssohn. Mendelssohn reduced the religion to a sum of laws, while Hirsch regarded Judaism as an all-encompassing culture.<sup>82</sup>

We have already seen the transformation of Weinberg's thought with regard to the Hirschian worldview. Originally he opposed it, later he granted it a grudging acceptance within Germany, and finally he embraced it totally. In his 1937 lecture, Weinberg goes even further, asserting:

For us, and I say it with pride, for us Eastern Jews Rabbi Hirsch means much more and we believe we have reached a better understanding of him. . . . Just we whose spiritual home is the yeshivah from whose soil we draw our strength . . . feel a strong affinity to Rabbi Hirsch and we shall never allow that the teachings of this great guide of Judaism be confined solely to the secondary school of Frankfurt.<sup>83</sup>

Here we have a personal confession testifying to the power of Hirsch's ideology. In Weinberg's mind, it is not the German Jew who grew up in a *Torah im Derekh Eretz* environment who has a true appreciation of Hirsch. In fact, as we have already discussed, many such people were now rejecting his teachings. Weinberg claims that is only those who have spent part of their lives in the exclusively Jewish atmosphere of the yeshivah who can discern the genuine greatness of Hirsch's teachings. Whereas the yeshivah promotes Torah study for its own sake as Judaism's highest ideal, an ideal which looks askance at any venture outside the confines of the study hall, it is Hirsch who challenges these assumptions and demands that Judaism not be confined in such a manner. For those, such as Weinberg, who feel that the approach of the yeshivot is not adequate for the modern era, Hirsch provides great satisfaction. It is Hirsch who shows that abandonment of the yeshivah ideology need not lead to an abandonment of tradition. On the contrary, Hirschean ideology will lead to a more complete and all-encompassing Orthodoxy, an

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<sup>81</sup> Heinemann, ed., *Iggerot Tzafun* (Jerusalem, 1952), p. 9.

<sup>82</sup> For the previous paragraphs, see *Das Volk der Religion*, pp. 73-76, SE 4, pp. 363-369, 372, *Li-Frakim*, pp. 61 (32), 80-81, 322-323 (197-198).

<sup>83</sup> *Das Volk der Religion*, p. 70.

Orthodoxy which will join openness to modern society with the most advanced Talmud study as practiced in the yeshivot. It is only with such a synthesis that the teachings of Hirsch will be brought to fruition. This is what Weinberg means when he speaks of the students of the yeshivot as having a better appreciation of Hirsch than the native German Jews.

Weinberg acknowledges that the ideal of Hirsch is a long way from reality, but he does not believe it to be a failure. He recognizes that it is always easier to avoid facing the problems of modern civilization, but argues that Orthodoxy, in its higher state, will not choose this path. To do so would condemn it to the role of an uninfluential minority element. Because of this, Weinberg is hopeful that Hirsch's system will eventually carry the day.<sup>84</sup> As we shall see in the next chapter, the post-World War II development of Orthodoxy was to disappoint Weinberg in this regard.

#### The Controversy over Exodus 22:4

Exodus 22:4 reads as follows:

כי יבצר איש שדה או כרם ושלח את בעירה ובצר בשדה אחר מיטב שדהו ומיטב כרמו ישלם.

The traditional translation of this verse is, "If a man cause a field or vineyard to be eaten [by cattle], and shall let his beast loose, and it feed in another man's field; of the best of his own field, and of the best of his own vineyard shall he make restitution." This verse is of great significance, for it is considered by the Talmud (*Bava Kamma* 2b) as the basis for the two major categories of torts known as שן (tooth) and רגל (foot).<sup>85</sup>

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<sup>84</sup> *Ibid.*, pp. 76-77.

<sup>85</sup> See also SE 4, pp. 41-42. where Weinberg argues that the verse is also the basis, in Rav's opinion, for the damage of נזב ליה (=אדם [man]).

This verse presents great problems, much of which revolve around the rare word  $\text{יִבְצַר}$ .<sup>86</sup> One would have expected  $\text{יִבְצִיר}$  in the *hiphil* or  $\text{יִבְצַר}$  in the *piel*. The general consensus is that  $\text{יִבְצַר}$  is a shortened form of the regular *hiphil*. After having established the form of the verb, the problem of its meaning still remains. In general, the root  $\text{בצַר}$  in the *hiphil* is in the nature of "to light a fire," "to burn," and "to kindle," and this is how many commentators understand the word. Assuming the verse is referring to fire, the proper vocalization of  $\text{בְּצִירָה}$  is  $\text{בְּצִירָה}$ , and not  $\text{בְּצִירָה}$  as it is punctuated in the Masoretic text. This understanding is particularly appealing, since the immediately succeeding verse also deals with fire. In order to bolster their case, the scholars who hold this view have suggested a variety of textual emendations which will solve all the problems of this verse.

Following in Hoffmann's footsteps by disputing with the non-traditional interpretations rather than ignoring them, Weinberg sets out to show that the meaning of the root  $\text{בצַר}$ , in this verse, has nothing to do with fire but is as the Talmud explained matters. He thereby refutes all of the textual emendations offered. In support of his position he cites Jewish interpreters such as Ibn Janach, Rashi, Ibn Ezra, Rashbam, Kimhi, and S. D. Luzzatto. To counter any criticism that he is not being impartial, he also cites Gentile scholars such as Dillman and Kautsch. Finally, he discusses whether in Talmudic literature there are any hints that our verse refers to fire. Not surprisingly, he strongly denies this. Throughout his various arguments, the theological basis for his views is evident.<sup>87</sup>

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<sup>86</sup> Weinberg also discusses other problems such as the verse's seeming redundancy and the fact that the word "vineyard" is omitted in the middle of the verse (SE 4, pp. 40-47). Yet these are of no direct concern to us.

<sup>87</sup> For example, after refuting a Pentateuchal emendation on scholarly grounds, he adds the following theological comment:  $\text{אבל ברוך, שמנהג זה של הגהה ותיקון לפי "שיקול הדעת" לנאשה את נוסח התורה הקדוש מדרס לכל מי שאינו מריח ריח של לשון ואין לו טעם את נוסח התורה הקדוש מדרס לכל מי שאינו מריח ריח של לשון ואין לו טעם שפת הקודש ברוח שפת הקודש}$  (SE 4, p. 46). Cf. Alexander Altmann's judgment that "Hoffmann's learned and skillful rebuttal of Wellhausen was more in the nature of apologetics than of modern scholarship, no matter how justified were his strictures in details." *Essays in Jewish Intellectual History* (Hanover, New Hampshire, 1981), p. 289.

When Weinberg dealt with this issue it was anything but the dry academic debate it sounds like today. His discussion followed publication of some new Targumic texts which raised fundamental questions about the nature and function of Targumic literature. Until 1930 there were, as has been noted, some scholars who argued that the root בַּעַר in Exodus 22:4 means "to kindle." These scholars were basing their argument solely on logic and grammar and their view was no different than the many other hypotheses advanced regarding problematic verses in the Bible. Indeed, it had even less to stand on than other suppositions at variance with Talmudic teaching. These other suppositions could often find support in ancient versions such as the Septuagint or the Peshitta. Yet in this case, the ancient translations agreed with the Talmudic interpretation.

In 1930, an event occurred which, remarkably, seemed to confirm that the word בַּעַר in our verse had once meant, at least for some people, "to kindle." In addition, this surprise confirmation came from a Jewish source. In this year Paul Kahle published the second volume of his famous *Masoreten des Westens*, a book which marked a turning point in modern Targumic studies. Included in this work were fragments from the Genizah containing a small portion of a Palestinian Targum to Exodus. Fortunately, Exodus 22:4 is among the passages preserved.<sup>88</sup>

Much to everyone's surprise, the Targum to this verse read as follows:

ארום יבקר גבר חקל או כרם וישלח ית יקידתה ויוכל בחקלה דאחרן בית שפר  
חקלה ובית שפר כרמה ישלם.

This is to be translated as, "If a man clears (?) a field, and sends forth his fire, which [then] destroys another's field; he shall make restitution [from] the best portion of his field and [from] the best portions of his vineyard."<sup>89</sup> In this Targum, the Biblical words וישלח את

<sup>88</sup> See p. 3 in the transcribed texts.

<sup>89</sup> This translation is based on that found in Michael L. Klein, *Genizah Manuscripts of Palestinian Targum to the Pentateuch* (Cincinnati, 1986), vol. 1, p. 288. The word יבקר is very difficult. Weinberg's believes it means "to graze." This rendering is rejected by J. L. Teicher, "A Sixth Century Fragment of the Palestinian Targum?" *Vetus Testamentum* 1 (1951), p. 127. A. Toeg "Sugyat ha-Mav'eh -- Ha-Nusah ve-

בצירה are translated as ית יקידתה וישלח, that is, damage done by fire. The author of this Targum presumably used a Bible which vocalized בצירה as בַּצִּירָה, and not בְּצִירָה.

Yet for a couple of different reasons, Weinberg rejects the notion that this Targum could be referring to fire. His first reason has to do with a technical problem concerning the vocalization of the word יקידתה, which seems to rule out "fire" as its meaning. Weinberg suggests that יקידתה is a newly created Aramaic word meaning cattle. What the Targum has done, therefore, is to imitate the similarity in the Hebrew between the words בצירה in verse 4, meaning "cattle," and בהבצרה in verse 5 meaning "fire."<sup>90</sup>

Weinberg also offers another suggestion which he believes is more probable, namely, that the word יקידתה is a copyist's error, the origin of which lies in the fact that the very next verse has the word "fire". This suggestion is supported by Kahle's report that יקידתה appears slightly erased in the manuscript, as if it was intended to be corrected. That there is a textual error in the Targum is also apparent, Weinberg claims, because the word יקידתה is feminine, yet the verb used with it, ויוכל, is masculine. Weinberg is

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ha-Din be-Re'i ha-Eduyot ha-Kedumot," *Tarbiz* 39 (1970), p. 226, note 13, accepts Weinberg's interpretation but ventures the possibility that יבקר is a later correction for the original ייקר! See also Georg Schelbert, "Exodus xxii 4 im palästinischen Targum," *Vetus Testamentum* 8 (1958), pp. 256-259. Incidentally, both the superlinear and the sublinear punctuation are either mistaken or unreadable in *Seridei Esh*. In *Mehkarim ba-Talmud* they are clear.

<sup>90</sup> Weinberg tries to support this notion in the following manner. The Hebrew word נחל is derived from the root נחל, despite the fact that its meaning has nothing to do with property but means "cattle." Onkelos therefore translates this word as בצירא. On the other hand, the Peshitta almost always translates it as קנינא, which in Syriac has no meaning other than that of acquisitions and property. What the Peshitta has done, Weinberg claims, is given a new meaning to the word קנינא on the analogy of the Hebrew נחל.

Yet Weinberg is almost certainly in error for the simple fact that languages develop. It is only natural for קנינא to come to mean cattle, without positing that the translator of the Peshitta intentionally created a new word along the lines of Hebrew (comment of Dr. Sebastian Brock, one of the leading Syriac scholars of our day). I would further point out that the Babylonian Talmud uses קנינא to refer to cattle (*Sotah* 34b). (See Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* [New York, 1971], s. v. קנינא.) See also Joseph A. Fitzmyer, *The Genesis Apocryphon of Qumran Cave 1* (Rome, 1971), p. 143, where the noun נכסין means both "possessions" (its meaning in early Aramaic) and "flocks" (later Aramaic), a perfect example of language development relevant to the issue we are discussing. See further Chaim Heller, ed., *Peshitta* (Berlin, 1927), p. 6, note 12, and Gad Ben-Ami Sarfatti, "Mahadurah Hadashah shel ha-Megillah ha-Hitzonit li-Bereishit," *Leshonenu* 33 (1969), pp. 123-124.

convinced that readers who take all of the evidence into account will conclude that יקידחה is a mistaken word, and not that ויזבל should be emended to read וזבל.<sup>91</sup>

Without going into the grammatical technicalities involved, suffice it to say that both Weinberg's arguments, and the support they received from J. L. Teicher, have been totally disproven in an article by Georg Schelbert.<sup>92</sup> Furthermore, the entire debate has been rendered superfluous by another amazing occurrence. This time I refer to the discovery, in the mid-1950's, of the complete Palestinian Targum known as Targum Neophyti 1. This Targum, which undoubtedly goes back to tannaitic times, translates the verse in question as follows:

... -- ארום יוקד גבר חקל או כרם וישלח יקידתא ויוקד בחקלא דחורן. . . .  
 "If a man sets fire to a field or a vineyard, and leaves the fire to spread, and [thus] causes fire in the field of another. . . ."<sup>93</sup> We thus see that Neophyti translates the root בצר in all its three occurrences with the Aramaic root יקד.<sup>94</sup> A stronger proof for the authenticity of Kahle's Genizah Targum could not be found.<sup>95</sup>

Finally, Weinberg's assertion that Kahle's Targum is corrupt is also mistaken. Schelbert,<sup>96</sup> followed by M. L. Klein,<sup>97</sup> have noted that although Kahle read ויזבל in the

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<sup>91</sup> Teicher, "A Sixth Century Fragment of the Palestinian Targum?" p. 126, accepts this argument.

<sup>92</sup> "Exodus xxii 4 im palästinischen Targum," pp. 253-263.

<sup>93</sup> This translation is taken from Alejandro Díez Macho, ed., *Neophyti 1* (Madrid-Barcelona, 1970), vol. 2, p. 472.

<sup>94</sup> See B. Barry Levy, *Targum Neophyti 1: A Textual Study* (Lanham, Maryland, 1986), vol. 1, pp. 401-402.

<sup>95</sup> David Reider's assertion that Neophyti has a "three-fold error" cannot be taken seriously. See his "Al ha-Targum ha-Yerushalmi Ketav Yad Neophyti 1," *Tarbiz* 38 (1969), p. 85.

<sup>96</sup> "Exodus xxii 4 im palästinischen Targum," pp. 254-255.

<sup>97</sup> *Genizah Manuscripts of Palestinian Targum to the Pentateuch*, vol. 2, p. 79.

Genizah Targum, this is incorrect. In actuality, the word which appears is ויִּוּקֵד.<sup>98</sup> Thus, the Targum reads as follows:

ארום יבקר גבר חקל או כרם וישלח ית יקידתה ויוקד בחקלה דאחרן בית שפר  
חקלה ובית שפר כרמה ישלם.

All these occurrences of "to kindle" simply reinforce the point that there was a difference of opinion regarding how to interpret this verse in tannaitic times.<sup>99</sup>

Was there any theological motivation behind Weinberg's strenuous efforts to show that Kahle's Targum was corrupt, or are we confronted with an impartial scholarly discussion on his part? Kahle obviously saw Weinberg's opposition as dogmatically based. Regarding the Targum to Exodus 22:4, he wrote:

The fundamental importance of this passage became clear to me through a discussion with my old friend and lecturer from Giessen, Dr. J. J. Weinberg, when I visited him in Berlin where he had become Rector of the Rabbinic Seminary. In the course of our conversation I realized how difficult it must be for a Talmudic Scholar, as he was, to accept an interpretation of a passage of the Bible which conflicted with the rules of the Mishna, even if it was contained in an old Geniza text -- the only source available to us at that time.

After placing Weinberg's opposition in a theological light, Kahle concluded: "we certainly have to take the passage in the way Abraham Geiger has understood similar divergent explanations of the Bible text in the Palestinian Targum."<sup>100</sup>

<sup>98</sup> That this is the correct reading can be seen from an examination of the text, *ibid.*, plate 3.

<sup>99</sup> Weinberg, SE 4, p. 54, insists that in Talmudic literature there is "not even a tiny hint whatsoever" that our verse was ever taken to refer to fire. He then considers a number of examples which appear to contradict this claim. Although Weinberg's argumentation is brilliant, it is impossible to agree with him on all counts. This is especially so with regards to his comments, SE 4, pp. 60-61, concerning the *Mekhilta de-Rabbi Shimon ben Yohai*. For rejections of Weinberg's categorical statement, see Atlas, "Li-She'elat Hilkhot Iddit," pp. 70-71; R. Menahem Kasher, *Torah Shelema* (New York, 1958), vol. 18, pp. 182-184, and vol. 24 (Jerusalem, 1975), pp. 111-112; Joseph Heinemann, "Early Halakha in the Palestinian Targumim," *Journal of Jewish Studies* 25 (1974), pp. 118-119; Schelbert, "Exodus xxii 4 im palästinischen Targum," pp. 262-263; Toeg "Sugyat ha-Mav'eh--Ha-Nusah ve-ha-Din be-Re'i ha-Eduyot ha-Kedumot," pp. 225-226. Toeg, *ibid.*, p. 225, note 12, makes the following interesting observation concerning Weinberg and his critics, with regard to interpreting the relevant Talmudic literature: ואין זה המקרה היחיד בו מטפק תלמיד-הכם מרוב בקיאותו הוכחות למבקריו.

<sup>100</sup> *The Cairo Geniza*, pp. 206-207. In the earlier edition of this book (Oxford, 1941), p. 123, note 2, he writes similarly: "It is quite interesting to see how a real Talmudic scholar like J. J. Weinberg cannot admit

Weinberg, on the other hand, strongly asserted that his defense of the traditional rendering of Exodus 22:4 was due to scholarly, and not dogmatic, considerations.<sup>101</sup> Indeed, that there are passages in the various Targumim which contradict accepted halakhah is a commonplace.<sup>102</sup> Furthermore, Weinberg himself, in his essay on the Targumim, discusses the reason for this occurrence and disputes with Geiger on the implications of these anti-halakhic Targumim.<sup>103</sup> Yet while it is obvious that Weinberg acknowledges the existence of anti-halakhic Targumim, the question which is of concern to us is whether he would be willing to advocate such a position if there were other interpretive options. All of Weinberg's protestations notwithstanding, it seems that he is willing to bend over backwards, some would say even force the issue, in order to show that the Genizah Targum does not represent an anti-halakhic position. Weinberg does so even though Kahle's view is much more obvious and straightforward, leading me to assume that there were, in fact, dogmatic considerations influencing his approach.

While on the topic of dogma and Targumic literature, it is fitting to examine Weinberg's attitude to Rabbi Chaim Heller (1878-1960). Heller was an East European Talmudist who made his way to Berlin where, showing his brilliant mind and amazing command of ancient languages, he proceeded to publish a number of works of biblical scholarship, concentrating on the Targumim, Peshitta, Septuagint, and Samaritan Pentateuch.<sup>104</sup> Heller did not regard his works as objective scholarship, but rather, as he

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that a Targum should translate the Hebrew text in such a way contrary to the Mishna." (emphasis added). Cf. Moise Ohana, "Agneau Pascal et Circoncision Le Probleme de la Halakha Premishnaïque dans le Targum Palestinien," *Vetus Testamentum* 23 (1974), pp. 398-399.

<sup>101</sup> Letters to Paul Kahle, dated February 10, 1949, February 18, 1949

<sup>102</sup> Kahle would have been surprised to learn that the arch-traditionalist R. Moses Sofer pointed to a deviation from accepted halakhah in the Targum to Ruth. This led him to wonder whether the Ruth Targum was of Sadduceean origin. See *Lishkat Soferim to Even ha-Ezer* 17:43 (found in standard editions of the *Shulhan Arukh*).

<sup>103</sup> SE 4, pp. 270-271.

makes clear in his various introductions, as a holy endeavor designed to demonstrate the integrity of the Masoretic text.

The basis of all of Heller's investigations is the dogmatic assumption that the text accepted by Jews, the Masoretic text, is the original and authentic text of the Pentateuch. All variants found in ancient translations or Hebrew manuscripts arose through either the elaborations of the translator or the errors of careless copyists. As to why the accepted Masoretic text may not also contain errors, that is, copyists' errors from the original text, Heller does not explain. Even though numerous earlier authorities, including the Tosafists, had recognized that at times the Talmud contained readings which differed from the Masoretic text,<sup>105</sup> Heller rejected this. Against irrefutable evidence, he firmly held that there is no proof for variant Pentateuchal readings in either Talmudic literature or the ancient translations.

Weinberg's approach and methodology were very different and having studied under Kahle he had a much more critical mind. Furthermore, he saw no basis in tradition for Heller's extreme position, which as mentioned above is contradicted by both traditional authorities and irrefutable evidence. Although, for dogmatic reasons, Weinberg would never have been able to accept the Higher Criticism, his position was far removed from the hermeneutical acrobatics employed by Heller in order to explain away every ancient variant. In fact, it is precisely due to Heller's methodology that Weinberg had no respect for the former's works. In his mind, they could not even be categorized as scholarship.

Kahle, in his book *The Cairo Geniza*, had devoted one footnote to Heller. Concerning the latter's publication of the Peshitta in Hebrew letters, Kahle wrote that it

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<sup>104</sup> For bio-bibliographical information on Heller, see Jacob I. Dienstag, *Ein ha-Mitzvot* (New York, 1968), p. 46 (this list appears to be complete with the exception of Oscar Rand, *Toldot Anshei Shem* [New York, 1951], pp. 36-38).

<sup>105</sup> See my "Maimonides Thirteen Principles: The Last Word in Jewish Theology?" *Torah U-Madda Journal* 4 (1993), pp. 197ff., to which add David Rosenthal, "Al Derekh Tippulam shel Hazal be-Hillufei Nusah ba-Mikra," in Yair Zakovitch and Alexander Rofe, eds., *Sefer Yizhak Aryeh Seeligman* (Jerusalem, 1983), vol. 2, pp. 395-416, and Yishayahu Maori, "Midreshei Hazal ke-Edut le-Hillufei Nusah ha-Mikra," in Moshe Bar-Asher, et al., eds., *Iyyunei Mikrah u-Farshanut* (Jerusalem, 1993), vol. 3, pp. 267-286.

"cannot be taken seriously. The author is not informed about the real problems; like the other books published by Heller this also is dictated by apologetical tendencies."<sup>106</sup> Weinberg felt that Kahle had been too mild with this statement. In a letter to Kahle, he insisted that Heller's writings should not be described as apologetically tendentious, but rather as "homiletic," in other words, pseudo-scholarship.<sup>107</sup> He continued:

That there were, at the time of the [Second] Temple, other texts which deviated from the Masorah can be proven by the fact that, as I demonstrated in my book, at the time of the Temple corrections were made which were financed by Temple money. If there had not been so-called popular Bibles circulating, the corrections would have been superfluous. Also, Rabbi Akiva in his testament warned his children not to use uncorrected texts of the Bible.

Although academic scholars would never take Heller's views into account, Weinberg does discuss them. In fact, he seems to have had a fixation on Heller, for out of all the things he could have written about when Kahle sent him his book, he chose to mention an insignificant footnote in order to register his disagreement with Heller. We can speculate about why this was so. It is well known that Heller's works were viewed with great respect in Orthodox circles and he was regarded as a defender of the faith in the tradition of Hoffmann. However, this type of propaganda was emanating from people who had no training in biblical scholarship. Viewing himself as part of this community, Weinberg felt that he had some obligation to set matters straight. It was his duty to show that Heller's writings were actually pseudo-scholarship, thus not entitled to all the renown which they had achieved. This is apart from the fact that Weinberg regarded Heller as a plagiarizer, a view he hinted at ever so subtly in his *Mehkarim ba-Talmud*.<sup>108</sup>

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<sup>106</sup> P. 181, note 1, in the first edition; a similar note is found on page 266 in the second edition.

<sup>107</sup> Letter to Paul Kahle, dated February 10, 1949.

<sup>108</sup> Letter to Samuel Atlas, dated March 2, 1961.

Having written his doctoral dissertation on the Peshitta, Weinberg was especially familiar with Heller's own work on this subject, which contained a number of strange views. That Heller believed the Peshitta emanated from a Jewish source<sup>109</sup> was not unusual, for a number of leading scholars had held this position.<sup>110</sup> Yet he went further than this in attaching to the Peshitta a sort of holiness and placing it in the same category as the other Targumim.<sup>111</sup> It was this which led him to publish an edition of the Peshitta in Hebrew characters. In his extensive notes, Heller cited Talmudic parallels and attempted to present the Peshitta's original text, before it was corrupted by the various Christian sects which used it as their Bible.

Because of his reverent attitude towards the Peshitta, an attitude which wasn't present when discussing the Septuagint, the Vulgate, or the Samaritan version, he came to another extreme conclusion. Not only did he assert that all the variants of the Peshitta, excluding copyist errors, are based on the Masoretic text -- this he also claimed with the other ancient versions -- but he also argued that these variants are actually explanations based on Rabbinic exegesis. While Weinberg acknowledges the basic correctness of Heller's point, he recognizes that there are many variants which simply cannot be explained along these lines, for they represent real divergences between the Peshitta and the Masoretic text. However, as Weinberg continues: "So what! Does this, God forbid, put the integrity

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<sup>109</sup> *Untersuchung über die Peschitta* (Berlin, 1911), pp. 3-4, *Peshitta*, ed. Heller, Part 1, p. I.

<sup>110</sup> See Kahle, *The Cairo Geniza*, pp. 265ff.; Yishayahu Maori, "Targum ha-Peshitta la-Torah ve-Zikato le-Mekorot ha-Parshanuf ha-Yehudit" (unpublished doctoral dissertation, Hebrew University, 1975); Peter B. Dirksen, "The Old Testament Peshitta," in Martin Jan Mulder, ed., *Mikra* (Assen/Maastricht, 1988), pp. 255-297.

<sup>111</sup> See *Peshitta*, ed. Heller, p. I: התרגום הסורי, הנקרא פשיטא, הוא תרגום עתיק מאד ואינו נופל בערכו בנוגע להבנת המקרא ולחקר הלשון העברית משאר התרגומים הארמיים שבידנו. . . . [יוצרו ומחוללו עצם מצמנו ובשר מבשרנו היו. . . . ובכלל התרגום הזה כולו, מדאשו ועד סופו, ספוג אותו הרוח, המציין את הספרות העברית בתקופת חז"ל. . . . לפיכך החלטנו להוציא לכל לראש את התרגום הסורי בכתב עברי למען ירוץ בו כל אדם מישראל וישמע את לשונו לא פחות מן תרגום הירושלמי, שהקורא העברי משתמש בו מדור דור.

of our tradition [i.e. the Masoretic text] in doubt? Absolutely not! . . . the responsibility for the Peshitta does not rest with us."<sup>112</sup>

In his effort at reconciling the Peshitta and the Masoretic text, Heller even claimed that the Peshitta made use of the "AT-BaSH" letter exchange system!<sup>113</sup> This is far too much for Weinberg to swallow. While he admits that the Talmudic sages had a tradition regarding the use of "AT-BaSH," he also adds that "what is permitted for the sages is forbidden for others, for if not you would, God forbid, make the Lord's Torah fraudulent, and God forbid nothing will be clear, regarding positive and negative commandments."<sup>114</sup> Furthermore, Weinberg notes, the "AT-BaSH" system is only valid for homiletic purposes but not for scientific study.

For all his criticism of Heller, Weinberg was still very similar to the former in one important way. As his continued references to "God forbid" and other dogmatically-based catchphrases show, he too was not interested in producing detached scholarship. It is obvious that, as with Heller, he viewed his writings as a defense of the faith. That this defense reached very different conclusions than those of Heller attests to the broadness of his own dogmatic beliefs, rather than to a fundamental difference in scholarly methodology between the two. When dealing with Weinberg, Heller, or any other Orthodox figures, one inevitably finds scholarly conclusions being made to conform with dogmatic beliefs. It is the range of the latter which ultimately determine the broadness of the former.

### **Kristallnacht and the War Years**

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<sup>112</sup> SE 4, p. 103.

<sup>113</sup> See *Untersuchung über die Peschitta*, pp. 7-8.

<sup>114</sup> SE 4, p. 103.

As mentioned above, throughout the Hitler years many Jews had come to accept their status as second-class citizens and were content to wait out what they believed would be a temporary phenomenon. As late as October, 1938, Weinberg visited Warsaw and expressed hope about the future of German Jewry. Because of this, he rejected any renewed efforts to move the Seminary, believing that Germany would have need of future rabbis.<sup>115</sup> Further expressing this confidence, he advised German Jews not to emigrate.<sup>116</sup> He, and the rest of the country's Jews, were totally unprepared for what was to occur on the night of November 9, 1938 -- "Kristallnacht." On this night the Seminary was locked, never to be reopened.

The next day the young Zionist leader Zorach Warhaftig visited Weinberg and found him mentally crushed, not even able to carry on a conversation.<sup>117</sup> However, a few days later Weinberg had once again regained his composure. Not realizing that all was lost and that the Seminary's closure was irreversible, he wrote to his student Joseph Apfel in Warsaw that "our Seminary is closed for the time being and I do not know when it will open."<sup>118</sup> Still, it wasn't long before Weinberg himself recognized that Jewish life in Germany was finished. When Apfel visited him a few weeks after Kristallnacht he found a broken man, crying over what had occurred.<sup>119</sup> While the students and faculty members of

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<sup>115</sup> See Zorach Warhaftig, *Palit u-Sarid Bimei ha-Shoah* (Jerusalem, 1984), p. 344. However, in a letter to M. Z. Levinson, dated October 4, 1937 and sent from Czechoslovakia, Weinberg is somewhat pessimistic: אין לנו תקווה אלא המלחמה העולמית. היא תבוא בודאי. אנו רואים זאת באשכנז. אבל הסכנה מרובה שלא תנצח ח"י מלכות רשעה זו.

<sup>116</sup> Interview with Apfel; Warhaftig's letter in Kressel, "Hitler Rodef rak Tziyonim," p. 11. In his letters to Joseph Apfel, dated May 19, 1948 and January 9, 1951, Weinberg himself admits that he did not foresee what would become of German Jewry -- no great revelation. Weinberg's assertion, *Yad Shaul*, pp. 7-8, that he had no doubt about Hitler's intentions cannot be taken seriously.

<sup>117</sup> *Palit u-Sarid*, pp. 344-345.

<sup>118</sup> Letter to Joseph Apfel dated November 15, 1938.

<sup>119</sup> "Kavim li-Demuto shel Mori ve-Rabbi Maran ha-Gaon R. Yehiel Ya'akov Weinberg ZT"L," *Ha-Ne'eman* (Nisan-Elul, 5743), p. 48.

the Seminary were now eagerly seeking out places of refuge with almost total success,<sup>120</sup> Weinberg was too ill to travel to the United States, England, or Palestine from where he had received a number of invitations.<sup>121</sup>

Meanwhile, Kahle was very concerned about Weinberg's situation and wrote to a colleague at the University of Giessen on January 25, 1939. He asked if the university could help Weinberg in finding a new position by granting him some certificate which showed what he had achieved in 1923 towards a doctorate. The university refused this request.<sup>122</sup> A few weeks after Kahle's letter, Weinberg was ordered by the Gestapo to leave Germany immediately.<sup>123</sup> "They did not give me permission to take one book or garment or any other article. It was only with the clothes on my back that I left the city accompanied by one of my students."<sup>124</sup> Probably regretting his earlier opposition to moving the Seminary to Palestine, Weinberg asked Esriel Hildesheimer, who was preparing to emigrate there, to contact him if there was a possibility to reestablish the institution in the Holy Land.<sup>125</sup> Luckily, Weinberg had previously given his student Eliezer

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<sup>120</sup> See *Yad Shaul*, p. 8; "Mikhtavim me-ha-Rav Y. Y. Weinberg ZT"L," p. 7. For an appeal to the Hebrew University to accept students, see Appendix, Seminary-Schocken. See also Rakeffet-Rothkoff, *Bernard Revel*, p. 209, where a December 22, 1938 letter from Revel is quoted as follows: "The faculty of the famous and historic Hildesheimer Rabbinical Seminary in Berlin, which the German government closed and disbanded, has turned to us, urging that we take in some members of its faculty, eminent scholars and sages of the Torah, and especially the best of their senior students."

<sup>121</sup> *Yad Shaul*, p. 8, Letter to Paul Kahle, dated February 10, 1949.

<sup>122</sup> Information in the University of Giessen Archives. Shortly following this Kahle and his family were forced to flee Germany. The chilling story of their escape is told in a small, undated, and privately printed book by Kahle's wife Marie, entitled *What Would You Have Done?* Weinberg was deeply affected by this book; letter to Paul Kahle, dated March 23, 1947. I thank Kahle's son, Fr. William Kahle of London, for providing me with a copy of the book.

<sup>123</sup> SE 1, p. 1. In his letter from December 27, 1938 ("Mikhtavim me-ha-Rav Y. Y. Weinberg ZT"L," p. 7), Weinberg mentions that he was ordered to leave the country within four weeks, but that he was able to extend the order until three months. Similarly, in his letter from January 15, 1939 (*Ha-Maayan* 33 [5753], p. 38), he mentions that he has to leave Germany within a few weeks. Since we know that Weinberg's expulsion from Germany completely surprised him, one must assume that either the original expulsion order was cancelled, or that Weinberg was suddenly ordered to leave Germany prior to the date he had been given.

<sup>124</sup> In *Yad Shaul*, p. 8, he writes that he was accompanied by two students.

Berkovits, who had recently left Germany, a number of his responsa to take out of the country. It is these writings which make up a significant portion of his later published *Seridei Esh*.<sup>126</sup> However, many writings were left in Berlin. Among his works known to have been lost include a great number of responsa and Talmudic novellae, his doctoral dissertation, as well as three books prepared for publication.<sup>127</sup> This is in addition to the many books he owned and whose loss he would forever mourn.<sup>128</sup>

In ill health, Weinberg first went to Kovno where he was treated by doctors who suggested that he travel to Paris to seek further treatment. However, it was impossible for him to do so since the German consul in Kovno refused to give him a transit visa. He was forced to remain in Kovno a few more months until at the the beginning of August he traveled to Warsaw in order to consult with doctors there. We know that his mood at this time was one of total hopelessness. He now believed that Hitler was intent on destroying all of Jewry and that even those in Palestine would not be safe. After having been in Warsaw only a few weeks, Germany invaded Poland on September 1 and World War II had begun.<sup>129</sup>

During the first year of his stay in Warsaw, Weinberg was very ill and often unable to speak or read. In the second year, his health began to improve and it was during this time that the ghetto was formed (October 2, 1940).<sup>130</sup> Weinberg, however, was more

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<sup>125</sup> Interview with Esriel Hildesheimer.

<sup>126</sup> SE 1, pp. 1, 179; letters to Paul Kahle, dated March 23, 1947, February 10, 1949.

<sup>127</sup> See SE 1, p. 179, and his letter in *Ha-Ne'eman* (Nisan-Elul, 5743), p. 52.

<sup>128</sup> See SE 3:71. This responsum is addressed to Moses Rebhun of Haifa, who had been a student at the Seminary in the years before its closing. When he left Germany, he managed to bring out some books belonging to the Seminary library and he inquired from Weinberg whether he could keep them. Weinberg answers that he must return the books, but if the former members of the faculty and governing board decide to give Rebhun some of them as a present, then Weinberg would also agree to this.

<sup>129</sup> SE 2, p. 64; *Yad Shaul*, p. 8; Warhaftig, *Palit u-Sarid Bimei ha-Shoah*, p. 345; letter to Paul Kahle, dated March 23, 1947.

<sup>130</sup> See SE 2, p. 64.

fortunate than most Jews in the ghetto. Since Lithuania had been taken over by the Soviet Union, he was now a Soviet citizen. As long as Germany and the Soviet Union were at peace, Weinberg was in a protected position and was not subjected to many of the hardships of the other ghetto residents. A notice marking him as a Soviet citizen was even put on his clothes and the door of his house.<sup>131</sup> Presumably, this explains why as late as February, 1941, Weinberg was given permission to travel to the Soviet consulate in Koenigsberg to be issued a new passport.<sup>132</sup>

With Weinberg's health having improved, he was able to devote much of his time to communal matters. He was elected president of two rabbinic organizations, the Agudat ha-Rabbanim of Warsaw and the larger Agudat ha-Rabbanim of Poland, as well as president of the supreme rabbinic court of Poland. He also served at the head of a committee designed to assist rabbis and yeshivah students. Here he worked closely with the "Joint" and the renowned martyr Rabbi Menahem Zemba in distributing the money and care packages which arrived in Warsaw. From the ghetto, Weinberg sent letters to friends in numerous countries requesting money, care packages, religious articles, and assistance in arranging for the emigration of rabbis and yeshivah students.<sup>133</sup>

Weinberg also began to edit a volume of halakhic writings from the leading rabbis in Warsaw which was to be secretly published.<sup>134</sup> This publication was to be in remembrance of the "great miracle" that he had succeeded in secretly traveling out of the ghetto.<sup>135</sup> It also was to be in honor of the marriage in Montreux, Switzerland of one of his

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<sup>131</sup> *Yad Shaul*, pp. 11-12.

<sup>132</sup> The passport is currently in the possession of Abraham Weingort in Jerusalem. It is stated in the passport that Weinberg's picture and signature were authenticated by the consul and secretary in Koenigsberg.

<sup>133</sup> *Yad Shaul*, pp. 10-12; SE 2, pp. 64-65; Weinberg's letter from the Ghetto published in *Bitaron Bar Ilan* (Summer, 1974), p. 22; Appendix, Weinberg-Ginzberg, Weinberg-Weingort #1-3; M. Levinson-Lavi's letter in *Bitaron* 8 (1943), p. 278.

<sup>134</sup> Incidentally, one of these rabbis was Yehiel Meir Blumenfeld; see above, pp. 147-148.

most dear pupils, Saul Weingort. What was significant about this volume was that every one of the contributions was to be on the same halakhic theme. The book would have provided a good illustration of the various Talmudic methodologies. Unfortunately, events surrounding the outbreak of war with the Soviet Union (June 22, 1941) made publication impossible and the manuscript was lost.<sup>136</sup>

In recalling the cruelty and torture which were commonplace in the ghetto, Weinberg writes:

One can cannot describe what happened within the walls of the ghetto. There the German beast showed itself with all its ferocity, violence, and cruelty never seen or heard since the heavens and earth have been created. . . . May I not live to see the consolation of Zion if I have not seen men, women, and children thrown to the ground and trampled by people fleeing for fear of death, or persons having collapsed from hunger and cold and murderous blows. They lay on the ground helplessly and breathed their last with no one to bring them to burial. . . . It was a daily occurrence for German soldiers and officers to roam the streets equipped with iron bars and knock down everyone who came their way.<sup>137</sup>

As to the accusations of the "heroes of the pen" that the Jews did not rise up against their tormenters, Weinberg asserts that these writers do not understand the Nazis' diabolical methods. These methods proceeded gradually, "until at the end not men but shadows were left;" shadows who were full of despair and had one desire -- to give up their lives soon.<sup>138</sup>

In 1941, Hillel Seidman personally witnessed Weinberg's involvement in the following event. It was a Sabbath and Weinberg was returning from prayers when he saw a Jew lying on the sidewalk, not having any strength to get up and ignored by all passers-by. Weinberg quickly grabbed some money from his apartment. Returning to where the

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<sup>135</sup> Weinberg does not elaborate on this event.

<sup>136</sup> *Yad Shaul*, p. 11; SE 2, p. 65; "Mikhtavim me-ha-Rav Y. Y. Weinberg," p. 8.

<sup>137</sup> *Yad Shaul*, pp. 8-9. This translation is taken from Zimmels, *The Echo of the Nazi Holocaust in Rabbinic Literature*, p. 124.

<sup>138</sup> *Yad Shaul*, p. 9.

man lay, he stood in the center of the sidewalk, refusing to allow anyone to pass and demanding that they help him bring the man to a doctor.<sup>139</sup>

With the outbreak of war between Germany and the Soviet Union, Weinberg no longer had any privileged status. He was immediately incarcerated in the infamous Pawiak prison where he remained for two weeks.<sup>140</sup> After this time he was placed in a prison reserved for Soviet citizens where the conditions were better than those at Pawiak. He was able to resume correspondence with friends in neutral countries and continued to supervise the distribution of care packages which arrived in the ghetto.<sup>141</sup> In one letter, dated September 26, 1941, he writes that he expects to be released soon.<sup>142</sup> However, on October 12, 1941, he was transferred to a detention camp reserved for foreign civilians, and later for Russian prisoners of war, in the Bavarian fortress of Wülzburg, near Weissenburg.<sup>143</sup>

The fact that Weinberg was removed from the Warsaw ghetto and sent to a detention camp in Germany where, according to his own testimony in his claim for compensation, he was not mistreated, has always aroused curiosity and suspicion. There are many who are convinced that Weinberg must have had an influential friend who was able to secure such special treatment for him. Yet without any explicit evidence, or testimony from Weinberg in this regard, there are no grounds for such an assumption. A

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<sup>139</sup> "Ha-Gaon R. Yehiel Ya'akov Weinberg ZT"l be-Ghetto Warsaw," *Ha-Pardes* (February, 1967), p. 37.

<sup>140</sup> Regarding Pawiak, with special reference to the famous Hotel Polski incident, see the recollections in Abraham Shulman, *The Case of Hotel Polski* (New York, 1981).

<sup>141</sup> See the letters published in *Biton Bar Ilan*, (Summer, 1974), p. 22.

<sup>142</sup> *Ibid.*

<sup>143</sup> Information contained in Weinberg's claim for compensation as a victim of Nazi war crimes, Bayerisches Landesentschädigungsamt, Munich. By October, 1942 all other nationalities had been removed and there were 375 Russian inmates in the camp; Bundesarchiv-Militärarchiv, Freiburg, RW6/v. 450-453. Although Weinberg's whereabouts were never a secret, during the war rumors reached London that he had lost his mind and was confined to a hospital in Kovno. See Ze'ev Werba, "Akhsanyah shel Torah She-Harvah," *Bitaron* 7 (1943), p. 373.

more likely explanation for Weinberg's treatment is that the Nazis, regarding him as perhaps the most important rabbi in the ghetto and assuming he would be important to the Soviets, transferred him to Wülzberg in order to trade him for German citizens held captive in the Soviet Union.<sup>144</sup> This was the function of the numerous foreign citizens held at the camp and there is no reason to believe Weinberg's role was to be any different. After the decision to implement the Final Solution, Weinberg, the isolated Jew living together with Russian prisoners of war, was presumably overlooked by the SS who had more pressing matters on their hands. The only explanation Weinberg himself could give as to why he was miraculously saved was to ascribe it to his not having been worthy enough to die for God's name.<sup>145</sup>

Weinberg remained in Wülzberg until April, 1945. After being freed by American troops, he was brought to Weissenberg where Jewish soldiers cared for him. At this time he had no knowledge of the Holocaust which wiped out his entire family with the exception of one sister. When he was asked where he intended to go now that he had been freed, he replied Warsaw or Kovno, not knowing that there was nothing to return to.<sup>146</sup> When he learned what had occurred during the war, the shock was too much to bear and his health took another turn for the worse. He was brought to a hospital in nearby Nuremberg where he would stay for nine months.<sup>147</sup>

It wasn't long before word got out about the distinguished patient in Nuremberg and Weinberg was fortunate to have many visitors, among them old friends. Hermann Dicker recalls visiting Weinberg in the hospital and all Weinberg could talk about was the

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<sup>144</sup> This explanation, which I believe is correct, was suggested to me by Hillel Seidman, former archives director of the Warsaw Judentrat.

<sup>145</sup> SE 1, p. 1.

<sup>146</sup> Atlas, "Ha-Gaon Rabbi Yehiel Jacob Weinberg ZT"L: Kavim li-Demuto." p. 289.

<sup>147</sup> *Yad Shaul*, p. 13; Weinberg's letter to Zvi Matheson, dated November 17, 1952..

fate of the Seminary and its library.<sup>148</sup> Warhaftig reports that Weinberg even made plans to return to Berlin to search for his books.<sup>149</sup> It was Dicker who informed the "Joint" of Weinberg's condition<sup>150</sup> and Weinberg himself attempted to contact Samuel Atlas, Abraham Joshua Heschel, Joseph B. Soloveitchik, and other friends to ask for their assistance.<sup>151</sup> At the same time, Saul Weingort of Montreux, Switzerland, who throughout the war had been heavily involved with rescue efforts, was also desperately trying to help Weinberg.<sup>152</sup> On June 18, 1945, the following telegram was sent from Montreux to the Chief Rabbinate of England and Palestine.

Just Received Message, Dr. Yechiel Weinberg Former Rector of Rabbi Hildesheimer Seminary Berlin Liberated Camp Weisenburg, Bavaria Stop Procure Immediately Palestine Certificate To Avoid His Repatriation To Russia.<sup>153</sup>

Whether there was any real possibility that Weinberg could be sent to the Soviet Union never became known, because Weingort, after giving assurances that he would be responsible for Weinberg's maintenance, was able to obtain the Swiss government's approval for Weinberg to come stay with him. With his health having improved, Weinberg was finally able to leave German soil. In June, 1946 he journeyed to Montreux, a beautiful and peaceful town on the shores of Lac Lemman where he hoped to find solace.<sup>154</sup>

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<sup>148</sup> See his review in *Judaism* 27 (1978) p. 491.

<sup>149</sup> *Palit u-Sarid Bimei ha-Shoah*, p. 346.

<sup>150</sup> Interview with Dicker.

<sup>151</sup> Warhaftig, *Palit u-Sarid Bimei ha-Shoah*, p. 346.

<sup>152</sup> *Yad Shaul*, p. 13.

<sup>153</sup> Joseph Friedenson and David Kranzler, *Heroine of Rescue* (Brooklyn, 1984), p. 230.

<sup>154</sup> *Ibid.*, p. 231; information contained in Weinberg's claim for compensation. In the spring of 1946, Weinberg was already well enough to travel to Fürth, where he spent the Passover holiday (interview with Hillel Seidman who was also in Fürth at this time).

## VII

### Post-War Years<sup>1</sup>

With his world destroyed, the great question before Weinberg was what to do now. He regarded Montreux, with its small yeshivah and Jewish community numbering under one hundred, as only a temporary stop before journeying to a major center of Jewish life. Because of his great renown he received many invitations and could have settled in the United States, France, England, or Israel. Although he always expressed a desire to leave Montreux, he was to remain there until the end of his life. Even his lifelong dream of living in, or even visiting, Israel was never to come to fruition. It was during the years in Montreux that Weinberg, who before the war led a public life, reverted to a very private role. What brought about this transformation?

As mentioned in the previous chapter, it was Weinberg's student, Saul Weingort, who was responsible for his teacher's maintenance and enabled him to take advantage of the pleasant atmosphere of Montreux in order to complete his recuperation. Yet the calm did not last long, for on September 18, 1946, tragedy struck when Weingort was killed in a train accident.<sup>2</sup> After the shock of Weingort's death had passed, Weinberg once again began to reconstruct his life. Upon acquiring the necessary books,<sup>3</sup> he could return to his Talmudic studies and the writing of responsa, which despite all other interests always

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<sup>1</sup> This chapter is based, in part, on a large number of Weinberg's unpublished letters, currently in my possession. When I refer to a particular letter, I provide the date and addressee. When, however, I am using information which appears in more than one letter, I have not identified them individually. All of these letters will appear in the volume of Weinberg's correspondence which I am editing. I should note that, in seeking to understand Weinberg's thought during this period, I have relied a good deal upon his extensive correspondence with his youthful friend and confidant, Samuel Atlas. Although their career paths had diverged drastically, with Atlas becoming professor at the Reform Hebrew Union College, they remained very close. While it is true that one must take into account Atlas' own character in evaluating Weinberg's letters to him, and this can perhaps explain certain emphases which appear here and not elsewhere, these letters are an invaluable source. Only here does Weinberg feel comfortable enough to reveal his innermost thoughts, feelings, and frustrations.

<sup>2</sup> See Weinberg's essay in memory of Weingort, *Yad Shaul*, pp. 3-19.

<sup>3</sup> Many of Weinberg's letters in the first years after the war contain requests for books.

remained the central focus of his life.<sup>4</sup> Such activity was, however, more difficult than in the years before the war. As he mentions in a number of letters, his memory was not what it used to be<sup>5</sup> and he was continuously afflicted by a variety of maladies.

It was only a short while before Weinberg assumed his position as one of the world's preeminent halakhic decisors, whose expertise was sought out even by Chief Rabbi Isaac Herzog of Israel.<sup>6</sup> Although in the years before the war his influence was limited to Germany, in the post-war years this influence was now international in scope. This was due to a few factors. First, the destruction of the Holocaust meant that there were very few world-class halakhists left. As such Weinberg was able to fill a void. Second, his many students were now scattered throughout the world and they carried his reputation with them.<sup>7</sup> By addressing their questions to Weinberg they enabled him to influence events around the globe. Third, as time went on the segment of Orthodoxy characterized by an openness to modern society, formerly centered in Germany but now scattered throughout the world, began to regard Weinberg as the halakhist eminently suited to rule on those issues which related to the special social circumstances of this community.

From Montreux Weinberg also resumed his correspondence with students, friends, and colleagues, producing many hundreds of letters a year, most of which have been lost to posterity. Although at first his monetary situation was somewhat difficult, he soon received a large grant of compensation from Germany.<sup>8</sup> With this money he no longer needed to

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<sup>4</sup> See e. g. SE 3, p. 256.

<sup>5</sup> In SE 2, p. 68, Weinberg writes that his memory loss is so bad that at times he cannot remember blessings or prayers. Similar comments are found in his letter to R. Mordekhai Gifter, dated April 24, 1961.

<sup>6</sup> See e. g. SE 3: 25.

<sup>7</sup> Weinberg took great pride in these students. In his letter to Joseph Apfel, dated June 25, 1948, he writes: יש לי ביה תלמידים רבים . . . הם הראשונים והמנהיגים בין במזרחי ובין באגודת ישראל, וכלם מקדשים שיש ברבים. וזה חלקי מצל צמלי, השמחה בתלמידי שהם מפארים שם ישראל ותורתו ואמונתו בצולם. See also SE 1, p. 3.

<sup>8</sup> This information has been confirmed by a number of people who knew Weinberg well.

seek out remunerative employment and was able to spend all his time in study and writing. However, being far from any research libraries, it was very difficult for him to engage in serious academic study.<sup>9</sup>

Despite the many physical comforts provided in Montreux, Weinberg was never happy there, often complaining in his letters about his sense of isolation. This was only natural, for having been the rector of an important rabbinical institution he had now been reduced to a private citizen in a small town, in which there were very few people with whom he had anything in common. Although his home was to become a pilgrimage site for friends, students, and admirers of all Jewish religious persuasions, this clearly did not satisfy him. His saying, "there is no one here with whom I can carry on a conversation," is commonplace in his letters. He also notes that the interests of the teachers at the local yeshivah were narrowly confined to Talmudic matters, not enough to satisfy him.

It was this feeling which explains the steps he took to secure positions in other countries. Yet there is no doubt that Weinberg's efforts were half-hearted, and despite numerous offers, such as appointment to the London Beth Din, the Paris Beth Din, Professor of Talmud at Bar Ilan University, rector of a new rabbinical seminary in Jerusalem, and director of the *Ozar ha-Poskim* project in Jerusalem, he chose to remain in Montreux.

It was here that Weinberg felt able to preserve a semblance of what life was like before the war, that is, a life which combined Torah, Western civilization, and academic Jewish studies. The Hirschian synthesis, the popularity of which had plummeted even further in the years after the war, was still an option in Montreux. Weinberg believed that he would have been out of place anywhere else, for he would have had to commit himself to a certain philosophy. This was especially true with regard to Israel. As he saw it, by becoming a professor at Bar Ilan or a lecturer at a yeshivah, he would have been forced to

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<sup>9</sup> Weinberg mentions this in his letter to Paul Kahle, dated February 10, 1949.

make a choice -- either the academic world or the traditional yeshivah world. Whichever choice he made would have required him to sever his ties with the other, for he believed that there was little possibility of straddling the two. The right-wing Orthodox, who viewed academic Jewish studies as nothing less than sacreligious, would not have accepted him had he joined the university community. On the other hand, the academic world would have regarded him as an obscurantist if he cast his lot with the right-wing yeshivot. Similarly, had he moved to Israel he would not have been able to express his Zionist sympathies without risking alienation from the right-wing Orthodox community, the community of so many of his colleagues and youthful friends. Such was Weinberg's evaluation of the sociological realities of post-war Orthodoxy. Only by remaining in Montreux could he live the life he had in Berlin, where it was all so natural. Only in Montreux was Weinberg able to command the respect of right-wing circles through his great Torah knowledge, and at the same time to continue his commitment to *Torah im Derekh Eretz*, academic Jewish scholarship, and the rebuilding of the Land of Israel.<sup>10</sup>

The changes which occurred in the Orthodox Jewish world in the post-war years were to provide a continuous source of disappointment for Weinberg. Together with the eclipsing of the German Orthodox philosophy, an extreme Orthodoxy, which opposed all secular studies, had taken its place. Most irritating to him was the fact that this new extremism was able to influence Rabbinical Seminary graduates to distance themselves from both the philosophy of their earlier years and the institution where they received their rabbinical training.<sup>11</sup> Faced with this rising opposition to the ideals of German Orthodoxy,

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<sup>10</sup> In his letter to Samuel Atlas, dated July 12, 1956, he writes as follows:  
 אני ירא לפלות לא"י. שם יש פולמות שונים שמבטלים זאיז ושונאיז זאיז, ואני שורה בשני פולמות ובמי עלי לבחור בבואי שמה? וסו"ס אה"י מוכרח להתבודד שמה. ולכן טובה לי הבדידות במדבר שומם מאשר להיות בודד בפולם טואן ורוצש. See also Yitzhak Rafael, *Lo Zakhiti ba-Or min ha-Hefker* (Jerusalem, 1981), p. 344, where Weinberg's comments regarding his Zionist sympathies are quoted.

<sup>11</sup> These themes recur in a number of unpublished letters. See also his letters in *Ha-Ma'ayan* 6 (Tammuz, 5726), p. 66, *ibid.* 32 (Tammuz, 5752), pp. 16-17; and cf. Breuer, "Agudat Yisrael ve-ha-Ortodoksyah ha-Ma'aravit."

Weinberg thought it necessary to declare: "It is important to establish for coming generations, that among the German rabbis were pious and outstanding men. If they had been in other countries great numbers would have pursued them to benefit from their Torah knowledge and fear of God."<sup>12</sup>

Weinberg believed that while religious extremism was always dangerous, this was now even more the case, for in it threatened to cripple positive religious development in the newly created State of Israel. Extremist Orthodoxy would never be able to present an alternative to the secular vision and would prevent Orthodox Judaism itself from experiencing a rebirth. For those religious figures who paid little regard to Zionism and the State of Israel, such considerations were not of great importance. However, Weinberg regarded the establishment of the State as an event of unparalleled importance. It marked the beginning of the great renewal of the Jewish people and was the inauguration of the Messianic process which would find its fulfillment in complete redemption. In one letter he confesses that it is only due to the glory of the State that he finds the strength to go on.<sup>13</sup>

As with many, Weinberg expected a great spiritual awakening to accompany the rise of the State. This explains why it was so important to check the extremist trends before their negative influence nipped this awakening in the bud. After this spiritual awakening it would be possible to think about a revival of the Sanhedrin. Yet as Weinberg explains in a letter to Chief Rabbi Herzog, this step was still premature since the Jewish people, even in Israel, had not yet emancipated themselves from the Diaspora mentality.<sup>14</sup>

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<sup>12</sup> SE 2, p. 53 in the note.

<sup>13</sup> For published material see *Das Volk der Religion*, p. 80, SE 2, p. 186, SE 4, p. 379, "In dervartung fun a groyser geystiker aliye" *Undzer Veg*, December 1, 1950, "Tarbut Yehudit ve-Tarbut Elilit," *Ha-Pardes* (January, 1952), pp. 33-35, *ibid.* (April, 1966), p. 5; "Cette maison doit devenir une forteresse de la Torah pour tous les Juifs de la Diaspora," *Trait d'Union* (September, 1959), pp. 5-6; *Ha-Ne'eman* (Nisan-Elul, 5743), p. 52. In his letter to Samuel Atlas, dated August 4, 1948, Weinberg writes: האם קראת מאמרי על הרצל? שם מדבר אני ג"כ על גבורתם וקדושתם של גבורי ישראל בא"י -- הנחמה האחת בשבילי. See also SE 4, p. 375, where he writes that the Land of Israel has become sanctified through the blood of Jewish soldiers. In *Das Volk der Religion*, p. 83, he refers to Israel's soldiers as "grandchildren of the Maccabees" and members of "the national Bar Kokhba army."

Weinberg leaves this last point unexplained, adding a cryptic "this is enough for the wise [to understand]." However, there is no doubt that he has in mind the reluctance of the right-wing Orthodox to confront the new realities. Instead, they continued living as if nothing had changed, as if Jewish sovereignty over their land was of no great theological or halakhic significance. Similarly, the right-wing continued its rejection of secular studies, illustrated most vividly by its opposition to the creation of Bar Ilan University, even though it was obvious that secular studies were a necessity in the modern world.<sup>15</sup> This rejection of secular studies was nothing less than a hopeless wish "to turn back the wheels of history."<sup>16</sup> As Weinberg explains in his letters, it is impossible to have a country without a university, so shouldn't the Orthodox also assume the role of training engineers, scientists and other professionals? Furthermore, only one who lacks all sense can believe that Israel will be able to rely on Gentile doctors or doctors who have been trained in the Diaspora, which would be the case if the right-wing Orthodox were able to ban the use of cadavers at the university.<sup>17</sup>

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<sup>14</sup> See *Ha-Ma'ayan* 32 (Tammuz, 5752), p. 10.

<sup>15</sup> See "Undzer khinukh," *Undzer Veg*, April 6, 1951, p. 2. In this article, Weinberg also mentions the need for young people to participate in sports in order to strengthen the body. However, unlike Kook's advocacy in *Orot*, Weinberg is not presenting a theological justification.

<sup>16</sup> Weinberg's letter to Pinhas Biberfeld, dated April 8, 1959.

<sup>17</sup> "Nittuhei Metim bi-Medinat Yisrael," *Tehumin* 12 (1991), p. 384, *Ha-Pardes* (May, 1966), p. 38. The latter source is a letter from Weinberg to R. Simhah Elberg, a spokesman of right-wing Orthodoxy. In this letter, Weinberg expresses his fear that the university might have a negative impact upon the great yeshivot (à la Dessler, *Mikhtav me-Eliyahu*, vol. 3, pp. 355-358). However, after taking into account everything else we know about Weinberg's views during this period, it is hardly likely that this represents his true feeling. Indeed, the second half of the letter entirely disregards this fear. It would appear that Weinberg's opening words of worry are only intended to establish a common language with his correspondent, after which Weinberg can explain why it is essential to open an Orthodox university. See similarly his letter to Elberg in *Ha-Pardes* (April, 1966), p. 5, where Weinberg expresses his regret at studying for a doctorate. However, once again, this short letter is contradicted by so much else we know about Weinberg's thinking that it certainly does not require us to reevaluate his views. At best, this letter reflects a fleeting sentiment, but more likely it is tactfully formulated so as to appeal to Elberg's own sensibilities, which is a trait also seen in other letters of Weinberg to Elberg. See similarly Weinberg's assertion, SE 2, p. 53, that German rabbis did not value the title "Dr." and only used it when dealing with the government and in their battle against Reform. The fact is, as Weinberg was well aware, that in private vernacular correspondence German rabbis would never omit the title. It is sometimes also used in their Hebrew correspondence. The short note in which Weinberg includes this assertion is dedicated to praising, and perhaps even shoring up the

Opposition to secular studies in general, and a university in particular, showed Weinberg that the right-wing was not yet ready to assume the responsibilities of life in a sovereign state. They were not yet ready to create a "Torah of life" which would put its imprint on society as a whole. They were instead content to occupy a small corner of Jewish life in Israel, a new type of ghetto isolated from the challenges of modernity, rather than striving to assume spiritual leadership in the new state. It was thus obvious to Weinberg that the more weighty question of creation of a Sanhedrin, and the parameters of its authority, would have to be put off until the more basic problems affecting Orthodox Judaism were solved.

Weinberg's own vision of how Orthodox society should develop is seen in his description of the Berlin Rabbinical Seminary which was published in 1961.<sup>18</sup> As he puts it, the Rabbinical Seminary imparted the lesson that, despite their central importance, it was not enough for students to study the laws of *kashrut* and of purity and impurity. Rather, the students' mission, in accordance with the *Torah im Derekh Eretz* vision of Hirsch, was to enable Judaism to become a decisive spiritual force for humanity. These students were to provide answers to the problems of morality and social justice which confront modern society. They were also to show the emptiness of those aspects of general culture which must be rejected by all faithful Jews. Since only those who understand a civilization are able to affect it, it was imperative that they be acquainted with all fields of modern thought and culture. This would enable them to influence the new generation, which was growing

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legitimacy of, German rabbis in the eyes of the increasingly popular right-wing Orthodox. In this context, it is obvious why Weinberg felt the need to downplay one of the characteristics of German Orthodoxy. For another letter negating the significance of secular studies, written before the war to a Hungarian rabbi who had argued that it was forbidden to offer a sermon in German, see SE 2, p. 364. Once again, in order to appreciate this letter one must not forget to whom it is addressed. Unlike others who have noted such contradictions in Weinberg and explained them by arguing that he was not a harmonious personality (e. g., Moshe Stern, "Ish ha-Eshkolot," *Deot* 31 [1967], p. 23), I disagree with this interpretation. While it is true that in his early life there was much tension in his personality, in the post-war years there was no such lack of harmony. Indeed, from the 1920's until his death, Weinberg's *Weltanschauung* was not subject to any significant vacillations or transformations.

<sup>18</sup> SE 1, Introduction.

up completely integrated into modern society.<sup>19</sup> It is this approach which Weinberg finds sadly lacking in his era and once again we see his commitment to a vision of Judaism which is inclusive, as opposed to the yeshivah vision articulated by Dessler, which is elitist.<sup>20</sup>

Always discreet, it is only in Weinberg's private letters that we get a true glimpse of his pessimistic assessment of the times in which he lived and the failure of Orthodox leadership to respond adequately. While in a published responsum he does speak of the inability of East European Orthodoxy, as opposed to German Orthodoxy, to provide an appealing form of Judaism for the young generation,<sup>21</sup> in his private letters he is more strident. Here he blasts the "blindness" found in this community which, because of its ideology and stringent halakhic rulings, prevents Orthodoxy from having a wide appeal and producing rabbis who can meet the modern challenge, a challenge which was successfully met by the Rabbinical Seminary.<sup>22</sup> "I know that extremism has assumed a position of strength in contemporary Orthodoxy," exclaims Weinberg in private letter, "yet in the same measure it has lost its influence on other circles [i.e. the non-Orthodox]. I am concerned with strengthening the religion and not with what those who have pretenses of being its defender shall say."<sup>23</sup> The only way to strengthen the religion and stop the trend towards apathy and assimilation, declares Weinberg in another letter, is by spreading the ideology of German Orthodoxy.<sup>24</sup>

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<sup>19</sup> See also Weinberg's letters in *Ha-Ma'ayan* 6 (Tammuz 5726), p. 66, *ibid.* 32 (Tammuz, 5752), p. 19.

<sup>20</sup> See above, pp. 35-36.

<sup>21</sup> SE 2:8.

<sup>22</sup> In his letter to Moses Shulvass, dated April 12, 1957, Weinberg writes:  
 כבודו קיצר מאד במקום שבו מפריזים ומגזימים על ישיבות קטנות, ובית מדרשנו  
 הלא הוציא אנשים גדולים ומפורסמים שצמדו בראשי קהלות ומוסדות גדולים,  
 וכמציט כל מנהיגי היהדות הדתית הם מיוצאי בית מדרשנו. (He is referring to Shulvass'  
 article on the Seminary which appeared in *Mosdot Torah be-Eiropah*.)

<sup>23</sup> Weinberg's letter to Joseph Apfel, dated February 23, 1951.

For Weinberg, much of contemporary Orthodox Judaism was imbued with hypocrisy and extremism, masking as religiosity. This extremism had the power to silence those who wished to speak out against the form of Judaism propagated by, among others, "unimportant Hasidic rebbes."<sup>25</sup> Salanter had stressed the need for ethical conduct to be combined with strict punctiliousness in Jewish law, and in one of his early essays Weinberg naively claimed that in days past all who were punctilious about observance of the commandments were, in fact, possessed of religiosity.<sup>26</sup> However, Weinberg now realized that this was not the case. In the post-war generation he discerned strictness in ritual matters but blatant disregard for ethical conduct and etiquette -- the surest way to drive the young generation away from Judaism. So affected by this phenomenon, Weinberg asserts that prostration is required at the graves of the *maskilim*, the hated *maskilim* of old, for it was precisely they who earlier took up the fight against religious hypocrisy and the accentuation of ritual at the expense of the ethical.<sup>27</sup>

Sometimes, in his anger, Weinberg is driven to extremes, such as when he pours scorn on those Orthodox who oppose academic Jewish studies, even though he himself admits that these studies should not be publicized beyond a small circle. He further attacks the right-wing for encouraging hatred of Gentiles. However, Weinberg realizes that matters are more complicated than this, and the right-wing is merely reflecting what appears in ancient sources. It is these very sources which lead him to assert that Judaism hates Christianity more than the reverse. He also questions whether Jews themselves share part of the blame for anti-Semitism, because of the way they treat the non-Jewish world. To illustrate this, he points to Talmudic laws which discriminate against Gentiles, and which in

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<sup>24</sup> *Ha-Ma'ayan* 32 (Tammuz, 5752), p. 19

<sup>25</sup> האדמו"רים הקטנים שאין להם בצולחם ולא כלום. See Weinberg's letter in Mordekhai Eliav and Yitzhak Rafael, eds., *Sefer Shragai* (Jerusalem, 1981), p. 275.

<sup>26</sup> *Li-Frakim*, p. 374 (148)

<sup>27</sup> Weinberg's letter in *Sefer Shragai*, p. 275.

his earlier years he was at pains to justify.<sup>28</sup> He now admits that these laws, which greatly trouble him, cannot simply be denied or explained away. Yet Weinberg is only able to raise the problem and share his frustration that he cannot offer any solutions.<sup>29</sup> In a later letter, however, he advocates unqualified acceptance of Meiri's view that the Talmudic anti-Gentile laws are only directed against the idolators of old. The problem with this, Weinberg adds, is that instructors at the right-wing yeshivot, while mouthing agreement with Meiri, quietly inform their students that this approach is only to be used for apologetic purposes, but does not truly reflect Jewish teaching.<sup>30</sup>

Similar pessimistic appraisals of the modern manifestations of Judaism appear throughout Weinberg's private letters, and one reading them can have no doubt that he is confronted with a man full of bitterness at not getting what he deserved and eternally suspicious of other's intentions. Charges of dishonest dealings and plagiarism abound in these letters and Weinberg sees enemies at almost every corner.<sup>31</sup> In a manner which strikes one as almost anti-Semitic, Weinberg berates the Jewish people for the fraudulence and hypocrisy found within it, the likes of which are not found in any other nation.

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<sup>28</sup> See above, pp. 64-65.

<sup>29</sup> See Appendix, Weinberg-Atlas. As an example of anti-Gentile discrimination which so irks Weinberg, he points to Rabbenu Tam's view that sex with a gentile does not render a woman forbidden to her husband: בהמה כביאת (Tosafot, *Ketuvot* 3b s. v. *ve-Lidrosh*). However, he is willing to make use of Rabbenu Tam's view in order to allow a woman who committed adultery with a Gentile to remain with her husband! See his responsum in R. Isser Yehudah Unterman, *Shevet mi-Yehudah* (Jerusalem, 1992), pp. 264-265. Cf. *Gilyon* (Heshvan, 5754), p. 25, where Gerald Blidstein recalls the following conversation with Rabbi Joseph B. Soloveitchik:

אני זוכר שבארץ היתה בעיה קונקרטיית האם מצילים גוי בשבת. ערב אחד באותה עת שהיתי עם הרב, והוא אמר: ראה, אני בבוסטון שנים רבות מתיר תמיד לחלל שבת כדי להציל חיי נוכרים, מכיוון שאם אנחנו לא נתיר זאת, הם לא יטפלו בחולים שלנו. שאלתי האם הנימוק שהוא כותן מספק אותנו מבחינה מוסרית, והוא ענה: לא, הוא לא מספק אותי מבחינה מוסרית.

<sup>30</sup> Letter to Samuel Atlas, dated October 25, 1964: מוכרחים להכריז בצורה חגיגית ורשמית אבל המלמדים והרמייס לוחשים באני שבזמננו אין הדבר כן. המאירי כתב כן, אבל המלמדים והרמייס לוחשים באני התלמידים כי כל זה נכתב בשביל הצנזור.

<sup>31</sup> Among those he accuses of plagiarism include Chaim Heller, Ezekiel Abramsky, Samuel Bialoblotsky, and Hanokh Albeck. See also above, chapter 4, note 57, where I mentioned his suspicions of Alexander Sperber. Since it is so difficult to get a good word out of Weinberg for anyone, those who are praised in his letters must have truly impressed him.

For example, he claims that whereas other nations know how to properly evaluate creativity and scholarship, this is not so with the Jews, who produce more than their share of charlatans who unjustly achieve renown.<sup>32</sup>

As mentioned above, Weinberg realized that the problem of Jews' negative attitude towards other religions was complicated by the fact that this attitude had its basis in the religion's classical sources. For Weinberg, who adopted the view of Meiri, it was essential to show that the views advocated in these sources did not apply under contemporary circumstances. To do otherwise would be to disgrace the Torah. Since modern society had come to see religious tolerance as a basic norm, it was essential that Jewish thought and law also share this advanced point of view. There are a number of other times when Weinberg shows the same concern, asserting that even though certain things are permissible according to Jewish law, since they are not acceptable in contemporary society, they must not be implemented. There is ample precedent for this type of concern in earlier rabbinic literature. Although Weinberg does not cite this source, already the Talmud points out that while a convert, according to biblical law, is permitted to marry his closest relatives, the sages forbade this in order to prevent people from saying that standards of morality are more relaxed after conversion than before.<sup>33</sup> Weinberg's originality is found in the cases to which he applies this logic.

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<sup>32</sup> A good example of Weinberg's thought in this regard is seen in his letter to Samuel Atlas, dated March 2, 1961, parts of which read as follows: ,שלנו לאומית שלנו, ומדה זו גורמת לנו שנאת הצמים. יש מחשבות בלבי שאני ירא להוציאן בפני ומכש"כ להעלותן בכתב. . . . יש לנו גאונים אין מספר. כל משולח הוא גאון וצדיק, וכל בעל דמיון שיודע להלביש את הגיגיו בשפה ספרותית הוא פילוסוף. אלא שהעולם הגדול אינו יודע להעריך אותנו כראוי.

Hints to Weinberg's negative view of Jewish scholarly achievement are also found in his published writings from before the war. See SE 4, p. 112: ומגיהים ללכת ומגיהים את הכתוב והמפורש ובלבד שתהא ומוחקים ככל העולה על לבם ומעקמים את הכתוב והמפורש ובלבד שתהא השערתם מקוימת בידם. נשתכינו מכל אומה ולשונו! (emphasis added). SE 4, p. 136 note 3: מימיו הם שותים ואת שמו אינם מזכירים וכמתוקנים שבאוה אינם עושים (emphasis added). See also his 1953 letter in *Ha-Maor* (July, 1953), p. 19: לא נתנהג כמתוקנים שבהם.

<sup>33</sup> *Yevamot* 22a. See also Maimonides, *Hilkhot Mamrim* 5:11 and *Kesef Mishneh ad loc.*

One example of this tendency of Weinberg concerns a case where a woman's husband died leaving her childless. In accordance with Jewish law she was obligated to participate in the *halitzah* ceremony with her brother-in-law. However, the brother-in-law suffered from a physical deformity which, according to many authorities, invalidated the *halitzah* procedure. In previous generations, scholars, including Grodzinski,<sup>34</sup> had ruled that in order to avoid any halakhic problems, the brother-in-law should sleep with the widow, performing *yibbum*, and then issue her a divorce. However, what was an option in a previous generation was now no longer so. In fact, even to suggest this approach would lead to a "desecration of God's name and degradation of the Torah," because people would view the entire procedure as giving a halakhic imprimatur to immorality. Whereas in a previous generation a scholar such as Grodzinski could advocate the procedure, in the face of modern sensibilities only an "insane" rabbi could offer such a horrendous suggestion.<sup>35</sup>

Similarly, Weinberg refused to consider the various halakhic arguments for and against the "sale" of Israeli land to Gentiles in the Sabbatical year. In his opinion, there was a more important consideration, namely, that such a "sale" would appear to both Jews and Gentiles as if the Orthodox were trying to evade the laws of the Torah. As this would bring disgrace upon the Torah, as well as weaken the Orthodox in their effort expand Torah law in the State of Israel, it must be rejected.<sup>36</sup>

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<sup>34</sup> *She'elot u-Teshuvot Ahiezer*, vol. 3, no. 20.

<sup>35</sup> SE 3, p. 168: מצם ההצעה הוא דבר שאינו נשמע בימינו ובדוה"ז ויכול רק לגרום וד"ל הד"ג זכה לקיים נפש אחת מישראל ולהציל את היהדות מלעג וקלסה ח"ו, וכל מי שעינים לו לראות את המצב הפניני נוגע לפק"ג של אשה צפירה, והיה רב שוטף שהציע ליבם ולגרש אחרי הבטילה. הוצרכתי ללחום נגד רעיון מזוהם זה. השבוי"י והחת"ס ואפילו הגרמ"ע ז"ל נותנים פצה זו, אבל בימינו הוא דבר מבהיל ופלול לפורד סערה. It is unclear whether Weinberg believed that in a Jewish society guided by halakhah and populated only by Orthodox Jews such a suggestion would still be viable. It is possible that, on the contrary, he agreed with a popular modern Orthodox conception that "new moral insights that have been developed in the world affect our Jewish religious practices." See Walter Wurzbeger, "Confronting the Challenge of the Values of Modernity," *Torah u-Madda Journal* 1, p. 111.

We saw above that Weinberg had a very hopeful view of the State of Israel and what could be accomplished there in religious matters. At the same time, he warned against the State and the land assuming exaggerated importance and becoming ends in and of themselves, since they are only to be regarded as means to an end, this end being observance of the Torah.<sup>37</sup> He often stressed, in particular in his letter to Prime Minister David Ben Gurion, that the State's newfound glory would dissipate quickly if it did not recognize its heritage and abandon the bankrupt secularism of its leaders. Although he discounts any desire to have the State institute religious coercion, he argues that in religious matters which concern the nation as a whole, as opposed to the individual, the State must not adopt a neutral role. To do so would be to depart from the basic values of Judaism. Just as every country has certain unshakeable principles upon which it bases its existence, so too the State of Israel must make the Torah its foundation, and this foundation must not be subject to the whims of popular sentiment.<sup>38</sup>

He was similarly outspoken when it came to the issue of Reform Judaism. There is no question that Weinberg had great admiration for a number of Reform rabbis as individuals, praising their honorable intentions and committed work on behalf of the Jewish people. In a private letter he even notes sarcastically that a certain Reform rabbi is a "desecration of God's name," because he demonstrates that one can be a fine and upstanding man without following Jewish law, whereas so many of the Orthodox, who are punctilious with regard to Jewish law, are without basic norms of decency. However, as far as the movement was concerned, Weinberg had nothing but scorn. He urged his

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<sup>36</sup> See his letters in *Ha-Maor* (November, 1953), p. 17, Unterman, *Shevet mi-Yehudah*, p. 265. In *Shevet mi-Yehudah*, *ibid.*, Weinberg also rejects a suggested procedure whereby a marriage could be annulled retroactively: שלא לצשות את דיני התורה לחובא ואטלולא.

<sup>37</sup> See the citation from Weinberg, cited above chapter 4, note 104.

<sup>38</sup> SE 3, p. 258, SE 4, p. 374ff., *Das Volk der Religion*, pp. 89ff.

rabbinic colleagues to publicly reject the validity of Reform Judaism, which he regarded as more akin to Christianity than Judaism.<sup>39</sup>

Although a peaceful approach was almost always advocated by Weinberg, especially when dealing with the less religious, when it came to manifestations of the Reform movement Weinberg counseled "war" as the only way to secure traditional Judaism.<sup>40</sup> Since extreme steps were to be taken in this battle, Weinberg declared that even *ex post facto* halakhically valid Reform conversions must be rejected as a sign of Orthodoxy's determination not to grant any validity to the heretical movement.<sup>41</sup> It is, of course, only to be expected that he refused to allow Reform rabbis to deliver lectures in Orthodox synagogues.<sup>42</sup> He was also very concerned that pulpit rabbis not institute measures which could lead the right-wing Orthodox to accuse them of reformist tendencies.<sup>43</sup> Yet, as I have

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<sup>39</sup> Fuchs, "The 'Hochschule für die Wissenschaft des Judentums' in the Period of Nazi Rule," p. 22; Letter to Samuel Atlas, October 5, 1959; Atlas, "Ha-Gaon Rabbi Yehiel Ya'akov Weinberg ZT"L: Kavim li-Demuto." p. 286; *Ha-Ma'ayan* 34 (Tevet, 5754), p. 13; interview with Professor Alexander Guttman (Weinberg is mentioned in the preface to Guttman's book, *The Struggle over Reform in Rabbinic Literature* [Jerusalem, 1977], p. xii). See also SE 3, p. 42, where Weinberg is concerned that negative gossip not be spread about a Reform rabbi.

<sup>40</sup> SE 3:100: סוף דבר, זו משימה בלתי נצימה כלל, אבל בדורנו זה אי אפשר לקיים את היהדות אלא במלחמה ובצוץ רוח, וישנם גדרים שאין לצבור עליהם בקור רוח.

<sup>41</sup> *Ha-Ma'ayan* 34 (Tevet, 5754), p. 14. See also SE 2:13, "Zur Frage der Bestattung nicht-jüdischer Ehegatten auf einem jüdischen Friedhof," *Jüdische Rundschau Maccabi*, April 29, 1955, pp. 1-2. See, however, Weinberg's letter in *Ha-Ma'ayan* 32 (Tammuz, 5752), p. 13, where he stresses that his battle with Reform is a quiet battle. That some Reform conversions may be valid is also stated by Weinberg in SE 3:100: והנה בגרמניה היי קצת רבנים ליברלים שהקפידו לעשות את הגירות כדין וכדת, קבלת מצוות, טבילה בפני גי' ואפשר שגם הליברלים בצרפת נוהגים כן. זכ"פ יש ספק שמא נצשתה הגירות כד"ת ומחוייבים לקבור אותם בן. Weinberg obviously interprets the Talmudic "acceptance of the commandments," without which no conversion is valid, as something much less than "all the commandments." This view was actually put forth by his student, Eliezer Berkovits, in his *Not in Heaven* (New York, 1983), pp. 108-112. Yet Berkovits does not mention Weinberg in this regard. Finkelstein, in his extremely comprehensive *Ha-Giyur: Halakhah le-Ma'aseh*, also omits mention of Weinberg's view that Reform conversions may be halakhically valid. (R. Joseph B. Soloveitchik believed that Reform conversions which were accompanied by circumcision and immersion in a *mikvah* were to be treated as "doubtful conversions." See Walter Wurzbeger, "Rav Joseph B. Soloveitchik as *Posek* of Post-Modern Orthodoxy," *Tradition* 29 [Fall, 1994], p. 14. As with Weinberg, it is obvious that Soloveitchik understood "acceptance of the commandments" as something less than *all* the commandments.)

<sup>42</sup> See SE 2:13.

<sup>43</sup> See SE 2:8, SE 2:14.

pointed out elsewhere, Weinberg believed that the steps to be taken against Reform must be relevant to the current situation being confronted by Orthodoxy. For example, banning sermons in the vernacular or forbidding prayer in a synagogue which has an unused organ may have been valid responses in years past, but in contemporary times they have no relevance, do nothing to help in the battle against Reform, and, on the contrary, create difficulties for Orthodoxy.<sup>44</sup>

Although Weinberg publicly articulated his strongly held feelings with regard to the State of Israel and Reform, the fact is that he was no longer a fighter and concerning many issues chose to express himself, and offer support, only in private. After the war, in a weakened physical and mental state, he was almost never prepared to publicly advocate views which were opposed by other leading scholars and would have involved him in controversy. For example, it is known that in the early 1950's he planned to write an article in support of the institution of national service for young women in Israel. However, after being confronted with opposition he shelved this plan.<sup>45</sup> To give another example, in November, 1950 Weinberg wrote to M. Freyer, a rabbi in Berlin, encouraging him in his efforts to help rebuild German Jewish life. He also rejected calls for a boycott of Germany, arguing that making Germany *Judenrein* would be granting the Germans their wish. Yet Weinberg explained that his support for Freyer would have to remain private, as he was not prepared to face the barrage of criticism which would ensue were he to publicize his view.

As we have seen above, his very refusal to go to Israel was due to this reluctance to adopt an independent stand which would involve controversy and his subsequent isolation from a segment of Orthodoxy. In response to a request that he become rector of a new rabbinical seminary in Israel, Weinberg stated that because of his age he did not possess the necessary strength to defend the institution against its opponents, opponents which

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<sup>44</sup> See SE 2:11, 149; and my "Sociology and Halakhah," *Tradition* 27 (Fall, 1992), p. 81.

<sup>45</sup> Interview with Rabbi Bezalel Rakov.

included many old friends, among them Eliezer Judah Finkel and Ezequiel Sarna. Indeed, even had Weinberg possessed the necessary strength, he would have been very reluctant to jeopardize his friendships by opposing his colleagues on such an important matter. He also would not have wished to jeopardize his standing in the eyes of the so-called yeshiva world, for despite all his criticisms, his deep love for the yeshivot and desire to be accepted by them was never in question. There is no doubt that Weinberg personally supported the creation of a seminary in Israel which would co-exist harmoniously with the great yeshivot. For Weinberg, these two institutions would have different, although equally legitimate roles. Yet those who wished for Weinberg's public show of support on behalf of a seminary were to be sadly disappointed.<sup>46</sup>

It is true that on occasion Weinberg adopted a public stand concerning matters which threatened to embroil him in controversy with more conservative segments of the Orthodox community. This was particularly so with regard to a number of lenient halakhic decisions he published, well aware that they were, as he put it, "daring," and fully prepared for an avalanche of criticism.<sup>47</sup> However, he felt that in these cases he had no choice but to publicize his view, for as he explained: "It cannot be that only those who are fearful will decide the halakhah."<sup>48</sup> On another occasion he expressed himself similarly, declaring: "One must not be afraid of the masses' screaming and of rabbis who wish to glorify themselves with their stringency"<sup>49</sup> Because there were always valid halakhic sources to

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<sup>46</sup> Letter to Samuel Atlas, dated March 7, 1956; Interview with Rabbi Bezalel Rakov. For Finkel's opposition, see the signed protest in *Iggerot mi-Beit ha-Levi* (Bnei Brak, 1993), pp. 125-126. Even Herzog was opposed to the creation of a rabbinical seminary in Israel. See his *Ha-Hukkah le-Yisrael al pi ha-Torah* (Jerusalem, 1989), vol. 3, p. 240.

<sup>47</sup> Letter to Samuel Atlas, dated December 18, 1958. He refers in particular to SE 3:25, which deals with women whose husbands converted to Islam and refused to issue divorces. Weinberg's responsum presents arguments which would allow the women to remarry. For criticism of this responsum, see R. Binyamin Ze'ev Benedikt, *Asupat Ma'amarim* (Jerusalem, 1994), pp. 90-107.

<sup>48</sup> *Ha-Ne'eman* (Nisan-Elul, 5743), p. 53.

<sup>49</sup> *Ibid.*, p. 52. Both this comment and the one referred to in the previous note concern Weinberg's approval of the Bat Mitzvah ceremony.

back up his leniencies, he could claim that it was not he who was permitting anything, but rather the sources themselves which granted the permission.<sup>50</sup>

Yet it is more often the case, as we have already seen with regard to the *shehitah* issue, that Weinberg is not prepared to contradict decisions given by outstanding scholars of a previous generation without the support of other leading contemporary Torah scholars. In adopting this position, Weinberg takes his place with numerous other halakhic decisors, for whom the characteristics of lack of confidence in their own authority and hesitancy in reaching significant decisions are paramount. It is only the rare halakhist who can declare that a decisor must fearlessly answer all queries, and once convinced of the correctness of his argument is *obliged* to rule in accordance with it.<sup>51</sup> Weinberg's position is much more in line with traditional patterns of halakhic decision-making and explains why he is reluctant to issue rulings in a number of areas, in particular concerning family law, even though he feels strongly that halakhic leniencies are possible and desirable. It is because of his hesitancy that so many of his responsa dealing with important issues, virtually all of which lead towards a lenient conclusion, end with a note that his opinion is not to be acted on in practice until other important scholars express their agreement.<sup>52</sup> Even after issuing a ruling he was prepared to retract it if these scholars disagreed.<sup>53</sup>

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<sup>50</sup> וְלִבְּךָ אֵינִי רוֹצֵה לְהוֹרֹת. See Gavriel Hayyim Cohen, "Devarim le-Zikhro shel ha-Rav ha-Gaon Dr. Yehiel Ya'akov Weinberg ZT"L," *Deot* 31 (Winter-Spring, 5727), p. 13.

<sup>51</sup> R. Moses Feinstein, *Iggerot Moshe* (New York, 1959), *Orah Hayyim*, vol. 1, Introduction.

<sup>52</sup> Sometimes, he will not even offer a non-binding decision. See SE 2:24: וְלִבְּךָ אֵינִי רוֹצֵה לְהוֹרֹת. In SE 3:6, Weinberg is unable to rule leniently but gives the questioner the option of consulting another authority. See also, with regard to the problem of *agunot*, his advice to *poskim* in *Noam* 5 (1962), p. 17: וְהִי שֶׁלִּבּוֹ נוֹקֵף פּוֹרֵשׁ. Incidentally, a number of *poskim* argue that when an authority writes that his opinion is not to be relied on in practice without the support of other sages, this is simply a sign of modesty and is not to be taken seriously by others; see the sources quoted in R. Hayyim Hezekiah Medini, *Sedei Hemed* (Brooklyn, 1949), vol. 9, pp. 3687-3688 (Arabic numerals [= "Kelalei ha-Poskim" 16:47]). I have my doubts as to whether this supposition is historically accurate. With regard to Weinberg, there is absolutely no question that when he writes that one should not rely on his view, he is not simply engaging in protestations of modesty but must be taken at his word.

<sup>53</sup> See SE 3, p. 350, note 7, regarding the weighty issue of abortion. (There is some dispute over how to interpret Weinberg's responsum on this topic; see Basil F. Herring, *Jewish Ethics and Halakhah for our*

As he explains in a letter, it is precisely this fear of independent decision-making which prevents solutions from being found to difficult halakhic problems.<sup>54</sup> In his published writings, we also find hints of Weinberg's disappointment that he was unable to rule leniently in cases where he thought he had compelling evidence. Rather than assuming the role of apologist and justifying the prohibitions, Weinberg frankly acknowledges that he is pained by the fact that previous authorities had ruled stringently.<sup>55</sup> In one striking passage, the like of which I have never seen in recent rabbinic literature, Weinberg even admits that a prohibition of the *Shulhan Arukh* causes him great anguish!<sup>56</sup>

This same trait of hesitancy on Weinberg's part is seen in his approbation to Eliezer Berkovits' book on marriage and divorce, *Tenai be-Nissuin u-ve-Get*.<sup>57</sup> In this book, Berkovits argued in favor of a certain form of conditional marriage which would eliminate the possibility of women becoming *agunot* because of their husbands' refusal to grant a divorce. In a lengthy approbation, Weinberg elaborates on how important Berkovits' book is, particularly in contemporary times when more and more husbands are refusing to grant their wives divorces and the wives are remarrying nonetheless. He also urges scholars to examine the material Berkovits presents in favor of conditional marriages, noting that the crux of the dispute over this issue has to do more with conceptions of how the Jewish

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*Time* [New York, 1984], p. 44, note 18 and p. 45, note 35.) For another retraction, although without practical halakhic consequences, see SE 1, p. 361. See also *Iggerot la-Re'iyah*, no. 210, where Weinberg expresses his willingness to retract a decision if Kook were to differ with him. (It is said that Karelitz [*Hazon Ish*] greatly admired this characteristic of Weinberg, which is very rare among prominent rabbinic authorities; see *Ha-Ma'ayan* 25 [Tishrei, 5745], p. 59.)

<sup>54</sup> In this lengthy letter, the date and recipient of which cannot be made out, Weinberg writes as follows: לִי יֵשׁ רֵאיוֹת בְּרוּרוֹת שִׁישׁ לְהַתִּיר וּלְבַטֵּל הַקְּיֻדוּשִׁין, אֲבָל גַּם אֲנִי מִן הַיִּרְאִים וְלֹא אֶתִּיר בְּשׁוּם אֹפֶן נֶגֶד דַּעַת הַגְּאוֹן רִי"א [יִצְחָק אֶלְחַנֵּן] זְצ"ל, שֶׁהִנְנִי נֶגְדוֹ כְּקִלְיַפְתַּת הַשּׁוּם. וּבְכֵן יִשְׁנֶן בְּאֵמַת שְׁאֵלוֹת חֲמוּרוֹת שֶׁאֵין לָהֶן פְּתִירוֹן רַק מְשׁוּם שֶׁאֵין לָנוּ. כִּחַ לְהַכְרִיעַ נֶגֶד גְּדוּלֵי־ם שֶׁנִּתְקַבְּלוּ בְּאוֹמֶה. וְגַם אֲנִי מִיִּרְאֵי הַיִּרְאָה.

<sup>55</sup> SE 3, p. 113: וּמֵאוֹד אֲנִי מְצֻטָּר עַל שֶׁחֲמִירוֹ הָאֲחֵרוֹנִים.

<sup>56</sup> SE 3:54: וְאוֹדָה עַל הָאֵמַת, שֶׁאֵי־סוּר זֶה גּוֹרֵם לִי צַעַר גְּדוֹל. What makes the *Shulhan Arukh's* ruling so frustrating to Weinberg is the fact that Karo went against his own principle and ruled in accordance with R. Asher, despite the fact that Alfasi and Maimonides ruled differently.

<sup>57</sup> (Jerusalem, 1967).

marriage should be structured -- meta-halakhah -- than with technical halakhic points.<sup>58</sup>

The question which must confront scholars examining Berkovits' book is formulated by Weinberg as follows:

Is it more important to maintain the holiness and permanence of Jewish marriages in the sense of "I will betroth thee unto me for ever" [Hosea 2:21], so that also in religious circles the purity of marital life should not suffer the slightest impairment, or to consider the widespread difficult circumstances which exist today, an important consideration which must not be downplayed in the slightest?

Although he may have had some specific objections to Berkovits' proposals, Weinberg leaves no doubt that he approves of the latter's general approach to finding a satisfactory method of conditional marriage.<sup>59</sup> Yet in the end, blaming ill health, Weinberg is unwilling to involve himself in any serious discussion of Berkovits' proposals, or conditional marriage in general. This is another reflection of his hesitancy to independently chart new halakhic ground.<sup>60</sup> As with all great Talmudists, however, this hesitancy is

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<sup>58</sup> A similar point is made in his letter to R. Leo Jung, dated June 19, 1957.

<sup>59</sup> Weinberg's approval of certain types of conditional marriages, and his belief that halakhists should continue work in this area, are seen in his letter to R. Leo Jung, dated June 19, 1957. In the questionable letter to R. Menahem Kasher (see next note), Weinberg explains that his sympathetic attitude towards Berkovits' endeavor was due to his being unaware that the issue had already been the focus of a great dispute in the United States between the Orthodox and the Conservative rabbinates, with the Orthodox rabbinat forbidding conditional marriages.

<sup>60</sup> Weinberg's letter is cited by Israeli Supreme Court Justice Moshe Silberg in one of his decisions; see *Piskei Din shel Beit ha-Mishpat ha-Elyon le-Yisrael* 22:1 (1968), pp. 37-38. Silberg argues that, despite Weinberg's outward attempt to remain non-committal, a close reading of his letter reveals his identification with Berkovits' position and his strong criticism of those who refuse to explore halakhic ways to solve the modern problems of marriage and divorce. It is worth noting that, according to R. Leo Jung, in an undated letter to Berkovits, R. Moses Feinstein expressed theoretical approval of Berkovits' position:   
הה"ג ר' משה פיינשטיין אמר לחתנו הדגול מאד ד'ד משה טנדלר שלהלכה צדק ב' ורק למצשה הוא חושש להסכים -- זה מה שמסר לי הרב טנדלר.

There has been some dispute regarding Weinberg's approbation ever since R. Menahem Kasher, in the midst of a strident attack on Berkovits' book ("Be-Inyan Tenai be-Kidushin," *Noam* 11 [1969], pp. 338-353), published a letter from Weinberg in which the latter expressed regret over authoring this approbation. Despite Berkovits' claim that this letter was a forgery, Kasher never produced the original. (Berkovits' final statement on this issue is found in his *Jewish Women in Time and Torah* [Hoboken, N. J., 1990], p. 111: "I regret to say that my work has not been given serious consideration, and instead all kinds of statements have been made maintaining that my teacher, Rabbi Y. Y. Weinberg, z.l. withdrew the moral support that he gave to the work. I have to declare that in all these statements and rumors there is not the slightest

confined to practical halakhah. In theoretical discussions, he has no qualms about rejecting the opinions of earlier scholars,<sup>61</sup> even the greatest among them, and his criticisms can at times be quite sharp.<sup>62</sup>

In 1961, Weinberg published his first volume of responsa, *Seridei Esh* (remnants of fire). Although it includes some rabbinic articles he had written in the years since the war, the bulk of the work contains his responsa, and that of other rabbis, concerning the *shehitah* question. In his introduction, he explains that for a number of years he refused to publish the work. He feared that the institution of *shehitah* might be endangered if its

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truth." Although it is impossible for me to offer any definitive evidence that Weinberg's retraction is a forgery perpetrated by Kasher, the following points do not reflect well upon Kasher's credibility.

1. Berkovits' book was originally going to be published in *Noam*, the halakhic annual edited by Kasher, until the latter, presumably because of fear from the religious right, decided this could not be done. The work, with a good portion of it already in print, was then transferred to Mossad ha-Rav Kook which completed publication. These facts are never mentioned by Kasher in his attack on Berkovits' book, in which, by the way, he refuses to mention Berkovits' name, referring to him instead as "a certain rabbi." (Soon after Berkovits' book was published, Kasher sent him a letter, a copy of which is in my possession, congratulating him on the appearance of the book!) Nor does Kasher mention the fact that Weinberg's approbation was actually addressed to *him*, and not Berkovits (a copy of Weinberg's original letter is in my possession). According to Berkovits, Kasher refused to publish the manuscript without such approval.

2. A letter from R. Moses Botchko to Jung, dated December 31, 1965, a mere three weeks before Weinberg's death when Weinberg was too ill to write personally, reads as follows:

Rabbi Weinberg has received your telegram as well as your letter in connection with the work of Dr. B. However, he is not well at all these days -- May the Almighty grant him a Refuah Shelemo. He asked me to write to you on his behalf, and to let you know, that he has not changed his mind at all, and he thinks that it is a very good thing, that the work should be printed in the Hanoam, to stimulate the discussion and the clarification on the matter. He asked me, to state it in unequivocal terms, that he stands 100% to his previous mind, and he really does not understand what has made Rabbi Kasher suddenly change his mind, since he wrote to Rabbi Weinberg that he is thrilled with the work.

When, then, is Weinberg supposed to have written his letter of retraction to Kasher? Nevertheless, as noted above, there is no *direct* evidence that Kasher forged the letter. The possibility still exists that Weinberg wrote one thing to Jung and another to Kasher. As I have already pointed out, it is not unheard of for Weinberg to write different things to different people.

<sup>61</sup> See SE 3:9 for Weinberg's formulation of the difference between theory and practice.

<sup>62</sup> See e. g. SE 2, p. 123: ןבמח"כ כל דבריו בטלים ומבוטלים; SE 2:109: ולפי ענ"ד החקירה בניסוחה של בעל ד"ד מחוסרת תוכן וממשות ואינה אלא משחק מלים. See also the following comment in his responsum on stunning animals before *shehitah* (SE 1, p. 46, in the note), where Weinberg is referring to two of the greatest Talmudic commentators: ןדו"ק כי הדברים ברורים ומכוונים בלשונם של התוס' למי שיונדע לדקדק בדבריהם הנאמרים בקוצר ובצומק הלשון ולחינם נדחקו המהר"ם מלובלין ובמהדורא בתרא של המהרש"א (emphasis added). For an example of similar self-confidence, see SE 1, p. 33: ןפירושי זה בדברי התוס' הוא אמתי בלא שום ספק ולא יפקפק עליו שום מעיין בדברי התוס' לצומקם.

opponents were to learn that there was a halakhist who argued in favor of the permissibility of stunning. It was for this reason that Chief Rabbi Herzog also requested that he not publish the responsum. However, the great historical significance of the work, the important Talmudic expositions contained within, and the need to set the record straight in the face of those who claimed that he had in practice permitting stunning, convinced him that the work should be published.<sup>63</sup> This volume was soon followed by two more installments, which combine the responsa saved by Berkovits as well as responsa he authored after the war.

Although in the post-war years Weinberg was able to write productively on Talmudic and halakhic issues, as mentioned above this was not the case with regard to modern Jewish scholarship. Being far from any significant libraries, and lacking essential books, he was not able to continue work on his *Mehkarim ba-Talmud*, studies of the Targum, or any of the other projects he had begun in Berlin. It was only through the kindness of friends that he was able to obtain such basic texts as those authored by Krochmal, Frankel, and Halevy. Weinberg briefly considered traveling to Oxford, where he would be able to work together with Kahle on academic projects. Because of the problem of obtaining kosher food, he was forced to abandon this plan. Yet he continued his correspondence with Kahle which, incidentally, allowed him to express himself in a freer manner than when in correspondence with traditional Jewish scholars.<sup>64</sup>

Even though Weinberg was not able to devote himself to modern Jewish scholarship in the measure he would have liked, his training in *Wissenschaft* methodologies continued to show themselves in his more traditional Talmudic studies. Throughout his writings, including those devoted to practical halakhah,<sup>65</sup> Weinberg

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<sup>63</sup> SE 1, pp. 6-7; Weinberg's letter to Pinhas Biberfeld, dated April 8, 1959. See also *Edut Ne'emanah*, p. 249, that Herzog later agreed that publishing the responsum would not create difficulties.

<sup>64</sup> In Weinberg's letter to Paul Kahle, dated February 18, 1949, he mentions possible Christian influence on a Kabbalistic concept.

continued to stress the importance of using critically established texts.<sup>66</sup> To this end, did not hesitate to suggest many textual emendations, a trait which led Eliezer Berkovits to remark, "I doubt there was anyone among the Talmudical authorities of his generation who spent so much effort in establishing a correct reading, and who was able to solve as many problems by ascertaining the right *Girsa*."<sup>67</sup> Weinberg believed that it was preferable to base these emendations on solid textual support and he quoted Rabbenu Tam's view that one must not emend a text simply because of a difficulty.<sup>68</sup> However, on occasions when textual support was not available, and an emendation appeared logically convincing, Weinberg would suggest this approach.<sup>69</sup>

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<sup>65</sup> I emphasize this because Hoffmann, despite being Orthodoxy's leading critical Talmudic scholar, did not use his *Wissenschaft* knowledge in formulating halakhic decisions. Even questions regarding proper texts were not taken up by him in his practical halakhic writings. This is the conclusion of Daniel Gordis, who has written a detailed study of Hoffmann's responsa entitled "Dialectics of Community, Continuity, and Compassion: The Legal Writings of Rabbi David Zevi Hoffmann and Their Philosophical Foundations," (unpublished doctoral dissertation, University of Southern California, 1992), pp. 151-152.

<sup>66</sup> See SE 2, p. 263: והמחלוקת של חח"צ עם הטור והב"י והרמ"א שנמשכו אחריו, היא: בעצם מחלוקת הגירסאות, כנ"ל, ובמחלוקת כזו אין להכריע על יסוד קושיות ותירוצים, אלא עפ"י מקורות ראשונים והשוואת כת"י שונים ובפזרת הציטאטים ולכ"פ רואים אנו כי כמה SE 3, p. 253: המובאים בספרי הגאונים וראשוני ראשונים גאונים גדולים נתקשו הרבה בהלכות, שהן מבודרות לבאורה, רק מפאת חוסר ספרים וחוסר גירסאות מדויקות. ולפי"ד החובה מוטלת להשלים את החסר הזה בהדפסה חדשה של הש"ס, שבו יובאו כל הגירסאות וכל הפירושים האחרים. See also his review in *Ha-Pardes* (February, 1953), p. 26, and his letters in *Noam* 16 (1973), pp. 160-164.

<sup>67</sup> "Rabbi Yechiel Yakob Weinberg ZT"l: My Teacher and Master," *Tradition* 5 (Summer, 1966), p. 7.

<sup>68</sup> SE 3, p. 255. Rabbenu Tam's view appears in a variety of places. See especially his *Sefer ha-Yashar*, ed. F. Rosenthal (Berlin, 1898), pp. 75 (וְחַגְגִּיהִי חֲנֻם בְּעִינֵי דָנָם לְמַדּוּרֵי גִיּוֹהַנּוּם), 105, and *Sefer ha-Yashar le-Rabbenu Tam: Helek ha-Hiddushim* (Jerusalem, 1959), Introduction. See also Irving A. Agus, "R. Jacob Tam's Stringent Criticism of R. Meshullam of Melun, in its Historical Setting," in Abraham I. Katsh and Leon Nemoy, eds., *Essays on the Occasion of the Seventieth Anniversary of The Dropsie University* (Philadelphia, 1979), pp. 1-10. It must be noted, however, that Rabbenu Tam was concerned with making corrections in a manuscript, a consideration which is not directly relevant to modern scholars.

<sup>69</sup> Similarly, despite Rabbenu Tam's harsh denunciation of those who emended Talmudic texts, scholars have long ago pointed out that he himself did just this; see Isaac Hirsch Weiss, *Dor Dor ve-Doreshav* (Vilna, 1904), vol. 4, p. 301, and Avigdor Aptowitz, *Mavo la-Sefer Ra'avyah* (Jerusalem, 1938), p. 359. As Aptowitz, *ibid.*, has explained, and Weinberg obviously agrees: וְדָאֵי שִׁישׁ לְחַלֵּק בֵּינָן הַגְּהָה. For examples of Weinberg's emendations, based upon both textual support and logic, see SE 1, p. 364, SE 2, pp. 12, 93-94, SE 3:33 (see also the criticism of R. Yehudah Herzl Henkin, *Bnei Vanim* [Jerusalem, 1981], p. 91), pp. 177, 346, 401-408, SE 4, pp. 143, 249, *Yad Shaul*, pp. 62-87, "Ma'amar Satum Bi-Yerushalmi," *Ha-Pardes* (June, 1950), p. 3. In his letter to Saul Lieberman, dated December 8, 1955, Weinberg writes, with reference to the former's edition of the Tosefta:

Weinberg often emphasized that rabbinic texts must be explained in accordance with their true meaning, which he identified as original intent, rather than engaging in brilliant, but misguided, dialectics, which are often based on faulty texts.<sup>70</sup> In striving to discover original intent, Weinberg also warned against a pitfall of modern rabbinic exegesis, that of anachronism. Good illustrations of Weinberg's approach in this regard are found in his letters to Samuel Atlas. Although Weinberg admits that a number of suggestions advanced by the latter were masterful in the way they showed how Talmudic concepts could be expressed in modern scientific language, they were nevertheless *pilpul* of a different sort, for these explanations were based on concepts which would have been foreign to the authors being interpreted. In one of his letters to Atlas, Weinberg quotes the popular yeshiva saying attributed to R. Hayyim of Volozhin, "one doesn't die from a question."<sup>71</sup> That is, it is better to be left with a question than to interpret the Talmud in an unsuitable manner.<sup>72</sup>

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[ ] הוא ירחק מעלינו את כל הזיופים והסילופים שנוצרו בחסדי גירסאות משובשות. . . . והמפרשים החדשים שמחים אלי גיל כאשר מזדמנת (!) נוסח משובש שבו יכולים לתלות את חידושיהם המסולפים.

<sup>70</sup> Weinberg's writing contains numerous such comments. See e. g. SE 2, p. 57: ואמנם מודה אני; SE 2:162: בפנה מלא שזה הוא פלפול, ויפה הוא לחידוד תלמידים, אבל לא למבוקשי אמת ולפי דעתי מה שצמלו כמה מחברים להציל את הרמב"ם מהשגות ע"י שהם צוקרים סוגיות צרוכות ע"י פלפול חריף, הוא נגד האמת הפשוטה. ומוטב לנו ואין כדאי; SE 3, p. 346: להניח את הרמב"ם כמו שהוא מלצקם את המפורש בגמ' נגדו להרבות בפלפולים רק בכדי ליישב את השבושים של כותבי ספרים ומצתיקיהם. When Weinberg uses the term *pilpul* he is referring to its extreme version, which throughout history has been subject to criticism by many leading scholars. See Dov Rapel, *Ha-Vikkua' al ha-Pilpul* (Jerusalem, 1979). As Weinberg never tired of pointing out, moderate *pilpul* is an essential part of Talmud study. See above, p. 184. See also "Ha-Pilpul ha-Talmudi," *Li-Frakim*, p. 216 (117), SE 4, p. 223, "Die Jeschiwoth in Russland," pp. 116-118, esp. p. 116: "Was ist die gesamte talmudisch-babylonische Literatur anders als Pilpul?" (Cf. Kaplan, *Be-Ikvot ha-Yir'ah*, pp. 208-209, *Divrei Talmud*, vol. 1, p. 23; and R. Moses Avigdor Amiel, *Ha-Middot le-Heker ha-Halakhah* [Jerusalem, 1939], Introduction, chapters 1-2) As the first citation shows, Weinberg saw some intellectual value even in extreme *pilpul*, a sentiment which also appears in SE 4, p. 232. See also the similar comments in Hoffmann's introduction to *Melammed le-Ho'el*; Salanter's introduction to his *Tevunah* (Königsburg, 1861), (also found in Salanter's *Or Yisrael* [Vilna, 1900], p. 40 [Hebrew numerals]); and the discussion in Etkes, *R. Yisrael Salanter ve-Reshitah shel Tenuat ha-Mussar*, pp. 231ff.

<sup>71</sup> פון א קשיא שטארבטן חפץ נישט. See R. Reuven Katz, *Degel Reuven* (Jerusalem, 1949), vol. 3, p. 62b. See also Ephraim E. Urbach, *Me-Olamam shel Hakhamim* (Jerusalem, 1988), p. 42, note 189, quoting R. Ezekiel Landau.

It is Weinberg's emphasis on original intent which is responsible for his criticism of R. Hayyim Soloveitchik's Analytic Method, which by the post-war years had become the norm in Lithuanian yeshivot. As Weinberg puts it, "While the ideas of R. Hayyim Soloveitchik are true from the standpoint of profound analysis, they are not always so from an historical standpoint, that is, with regard to the true meaning of Maimonides, whose way of study was different than that of R. Hayyim Soloveitchik."<sup>73</sup> On a number of occasions, Weinberg rejected interpretations of Soloveitchik and others since they were based on methods of analysis which would have been foreign to Maimonides.<sup>74</sup>

Weinberg's concerns are even more pressing when dealing with issues of practical halakhah. In this realm, there are well-established principles which must not be departed from, most important being that it is impermissible to issue halakhic rulings which have no basis in earlier rabbinic authorities or which are contradicted by the *Shulhan Arukh* and its standard commentaries.<sup>75</sup> We have already seen echoes of this view in Weinberg's dispute

<sup>72</sup> See e. g. SE 2, pp. 197-198, and also p. 199 where, after rejecting an explanation of Atlas, Weinberg writes as follows: הוא מודרני יותר מדאי בשביל להכניסו בדברי רבא SE 3, p. 94: [סברא זו, אף שהיא מבריקה ומשחדת מאד ויש לה סמוכין במשפט הרומאי הצתיק אין אני תמים דעים צמו שמוטב להכניס בדברי מ"ח קשה לקבלה מפני שלא מצאנוה בש"ס ובפוסקים הגמ' והראשונים כוונה טובה ומתוך כך לבסס דבריהם על אשיות ההגיון מאשר להיות משוטבדים לדבריהם בלבד – זו היתה דרך המחדשים, אבל אין זו דרך החקירה "Mekorot ha-Mishnah ve-Derekh Sidurah," *Talpiot* 7 (1958), p. 73. In *Mehkarim ba-Talmud*, S. D. Luzzatto and G. Hoffmann are similarly criticized; see SE 4, pp. 43, 56, and his general comments in SE 4, p. 134. In his letter to Samuel Atlas, dated April 15, 1956, Weinberg writes:

לא השגתי על סברתו שהיא טובה מאד, אלא שאין להכניסה בתור "פירוש", לא במשנה ולא בירושלמי ולא ברמב"ם. כח"ד אינו ר"מ באחת הישיבות ואינו צריך להראות חריפות כי אם לפרש בדרך מדעית כפשוטה של לשון

See also portions of his letter quoted in Cohen, "Devarim le-Zikhro shel ha-Rav ha-Gaon Dr. Yehiel Yaakov Weinberg," p. 10, note 13: אבל – כולו הוא – מדע על דרך הפלפול!

<sup>73</sup> SE 2:144. See also Isadore Twersky, *Introduction to the Code of Maimonides* (New Haven, 1980), p. 94, note 171.

<sup>74</sup> See SE 3, pp. 343, 355, 356, *Ha-Ma'ayan* 34 (Tevet, 5754), p. 19. A motivation similar to that of Weinberg seems to be behind R. Abraham Isaiah Karelitz' well-known criticisms of Soloveitchik; see Lawrence Kaplan, "The Hazon Ish: Haredi Critic of Traditional Orthodoxy," in Jack Wertheimer, ed., *The Uses of Tradition* (New York, 1992), pp. 154-155. In referring to these criticisms, one observer has perceptively remarked that Karelitz judged Soloveitchik's interpretations of Maimonides "by the wrong criterion; he wanted to determine if they were true!" See *ibid.*, p. 155 note 33. The same comment could be made with regard to Weinberg.

with Rozin,<sup>76</sup> who violated both of these principles. Rozin viewed himself as bound only to the rulings of Maimonides, leading Weinberg to write: "In Lithuania they did not establish the halakhah in accordance with his opinion, since it is well known that he had his own method and did not show regard for the greatest *poskim*."<sup>77</sup>

In Weinberg's efforts to understand the true meaning of rabbinic sources, it was crucial that no relevant information be ignored. This is a significant view, for as is well known, the renowned R. Abraham Isaiah Karelitz argued that textual variants contained in recently discovered and/or published manuscripts of ancient and medieval texts -- manuscripts of either standard works or previously unpublished works -- must not enter the halakhic decision-making process. Even when dealing with the theoretical analysis of a *sugya* and its medieval commentaries, Karelitz opposed emending texts which had been in use for generations. He simply ignored the information which appears in R. Raphael Nathan Rabbinovicz' *Dikdukei Sofrim*, about which earlier scholars were enthusiastic. Karelitz further argued that in formulating halakhic decisions, one should not take into account opinions of medieval authorities whose works have only been published in recent years, since they are not part of the halakhic tradition.

We have already seen that in areas of theoretical analysis, Weinberg has no qualms about emending texts. He also opposes Karelitz when issues of practical halakhah are

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<sup>75</sup> See e. g. SE 3:5 where Weinberg criticizes R. Judah Leib Zirelson for deriving a halakhic ruling from a biblical verse: אבל אין הדבר מסור לנו לדרוש מקראות ופלינו לברר שאלות אין לנו לחדש איסורים מדעת. See also SE 3:10: מצמנו במקום שלא מצאנו בפירוש שחכמים קנסוהו. מהיכן יצא לו SE 2:109 at length: לדרוש פסוקים? זה מסור רק לחז"ל ולא לגדולי האחרונים ואף לא לראשונים. . . . שאין לבנות הלכות על חקירות שדופות קדים שאין להן יסוד לא בהגיון ולא בדברי הראשונים שמפיהם אנו חיים. . . . זוהי דרשה בטעמי המצוות. . . . אבל SE 3, p. 184. בשביל זה לא ישתנה הדין, ואין בונים הלכות על דרשות בטעמי המצוות ואין בא בת"ר לחדש דין חדש נגד כל הראשונים ונגד הטור והשו"ע שלא 184: חילקו חילוק זה. Similar comments are found in SE 1, pp. 26, 41, 202, 272, SE 2, pp. 19, 233, SE 3, pp. 46, 341

<sup>76</sup> See above, pp. 122ff.

<sup>77</sup> SE 1, p. 245. Weinberg's opposition to singular reliance on Maimonides is also seen in SE 2, p. 139: וזו היא מחלוקת הראשונים ואין לדחות דברי שאר הראשונים מפני דעת הרמב"ם ולא כן היא דרך רבותינו הראשונים וגדולי האחרונים ז"ל.

concerned, for he believes in making use of manuscripts when they preserve halakhically significant textual variants or important halakhic opinions. With regard to textual variants, Karelitz has a somewhat mystical view of the accuracy of texts which have been in use for generations. Weinberg does not share this view and points out that even R. Joseph Karo, author of the generally accepted *Shulhan Arukh*, did not always have access to uncorrupted manuscripts. However, does this mean that modern scholars, who now have access to more accurate texts, can go so far as to reject rulings of Karo which were based on faulty texts? Although, when dealing with other halakhists, the answer to this question is clearly yes, Karo's rulings, when not opposed by his important contemporaries, have been endowed with a special authority. It is no doubt because of this that Weinberg leaves the question, which he himself raises, unanswered.<sup>78</sup>

Among Weinberg's non-halakhic writings of the post-war years, he produced a number of essays on the Mussar movement and its major figures, in which was able to draw on personal recollections. He also wrote the first study of the dispute concerning *mussar*.<sup>79</sup> As with his earlier studies on *mussar*, Weinberg never loses his objectivity.

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<sup>78</sup> See SE 2, p. 22 in the note, SE 3, p. 179, *Ha-Ma'ayan* 32 (Tammuz, 5752), p. 14. In a letter to R. Isaac Herzog, dated October 16, 1950, Weinberg writes: ויש גם צורך בבדיקת המקורות שמהם שאב מחבר השו"ע ובחקירת הנוסחאות של הכת"י שבהם השתמש... הוכחתי שהב"י השתמש בכת"י מקולקלים וע"י נדחק לפרש ולהסיק הלכה מנוסחאות של ספרי ראשונים שהי' בהם השמטות בשגיאת סופרים. השאלה היא אם להניח הכל כמו שהוא ורק להסביר ולנסח בלשון ובהגיון מתקבלים על הלב, או לשוב למקורות הראשונים ולחקור ולבודק הכל מחדש?

For discussion of Karelitz' views, which are more complicated than appear at first sight and contain exceptions, and perhaps even contradictions, see Shnayer Z. Leiman, "Hazon Ish on Textual Criticism and Halakhah — A Rejoinder," *Tradition* 19 (Winter, 1981), pp. 301-310; Zvi Yaakov Halevi Lehrer, "Kitvei ha-Yad le-Rabbotenu ha-Rishonim she-Nitgalu be-Dorot ha-Aharonim ve-Samkhatam le-Gabei Keviat ha-Halakhah," *Tzefunot* 16 (1992), pp. 72-73; and Moshe Bleich, "The Role of Manuscripts in Halakhic Decision-Making: Hazon Ish, His Precursors and Contemporaries," *Tradition* 27 (Winter, 1993), pp. 22-55; David Metzger's introduction to his edition of *Perushei Rabbenu Hananel bar Hushiel le-Talmud: Berakhot* (Jerusalem, 1990), p. 23, note 44; *idem*, "Tovah Tzipornam shel Rishonim," *Ha-Ma'ayan* 35 (Tevet, 5755), pp. 1-10. For a rejection of Karelitz' approach, see R. Menahem Kasher, "Le-Hofa'at Shnei Kerakhim mi-Mifal ha-Shas ha-Shalem," *Noam* 16 (1973), pp. 165-182. According to Walter Wurzberger, R. Joseph B. Soloveitchik was also opposed to using newly discovered manuscripts of medieval sages for halakhic purposes. See his "Rav Joseph B. Soloveitchik as *Posek* of Post-Modern Orthodoxy," p. 6.

<sup>79</sup> SE 4, pp. 273-340. Weinberg here advances the incorrect notion, which he helped popularize, that Salanter preceded Freud in discovering the subconscious. Regarding this view, see Etkes, *R. Yisrael*

Despite his undisguised partisanship, he presents in a sympathetic light even the strongest opponents of *mussar*. Weinberg was also not totally removed from academic Jewish scholarship, in spite of the logistical difficulties mentioned earlier in the chapter. He authored a number of studies concerning the formation and nature of the Mishnah.<sup>80</sup>

Weinberg begins his studies on the Mishnah by returning to a point he often stressed, namely, that even in pre-modern times traditional scholars were interested in the questions discussed by their contemporary academic counterparts. Although, he continues, it is only with *Wissenschaft* scholars such as Frankel and Krochmal that one first finds extended and detailed treatment of these topics, carried out in accordance with modern scholarly standards,<sup>81</sup> even in medieval works there are comments which shed light on the formation of the Mishnah. This is certainly the case with regard to traditional works which focus on issues of methodology, such as *Ha-Keritot*, *Halikhot Olam*, and *Yad Malachi*. Yet as Weinberg is well aware, there is a fundamental difference between the modern scholars and their predecessors in that modern scholars view the Mishnah as a document to be interpreted on its own terms, rather than through the Talmud's eyes.

It is significant that Weinberg is prepared to grant legitimacy to explanations of the Mishnah which are not in accord with the Talmud, as long as practical halakhah is not thereby affected. In support, he quotes R. Yom Tov Lipmann Heller's earlier approval of this approach,<sup>82</sup> and the fact that R. Saadiah Gaon, R. Hai Gaon, R. Hananel,

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*Salanter*, pp. 326ff. See also Katz, *Pulmus ha-Mussar*, pp 19-20, note 5, for Weinberg's letter urging Katz to write about the *mussar* dispute.

<sup>80</sup> SE 1, pp. 364-369, SE 3:134, SE 4, pp. 222-266; "Mekorot ha-Mishnah ve-Derekh Siddurah," pp. 72-88, 290-316. These articles were intended to form part of a book of studies on the Mishnah, which Weinberg mentions a number of times. In his letter to Samuel Atlas, dated January 14, 1954, he mentions that he sent the entire manuscript to London so that it could be typed and corrected. Instead, it was lost, once more subjecting Weinberg to the pain he had suffered at the earlier loss of his manuscripts.

<sup>81</sup> Regarding their approach, see Joel Gereboff, "The Pioneer: Zecharias Frankel," and William Scott Green, "The Talmudic Historians: N. Krochmal, H. Graetz, I. H. Weiss, and Z. Jawitz," in Jacob Neusner, ed., *The Modern Study of the Mishnah* (Leiden, 1973), pp. 59-75, 107-121. Both of these articles, and just about all of the other articles in this volume, show no appreciation for the great strides made by *Wissenschaft* scholars in their studies of the Mishnah.

Maimonides, and the Vilna Gaon also suggested explanations not in accordance with the Talmud.<sup>83</sup> I have previously pointed out that Weinberg rejected R. Joseph Duenner's similar explanations,<sup>84</sup> but this was because Duenner's arguments were based on the view that the *amoraim* had *misunderstood* the Mishnah.<sup>85</sup> Isaac Hirsch Weiss had earlier put forth this view<sup>86</sup> and also argued that there were times when the *amoraim* intentionally misinterpreted the Mishnah in order to bring it into line with their own decisions.<sup>87</sup> These are the positions which Weinberg rejects on dogmatic grounds. It is because of this traditionalism that it is not proper to characterize him as an academic Talmudist along the lines of Abraham Weiss or David Halivni Weiss.

In presenting his own view of how the *amoraim* interpreted the Mishnah, a view motivated by dogma -- which, of course, does not mean that it is incorrect -- Weinberg follows in the path charted by the Vilna Gaon. He argues that the *amoraim* treated the Mishnah in the same way that they treated the Bible, by applying the method of *derash*. That is, the method of the *amoraim* was to "derive" a great deal of halakhic information

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<sup>82</sup> Commentary to *Nazir* 5: 5.

<sup>83</sup> SE 4, pp. 150, 237. See also the sources cited in Kalman Kahana, *Heker ve-Iyyun* (Tel Aviv, 1960), pp. 132-152; David Weiss Halivni, *Mekorot u-Mesorot: Nashim* (Tel Aviv, 1968), Introduction, *idem*, "Abraham Geiger and Talmud Criticism," in Jakob Petuchowski, ed., *New Perspectives on Abraham Geiger* (New York, 1975), pp. 31-41; Irwin H. Haut, *The Talmud as Law or Literature* (New York, 1982), p. 49. Although it is generally accepted that Maimonides and the Vilna Gaon offered explanations not in accord with the Talmud, there has been some dispute about this. See R. Meshullam Roth, *Kol Mevasser* (Jerusalem, 1972), vol. 2, pp. 120-121, 129.

<sup>84</sup> See above p. 187.

<sup>85</sup> Not noted by Weinberg is the fact that the Tosafists sometimes argue that the later *amoraim* did not understand the views of their predecessors. See the sources mentioned by Ephraim Kanarfogel, "The Tosafist Oeuvre and Torah u-Madda," *Torah u-Madda Journal* 2 (1990), p. 58, note 18, to which add *Yevamot* 8a s.v. *ki*.

<sup>86</sup> *Dor Dor ve-Doreshev*, vol. 3, pp. 193-194 (= p. 219 in the New York/Berlin, 1924 edition used by Weinberg).

<sup>87</sup> See *ibid.*, vol. 2 p. 191 (p. 215 in the New York/Berlin edition). Strangely enough, this view also seems to have been held by R. Naftali Zvi Judah Berlin., See *Ha-Amek She'alah* (Jerusalem, 1961), 128:1 (p. 63a): דרך הגמרא לצוקם פי' המשנה כדי לאוקמא על הפסק.

from the Mishnaic text. By doing so they did not mean to disregard the Mishnah's simple meaning or imply that the actual source of the information is to be found in the Mishnah.<sup>88</sup>

Despite a number of important comments found in Weinberg's articles, which include strikingly new interpretations of a few *Mishnayot*, he does not offer any original approach in solving the major issue he is concerned with, that of Mishnah redaction. For the most part he is content with summarizing the views of previous scholars, in particular Hanokh Albeck, to which he adds his own critical observations.<sup>89</sup> In discussing the formation of the Mishnah, Weinberg follows Hoffmann, who placed the work's original composition in the days of Hillel.<sup>90</sup> This is in opposition to Halevy who claimed that the first redaction of the Mishnah was the work of the Men of the Great Assembly, who lived in the first centuries of the Second Commonwealth.<sup>91</sup> For ideological reasons Halevy felt compelled to argue for such an early dating, yet Weinberg is adamant in insisting, as Hoffmann earlier was,<sup>92</sup> that inquiries into the origin of the Mishnah are literary-historical which do not in any way compromise the integrity of the halakhic system.<sup>93</sup>

<sup>88</sup> See SE 4, p. 18 for Weinberg's earlier formulation of this point. See also Yonah Emanuel, "Peshat u-Mashmuto ba-Mishnah," *Ha-Ma'ayan* 12 (Tishrei, 5732), pp. 27ff. for comments on Weinberg's approach.

<sup>89</sup> Albeck in turn refers to Weinberg as a בּוֹטֵל פְּלִפּוּל. See *Mavo la-Mishnah* (Jerusalem, 1959), p. 276. In Albeck's system of terminology, this refers to one who errs in obvious matters. See Albeck, "Bikoret o Ikshut," *Sinai* 46 (1960), p. 237. Regarding Albeck's views, see Gary G. Porton, "Hanokh Albeck on the Mishnah," in Neusner, ed., *The Modern Study of the Mishnah*, pp. 209-224.

<sup>90</sup> Regarding Hoffmann's views, see Charles Primus, "David Hoffmann's The First Mishnah," in Neusner, ed., *The Modern Study of the Mishnah*, pp. 122-134.

<sup>91</sup> Regarding Halevy's views, see Baruch Micah Bokser, "Y. I. Halevy," in Neusner, ed., *The Modern Study of the Mishnah*, pp. 135-154.

<sup>92</sup> See *Ha-Mishnah ha-Rishonah u-Filugta de-Tanai*, translated by Samuel Grünberg (Berlin, 1914), p. 3.

<sup>93</sup> See SE 4, p. 266. (Cf. SE 4, pp. 119-120, that analysis of the formation of *sugyot* does not threaten the basis of the halakhic system.) Having said this, the fact remains that Weinberg's approach to Mishnah redaction is *not* that of detached scholarship, but contains elements of traditionalism. For example, in a letter to R. Charles B. Chavel, dated January 21, 1960, Weinberg writes as follows with reference to Albeck's well known view that Rabbi, in redacting the Mishnah, did not exercise any editorial discretion so as to ensure a coherently structured work.

בְּפִיקָר מַחִיתִי נֶגֶד הַדַּעָה שֶׁרַבִּי לֹא עָרַךְ וְלֹא סִידֵר אֶת הַמִּשְׁנָה אֲלֵא קִיבֵץ מִקּוּבְצִים שׁוֹנִים בְּלֹא הַבְחָנָה חֲלִילָה. לְמִרְוֹת זְעָמִי נֶגֶד חִילוּל כְּבוֹדוֹ שֶׁל דְּבַנּוֹ הַקְדוֹשׁ.  
 השתדלתי שלא לפגוע בכבודו של אלבך (emphasis added). See also *Yad Shaul*, p. 87, where

As is obvious to anyone who reads his work, Halevy's entire scholarly endeavor was really an ideologically driven polemic. This explains his extremely negative attitude towards Krochmal, Frankel, and other *Wissenschaft* scholars. Since Halevy differed with their view of tradition, and regarded them as nothing less than heretics, their scholarly conclusions were automatically disqualified.<sup>94</sup> Weinberg, on the other hand, distinguished between one's religious standing and one's scholarly conclusions. He therefore refused to condemn the *Wissenschaft* scholars as Halevy did, noting that there is no place for religious polemics in the realm of scholarship.<sup>95</sup> Furthermore, Weinberg did not agree with the *content* of Halevy's religious polemics, as can be seen in how he relates to Frankel.

In Weinberg's opinion, Frankel was far from being a heretic. He calls him Rabbi and also affixes the phrase *zikhrono livrakhah* after his name, a sure sign of respect and one that is notably missing when he mentions Geiger.<sup>96</sup> Weinberg claims that Halevy's attacks imply that Frankel, "a very wise man whose work benefits all, including Halevy,"<sup>97</sup> as well as Krochmal, were complete heretics who intentionally aimed at

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one of his reasons for rejecting Albeck's view is that it undermines the foundations of the Talmud. It is worth noting that in his early essay, "Die Jeschiwoth in Russland," p. 124, Weinberg rejected the method of Talmud study advocated by Tchernowitz. He claimed that it undermined the foundations of Jewish law, which were formulated based upon traditional methods of study. In the post-war years, Weinberg did not hold such a negative view of Tchernowitz' work, and in his letters to Samuel Atlas he praises Tchernowitz' studies of halakhah.

<sup>94</sup> Halevy, who opposed Hoffmann's view of Mishnah redaction just as adamantly as he opposed the views of Krochmal and Frankel, could not, for obvious reasons, attack him in the same fashion as he did the non-Orthodox scholars. In fact, as Albeck has pointed out, he did not even mention Hoffmann by name, instead referring to him as "הַרְשָׁבֵיטְשׁ לְרַבֵּי אֶלְבֶּק". See *Untersuchungen über die Redaktion der Mischna* (Berlin, 1923), p. 92, note 1.

<sup>95</sup> This view of Weinberg was a hallmark of the Rabbinical Seminary's ideology, which was sharply criticized by Halevy. See above, p. 107. Interestingly enough, in the section of Halevy's work which was published posthumously and edited by Weinberg's colleague at the Seminary, Moses Auerbach, the editor informs us that he has removed Halevy's harsh comments directed at other scholars. See Auerbach, ed., *Sefer Zikkaron le-Rabbi Yitzhak Halevy* (Bnei Brak, 1964), part II, p. 5. (This book also reprints Weinberg's previously published article on Halevy, minus his negative comments about the latter's approach.)

<sup>96</sup> SE 3, pp. 364-365, SE 4, p. 233, *et. al.* See also SE 4, p. 224, where Weinberg includes Frankel among the *Wissenschaft* scholars who are הַחֲלוּשִׁים וְהַצְנוּעִים. In a youthful letter to Zvi Matheson, dated December 5, 1904, Weinberg refers to Krochmal as רַבֵּי זְרִי מַתְסוֹן.

<sup>97</sup> SE 3, p. 365.

destroying Judaism. Weinberg would not accept this.<sup>98</sup> In fact, a fitting equivalent of Frankel in Weinberg's day was Louis Ginzberg, and Ginzberg could be questioned on religious grounds in a way that could not be done with Frankel. Yet, as with Frankel, Weinberg makes a point of referring to Ginzberg as a "Rabbi L. Ginzberg of blessed memory."<sup>99</sup>

All throughout Weinberg's writings one finds great respect extended to academic Talmud scholars such as Ginzberg, Saul Lieberman,<sup>100</sup> and Samuel Atlas.<sup>101</sup> When he strongly rejects the work of Albeck -- as well as other modern scholars -- it is because he believes that Albeck was unable to grasp the intricacies of Talmudic argumentation. Weinberg was convinced that the key to any academic study of the Talmud is an understanding of the inner dynamics of a *sugya*, and that this could only be achieved after having mastered the traditional study of Talmud as practiced in the yeshivot<sup>102</sup> -- a step Albeck never took.<sup>103</sup>

### Post-War Respona

<sup>98</sup> See SE 4, p. 228.

<sup>99</sup> SE 3, p. 179. See also my "Sociology and Halakha," pp. 80-81.

<sup>100</sup> In a letter to Saul Lieberman, dated December 8, 1955, Weinberg cannot praise too highly the former's work on the Tosefta.

<sup>101</sup> See Weinberg's letter to Atlas in the latter's *Netivim ba-Mishpat ha-Ivri*, p. 154, where he is unrepentant about including a responsum to Atlas in SE 2:78. He also offers to include material from Atlas in volume three of his responsa: אף כי במצעה זה אפורר נגדי חמת המחלוננים מקרב הקנאים, שלא מחלו לי על שהכנסתי דבריו בחלקו השני של "שרידי אש".

<sup>102</sup> See especially his comments in SE 3, p. 249. Cf. Louis Ginzberg, *On Jewish Law and Lore* (New York, 1970), p. 49: "Great as the achievements of the *Wissenschaft des Judentums* are in all other branches of Jewish learning, it failed in the field of the Talmud -- I am using the name in a broad sense including both Talmuds as well as cognate halakic writings -- because its study was superficial and limited to generalities."

<sup>103</sup> Weinberg's harshest criticisms of Albeck, which include accusations of plagiarism, are contained in letters to Yehoshua Brand, dated January 15, 1960 and March 23, 1960. In the former letter, Weinberg writes as follows: מלומדים מסוגו של א. אינם אוהבים את הפלפול לא מחוסר רצון אלא מחוסר יכולת. הבקאות השטחיות . . . אינה מספיקה ללומדות מצמיחה.

It is now time to turn our attention to the most important aspect of Weinberg's writings, his responsa. In previous chapters I have mentioned a number of halakhic rulings given by Weinberg, but, as mentioned above, it is only in the post-war years that his rulings begin to have an international influence. This influence was not diminished by his death. As it is impossible here to discuss all aspects of Weinberg's responsa, I will concentrate on what I believe to be the most significant characteristics of his work.

We have already seen the tension between Weinberg's desire to rule leniently in a number of cases and his hesitancy about issuing such rulings. Bearing this in mind, we must ask why he broke with this pattern to issue a couple of ground-breaking rulings, which departed from precedent and did not have the support of contemporary sages. The answer is that there is a crucial difference between the cases he hesitated to rule on and those he did not. In the former, although he believed that halakhic evidence was on his side, since previous sages, examining the same evidence, had come to different conclusions, Weinberg did not feel confident enough in his own standing to dispute with them. These were matters of "pure" halakhic argumentation.

However, in the examples where Weinberg disagrees with the other sages, where he charts new halakhic ground, he believed that he was *more* qualified to issue the ruling than his predecessors and colleagues. In these responsa, the dispute between Weinberg and his opponents is not so much a dispute about halakhah, in which Weinberg would have deferred to them, as a dispute about sociology. It is a dispute about which ruling will best ensure the survival of Orthodoxy. In such a dispute, which revolves around meta-halakhic considerations, Weinberg saw no need to defer to others, or request their concurrence. He felt that he understood the issues confronting Orthodoxy better than his colleagues, and was strong in his belief that the halakhic solutions he offered would be a positive force. It is with reference to such cases that Weinberg declares: "It cannot be that only those who

are afraid will decide the halakhah,"<sup>104</sup> and, "One must not be afraid of the masses' screaming, and of rabbis who want to glorify themselves with their stringency"<sup>105</sup>

The most famous of Weinberg's post-war responsa is his decision to grant a religious imprimatur to the Bat Mitzvah service, which was beginning to become popular in Orthodox circles but had not yet received rabbinic sanction. In dealing with such a phenomenon, particularly in an era rife with Reform and Conservative innovations, it was natural for rabbinic decisors to forbid the ceremony, with many falling back upon R. Moses Sofer's well known phrase, "What is new is forbidden by the Torah."<sup>106</sup> That is, all religious innovations, even the halakhically innocuous, must be opposed, for in the present era of religious crisis a reactionary approach is the only way to secure the religion. Even Weinberg would at times fall into this mode and argue that something should be forbidden, even though there was no clear halakhic prohibition, because it was an unwarranted innovation of traditional practice.<sup>107</sup>

However, there is another model which a decisor could use, and in Rabbi Kook's poetic words is formulated as "the old will be renewed and the new will be sanctified."<sup>108</sup> This approach does not oppose the modern trends, but, barring no halakhic impediment, seeks to integrate them into Orthodoxy. It is this approach which was also the hallmark of German decisors since the mid-nineteenth century. Hirsch, Hildesheimer, and their colleagues realized that without adjustments and innovations -- on occasion real reforms -- in Orthodox practice, German Orthodoxy would not survive the onslaught of modernity.<sup>109</sup> As Breuer has pointed out, "they produced reforms out of their

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<sup>104</sup> *Ha-Ne'eman* (Nisan-Elul, 5743), p. 53.

<sup>105</sup> *Ibid.*, p. 52.

<sup>106</sup> Concerning the phrase, see Louis Jacobs, *A Tree of Life* (Oxford, 1984), pp. 255-256.

<sup>107</sup> See SE 2:9, 3:96, SE 3:111.

<sup>108</sup> הישן יתחדש והחדש יתקדש. *Iggerot ha-Re'iyah*, vol. 1, p. 214.

overwhelming desire to hold fast to Orthodoxy."<sup>110</sup> They also realized, to adapt Chesterton's formulation, that in order to reform one must adhere to Orthodoxy,<sup>111</sup> for any reforms suggested by the non-Orthodox, even if they were halakhically justified, were *ipso facto* invalid in the eyes of the Orthodox. Weinberg follows in this German tradition, applying its ideological assumptions to new challenges. In so doing, he becomes a very creative decisor.

Of course, it would be impossible for Weinberg to integrate all features of modernity into Orthodoxy. As noted above, there are times when, even though there is no specific halakhic prohibition, Weinberg believes that tampering with tradition will have a negative impact and must be resisted.<sup>112</sup> But this cannot be a general rule, and in line with the German halakhic ideology Weinberg often argues that creativity and innovations are called for. To give one example in which Weinberg parted company with the right-wing Orthodox led by Karelitz,<sup>113</sup> he called for the establishment of a national day of mourning for victims of the Holocaust.<sup>114</sup> This was a dynamic step and was understandably opposed by the right-wing, who, motivated primarily by religious quietism, viewed all such religious innovations as incompatible with Jewish tradition.

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<sup>109</sup> See Breuer, "Al Darkhei ha-Pesikah shel Rabbanei Germanyah ba-Idan ha-Emantzipatzyah," *Sinai* 100 (1987), pp. 166-186.

<sup>110</sup> *Modernity Within Tradition*, p. 30.

<sup>111</sup> See *Orthodoxy*, p. 134.

<sup>112</sup> See e. g. SE 2:9, where Weinberg opposes the recitation of Psalms in English. For a pre-war responsum, see SE 3:111, where Weinberg forbids planting flowers at a cemetery: וְאֵף שֶׁלֹּא מִצְאֵתִי לְאִיסוּר זֶה יִסוּד בְּהִלְכָה, מִּשֶׁ יֵשׁ לְאִיסוּר, לְפִי שֶׁאֵין זֶה מִנְהַג יִשְׂרָאֵל וְאֵינוֹ לְפִי טַעַם הַיְהוּדוֹת וְרוּחָהּ.

<sup>113</sup> See Karelitz, *Kovetz Iggerot* (Bnei Brak, no date), vol. 1, no. 97; Yoel Schwartz and Yitzhak Goldstein, *Ha-Shoah* (Jerusalem, 1987), pp. 285-297; Eleazar ha-Levi Schulzinger, *Al Mishkenot ha-Ro'im* (Bnei Brak, 1988), pp. 202-203. Karelitz' letter is directed in particular at the institution of a fast day in memory of the Holocaust, but it is known that he opposed all forms of special commemoration.

<sup>114</sup> SE 2, p. 53. See Joel B. Wolowelsky, "Observing Yom Hasho'a," *Tradition* 24 (Summer, 1989), pp. 46-58.

Similarly, the right-wing Orthodox regarded the practice of military funerals, complete with the firing of volleys, as a Gentile practice and therefore forbidden. Weinberg obviously granted the fact that the Israeli army adopted this practice in imitation of other armies. Yet as far as he was concerned there was no reason to forbid it, since there is sufficient halakhic support to permit the imitation of Gentile practices which are not idolatrous and have a good rationale.<sup>115</sup> In truth, the difference between Weinberg and the right-wing does not concern Talmudic dialectics, but rather an attitude towards modernity and change. The right-wing will forbid any innovation in Jewish practice and then cite halakhic texts to support its position. Weinberg, for his part, will be able to find other halakhic sources to justify his view. Here, as in so many other examples in halakhic history, it is the philosophical outlook which creates the halakhic argument.

We see a similar phenomenon with regard to the question of the halakhic permissibility of the Israeli census.<sup>116</sup> Weinberg's halakhic ruling to permit the census is based on the fact that national defense, and even economic planning, are a necessity for any government. They therefore constitute a "purpose," which Nahmanides requires in order to permit such a counting. Once again, Weinberg's argument with the other halakhists is, in large part, one of outlook, in particular with regard to his view that economic planning is an important consideration from the standpoint of halakhah. Through this ruling Weinberg establishes a distinction between individuals, who are forbidden to count other Jews, and a government, which is permitted to do so. Not surprisingly, those decisors who had a negative approach towards the State of Israel were unanimously opposed to any such leniency.

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<sup>115</sup> SE 3, pp. 297-298.

<sup>116</sup> For discussion of this issue, see J. David Bleich, *Contemporary Halakhic Problems* (New York, 1989), vol. 3, chapter 13.

In a similar responsum in which we also see the distinction between individuals and the state, Weinberg discusses autopsies.<sup>117</sup> Here he is explicit that it is difficult for rabbinic figures to come to any agreement on this issue since their decisions depend, in large measure, on how they view the state of modern medicine and how they relate to the State of Israel and its institutions.<sup>118</sup> In line with this approach, Weinberg cites halakhic arguments in favor of autopsies as well as the sociological considerations that make a lenient decision a necessity for the new state. There is thus an admission on Weinberg's part of the point I have already made, and which will be seen in his responsa dealing with women's issues, namely, that the dispute between him and his colleagues was more a dispute of worldview than of halakhah. Had the other decisors shared Weinberg's assessment of the times and his concern that without anatomical instruction it would be impossible for advanced medicine under Jewish auspices to thrive in Israel, they too would have been able to avail themselves of the halakhic support he offered.

The most important area where Weinberg felt that adjustments must be made to tradition concerns the status of women. Weinberg freely admits that some traditional practices which were considered proper in previous generations are no longer tenable,<sup>119</sup> and if enforced would have the effect of driving women away from Orthodoxy.<sup>120</sup> A crucial concern of his it to show that Jewish law does not treat women as "Canaanite slave girls," and he actually uses this logic in one responsum where he refuses to permit a man,

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<sup>117</sup> "Nittuhei Metim bi-Medinat Yisrael," pp. 382-384.

<sup>118</sup> והנה זה דבר ברור, שלצולם לא יגיעו בארץ-ישראל לדעה אחת -- שזו אינה שאלה פרטית אלא שאלה כללית, פתרון השאלה תלוי הרבה בהצרכת המצב בצולם הרפואה, וביחס אל המדינה ומוסדותיה.

<sup>119</sup> בזמננו נשתנה המצב ונשתנו הטבעים.

<sup>120</sup> SE 2:14. Weinberg's responsum concerns the demand of Hungarian rabbis, such as the Satmar rebbe, that women stay home rather than attend a synagogue in which the separation between the sexes is low enough to enable the men to see them. See also SE 3:95, where Weinberg was asked by a rabbi what he should do regarding women who dress immodestly, and apparently also come to services this way. Weinberg replies that it is most important not to take any steps which will drive these women away from the synagogue.

whose barren wife did not agree to a divorce, to marry another woman. Since the man knew his wife's age when he married her, he is not permitted to simply discard her when he is ready.<sup>121</sup>

Weinberg's most famous responsum concerning women's issues deals with the ceremony of Bat Mitzvah, which aimed at redressing the imbalance between boys and girls with regard to the public celebration of the attainment of adulthood.<sup>122</sup> Interestingly enough, the Bat Mitzvah ceremony did not become an issue in Orthodoxy until the mid-twentieth century,<sup>123</sup> although already in the mid-nineteenth century German Orthodoxy recognized the changed status and role of women and in line with this began to stress women's education. In 1863, Hirsch warned that the very future of Western Orthodoxy rested in providing religious education to girls, for only then will they learn to "prefer Isaiah and Amos over Goethe and Shakespeare."<sup>124</sup> Hildesheimer was also very concerned with women's education and it is known that Salanter greatly praised him for this, while further pointing out that his approach would be improper if instituted in the East.<sup>125</sup>

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<sup>121</sup> SE 3:6.

<sup>122</sup> The most comprehensive treatment of the halakhic issues concerning Bat Mitzvah is found in Erica Brown, "Bat Mitzvah: A Case Study in Halakhic Innovation" (unpublished master's dissertation, Jews College-University of London, 1990). See also Alfred S. Cohen, "Celebration of the Bat Mitzvah," *Journal of Halacha and Contemporary Society* 12 (Fall, 1986), pp. 5-16.

<sup>123</sup> The oft-repeated report that R. Jacob Ettlinger sanctioned the Bat Mitzvah service does not appear to be accurate. See Yehudah Horowitz' note in his edition of Ettlinger's *She'elot u-Teshuvot ha-Arukh la-Ner* (Jerusalem, 1989), vol. 2 p. 145, note 1. See also Judith Bleich, "Jacob Ettlinger, His Life and Works: The Emergence of Modern Orthodoxy in Germany" (unpublished doctoral dissertation, New York University, 1974), pp. 167-175.

<sup>124</sup> See his letter in Mayer Herskovics, ed., *Parnes le-Doro* (Hoboken, N. J., 1992), p. 37. See also the discussion in Breuer, *Jüdische Orthodoxie im Deutschen Reich*, pp. 116-120.

<sup>125</sup> See Reines, *Shnei ha-Me'orot*, p. 47 (first pagination); *Rabbiner Esriel Hildesheimer Briefe*, Letter 86 (German section); "Unveröffentlichte Sche'eloth und Teschuwoth des Raw Esriel Hildesheimer von Berlin," *25 Jahre Jüdische Schule Zürich* (Jerusalem, 1980), pp. 84-85 (almost identical with the previous letter). Ellenson, *Rabbi Esriel Hildesheimer and the Creation of a Modern Jewish Orthodoxy*, pp. 122-123. Ellenson cites a book authored by Hildesheimer entitled *Etwas über den Religionsunterricht der Mädchen* (Berlin, 1871). However, this appears to be a non-existent work. Presumably Ellenson is referring to Hildesheimer's "Unterricht der Mädchen im Urtext der 'heiligen Schrift,'" *Israelitischer Lehrer und Cantor*, supplement to *Die Jüdische Presse* 41 (1910), number 7.

It is, of course, only to be expected that Weinberg shared the sentiments of Hirsch, Hildesheimer, and German Orthodoxy as a whole. Indeed, in an early essay he showed how concerned he was with this issue, mentioning the great fallacy, often expressed precisely by women, that a learned woman could not be pious.<sup>126</sup> Weinberg followed in the German Orthodox tradition which recognized the legitimacy of women's religious development and regarded women's education as essential to this development. In this conception, women's education came to be regarded as an intrinsically positive manifestation, not merely an unavoidable measure taken to prevent religious breakdown, which was the attitude of so many East European supporters of the Beth Jacob movement.<sup>127</sup> It is thus no surprise that Weinberg embraced other halakhically permissible innovations, such as the Bat Mitzvah ceremony, which, together with education, he regarded as essential to women's religious growth in contemporary times. However, he agreed with Salanter that when dealing with more traditional communities a much slower and more cautious approach is called for before instituting any such reform.<sup>128</sup>

Before writing a responsum on the Bat Mitzvah, there was an important consideration which had to be taken into account. To justify the Bat Mitzvah would be to give a halakhic imprimatur to an innovation of Mordecai Kaplan. This innovation was itself an outgrowth of the confirmation service instituted at the beginning of the last century by various Reform leaders in conscious imitation of the Christian ceremony.<sup>129</sup> Confirmation,

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<sup>126</sup> See *Li-Frakim*, pp. 211-214. On p. 214, he writes: חנוך-הבנות היא הקשה שבשאלות יכו. בשאלה זו אנו החרדים ונאמנים לדגל מסורתנו מתלבטים ביחוד, בגלוי ובסתרי-הקמת רשת גדולה ומקיפה של בית יעקב היא ההפגנה ל. בבנו הנהדרה ביותר של דורנו.

<sup>127</sup> See Breuer, *Jüdische Orthodoxie im Deutschen Reich*, p. 117. Hildesheimer was an exception to the statements I make in the text, as he shared the view of the East European supporters of Beth Jacob. See *Rabbiner Esriel Hildesheimer Briefe*, Letter 86 (German section): "In früheren Zeiten konnte allerdings die Religiosität immer durch das elterliche Beispiel ersetzt werden, die Zeiten haben sich aber bekanntlich leider! sehr geändert."

<sup>128</sup> See e. g. SE 2, p. 17.

in which both boys and girls participated, was designed to achieve equality among the sexes. It was also supposed to take the place of the Bar Mitzvah ceremony, which was thought to have deteriorated and did not give the opportunity for young Jews to solemnly declare their religious commitment in the face of widespread erosion of Jewish identity.<sup>130</sup>

The origin of the Bat Mitzvah creates great halakhic difficulties for any decisor who wishes to permit it, for just as halakhah forbids imitation of Gentile practices, it also forbids imitation of the practices of heretics, the category into which Reform leaders fell. Indeed, an examination of nineteenth and twentieth century halakhic literature leads to the following conclusion: Any practice which was an innovation was suspect, but a practice introduced by the Reformers, even with halakhic support, was almost always regarded as invalid, if only because of its origin. In addition to this, halakhic decisors had raised another problem with the Bat Mitzvah, arguing that it was an imitation of the Christian ritual of confirmation and thus forbidden because of *Hukkot ha-Amim*, the prohibition against imitating Gentile practices. Thus, the Bat Mitzvah was viewed as either a Reform custom or a Gentile custom -- in either case certainly forbidden.<sup>131</sup>

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<sup>129</sup> See Mordekhai Eliav, *Ha-Hinnukh ha-Yehudi be-Germanyah Bimei ha-Haskalah ve-ha-Emantzipatzyah* (Jerusalem, 1960), chapter 10; W. Gunther Plaut, *The Rise of Reform Judaism* (New York, 1963), pp. 171-177; Walter Jacob, ed., *American Reform Responsa* (New York, 1983), p. 88; Michael A. Meyer, "Christian Influence on Early German Reform Judaism," in *Studies in Jewish Bibliography, History, and Literature in honor of I. Edward Kiev*, p. 298, idem, *Response to Modernity*, pp. 39-40; and Paula E. Hyman, "The Introduction of Bat Mitzvah in Conservative Judaism in Postwar America," *Yivo Annual* 19 (1990), pp. 133ff. There were a few Orthodox rabbis who conducted confirmations, but they were not halakhic authorities. See Eliav, *Ha-Hinnukh ha-Yehudi be-Germanyah Bimei ha-Haskalah ve-ha-Emantzipatzyah*, pp. 269-270; Steven M. Lowenstein, *The Mechanics of Change: Essays in the Social History of German Jewry* (Atlanta, 1992), p. 91, note 9.

<sup>130</sup> See Meyer, *Response to Modernity*, p. 40, David Philipson, "Confirmation in the Synagogue," *Year Book of the Central Conference of American Rabbis* 1 (1890-1891), pp. 43-58. See especially pp. 48-49: "The Bar Mitzvah ceremony is a remnant of rabbinism." Philipson goes on to say that it is "a soulless ceremony without any signification," an "old and worn tradition," and a practice which "has lived its day."

<sup>131</sup> Particularly noteworthy is the reaction of R. Aaron Walkin, Weinberg's short-lived successor to the rabbinate of Pilwishki and a leading supporter of the Beth Jacob movement (see his *Zekan Aharon*, vol. 2, no. 66). After detailing his strong opposition to the innovative practice, Walkin adds: *וְאֵי שֶׁהַחֲתוּמָה בְּזוֹהָ הוּא זָקֵן מְחַרָּא*. See *Zekan Aharon*, vol. 1, no. 6. One exception to the opponents of the ceremony was the nineteenth-century R. Abraham Musafia of Jerusalem; see his responsum in *Noam* 7 (1964), pp. 4-5. Had Weinberg known of Musafia's position when he wrote his own responsum, he certainly would have highlighted the latter's concurring view. However, as is clear to anyone who reads his responsum, Musafia was unaware of the circumstances surrounding the origin of the Bat Mitzvah.

On the other hand, before issuing his ruling Weinberg also had to take into account the fact that not all "reforms" which were taken from the Reformers, or from non-Jews for that matter, are necessarily bad.<sup>132</sup> In addition, there is a difference between taking over a Reform custom right after it was instituted and adopting it years later when it no longer is identified as being related to Reform. Finally, one has to consider whether by *not* introducing the Reform innovation, Orthodoxy could be harmed.

Although Weinberg's responsum contains a lengthy discussion of the parameters of the law against imitating Gentiles, it is clear that he is not giving us an objective and detached treatment. Weinberg has made up his mind that the Bat Mitzvah ceremony is a positive manifestation, and he is now going through the motions of justifying it halakhically. This lends support to Emanuel Rackman's comment that, "in the deepest strata of halakhic thinking, logical judgment is preceded by value judgment, and intuitive insight gives impetus to the logic of argument."<sup>133</sup>

Weinberg does not simply present halakhic arguments, but just as important, details the meta-halakhic factors which stand behind his decision. With reference to those who opposed the Bat Mitzvah on the grounds that it went against tradition, he writes:

In truth, this is no claim, for in previous generations they did not have to be concerned with the education and training of girls. At that time all Jews were full of Torah and God-fearing and every city was full of the spirit of Judaism. Girls who were raised in a Jewish home absorbed the spirit of Judaism without any active deed, almost taking it in with their mothers' milk. But now, a great change has occurred. The influence of the street removes every spark of Judaism from the hearts of boys and girls, and the girls are being educated at non-Jewish or secular schools which do not try to implant in the hearts of their students a love for Torah and the holy practices of authentic Judaism. It is incumbent upon us to concentrate all our strength on the education of girls. It is disappointing that in general

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<sup>132</sup> See the famous responsum of R. Isaac bar Sheshet, *Teshuvot Rivash* (Jerusalem, 1993), no. 158, which Weinberg himself notes. With reference to the German Orthodox practice of wearing clerical robes, see R. Marcus Horovitz, *Matteh Levi* (Frankfurt, 1932), vol. 2, *Orah Hayyim*, no. 6; Meier Hildesheimer, ed., *Rabbiner Dr. Israel Hildesheimer Gesammelte Aufsätze* (Frankfurt, 1923), pp. 20, 25-26; and Breuer, *Jüdische Orthodoxie im Deutschen Reich 1871-1918*, p. 42.

<sup>133</sup> "Halakhah: Orthodox Approaches," *Encyclopedia Judaica Year Book: 1975-1976* (Jerusalem, 1976), p. 141.

education -- the study of languages, secular literature, science, and the humanities -- we concern ourselves with girls as much as with boys, but we totally neglect religious education -- Bible study, the *mussar* literature of our sages, and commandments which women are obligated in.<sup>134</sup> -- . . . From the standpoint of logic and pedagogy it is almost imperative to also celebrate the attainment of the age of *mitzvot* for girls. Moreover, the discrimination [הפלייה] which occurs between boys and girls with regard to the celebration of maturity makes a very hurtful impression on the feelings of the maturing girl, who has in all other areas attained equality, so to speak.

It is these considerations which lead Weinberg to offer his support to the ceremony, on the condition that those who wish to institute it are motivated by the good intentions he describes, rather than intending to imitate the Reformers. He also urges the more right-wing members of the community to make their peace with the institution and to accept the fact that the advocates of the Bat Mitzvah are motivated by good intentions.

Both in this responsum and in a subsequent letter in which he defends his decision,<sup>135</sup> Weinberg claims that since he limits his permission to having the Bat Mitzvah in a house, and not in the synagogue, his view is in accordance with that of R. Moses Feinstein, a decisor who was well respected among the right-wing Orthodox.<sup>136</sup> Presumably, Weinberg stresses this point in order to forestall any attacks on his view from the more conservative segments of Orthodoxy. However, anyone who reads the responsa of Weinberg and Feinstein will immediately see the great difference between the two, even though in practice they agree. Feinstein's responsum is purely halakhic and does not take into account any of Weinberg's social and educational considerations. In fact, Feinstein has a completely negative view of the ceremony, opposing its adoption and calling it "nonsense."<sup>137</sup> It is only if the community insists upon having the Bat Mitzvah that

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<sup>134</sup> See Hildesheimer, *Rabbiner Esiel Hildesheimer Briefe*, Letter 86 (German section): "Zum ersteren Punkte kommt noch, dass es eine wahre Schande und Demüthigung unseres heiligen Glaubens ist, wenn die Mädchen, und dies ist heute nicht nur bei den sogenannten "höheren" Ständen der Fall, wohl das Ungarische in deutschen und das Deutsche in ungarischen Landestheilen wie auch das Französische, oft auch Englische, Tanzen und Musik etc. erlernen, von ihren eigentlichen Religionsquellen aber keine blasse Ahnung haben."

<sup>135</sup> *Ha-Pardes* (July, 1966), p. 36.

<sup>136</sup> *Iggerot Moshe* (New York, 1959), *Orah Hayyim*, no. 104.

Feinstein specifies that it must not take place in the synagogue. On the other hand, Weinberg has a very positive view of the ceremony and elaborates on its crucial importance for young Jewish women being raised in Western society. Here we have a good example of Weinberg following in the path of previous German decisors who believed, as with Kook, in sanctifying the new rather than rejecting it outright, which was the approach of Sofer and his followers.

Weinberg's enthusiasm with expanding the religious opportunities available to women is so strong that it even leads him to adopt a halakhic stance which contradicts a position he holds elsewhere. In *Seridei Esh* 2:80 Weinberg discusses use of an organ at a cemetery, a practice initiated by the Reformers. Weinberg could have argued that this was a custom which had a good reason, namely, in order to arouse feelings commensurate with the day. As Weinberg notes, R. Joseph Colon, a leading medieval halakhist, had ruled that imitation of Gentile customs is permitted if the practice has a valid reason and is not associated with idolatry or immodest conduct.<sup>138</sup> Weinberg acknowledges that if one were to accept this opinion it would be possible to permit use of the organ at a cemetery. However, without pointing to any analytical weakness in Colon's view, Weinberg rejects it and instead adopts the Vilna Gaon's opinion that *any* Gentile practice which Jews would not have instituted on their own, regardless of whether it has a good reason, is forbidden.<sup>139</sup>

Yet in discussing Bat Mitzvah, Weinberg specifically rejects the Vilna Gaon's position, without demonstrating why it is mistaken,<sup>140</sup> and adopts the view of Colon and

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<sup>137</sup> In a later responsum, *Iggerot Moshe* (New York, 1982), *Orah Hayyim* IV, no. 36 (addressed to Meir Kahane), Feinstein argues that the ceremony has no value in bringing girls closer to Judaism.

<sup>138</sup> *She'elot u-Teshuvot Maharik ha-Shalem* (Jerusalem, 1988), no. 88.

<sup>139</sup> *Yoreh Deah* 178:7.

<sup>140</sup> See SE 3, p. 296, where after recording a suggestion of R. Moses Schick which answers the objection that the Vilna Gaon raised against Colon, Weinberg writes: ״וּבְפָנֵי הַקּוֹשֵׁי הַגַּרְיָא, נִרְאֶה שֶׁהַגַּרְיָא ״. He then explains how the Vilna Gaon's view is based on a reading of the Talmud which differs from that of Colon, but does not attempt to refute the Vilna Gaon's interpretation.

other medieval scholars, enabling him to permit the ceremony. That is, even if the ceremony is taken from Gentiles, or from the Reformers, as long as the Orthodox intend to achieve something positive through it, there is no religious objection. As for the fact that Confirmation is a Christian, and thus idolatrous, ceremony, Weinberg remarkably denies that Confirmation has any religious nature. He claims that it is merely a celebratory rite of passage!<sup>141</sup> Here we have a good example of the "fluidity" of the halakhic system. In the responsum dealing with the organ, where Weinberg has important meta-halakhic reasons to forbid it, he adopts the Vilna Gaon's opinion. In the responsum dealing with Bat Mitzvah, where Weinberg has important meta-halakhic reasons to permit it, he adopts Colon's opinion.<sup>142</sup> Acceptance or rejection of these views is not based on analyses of their inherent strengths and weaknesses, but on overriding meta-halakhic considerations.<sup>143</sup>

There is another responsum in which we see the same sensitivity to women's issues, as well as the belief that, within halakhic parameters, Orthodoxy must adapt to the times in order to ensure the continued loyalty of its adherents as well as to achieve educational objectives unnecessary in previous years. In *Seridei Esh* 2:8 Weinberg

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אלא שבזה ל"ש שיש בו משום ע"ז אלא שפושים כן הגיגת שמחתם לרגל<sup>141</sup> בגרותם של בניהם.

<sup>142</sup> At the end of the responsum, and almost as an aside, Weinberg advances the dubious suggestion that if the Bat Mitzvah is used to impart important lessons in Judaism to young girls, it can be seen as consistent even with the Vilna Gaon's strict position on the adoption of Gentile practices. However, as I have already noted, his main method of proving the legitimacy of the Bat Mitzvah is to reject the Vilna Gaon's position in favor of Colon's.

<sup>143</sup> As is to be expected, Weinberg's responsum provoked a great deal of discussion and became an important source of support for those who wish to grant women a wider role in Jewish religious life. For a comment representative of the opposition to Weinberg, which refuses to grant validity to any of Weinberg's meta-halakhic concerns, see R. Alter Eliezer Kahane's responsum printed in R. Israel Veltz, *Divrei Yisrael*, vol. 2, *Likkutei Teshuvot*, no. 7: וּבְכַל ל' אֵל הַבְּנֵי מִה רָצָה בְּזֵה הַרְבּ הַכּוֹתֵב, מִה רָצָה לִרְאוֹת לְתַקֵּן וְמִה מֵצֵא חֶסֶד לְנוּ עַד הַיּוֹם לְבֹא עֲלֵינוּ בְּמִנְהַגִּים חֲדָשִׁים, מִה טַעַם יֵשׁ בְּזֵה וְמִה תּוֹעֵלָתָהּ אִם טוֹבָה תְּצַמַּח מִזֶּה. Weinberg's responsum, especially the reasoning behind it as it relates to the sensitivities of women and to the validity of breaking with traditional practice when the need is great, is cited in Wayne R. Allen, ed., *Tomeikh keHalakhah* (Mount Vernon, N. Y., 1986), vol. 1, no. 6, in order to support the halakhic validity of women's prayer groups. See, however, R. Zvi Schachter, "Tze'i Lekha be-Ikvei ha-Tzon," *Beit Yitzhak* 17 (1985), p. 128, who argues against this view, citing Weinberg's great regard for traditional custom in SE 3:96. Berkovits, *Jewish Women in Time and Torah*, pp. 79-81, denies that the logic of SE 3:96 compels one to admit that Weinberg would have forbidden women's prayer groups.

discusses the halakhic propriety of the Jeschurun youth group in France. This organization, which was modeled on German Orthodox youth groups, was both co-educational and allowed girls to sing at its gatherings. Both of these characteristics made it a subject of attack by right-wing segments of the French Orthodox, attacks which Weinberg believes are symptomatic of their shortsightedness and lack of concern for the larger community. He responds very sharply to these opponents, noting that even though they are only concerned about their own children, they have no way of ensuring that the latter will not also be swept away by the anti-religious trends pervading French Jewry.<sup>144</sup>

In Weinberg's responsum justifying the actions of Jeschurun it is clear, just as with his responsum on the Bat Mitzvah, that he has convinced himself what his ruling must be. The only obstacle to overcome is finding the sources to justify it. "He knows only too well that some conclusions are ruled out from the beginning even if these appear convincing from the point of view of abstract logic and pure legal theory."<sup>145</sup> Weinberg explains at great length, in a fashion unheard of in responsa literature, the educational and sociological importance of this organization and the psychological state of French youth, especially young women who take offense at being excluded from singing. It is these considerations which lead him to conclude that in modern times there is an obligation to create youth groups such as Jeschurun. Only they will be able to provide a connection to Judaism, and in turn spark a religious revival, for the overwhelming majority of modern Jewish youth.

Weinberg's meta-halakhic considerations are set out even before he reaches his halakhic arguments, which are based on the notions that (a) it is permitted to listen to a

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<sup>144</sup> The following quotation typifies Weinberg's mood:

אולם הם מפלימים ציניהם מן המצב בצרפת כמו שהוא. ליהודים החרדים מן הסוג הישן אין שום השפעה על מהלך החיים, הם מרוכזים בתוך חוגם המצומצם ואינם שמים את לבם לתהליך ההתבוללות הנושה שמות גם בקרב החרדים. אף החרדים שולחים בניהם ובנותיהם לבתי ספר נכריים, ואין להם שום ערובה שיהי' בכוחם לצמוד נגד הזרם השוטף ומכלה, הם בוטחים בצמחם ואינם דואגים דאגת מחד לצתידם הדתי של ילדיהם.

<sup>145</sup> Louis Jacobs, *A Tree of Life*, pp. 12-13.

group of women singing, and (b) the prohibition against hearing a woman sing does not apply to holy songs.<sup>146</sup> This order of presentation is important because by showing how critical Jeschurun is for the survival of French Orthodoxy, Weinberg is setting the stage to use minority opinions which would not be taken into account in a halakhic decision which did not have such extenuating circumstances.

A halakhic decisor is not "objective" when dealing with issues of *agunah* or *mamzerut*, but on the contrary has a set goal for himself -- freeing the bound woman or purifying the children. He devotes all of his energy to finding a halakhic way to reach this goal. Similarly, when the fate of thousands of Jewish youth are in the balance, Weinberg does not objectively consider pros and cons. Rather, he approaches the discussion with a set goal and goes about finding the halakhic sources to justify it. It is therefore to be expected that those authorities who did not share Weinberg's general outlook would oppose his responsum, and cite numerous halakhic sources in opposition. But these opponents were missing the point, because Weinberg too was well aware of the halakhic authorities in opposition to his view. Indeed, he cites a number of them. Yet because of the critical importance of the issue he is confronting, he chooses to ignore these authorities and rely on minority opinions. Halakhic interpretation is not in dispute, but rather how one evaluates the needs of contemporary Orthodoxy and what the role of the decisor should be in responding to those needs.

Weinberg continues by pointing out that the leaders of pre-war German Orthodoxy, who approved of co-ed groups such as Jeschurun, were able to successfully pass on the tradition to their children. They succeeded because they knew how to present Orthodoxy in a fashion which was consistent with the spirit of modern times. However, the sages of Lithuania and Poland failed in this regard, a fact freely admitted by them.<sup>147</sup> Weinberg's

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<sup>146</sup> See also SE 2:14 (end) where Weinberg repeats these arguments. Saul Berman, "Kol 'Isha," in Leo Landman, ed., *Rabbi Joseph H. Lookstein Memorial Volume* (New York, 1980), pp. 63-65, shows the significance of Weinberg's halakhic views within the development of the prohibition of *kol isha*.

public identification with the ideals and method of education of German Orthodoxy, at the expense of East European Orthodoxy, is never made clearer.<sup>148</sup>

Weinberg's method in this responsum, as in so many others, follows the German halakhic tradition. To give one example from this tradition, which relates to issues dealt with by Weinberg, a leading follower of Hirsch has explained that Hirsch showed

. . . tolerant, cautious reserve (if judged by the moral rigour of the divine Law and of rabbinical teaching) towards those very objectionable forms of conduct of the sexes on the parquet floors of the salons, towards *תערובת נשים עם אנשים*<sup>149</sup> [and] towards *קול באשה פרוה*<sup>150</sup> at public examinations in the higher grades."<sup>151</sup>

Both Hirsch and Weinberg were forced to compromise. Due to the sociological realities of their time, they were forced to explore the outer limits of halakhic propriety. However, they were prepared to do so, for the alternative would have been much worse.<sup>152</sup>

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<sup>147</sup> See e. g. Moses Auerbach, "Al Odot Mikhlalah Haredit le-Vanot," *Ha-Ma'ayan* 4 (Nisan, 5724), p. 1.

<sup>148</sup> See the comments on this responsum in Joel B. Wolowelsky, "Modern Orthodoxy and Women's Changing Self-Perception," *Tradition* 22 (Spring, 1986), pp. 66-67.

<sup>149</sup> The mixing of the sexes.

<sup>150</sup> "A woman's voice is considered nakedness [i.e. licentious]." (*Berakhot* 24a)

<sup>151</sup> Rosenheim, *Samson Raphael Hirsch's Cultural Ideal and Our Times*, p. 60. (I have corrected the punctuation to agree with the original German, *Das Bildungsideal S. R. Hirschs und die Gegenwart*, p. 65. This passage has been excised in the Hebrew translation of Rosenheim's essay, *Rabbi Shimshon Raphael Hirsch: Mevasser u-Magshim Hazon ha-Ahdut ha-Nitzhit*, translated by Chaim Weissman [Bnei Brak, 1965], and published by Nezah Publications.)

<sup>152</sup> Along this theme, see Breuer, *Jüdische Orthodoxie im Deutschen Reich*, p. 368, note 26, who calls attention to a report in *Jeschurun* 18 (1885), p. 11, of a public function at the Orthodox school in Frankfurt at which a teenage girl sang in the presence of a crowded audience. See also Unna, *Shoalin ve-Dorshin*, no. 2, who defends the practice of unmarried girls singing in front of men. (Unlike Weinberg, he does not restrict his permission to singing in groups or singing holy songs.) I should also call attention to a picture of a group of girls found at the end of Sinasohn, *Adass Jisroel Berlin* (p. 32 in the unpaginated pictures). They are participating in a co-ed Adass Jisroel event (apparently a sports exhibition) and are not dressed in the fashion one might expect from members of the separatist Orthodox community.

After publishing his responsum, Weinberg was pleased to learn that Karelitz (*Hazon Ish*) agreed with him. See *Ha-Pardes* (February, 1967), p. 39. As with his responsum on Bat Mitzvah, this responsum has stimulated a great deal of discussion. R. Abraham David Horowitz, *Kinyan Torah ba-Halakhah* (Strasbourg, 1976), vol. 1, no. 85, completely rejects Weinberg's view permitting the girls to sing (the issue of co-ed groups is not considered). He also expresses doubt that any German decisor ever ruled leniently in this matter and goes so far as to say that Weinberg's old age was blinding him to reality, in that he assumed that the young men of *Jeschurun* would not enjoy hearing the young women sing holy songs.

One of the characteristics of the German halakhic tradition has been described by Breuer as follows: "How the inquirer will respond to the decision which is given to him was often no less decisive, with regard to the ultimate halakhic ruling, than the pure halakhic argumentation."<sup>153</sup> Weinberg shared this characteristic and the tendency to take into account modern social and educational issues is a constant in his responsa. This characteristic distinguishes him from many other decisors, who choose to either ignore or to fight against these manifestations of modern society. Weinberg's responsa are also unusual in that he is explicit about the meta-halakhic factors which lead him to his

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It is clear from Horowitz' letter that Weinberg had written him privately before he gave his decision. Presumably, Weinberg expected opposition to his view among segments of the French Orthodox, and therefore wished to enlist the support of Horowitz, the *haredi* rabbi of Strasbourg. (Horowitz is currently a member of the Beth Din of the *Edah ha-Haredit* in Jerusalem). A more concise version of Horowitz' responsum is found in SE 3, p. 194 (with the passage of time, Horowitz probably added on to his original letter). R. Eliezer Waldenberg, *Tzitz Eliezer* (Jerusalem, 1985), vol. 14, p. 20; R. Meir Amsel, "Al ha-Irgun 'Yeshurun' be-Tzarfat," *Ha-Maor* (November, 1955), pp. 15-17, (December, 1955), pp. 13-15, (March, 1956), pp. 14-17; R. Meir Isaacson, *Mevasser Tov* (Brooklyn, 1986), vol. 2, no. 74; and R. Yosef Shalom Eliashuv and R. Jacob Kaminetzky in R. Aryeh Ze'ev Ginzberg, *Divrei Hakhamim* (Brooklyn, 1986), p. 253, also dispute Weinberg's conclusions. Eliashuv claims that even according to Weinberg his responsum cannot be applied to other cases. However, he apparently is unaware of Weinberg's own comments, with regard to women singing, at the end of SE 2:14. R. Isaac Jacob Fuchs, *Halikhot Bat Yisrael* (Jerusalem, 1984), p. 89, note 16, is similarly unaware of these comments. For positive reactions towards Weinberg's responsum, see R. Elimelech Bar Shaul in Shmuel Katz, *Kedoshim Tihyu* (Jerusalem, 1980), p. 244, who relies on Weinberg for his own approval of co-ed singing. See also R. Elyakim G. Ellinson, *Hatznea Lekhet* (Jerusalem, 1981), pp. 42-43, note 117, who quotes Weinberg's view in support of religious co-ed youth movements. In *Kedoshim Tihyu*, pp. 248-249, R. Shlomo Aviner cites Weinberg in order to establish the validity, from a halakhic sense, of the co-ed Bnei Akiva and Ezra movements in Israel. See also Aviner, *Hesed Neurayikh* (Jerusalem, 1991), p. 76, where he sharply restricts Weinberg's comments, claiming that Weinberg did not support the broad conclusions many drew from his responsum. This same view is expressed by Aviner's teacher, R. Zvi Yehudah Kook; see Aviner, *Gan Naul* (Jerusalem, 1985), p. 22. In his *Torat Imekha* (Jerusalem, 1991), p. 238, Aviner asserts that Weinberg's view is a singular opinion.

J. Simcha Cohen, *Intermarriage and Conversion: A Halakhic Solution* (Hoboken, 1987), pp. 101-103, cites Weinberg in order to permit women to join men in song during synagogue services. Concerning Weinberg's ruling, he writes: "The problem with this decision is that it appears to be based primarily upon a perception of life-style and a cultural milieu rather than a purely halakhic source." (p. 102). Cohen is bothered by this and tries to suggest a "pure" halakhic reason for the permission of Hirsch and Hildesheimer, upon which Weinberg relies, for women to join men in song. However, Cohen's comments are very strange. Firstly, even should he be right -- and there is no reason to think so -- that Hirsch and Hildesheimer considered his halakhic source before issuing their decision, this is irrelevant to any discussion of Weinberg, since Weinberg does not consider Cohen's halakhic source. Secondly, Weinberg never said that there were *no* halakhic sources to back up his ruling. In SE 2:8 and 2:14 he specifically mentions that Hirsch and Hildesheimer were guided by the halakhic notion of *לֹא לְיָדֵינוּ לְבַטֵּל הַקֹּדֶשׁ* and the view that holy songs do not lead to impure thoughts. Finally, Cohen is correct in sensing that Weinberg's decision is based primarily upon "a perception of life-style and a cultural milieu," but there is no "problem" with this. Since there are halakhic sources to justify his opinion, it is precisely the "perception of life-style and cultural milieu" which determine if Weinberg should make use of this halakhic support

<sup>153</sup> Breuer, "Al Darkhei ha-Pesikah shel Rabbanei Germaniah ba-Idan ha-Emantzipatzyah," p. 167.

decisions, whereas with other decisors the halakhic historian usually has to read between the lines or speculate about possible influences. It is very often the case that Weinberg cites these meta-halakhic factors to bolster a decision even when there is no need to do so, since the halakhic sources are themselves sufficient.<sup>154</sup>

Another issue dealing with women is female suffrage, the permissibility of which was at one time subject to great halakhic dispute. Although it is common today for even the ultra-Orthodox women to vote in various elections, this was not always the case. When, in 1918, the Jewish Agency granted women the right to vote and hold office, most of the world's great rabbis, including Kook, Israel Meir Hacohein, and Grodzinski came out in opposition to this.<sup>155</sup> Their negative stand was supported by Germany's Orthodox paper, *Der Israelit*,<sup>156</sup> as well as by prominent German religious leaders.<sup>157</sup> Hoffmann disagreed

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<sup>154</sup> There are so many examples of this that it would be impossible to do justice to them in the space of one chapter. One typical example is SE 2:157, where Weinberg was asked whether it was necessary to recite *kiddush* in the synagogue. It seems that during World War II, owing to a lack of wine, this custom was abolished and the rabbi did not want to reinstate it due to the *Shulhan Arukh's* disapproval (*Orah Hayyim* 269). After citing a number of halakhic sources in support of the custom, Weinberg also notes the educational importance of sanctifying the Sabbath in public, as this could inspire people to recite the prayer at home. Thus, even though there are authoritative halakhic sources in support of his position, not to mention long-standing custom, Weinberg is not content with this. He feels that it is just as important to emphasize the educational factor. In SE 2:5, Weinberg shows that it is halakhically acceptable for a Bar Mitzvah boy to chant the Torah reading in the Sephardic pronunciation even though the community uses the Ashkenazic method. He then adds that there are meta-halakhic factors (education of the Bar Mitzvah boy and the need for peace in the community) which support his decision. In SE 3:95, Weinberg establishes that a father may not forbid a son, over thirteen years old, from using materials in his possession. He then adds a paragraph explaining why, from the standpoint of modern pedagogy, this would be an improper approach.

<sup>155</sup> The dispute has been described in detail by Menachem Friedman, *Hevrah ve-Dat* (Jerusalem, 1978), chapters 6 and 7.

<sup>156</sup> See the issue of December 3, 1925, p. 1. See also the issue of November 6, 1919, p. 1, for a German translation of an article by Kook on this question.

<sup>157</sup> See R. Meier Lerner of Altona (1857-1930), *Hadar ha-Karmel* (London, 1975), vol. 2, *Hoshen Mishpat*, nos. 8 and 9 (the original German version of this last responsum appears in Ina Lorenz, *Die Juden in Hamburg zur Zeit der Weimarer Republik* [Hamburg, 1987], vol. 2, pp. 1250-1251); R. Moses Auerbach (1881-1976), Weinberg's colleague at the Seminary, *Me-Halberstadt ad Petah Tikvah*, p. 144; R. Abraham Samuel Benjamin Spitzer of Hamburg (1872-1934), "Ke-Torah Ya'aseh," *Festschrift für Jacob Rosenheim*, pp. 1-43 (Hebrew section). Alone among German rabbis, R. Nehemiah Anton Nobel of Frankfurt (1871-1922) ruled that women could vote and be elected to office. His motivations were largely meta-halakhic in nature. Nobel stated that he did not issue his ruling for the sake of the women of Frankfurt, but for the women in Palestine. It was crucial not to alienate the latter in any way, for, as he put it, "we cannot build the Land [of Israel] without our women and girls." See Ernst Simon, "N. A. Nobel als Prediger," in *idem*, *Brücken: Gesammelte Aufsätze* (Heidelberg, 1965), p. 380.

with these rabbis as far as women voting, yet he too agreed that they were not permitted to hold office.<sup>158</sup> For the opponents of women's suffrage, the halakhic arguments they marshalled were secondary to the real reason for their opposition, namely, that women voting, and holding office, went against traditional Jewish conceptions of modesty.

Since this was an issue which would not go away, it is not surprising that Weinberg was also asked to rule on it. In his first responsum,<sup>159</sup> dated 1932, Weinberg states that at a meeting of the *Vereinigung's* Halakhah Commission he refuted the proofs of Hoffmann and showed that there is no halakhic prohibition with women holding office. However, as far as practical halakhah was concerned, he agreed with his colleagues that for reasons of modesty it was improper for women to hold office.<sup>160</sup> With regard to women voting, he advises his questioner to adopt the permissive view of Hoffmann, who, according to Weinberg, was the only authority who based his decision on halakhic sources as opposed to preconceived notions of female modesty. Weinberg concludes his responsum by noting that if holding to Hoffmann's view would destroy the peace and unity of the community, than the community may adopt his own position which allows women to be elected to office. Here again, we find Weinberg arguing that if, because of pressing sociological considerations, it becomes increasingly difficult to fulfill the halakhah in the best possible manner, one is permitted to avail oneself of leniencies not normally used.

In a second responsum dealing with this issue,<sup>161</sup> dated 1960, Weinberg is more cryptic. After quoting authorities on both sides of the dispute, he refuses to give a ruling,

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<sup>158</sup> "Ein Gutachten," *Jeschurun* 6 (1919), pp. 262-266, and "Über Frauenwahlrecht in jüdischen-Gemeinden," *ibid.*, pp. 515-522.

<sup>159</sup> SE 2:52.

<sup>160</sup> The notes of this June 5, 1930 meeting survive in Yad Vashem Archives, file 08/45. From here we see that Weinberg insisted that his refutation of Hoffmann not be made public knowledge. However, he also adds that even though, in practice, he supports Hoffmann's exclusion of women from elected office, where this has already been instituted he opposes any efforts to abolish it, so as not to cause communal tension.

<sup>161</sup> SE 3:105.

even with regard to women voting. Instead, he suggests that the matter be left alone as it will eventually be worked out by itself.<sup>162</sup> He then gives the reasons of those who forbid female participation. These are based on traditional conceptions of female modesty as well as rabbinic sources. Weinberg concludes that one could debate the relevance of the rabbinic sources, "but [in this case] there is no value in Talmudic dialectics since there are more profound reasons" at the heart of this dispute.

What Weinberg is saying is that, in essence, there is nothing forbidden about women voting or being elected to office. At the present time (1960), Weinberg is prepared, by refusing to issue a ruling, to deny women electoral involvement. He chooses this course since many authorities oppose women's electoral involvement and this policy does not threaten the coherence of the traditional community or the religious loyalty of women. However, if in the future the situation changes, there will be no reason to oppose an expansion of women's involvement in community affairs. At such a time there will be much to lose, in terms of the religious allegiance of women, and nothing to gain by holding on to what is only a stringency. Just as the Mishnah preserves the opinion of an individual, even if it is not adopted, in order to enable a future court to rely on this view,<sup>163</sup> so too, Weinberg leaves open the possibility that the time will come when the prevailing majority view should be set aside.<sup>164</sup>

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<sup>162</sup> בְּנִיחַ הָדָד בְּרַ לְזֶהֶן שִׁיבּוֹא וַיִּכְרִיט. This, by the way, is exactly what happened in Israel; see my "Further on Women's Hair Covering," *Judaism* 40 (Winter, 1991), p. 92, note 6. I am unaware of any responsa by Agudah figures justifying women's suffrage, yet Agudah women vote in every election in Israel. Throughout the rest of the world, Agudah women have no electoral input in the affairs of their community, in accordance with the rulings by the Agudat Israel leadership earlier in the century. Incidentally, in the *haredi* settlement of Emmanuel, outside of Jerusalem, women do not vote. Whether this is the start of a new trend among the Israeli *haredim* remains to be seen.

<sup>163</sup> *Eduyyot* 1: 5; see the commentaries of Rabad, Meiri, R. Samson of Sens and *Tosafot Yom Tov*. See also the *Tosefta* of *Eduyyot* 1: 4

<sup>164</sup> See Menahem Elon's decision in the Leah Shakdiel case, published in Dov Rapel, ed., *Ha-Peninah* (Jerusalem, 1989), pp. 104-105, and Yonah Ben Sasson, "Tokfah shel ha-Metziut be-Olamah shel Halakhah," in Kahana, ed., *Be-Hevle Masoret u-Temurah*, p. 65. Elon and Ben Sasson offer alternative interpretations of SE 3:105, neither of which correspond to my own reading.

In concluding this chapter it is worthwhile to call attention to one more responsum, for it too says a great deal about Weinberg's ideological outlook. In my discussion of the responsa dealing with Bat Mitzvah and the Jeschurun group, I noted Weinberg's view that when the practice under consideration is of questionable legality, but has important communal value, the decisor should do his utmost to find ways to justify the practice. We find another example of this approach in a short responsum in which Weinberg deals with the practice of those mourners who, instead of performing the ritual tearing of a garment, tear a small tie.<sup>165</sup> In this case, there is absolutely no way in which the practice can be justified, for tearing a ribbon has no halakhic validity. Yet Weinberg counsels restraint. If the rabbi is unable to convince the mourners to change their practice he should remain silent, since it is better that they tear the ribbon, so that the practice is not entirely forgotten, than not tear anything at all. Weinberg concludes with a very interesting passage:

In general, one should be careful not to cause an argument because of these things, and they [the sages] have already said (Mishnah, *Pesahim* 50b) that we are obligated to follow the custom of the locale in order to avoid arguments, and see R. Asher there.<sup>166</sup>

What is surprising in Weinberg's citation of *Pesahim* 50b and R. Asher is that both sources are referring to the adoption of halakhically valid customs. It is in such a circumstance that one is not supposed to depart from local practice. However, in the case Weinberg deals with the mourners are violating halakhah rather than following a valid custom. Normally, in cases such as this, one would have expected Weinberg to cite the phrase, "Just as it is a *mitzvah* for a person to say something that will be listened to, so too

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<sup>165</sup> SE 2, p. 278.

<sup>166</sup> Weinberg' is referring to R. Asher's comments to *Pesahim* 51a (also referred to in SE 2, p. 12):  
אפי' ההולך ממקום שמחמירין למקום שמקילין ואפי' דעתו לחזור יש לנהוג בקולי המקום שהלך לשם ואל יחמיר במנהג מקומו מפני המחלוקת בדבר שניכר בו שינוי מנהג... משמע הא לא אפשר בלא מחלוקת היה לו לעשות מלאכה עמהם דגדול השלום ויש לו לצבור על מנהג מקומו ביון דלית ביה איסורא דאורייתא אלא שנהגו בו איסור להחמיר עליהן.

it is a *mitzvah* to refrain from saying something that will not be listened to,"<sup>167</sup> or, "Leave Israel alone, better that they should sin in ignorance than deliberately."<sup>168</sup>

Although the evidence does not suggest any definitive way to answer this problem, it is possible that the rabbinic responses mentioned at the end of the last paragraph are viewed by Weinberg as applicable to cases when there is no redeeming value in the people's actions. However, in the case before us, even though tearing the tie has no *halakhic* significance, and indeed is in violation of a rabbinic commandment, it still has *religious* significance in that it prevents the ceremony from being forgotten entirely. Therefore, the mistaken practice of the masses is still entitled to a degree of respect and Weinberg relates it to valid customs which one should not depart from for fear of creating controversy, a consideration which is found in many of his responsa.<sup>169</sup>

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<sup>167</sup> *Yevamot* 65b. See SE 2:67 (end).

<sup>168</sup> *Shabbat* 148b, *Be'zah* 30a. See SE 2 pp. 156, 157. Regarding this principle, see R. Yehudah Herzl Henkin, "Mutav she-Yihyu Shogegin ve-Al Yihyu Mezidin' bi-Zeman ha-Zeh," *Tehumin* 2 (1981), pp. 272-280, and Gershon C. Bacon, "Leave Israel Alone -- Better Unintentional Sinners than Deliberate Ones: Some Rabbinic Responses to Communal Disregard of the Law," in J. Leonard Romm and Leonard Levy, eds., *Halakhah and the Modern Jew: Essays in Honor of Horace Bier* (no place, 1989), pp. 9-17.

<sup>169</sup> This notion of ensuring communal peace and unity is a basic consideration, not merely in Weinberg's responsa, but in Jewish law in general. However, because of its vague nature, able to be applied at the whim of a decisor, I believe that it too should be described as a meta-halakhic, rather than a halakhic, consideration. What one decisor views as an obligatory ruling, whatever the cost to communal peace, another decisor opposes precisely because of the damage to communal peace. The tension between these two tendencies is seen in a comment of R. Meier Lerner, *Hadar ha-Karmel*, vol. 2, *Yoreh Deah*, no. 71, in justifying a ruling which would destroy communal peace and unity: החז"ל שאמרו אל תפרוש מן הצבור, הם אמרו הרחק משכן דע, ואל תתחבר לרשע ואין לומר דע"ז תתרבה המחלוקת ואפשר שמפני דרכי שלום מותר לבטל את החוקה, זה אינו דלא מצינו בשום מקום שמוותר לבטל חוקה מפני דרכי שלום. . . .

## Conclusion

Weinberg's lifetime coincided with a series of dizzying changes in the Jewish community. As we have seen, he was affected by a number of these changes and his life-story helps us to better understand them. It is the issue of Weinberg's lasting importance which we must now briefly address. Unlike a number of his colleagues who, despite much renown during their lifetime, are without influence today, Weinberg's case is different.

Because his form of Orthodoxy has, in recent years, been put on the defensive, it is no surprise that the so-called Modern Orthodox look towards Weinberg as a guiding light in how they confront modernity and the adaptability of halakhah to sociological change. His name is often brought up in the literature of the Modern Orthodox for he, more than any other outstanding halakhist, identified with the ideals of this "movement" even though he had no formal identification with it. Weinberg believed that Orthodox Jews should not run away from modern society but should educate themselves so that they could be a part of this society. He regarded the creation of the State of Israel as an event of unparalleled importance. He believed that Jewish women's changing self-perception must be recognized and acknowledged. Rather than fighting this new manifestation, he chose to work within the halakhic system to see how far the desires of women could be legitimated. He believed in a halakhah which responded to societal change wherever possible and was frightened by the rising extremism in Orthodoxy. It is only to be expected, therefore, that the Modern Orthodox claim Weinberg as one of their own, and draw inferences from his published opinions to cases which were not yet relevant in his time (for example, women's prayer groups).

Equally unsurprising is the fact that the more conservative elements of Orthodoxy have also been quick to claim Weinberg. Because of his undisputed halakhic greatness, and close friendships with many in right-wing Orthodox circles, it would have been too much for the right-wing to concede him to the more liberal segments of Orthodoxy. The dispute

over Weinberg's image centers on whether he was a traditional *Rosh Yeshivah* who happened to receive a secular education which he regarded as of little significance, or whether he was an advocate of German-style Orthodoxy who stressed the importance of secular studies and Zionism. This dispute was already seen at his funeral and in the many published eulogies after his death. It continues in our own generation and in some ways it is Weinberg himself, by not publicizing his true feelings on important issues of the day, who allowed the opposing segments to lay claim to him. Through an impartial examination of his views, and taking into account Weinberg's private correspondence, it is hoped that this dissertation has contributed at least somewhat to clarifying his outlook. Perhaps only now can we begin to appreciate Weinberg's significance and speak of the legacy he bequeathed.

## Appendix\*

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\* For German documents available in public archives, I have given the location at the end of each document. The Hebrew documents found in public archives are: Weinberg-Unna (Institute for Holocaust Research, Bar Ilan University, File 102:10/63); Auerbach, Weinberg, Grünberg-Aronson, Uziel (Historical Archives of the Municipality of Tel Aviv-Jaffa, Section 8, File 767); Weinberg-Herzog (Herzog papers, Heikhal Shlomo). Weinberg-Atlas is stored in a restricted collection at the Jewish Theological Seminary of America. I thank Mrs. Samuel Atlas and the library of the Jewish Theological Seminary of America for granting me permission to make use of this collection. Throughout the various documents, I have corrected obvious typographical errors. In the Hebrew documents, I have also added various punctuation marks.

### Lebenslauf

Geboren bin ich, Chilko Jakob Weinberg in Pilwischky im Jahre 1884 als Sohn des Kaufmannes Moses Weinberg und seiner Ehefrau Scheine Rivke.

In meiner Kindheit besuchte ich die jüdische Volksschule, späterhin die jüdische Talmudhochschule (Jeschiwah) in Kowno. Im Alter von 17 Jahren erhielt ich die Autorisation als Rabbiner. Mit 20 Jahren trat ich das Rabbinat in Pilwischky an und übernahm auch später nach bestandem Staatsexamen in Lomza (das dem deutschen Maturum gleichkommt) das Kronrabbinat.

Seit dieser Zeit bin ich in verschiedenen wissenschaftlichen Zeitschriften mit Abhandlungen auf historischem, talmudischem und pädagogischem Gebiete, hervorgetreten.

Im Jahre 1914 siedelte ich nach Deutschland über, und bekleidete in Berlin die Stelle eines Rabbiners.

Im Wintersemester 1920 bin ich mit Erlaubnis des Preuss. Kultusministeriums als Hörer an der Berliner philosophischen Fakultät zugelassen worden. Dort habe ich die Vorlesungen der Herren Professoren Erdmann, Riehl, Stumpf, Strack gehört.

Nachdem ich ein Reifezeugnis in Kowno nach bestandener Prüfung erhalten habe, erfolgte meine Immatrikulation an der Giessener Universität. Hier hörte ich die Vorlesungen der Herren Professoren Kahle, Messer, Hölscher, Kinkel, Aster, Hans Schmidt und Anderer.

Seit 2 1/2 Jahren bin ich als Lektor an der Landesuniversität Giessen für Judaica angestellt.

Allen meinen hochverehrten Lehrern spreche ich meinen verbindlichsten Dank für die Teilnahme an meiner wissenschaftlichen Ausbildung aus. Ganz besonders Herrn Professor Kahle, meinem hochverehrten Lehrer, der meine wissenschaftlichen Studien in hohem Masse förderte und auch diese Arbeit durch wertvolle Anregungen bereicherte.

Giessen, 25. Juli 1923

Berlin, 13. März 1932

Sehr geehrter Herr Doktor!

1. Zu dem Schreiben des Vorstandes vom 21. 1. bin ich der Ansicht, im Gegensatz zu Herrn Rabb. Dr. Klein-Nürnberg, dass die Kommission wohl verpflichtet ist, alle ihr vorgelegten Anfragen zu beantworten. Ob die Entscheidung unserer Kommission<sup>1</sup> irgendjemanden unangenehm sein könnte oder, ob sie von Rabbinern, die unserer Vereinigung nicht angehören, nicht anerkannt werden sollte, muss uns gleich sein. Denn wir treffen ja keine unbegründete Entscheidungen und wir zwingen niemanden, sich nach ihnen zu richten. Wir erstatten bloss als halachische Sachverständige einen Bericht über die halachische Lage der betreffenden Anfrage auf Grund der zuständigen rabbinischen Literatur. Und wenn Dr. Klein meint, dass wir keine "Oberbehörde sind, die zwingend gegen die Ansicht anderer entscheiden kann", so glaube ich, dass gerade aus diesem Grunde, dass wir keine Oberbehörde sein wollen, wir uns unserer Verpflichtung nicht entziehen können, jede uns vorgelegte Frage halachisch zu klären und zu beleuchten.

2. Was die Beschwerde des Herrn Oberrabbiners Dr. Carlebach betrifft, so ist es richtig, dass Dr. Klein und ich Herrn Dr. Carlebach aufgefordert haben, uns die Möglichkeit zu geben, die betreffende Fabrik zu besichtigen. Dr. C. hat angeboten, dass Dr. Klein die Fabrik besichtige, während wir darauf bestehen zu müssen glaubten, dass mindestens zwei Rabbiner die Fabrik besichtigen.

3. Der Vorstand beschwert sich darüber, dass über den Gegenstand der Anfrage Mitteilungen an Dritte weitergegeben sind. Ich bitte, den Vorstand zu veranlassen, seine Beschwerde zu detaillieren. Man kann keine Beschuldigung aussprechen, ohne Namen und Tatsachen zu nennen.

4. Was die Frage einer physikalischen oder chemischen Betäubung vor der Schechita anbetrifft, bin ich der gleichen Ansicht, wie Sie sie vertreten, dass nämlich das

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<sup>1</sup> The Halakhah Commission of the *Vereinigung traditionell-gesetztreuer Rabbiner Deutschlands*.

Schechita-wesen eine Angelegenheit ist, die den ganzen Klall angeht. Man kann nicht in einem einzigen Lande solche schwerwiegende Fragen selbstständig lösen. Man läuft dadurch Gefahr, dass die Schechita hier in Deutschland vom ausländischen Judentum als unzuverlässig und unzureichend bezeichnet wird. Was die H. K. [Halachische Kommission] in dieser Sache noch machen könnte, ausführliche Gutachten auszuarbeiten, sie diese dann veröffentlichen, und sämtliche Rabbonim des In- und des Auslandes bittet, dazu Stellung zu nehmen.<sup>2</sup>

5. Was Gefrierfleisch anbetrifft, so liegt hier der *בשר ששהה ג' ימים* von *שחש* vor. Ich bitte Sie daher, einen Sachverständigen zu veranlassen, sich 1) darüber zu äussern, wie die chemischen Wirkungen des Gefrierprozesses auf das Fleisch sind. Ob sie etwa die gleichen sind wie die beim Nasssmachen. 2) Ob man nicht das Wässern und Salzen des Fleisches vor dem Einfrieren vornehmen kann?<sup>3</sup>

Indem ich Sie bitte, eine Kopie dieses Schreiben dem Vorstande zukommen zu lassen, bin ich

Ihr ergebener

Dr. J. Weinberg

<sup>2</sup> See also File 102:10/44, where the following portion of a June 19, 1932 letter from Weinberg is quoted: "Ich glaube, dass es nicht möglich ist, in Deutschland eine Schächtmethode einzuführen, die nicht die billigung sämtlicher Gedaulim (des Ostens) findet."

<sup>3</sup> See SE 2:61.

Frankfurt am Main, den 4. Oktober 1933

An den  
Herrn Reichskanzler,  
Berlin

Die ergebenst unterzeichnete Freie Vereinigung für die Interessen des orthodoxen Judentum e. V. beehrt sich, zugleich im Namen der mitunterzeichneten beiden Organisationen anbei eine Denkschrift zur deutschen Judenfrage zu überreichen mit der bitte um wohlwollende Würdigung.

In ehrfurchtsvoller Ergebenheit

Freie Vereinigung

für die

Interessen des orthodoxen Judentums

e. V.

Dr. S. Ehrmann

## Denkschrift an den Herrn Reichskanzler

Die unterzeichneten orthodox-jüdischen Organisationen, die denjenigen Teil des deutschen Judentums vertreten, der in der jüdischen Religion allein den Wesensgrund und die geschichtliche Existenzberechtigung des jüdischen Volkes\* erblickt, halten sich für verpflichtet, Ihnen, Herr Reichskanzler, offen und ehrlich ihre Einstellung zu der deutschen Judenfrage vorzutragen. Diese Frage ist durch die nationale Revolution und durch die Massnahmen Ihrer Regierung so brennend geworden, dass sie in irgend einer Form gelöst werden muss, wenn nicht die deutsche Judenheit und letzten Endes auch Deutschland selber schwersten Schaden erleiden soll. Der kämpfende Nationalsozialismus setzte Judentum, Marxismus und Kommunismus gleich und nahm von der jüdischen Religion keine Notiz. Der siegreiche Nationalsozialismus wird die Regelung der Judenfrage nicht ohne Berücksichtigung der jüdischen Religion vornehmen können, wenn diese Regelung nach den Grundsätzen der Gerechtigkeit erfolgen soll. Hieraus leiten wir unsere Pflicht ab, unsere Stimme zu erheben, sowie unsere Hoffnung, dass unsere Stimme gehört wird.

### I.

Mit dem Geiste der positiven überlieferten jüdischen Religion, mit dem wahren, historischen Judentum, mit der orthodoxen jüdischen Lehre, auf die das jüdische Volk verpflichtet ist, hat der marxistische Materialismus und der kommunistische Atheismus nicht das Mindeste gemein.

Seit je haben wir in Wort und Schrift den Kampf mit dieser religionsfeindlichen Gedankenwelt aufgenommen. Wir haben in der Belehrung unserer Jugend, in Vorträgen

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\* Wo in diesem Memorandum der Ausdruck "Nation" oder "Volk" für die jüdische Gemeinschaft gebraucht wird, ist er -- im Sinne der Auffassung des orthodoxen Judentums -- nicht schlechthin als Blutsgemeinschaft zu verstehen. Vielmehr betrachtet die jüdische Überlieferung die Juden als eine durch religiöse Berufung geeinte Menschengemeinschaft auf nationaler Grundlage zwar, aber mit dem absoluten Primat der Religion - - derart, dass durch Übernahme der religiösen Gemeinschaftspflichten auch der Fremdrassige die nationale Zugehörigkeit erwirbt.

und von der Kanzel, wie in der orthodox-religiösen Presse von Anfang an dem zersetzenden Geist des Materialismus den religiösen Idealismus, die Verantwortung vor Gott und dem Volke gegenüber gestellt. Wir haben der Gottlosenbewegung den schärfsten Kampf angesagt und haben ihn durchgeführt. Gegen die Entsittlichung und Verwahrlosung, gegen kapitalistische Übergriffe haben wir das jüdisch-orthodoxe Religionsgesetz ins Treffen geführt, das strengste Sittlichkeit in der Lebensführung gebietet, das das Streben nach Gewinn um seiner selbst willen bekämpft und schwersten Versicht auf materiellen Vorteil um der religiösen und sittlichen Ideen willen fordert.

## II.

Gerade weil wir aber die Schäden der Zersetzung mit allen uns zu Gebote stehenden Mitteln längst vor Ausbruch der nationalen Revolution bekämpft haben, sind wir zu der Frage berechtigt: Sind diese Fehler und diese Ausschreitungen wirklich nur von Menschen jüdischer Abstammung begangen worden? War es wirklich die jüdische Abstammung, die als Quelle dieser Fehler betrachtet werden muss?

Ist etwa das deutsche nichtjüdische Bürgertum und seine Intelligenz frei von diesen Fehlern? Waren nur Juden auf dem Gebiete der Propaganda des Materialismus und der Gottlosigkeit tätig? Es war die allgemeine Krankheit unsere Epoche, der seelenlose europäische Materialismus der den geistigen Verfall und die Unsittlichkeit förderte, der Korruption und Verrat gedeihen liess und der moralisch und materiell all diese Bestrebungen unterstützte.

Könnten nicht genug Namen auch im Auslande genannt werden von Politikern und Schriftstellern, die nicht dem Judentum entstammen und die mit allen Mitteln Gottlosigkeit und Sittenverwilderung fördern, die materialistische Ideen billigen und den völkischen Geist zerstören? In der zweiten Internationale die das Fundament des Marxismus bildet und ebenso in der ihr verwandten dritten Internationale, der Komintern, besteht nur ein Teil

aktiver Mitglieder aus Juden. Das Politbüro, welches Russland regiert, wird von dem Grusinier Stalin geführt, in seinen Reihen befindet sich nur ein einziger Jude. Wir halten uns daher für berechtigt, in ganz entschiedener Form die Behauptung unsere Gegner zurückzuweisen, Judentum und materialistischer Marxismus sei identisch. Nein! Nach seiner wahren Natur, seiner geistigen Haltung, seiner überlieferten orthodoxen Anschauung ist das Judentum schärfster Feind des Materialismus und Atheismus und der Gedankenwelt des Klassenkampfes und der blutigen Gewalt, wie sie heute in Russland herrscht und ein 150 Millionen-Volk, vor allem aber die russische Judenheit in ihrem glaubenstreuen Kern, zu Grunde richtet.

### III.

Es wurde die Behauptung der Schädlichkeit und Minderwertigkeit der jüdischen Rasse von der nationalsozialistischen Partei Deutschlands aufgestellt. Eine Auseinandersetzung mit der Beweisführung und den Ergebnissen der wissenschaftlichen Rassentheorie würde hier zu weit führen. Nur dies eine wollen wir uns erlauben zu bemerken:

Das jüdische Volk ist auch geistig dem Deutschen kein unbekannter Fremdling. Die jüdische Bibel und die von Juden erfüllten und geschriebenen Schriften des neuen Testaments haben in tausendjährigem Wirken dem deutschen Wesen unauslöschliche Züge aufgeprägt, haben es von innen heraus gebildet und bestimmt. Wer will ermessen, ob an der von schlichten, frommen Müttern und Vätern ererbten Seele deutscher Menschen, deutscher Künstler und deutscher Geistesführer die Psalmen König Davids und die hohe prophetische Sittlichkeit jüdischer Gotteskünder um einzelnen grösseren oder geringeren Anteil haben, als das nordische Blut der Wikinger und die Erbschaftsmasse germanischer Helden?

Wohl wird das Losungswort der Befreiung von fremdrassigem jüdischem Einfluss bei Einzelnen im nationalsozialistischen Lager auch auf die Bibel angewendet.

Aber wir sehen, wie das neue Deutschland die Kirche als gewaltige und unentbehrliche Geistesmacht für den Aufbau eines gesunden Volkslebens schätzt und schützt, und keine christliche Kirche kann, mag sie auch noch so völkisch aufgebaut sein, die Brücke zu ihrer eigenen Heilsgeschichte abbrechen.

Wenn uns vorgeworfen wird, dass jüdische Überintellektualisierung, dass überspitzte Kritik eines überalterten Kulturvolkes ein gefährvolles Element der Zersetzung für das deutsche Wesen bildet, wenn man versucht, dies als naturbedingtes Erbteil jüdischen Blutes hinzustellen, und wenn man hierbei auf all die modern-jüdischen Literaten und Wissenschaftler, Journalisten und Künstler hinweist, so behaupten wir mit Recht: All diese sind geistig durch und durch Erzeugnisse des modernen rationalistischen Geistes. Das wahre jüdische Blut, die wahre jüdische Rasse, wie sie under der beispiellosen dreitausendjährigen Zucht und Erziehung der jüdischen Religion geworden ist, wird durch niemand weniger repräsentiert als durch entwurzelte Juden, die in all ihren Wesenszügen seelisch Europäer des 20. Jahrhunderts, aber nicht Juden sind.

Das wahre jüdische Volk, wie es noch heute in Millionen stillen frommen Häusern ein eigenes Leben lebt, ist ein tiefgläubiges, heiligen Idealen sich hingebendes Volk, ist eine gottdurchdrungene, in jugendlichem Mystizismus seelisch unberührte, auf eine reine ideale Zukunft wartende Gemeinschaft. Das jüdische Volk, von seiner überlieferten Religion geleitet, ist ein still und bescheiden seinen Lebensweg wandelndes, pflichtgetreues und hilfsbereites Volk.

Im Kampf gegen den materialistischen Geist des Marxismus wird nur die Wiedererweckung der religiösen Voraussetzungen, wird nur die Rückkehr der Gesellschaft zu Gott Erfolg haben können. Das wahre religiöse jüdische Volk -- es könnte dem deutschen Volke, das vom Gottesglauben geleitet, sich erneuert und verjüngt, in diesem Kampf zur Seite stehen.

## IV.

In dem Kampf gegen die jüdische Gemeinschaft spielt die Greuelpropaganda innerhalb der Deutschland feindlichen Staaten eine wesentliche Rolle.

Es muss sich die nationalsozialistische Partei darüber klar sein, dass durch ihre gegen die ganze jüdische Rasse ausgesprochenen Kriegserklärung die Juden aller Länder in ihrer Ehre, in ihrer vornehmsten Anschauung und Empfindung, sich verletzt fühlten. Es wäre unnormal gewesen, wenn eine solche Ehrkränkung nicht in einem jeden Juden, wo auch immer, eine Reaktion hervorgerufen hätte. Die Feinde Deutschlands verstanden es, diese Entrüstung auszunützen.

Die deutsche nationale Regierung sah sich zur Abwehr gezwungen. Leider hielt sie oder besser die NSDAP es für richtig, ihre ganze Erbitterung auf das deutsche Judentum zu entladen, indem sie ihm den wirtschaftlichen Boykott erklärte. Wir stehen nicht an, diese Massnahmen als einen katastrophalen Irrtum und eine schwere Ungerechtigkeit zu bezeichnen. Niemals war das deutsche Judentum mitverantwortlich für des Verhalten der Juden anderer Länder. Wo Juden in der Greuelpropaganda ein Unrecht taten, so geschah es aus eigenem Antrieb, aus eigenem verletztem Ehrgefühl. In Wahrheit wurde diese Propaganda hauptsächlich von den Radikalen, Marxisten und Kommunisten aller Länder und Rassen betrieben. Dann aber war der Boykott gegen das deutsche Judentum auch ein Schlag gegen die eigene deutsche Wirtschaft. Die Ereignisse der Boykottage wurden von der ganzen Welt unter starker Vergrößerung und Entstellung des Geschehenen und unter Aufbauschung einzelner bedauerlicher Episoden als Material für den Feldzug gegen die nationale Bewegung Deutschlands verwertet.

Die überwiegende Mehrheit der deutschen Judenheit hat von Beginn der Greuelpropaganda alles, was in ihren Kräften stand, getan, um diese beklagenswerten Erscheinungen zu verhindern. Wir könnten viele beglaubigte Tatsachen vorbringen, welche

Schritte auf telegraphischem und brieflichem Wege von deutschen jüdischen Organisationen und von einzelnen geistlichen Führern bei unseren ausländischen Glaubensgenossen unternommen wurden. Wir haben sie energisch gebeten, darauf hinzuwirken, dass diese für Deutschland und also für das gesamte deutsche Judentum so schädliche Propaganda aufhöre. Als ein Beispiel unserer Intervention mag das folgende Telegramm dienen, das aus Berlin von dem Rabbiner der Berliner orthodoxen Gemeinde, Dr. Esra Munk, an den orthodoxen Rabbiner Jung in Newyork geschickt wurde.

Es lautet folgendermassen:

25. 3. 1933

"Rabbi Jung, Newyork, 131 West 86th Street.

Die den Tatsachen grell widersprechenden Meldungen über Greuelexzesse gegen die Juden Deutschlands veranlassen mich in Übereinstimmung mit allen Kollegen an Sie als den langjährigen Freund, den Besucher hiesiger Hochschulen und Kenner des deutschen Volkes den Appel zu richten, mit nachdrücklichster Entschiedenheit solche Berichterstattung als sträflich, weil wahrheitswidrig zu brandmarken, als ungeheure Übertreibung von Ausschreitungen Einzelner in der Wahlzeit. Sorget ungesäumt für weitgehendste Benachrichtigung in den amerikanischen Montagszeitungen im Sinne dieses Telegramms.

Rabbiner Dr. E. Munk."

Dieses Telegramm wurde zur Gegenwirkung gegen die für Montag, des 27. März in Newyork geplante Demonstration vor der Ankündigung und Durchführung des Boykotts in Deutschland abgesandt. Aber weder es [?], noch unsere anderen Schritte haben die schweren Tage ferngehalten, da die gesamte jüdische Bevölkerung demonstrativ einer allgemeinen öffentlichen Verachtung preisgegeben wurde. Wir könnten manche Beweise unserer Einwirkung auf die internationale öffentliche Meinung zu Gunsten Deutschlands vorlegen, -- insbesondere seien auf die fortgesetzten Bemühungen des in Deutschland domizilierenden Präsidenten der orthodoxen Welt-Organisation "Agudas Jisroel" in der

holländischen, englischen und amerikanischen Presse und die erfolgreiche Intervention der gleichen Organisation zur Verhinderung des in Polen beabsichtigten religiösen Bannes auf deutsche Waren hingewiesen -- aber es wäre nicht ehrlich, wenn man im Augenblick behaupten wollte, dass in der Welt eine Beruhigung eingetreten sei, dass im Auslande -- allerdings in weniger aktiver Art und Weise -- der Boykott deutscher Waren seitens der antideutschen Propaganda nicht forgesetzt würde. Unbestreitbar ist auch die Tatsache, dass die Agenten der zweiten und dritten Internationale sich häufig unter der Maske des Judentums verbergen und eine gegen Deutschland gerichtete Schädlingarbeit betreiben, dass sie fälschlich vor der Weltöffentlichkeit als unsere Freunde und Verteidiger auftreten. Auf diese Gefahr haben wir unsere ausländischen Glaubensgenossen wiederholt aufmerksam gemacht.

Unsere orthodoxen jüdischen Organisationen sind willens, eine besondere Delegation in das Ausland zu senden, um eine richtige Darstellung der innerdeutschen Vorgänge zu geben. Wir werden ihr den Auftrag geben, mit öffentlichem Protest gegen die Versuche Böswilliger aufzutreten, die schwere Lage Deutschlands und der deutschen Juden durch Einmischung in die Beziehung der deutschen Juden zu der nationalen Regierung zu verschlimmern.

Die Delegation wird dort erklären, dass die deutsche jüdische Orthodoxie ihr staatsbürgerliches und menschliches Recht selber offen und loyal vor der nationalen Regierung verteidigen wird.

Das deutsche Judentum lehnt in entschiedenster Weise irgend welche Einmischung von ausserdeutscher Seite in seine inneren Angelegenheiten ab. Es betrachtet jeden äusseren Druck auf die deutsche nationale Regierung als einen dauernden Schaden für sich selbst.

## V.

Ehe wir auf die derzeitige Lage der deutschen Judenheit eingehen, sei, so sehr uns dies widerstrebt, doch darauf hingewiesen, wie gewaltig in den schweren Zeiten des Weltkrieges das jüdische Blutopfer, wie es verhältnismässig ebenso gross wie das der übrigen Deutschen war.

Das "Gedenkbuch der jüdischen Gefallenen des deutschen Heeres, der deutschen Marine und der deutschen Schutztruppe" von einem warmen Anerkennungsschreiben des Herrn Reichspräsidenten von Hindenburg begleitet, widerlegt in erschütternder Weise ein für alle Mal den Vorwurf der Drückebergerei der Juden. Endlose Aufstellungen enthält es von denen, die die Treue bis zum Tode im Felde hielten, in alphabetischer Reihenfolge und zum zweiten mal als Ortverzeichnis mit Angaben über Wohn- und Geburtsort, Geburtsdatum, Todestag, Dienstgrad, militärischer Einheit und amtlicher Verlustmeldung. Unter Beistand des Spandauer Zentralnachweisamtes hat sich ergeben, dass der Kriegsverlust der deutschen Juden über 12.000 Gefallene beträgt. Zehntausen und sechzig Namen, darunter dreihundertzweiundzwanzig Offiziere und einhundertfünfundachtzig Sanitätsoffiziere konnten durch die Verlustkarten des Spandauer Amtes, die übrigen anders identifiziert werden. Eine grosse Zahl unbezweifelbarer Kriegsoffer wurde dabei noch nicht einmal erfasst, weil sie bei ihrem Ableben in keinem Militärverhältnis mehr standen. Von den im Jahre 1914 vorhandenen 545.000 reichsdeutschen, jüdischen Seelen haben ungefähr 100.000 während des Krieges in Heer, Marine und Schutztruppe gedient. Durch Vergleich der Ziffern mit der deutschen Gesamtzahl erhält man für beide Bevölkerungsmassen das gleiche Verhältnis der Kriegsverluste wie bei der Gesamtbevölkerung. In der gleichen Grösse und Beweisbarkeit wie der arische und in der gleichen Vorbehaltlosigkeit und Loyalität wie dieser wurde der jüdische Blutzoll dargebracht.

Dass auch Einzelleistungen der Juden nicht hinter denen ihrer Kriegskameraden zurückstanden, zeigt auch das jüdische Fliegerbuch, das 164 jüdische Kriegsfieger ermitteln konnte, die in zahllosen Luftkämpfe ihre Opferbereitschaft für die Heimat bewiesen und von denen 30 den Heldentod starben. Als einer der ersten im Kriege trug der jüdische gefallene Flieger-Leutnant Franke die höchste Auszeichnung, den Orden Pour le Mérite.

Nicht um eines Dankes für dieses Blutopfer willen haben wir diese Ausführungen gemacht. Wir wissen, wie die Vergünstigungen für die Hinterbliebenen der Frontgefallenen und für die Frontkämpfer, die in den Gesetzen der nationalen Regierung sich finden, nur unter schweren inneren Hemmungen und um ihre Lebensexistenz willen von den Betroffenen entgegengenommen werden. Denn wie sie hat das ganze deutsche Judentum ausnahmslos, das sollte damit gezeigt werden, seine Pflicht, als es von seinem Monarchen gerufen wurde, voll getan. So empfindet es doppelt schwer die von dem gleichen deutschen Volke, für das es zu sterben bereit war, gegen es geschaffene Rechtslage.

## VI.

Die Lage der deutschen Judentheit aber, wie das deutsche Volk sie zurzeit geschaffen hat, ist eine völlig unerträgliche, sowohl was ihre Rechtsstellung wie ihr wirtschaftliches Sein, wie auch was ihr Ansehen und ihre religiös Betätigungsmöglichkeit betrifft.

Die Rechtslage der deutschen Juden stellt sich nach Durchführung der von der nationalen Regierung beschlossenen Gesetze folgendermassen dar. Aus dem staatlichen und kommunalen Dienst ist der Jude ausgeschlossen, aus dem kulturellen Leben, aus den Bildungsinstituten, von den Kathedern der Wissenschaft sind Juden entfernt. Von jüdischen Studenten und Schülern aller Hoch- und Mittelschulen soll nur eine beschränkte Zahl und zu einer Reihe von Prüfungen auch nicht einmal diese zugelassen werden. Die

Angelegenheiten öffentlicher und kommunaler Organisationen zu vertreten ist jüdischen Anwälten verboten. Jüdische Ärzte haben das Recht verloren, für die Krankenkassen tätig zu sein. Aus den öffentlichen Krankenhäusern sind sie entfernt. Die jetzt noch geltenden Ausnahmen, welche für die besondere Kategorie der Frontkämpfer und ihre Angehörigen gemacht worden sind, ändern nicht die Hoffnungslosigkeit für den ärztlichen Nachwuchs. Aus dem ständlichen Aufbau des neuen Reiches sind fast überall die Juden ausgeschlossen.

Darüber hinaus ist eine wirtschaftliche Betätigung, selbst wo Gesetze nicht beziehen, ausserordentlich erschwert. Wenn auch die Tätigkeit der Juden auf wirtschaftlichem Gebiet durch direkte Gesetze nicht beschränkt ist, so wird doch in ganz Deutschland faktisch ein antijüdischer Boykott durchgeführt. Den staatlichen, kommunalen und öffentlichen Unternehmungen, sowie durch Parteiverfügung sämtlichen Mitgliedern der NSDAP. Vielfach sind auch einfache jüdische Angestellte, geschweige denn jüdische Mitglieder der Verwaltungen, von den Wirtschaftsunternehmungen entfernt worden.

Als Ergebnis dieser rechtlichen und tatsächlichen Verhältnisse bleiben Zehntausende deutscher Juden plötzlich ohne alle Existenzmittel. Die weitere Existenz vieler anderer Zehntausende ist als indirekte Folge davon der Vernichtung verfallen. Während als logische Konsequenz aus der Zurückdrängung der Juden aus den Gebieten der Beamtschaft, der freien Berufe und des Handels eine positive Förderung des jüdischen Anteils an Handwerk und Landwirtschaft folgen müsste, wenn den Juden überhaupt ein Lebensraum gelassen werden soll, ist von einem solchen Bestreben stattlicherseits bisher nichts zu bemerken. Im Gegenteil wird der Boykott gegen die Juden auch in den Handwerksorganisationen mit grösstem Nachdruck betrieben und es ist auch kaum eine Möglichkeit für Juden vorhanden, sich landwirtschaftlich zu betätigen.

Das bedeutet demnach die Verurteilung der deutschen Juden zum langsamen, aber sicheren Hungertode.

Hierzu kommt die Diffamierung des Judentums, die es an seiner Ehre trifft, die in immer steigendem Tempo das Volk gegen die Juden einnimmt und ihnen die Luft zum

Leben raubt. Im offiziellen Gesetzestext werden Juden den Farbigen gleichgestellt. In Schulbüchern wird der Jude ohne Unterschied als Ausbund aller Schlechtigkeit dargestellt und die Jugend so von vorneherein zur Feindschaft gegen jeden Juden erzogen. In der Presse, im Rundfunk und in Reden wird jede Schlechtigkeit eines Juden verallgemeinert, als jüdisches Verbrechen gezeichnet und so das Judentum mit ihm identifiziert.

Aber auch das religiöse Leben, das eine Quelle sittlicher Erziehung und Veredelung sein könnte, wird gehemmt. Der rein religiöse Unterricht findet keine staatliche Unterstützung mehr; religiöses Schulwesen bricht zusammen und religiöse Gemeinde, der Rahmen für das einzige und letzte Mittel, ihre Mitglieder zu edlen, gottdurchdrungenen Menschen zu erziehen, können sich nicht halten mangels staatlicher Unterstützung und durch die Vernichtung der Existenz ihrer Mitglieder.

Zu allem übrigen tritt das für den orthodoxen Juden schwerste persönliche Einschränkung bedeutende Gesetz des Verbotes des rituellen Schächtverfahrens.

So stellt sich die Lage der deutschen Judenheit auch dem um Objektivität bemühten Beurteiler in der ganzen Welt als eine geradezu verzweifelte dar und man muss begreifen, dass nur allzu leicht die deutsche nationale Regierung verdächtigt werden kann, sie habe bewusst das Ziel der Vernichtung des deutschen Judentums ins Auge gefasst. Dieser falschen Vorstellung muss mit konkreten Argumenten entgegen getreten werden können, wenn eine Aufklärungstätigkeit im Auslande Erfolg haben soll.

Das orthodoxe Judentum will die Überzeugung nicht aufgeben, dass es nicht das Ziel der deutschen Regierung ist, die deutschen Juden zu vernichten. Mag auch bei Einzelnen eine solche Absicht vorliegen -- wir glauben nicht, dass sie bei dem Führer, bei der Regierung Deutschlands Billigung findet.

Aber wenn wir uns täuschen, wenn Sie Herr Reichskanzler, und die von Ihnen geführte nationale Regierung, wenn die verantwortlichen Mitglieder der Reichsleitung der NSDAP, sich in der Tat als Endziel die Ausmerzung des deutschen Judentums aus dem deutschen Volke gesetzt haben sollten, dann wollen wir uns nicht länger Illusionen hingeben und lieber die bittere Wahrheit erfahren.

Uns offen die Wahrheit zu sagen, liegt in Ihrem und im Interesse des ganzen deutschen Volkes. Denn würden wir es vorziehen, Ihre Absicht als Tatsache zu betrachten und müssten uns danach einrichten.

Wir bekennen, dass dies für uns eine unmögliche Tragödie wäre. Wir haben den deutschen Boden lieben gelernt. Er trägt die Gräber unserer Ahnen, vieler grosser heiliger Männer und Frauen des jüdischen Volkes. Wir sind in zweitausendjähriger Geschichte mit diesem Boden verwachsen; wir haben die deutsche Sonne lieben gelernt; sie hat in all den Jahrhunderten unsere Kinder reifen lassen und ihrer jüdischen Art manche gute besondere Note beigegeben. Und wir haben das deutsche Volk lieben gelernt. Es hat uns, zumal im Mittelalter, zuweilen weh getan. Aber wir haben auch seinen Aufstieg miterlebt. Mit seiner Kultur fühlen wir uns eng verbunden. Sie ist ein Teil unseres geistigen Seins und hat uns deutschen Juden eine eigene Prägung gegeben.

Und doch würden wir dann den Mut aufbringen müssen und können, unser tragisches Schicksal auf uns zu nehmen und seine Wendung dem Gott der Geschichte vertrauensvoll anheimgeben.

## VIII.

Wenn aber die deutsche nationale Regierung nicht die Vernichtung der Kräfte des deutschen Judentums will, wenn sie uns wohl von der Einflussnahme auf die öffentliche Gestaltung zurückdrängen und diese den Deutschstämmigen allein vorbehalten, uns aber einordnen will in den Prozess des Wiederaufstieges der deutschen Nation, wenn sie das

sittlich, dem Materialismus todfreundliche Judentum erhalten will, dann möge auch dies sie uns offen sagen.

Wir werden unter Berücksichtigung der geschaffenen Atmosphäre von der deutschen Regierung nicht von heute auf morgen die Aufhebung aller gegen die Juden gerichteten Einschränkungen fordern, obwohl wir sie für einen grossen historischen Irrtum halten, wir wollen der nationalen Regierung nicht Schwierigkeiten schaffen.

Wenn auch mit wehem Herzen würden wir uns heute mit manchen Beschränkungen abfinden müssen. Das orthodoxe Judentum hat niemals eine Übermacht im Wirtschaftsleben gesucht, die unter Innehaltung der religiösen Vorschrift der Sabbatweihe, die den Juden vor Materialisierung schützt, ja gar nicht möglich ist. Es hat Taufe und Mischehe stets schärfstens bekämpft.

Aber einen Lebensraum innerhalb des Lebensraumes des deutschen Volkes erstreben wir, die Möglichkeit, ungefährdet und nicht geschmäht unsere Religion ausüben und unserem Beruf nachgehen zu können. Treue werden wir stets unserer Religionsverpflichtung gemäss der Staatsregierung wahren. Innerhalb des deutschen Volkes wird sich der deutsche Jude mit Freuden an der Aufbauarbeit der deutschen Nation beteiligen und was in seinen Kräften steht, auch für Gewinnung von Freunden ausserhalb von Deutschlands Grenzen tun.

Indem wir, Herr Reichskanzler, diese Darlegungen Ihrer gerechten Prüfung unterbreiten, bitten wir als Vertreter der unterzeichneten Organisationen, die seit Jahrzehnten die religiösen Belange des orthodoxen deutschen Judentums wahrnehmen, um Gelegenheit zu einer baldigen Aussprache. Wir sind überzeugt, dass eine solche Aussprache nicht zum wenigsten dem höheren innen- und aussenpolitischen Interesse Deutschlands dienen würde, das eine Klärung jenes Verhältnisses und einen allmählichen Ausgleich der aus der heutigen Lage erwachsenen Spannungen gebieterisch fordert.

Indem wir einer geneigten Gewährung unseres Gesuches entgegensehen, verbleiben wir in Ehrerbietung

Reichsbund gesetzestreuer Synagogengemeinden  
in Halberstadt

gez. Rabb. Dr. M. Schlesinger, Halberstadt    Rabb. Dr. E. Munk, Berlin

Freie Vereinigung für die Interessen des orthodoxen Judentums e. V. in  
Frankfurt a. M.

gez. Dr. S. Ehrmann

gez. Dr. J. Breuer

Landesorganisation der Agudas Jisroel in Deutschland  
in Berlin

Rabb. Dr. M. Auerbach, Berlin    Jacob Rosenheim, Frankfurt a. M.

Frankfurt a. M., Halberstadt und Berlin, im Oktober 1933.

Agudas Jisroel  
Zentrale:  
Wien II, Leopoldsgasse 26.

Frankfurt a. M., 14. Mai 1934.

Der unterzeichnete Vorsitzende der Agudas Jisroel-Weltorganisation beabsichtigt in Gemeinschaft mit seinen Kollegen, den Herren Rechtsanwalt Dr. I. Breuer, Frankfurt a. M., und Zahnarzt Dr. S. Ehrmann, Frankfurt a. M., an einer auf den 28. Mai nach Warschau einberufenen Sitzung des Zentralrates unserer Organisation teilzunehmen. Die Sitzung ist vornehmlich der Beschlussfassung über Fragen gewidmet, die mit der dem religiösen Aufbau des heiligen Landes gewidmeten Tätigkeit unserer Organisation im Zusammenhang stehen und mit der Förderung des religiösen Schul- und Erziehungswesens, dem sich die Agudas Jisroel in verschiedenen Ländern widmet.

Der Unterzeichnete hat bereits im vorigen Jahre gemeinsam mit seinen Kollegen in Wort und Schrift versucht, der im Auslande sich geltend machenden intensiven Boykottbewegung gegenüber deutschen Waren entgegen zu treten und auf die Vernunftwidrigkeit dieser Bestrebungen -- auch wann man sie rein vom Standpunkt des jüdischen Interessses betracht -- hingewiesen.

Diesen unseren Bestrebungen waren in den Westländern auch unleugbare Erfolge beschieden, insofern gerade die uns nahestehenden orthodoxen Kreise sich allmählich von der Boykottbewegung zurückzogen.

Schwieriger liegen die Verhältnisse im Osten, insbesondere in Polen. Wir haben im September vorigen Jahres speziell nach Warschau eine führende Persönlichkeit unseres Kreises, Herrn Rabbiner Dr. M. Hildesheimer, gesandt, um dort aufklärend zu wirken, ohne dies dadurch ein mehr erheblicher Erfolg erzielt worden wäre.

Wir beabsichtigen nun die Gelegenheit unsere Teilnahme an der Sitzung in Warschau wiederum dazu zu benutzen, um mässigend und aufklärend zu wirken und gestatten uns die Anfrage, ob uns hierbei von Seiten des Auswärtigen Amtes irgend welches Material in die Hand gegeben oder irgend welche Fingerzeige gegeben werden könnten, deren Beachtung im Interesse der Sache wünschenswert erscheint.

Gegebenenfalls sind wir auch bereit uns, falls es dortseits angebracht erscheint, in Warschau mit der deutschen Botschaft in Verbindung zu setzen. Indessen müsste hierbei bei der dort herrschenden Volksstimmung von unserer Seite mit Vorsicht und vor allen dingen in vertraulicher Weise vorgegangen werden.

Ich wäre dankbar, wenn mir ein Bescheid auf dies Anfrage nicht später als bis zum 24. Mai gegeben werden könnte.

Mit ausgezeichnete Hochachtung

Unterschrift [Jacob Rosenheim]

Präsident der Agudas Jisroel-Weltorganisation

An das Auswärtige Amt, Berlin.

Besprechung des Buches לפרקים (Iefrakim "Von den Abschnitten" von Rabbi Jakob Weinberg. Erschienen 1936 im Verlag Harmon, Frankfurt a.M., Rechnei grabenstr. 7.

Es ist ein hebräisch geschriebenes chassidistisches Erbauungsbuch, dessen Inhalt sich aus Reden, Worten und Aussprüchen frommer Juden zusammensetzt. Ferner Verhaltensmassregel an den jüdischen Feiertagen, wie zum Pessachfest, Versöhnungstag, Laubhüttenfest, Simchat-Tora, (Tag der Gesetzfreude), Chanukka (Tempelweifest); Freudenprüche, Verhaltensmassregel für Trauertage und als letztes eine Abhandlung aus dem Leben des Rabbi Jizchak Jakob Reines, ein bekannter Talmudgelehrter des letzten Jahrhunderts.

Der Verfasser des Buches, Jechiel Weinberg, ist Talmudgelehrter. 1905 war er Rabbiner in Pilwischki. Während des Weltkrieges kam er nach Deutschland, wo er Lektor für talmudische Wissenschaften an der Universität Giessen wurde. 1926 wurde er Dozent am Rabbinerseminar in Berlin.

SS-Untersturmführer

Berlin den 17. Oktober 1934

An die Herren Rabbiners Drs. Unna, Mannheim  
J. Hoffmann, Frankfurt, a/M.  
Jakob Horovitz, Frankfurt, a/M.

Sehr geehrte Herren Kollegen,

Gestern kam Dr. Weinberg zurück und berichtete mir, dass weder von R. Chajim Auser noch vom Kowno'er Raw<sup>1</sup> ein Hetter zu erlangen sein wird; falls sie gefragt werden sollten, werden sie mit einem glatten Nein antworten. Sie stehen sogar auf dem Standpunkt, dass die deutschen Rabbonim ihrerseits es auch nicht mattir sein sollen, und empfehlen nur das Eine, dass die deutschen Rabbiner den Schocntim nicht verwehren sollen, ihrerseits eine solche Schechito auszuführen, und dass die deutschen Rabbonim auch gegen evtl. Einführung durch die Liberalen nicht wettern sollen, weil immerhin sofek trefo leichter sie als wadaj trefo. -- Auf die Frage, warum denn dieser Wandel sich bei den Rabbonim vollzogen habe, antwortete W.<sup>2</sup>, es liege daran, dass inzwischen sich das Risches verbreitet hat b'chol hoarozaus, und so sehe man sich gezwungen, den Klall zu schützen. Wenn die deutschen Rabbonim es mattir sein würden, würde man dagegen nicht Stellung nehmen, solange der Hetter nicht übergreift. Ein evtl. Übergreifen würde späterhin Anlass sein, gegen den Hetter Stellung zu nehmen. -- Auf die Frage an W., ob er persönlich einen Hetter aussprechen würde, wenn er alle erhobenen Einwände halachisch widerlegen könnte, antwortete W., das müsse er sich erst reiflich überlegen; aber ich habe aus seinen Worten entnommen, dass er sich momentan nicht dazu bereitfinden würde. An einer Kommissionsberatung der beiden Verbände wird er gegen seine frühere Zusage keineswegs teilnehmen. Alle meine Vorstellungen und nachhaltigen Ermahnungen konnten ihn von diesem Entschluss nicht abbringen. Er hält überhaupt eine solche Kommissionsberatung für zwecklos; er ist hingegen bereit, an einer internen Besprechung

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<sup>1</sup> R. Abraham Shapiro

<sup>2</sup> Weinberg

unsererseits teilzunehmen, die er auch dringend empfiehlt, schon um die Frage des praktischen Vorgehens zu lösen.

Als ich ihn darauf hinwies, dass R. Chajim Auser schon im vorigen Jahre diese Stellungnahmen hätte aussprechen sollen, sagte W., R. Chajim Auser habe sich eben im Laufe des Jahres durch die vielen Telegramme und eindringlichen Verwarnungen, die er von zahlreichen Ländern empfangt, und auch durch das gewaltige Ansteigen des Risches in seinem Urteil über die Betäubungsfrage geändert.

M.E. haben wir die Verpflichtung, eine Angelegenheit von solcher Tragweite nicht preiszugeben, bevor wir die massgebenden Gedaulim persönlich gesprochen haben. Es könnte sein, dass bei der Unterredung mit Herrn Dr. Weinberg besondere Momente mitgesprochen haben. Wenn nun, wie Herr Dr. W. sagt, die Gedaulim halachisch nichts einzuwenden haben, müssen wir umsomehr auch das Äusserste versuchen, um nicht maachol trefaus b'jodajim zu sein und nicht die Schemirass hadass b'Aschkenas zu vernichten. Zwei Aufgaben sind uns im Moment gestellt: 1) die Frage zu entscheiden, wie es mit der gemeinsamen Kommissionssitzung gehalten werden soll, nachdem W. nicht kommt und die Situation eine völlig veränderte ist; 2) wo und wann wir mit Hinzuziehung von Hoffmann<sup>3</sup> und Wassermann-Breslau,<sup>4</sup> Carlebach-Altona<sup>5</sup> etc. eine gemeinsame Beratung abhalten können, um uns darüber schlüssig zu werden, was zu geschehen hat, und eine klare Entscheidung zu treffen.

Indem ich Sie bitte, miteinander zu beraten und mir von Ihrer Entschliessung alsbald Kenntnis zu geben, begrüsse ich Sie

in Hochachtung

Ihr sehr ergebener

gez. Rabbiner Dr. Jakobovits

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<sup>3</sup> Moses Hoffmann

<sup>4</sup> Moses Wassermann

<sup>5</sup> Joseph Carlebach

18. 10. 34

## Beilage zum Schreiben an die

Herren Rabbiner Dr. Unna, Mannheim  
Dr. J. Hoffmann, Frankfurt, a/M.  
Dr. Jakob Horovitz, Frankfurt, a/M.

Ich sende Ihnen diesen offiziellen Brief, um Herrn Dr. Klein<sup>1</sup> auf seine Worte festzulegen. Dieser Vorschlag bietet tatsächlich die einzige Möglichkeit, noch zum Ziele zu gelangen. Ich habe den Eindruck, dass Herr Dr. Klein und auch Klein-Nürnberg<sup>2</sup> den Ernst der Situation erfasst haben, zumal sich heute Herr Michael M. plötzlich veranlasst gesehen hat, nach Altona oder Lübeck zu fahren um die deworim scheb'momaun zu lösen. Dieses Bedenken scheint die Anderen etwas erweicht zu haben. Für uns ist es nicht nachteilig, wenn die Kommissionssitzung eine Woche später stattfinden sollte; wichtig ist nur, dass wir nicht Diejenigen sind, die die Sache hinauszögern. Dass uns Herr Dr. Weinberg so vollständig im Stich lässt, ist, da es nunmehr bei der Kommissionssitzung anscheinend tatsächlich auf das Ergebnis der halachischen Diskussion ankommen wird, um so bedauerlicher.

Was nun die Reise zu den Gedaulim betrifft, wird es m. E., da wir nicht die Betäubungsfrage als solche, sondern nur einzelne halachische Schaalaus, wie z. B. majim b'mauach, vorzulegen haben, am zweckdienlichsten sein, dass wir uns in erster Reihe an den Munkaczer wenden, der, wie mir seinerzeit der Kecmarcker Raw zu meiner grossen Überraschung sagte, voraussichtlich am ehesten den Mut haben wird, aktiv einzugreifen. Des weiteren haben wir nach der Schilderung von Weinberg auch beim Warschauer Rabbinat Verständnis zu erwarten. Wichtig wäre es unbedingt, dass wir auch Rabbiner Kuk dafür gewinnen, Einzelfragen uns zu beantworten. Herr Dr. Klein-Berlin meinte ja, dass wir von der Sitzung aus sofort die Reise unternehmen sollten.

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<sup>1</sup> Hermann Klein

<sup>2</sup> Arnold Klein

Mit nochmaligem Grusse

Ihr ganz ergebener  
gez. Rabbiner Dr. Jakobovits

Berlin den 22. Nov. 1934

An die Herren Rabbiner Dr. Unna, Mannheim  
Dr. Hoffmann, Frankfurt a/M  
Dr. Horovitz, Frankfurt a/M

Sehr geehrte Herren Kollegen!

Die gestrige Konferenz hat uns gezeigt, dass Herr Professor Roos und Dr. Hoogland gediegene Wissenschaftler sind und die Experimente mit ausserordentlicher Gewissenhaftigkeit nach allen Richtungen hin, die von uns als zweckdienlich angegeben worden waren, gemacht haben. Der Eindruck, den sämtliche Teilnehmer bei dieser Konferenz erhalten haben müssen, ist der, dass an der Zuverlässigkeit der von den genannten Herren abgegebenen Gutachten nicht zu zweifeln ist. Demgegenüber haben wir aber auch erfahren, dass die Vertrauensärzte im Gegensatz zu den vorgenannten akademischen Lehrern ihr Wissen in der Betäubungsfrage nicht durch Forschungen und Experimente erworben, sondern nur zusammengelesen haben und dass sie ferner von vielfach übertriebenen Bedenken und Befürchtungen bewegt werden. An uns liegt es sehr ernstlich zu überlegen, welche Folgerungen wir aus den Erfahrungen und Darlegungen zu ziehen haben. Ich werde demnächst mit Herrn Rabbiner Dr. Munk diese Frage besprechen.

Von Herrn Schoyer erhielt ich heute ein Schreiben, in dem er mitteilt, er habe mit Herrn Dr. Herz eingehend gesprochen; es sei noch unbestimmt, ob man seinem Antrage stattgeben würde. Nächste Woche kommt Herr Schoyer zurück. Falls der Vorschlag des Herrn Schoyer von Herrn Dr. Herz nicht bewilligt wird, würde die Befragung des Rabbi Chajim Auser in der Aussicht genommenen Weise schon daran scheitern. Ich möchte Sie und auch die anderen Mitglieder der Kommission auf den furchtbaren Ernst der Situation für unsere Reise hinweisen. Wenn wir offiziell hinkommen und die Delegation geteilter Meinung ist, ist mit Sicherheit anzunehmen, dass Rabbi Chajim Auser den geäußerten Standpunkt nicht revidieren wird. Wir hingegen sind, wenn wir offiziell hinfahren, um die Schaaloh zu machen, endgültig an sein Votum gebunden und sind es selbst für den Fall,

dass die letzten Bezugsquellen uns versagt werden sollten -- eine Konsequenz, die wir in aller Klarheit voraussehen müssen.

Diese Frage müsste sehr eingehend besprochen werden. Herr Dr. Weinberg meinte, dass Hoffmann und ich privatim fahren sollten, Rabb Chajim Auser würde uns dann wahrscheinlich sagen, dass halachisch unter der Voraussetzung, dass die ärztlichen Gutachten günstig lauten, gegen die Betäubung nichts einzuwenden sei, dass sie aber aus anderen Gründen nicht erlaubt werden könne. Dieser Gedankengang des Herrn Dr. Weinberg müsste von uns sehr ernst und eingehend verfolgt werden und er würde uns allerdings vor die ungemein schwierige und in ihren Folgen unabsehbare Frage stellen, ob wir uns trennen wollen. Aber wenn Dr. Herz nicht die Möglichkeit haben sollte, die Delegation in ausgiebiger Weise zu unterstützen, könnten ja zwei von uns mit billigem Gelde -- Dr. Weinberg spricht von je Mk: 100 -- ohne einen Riss zu provozieren, die Fahrt nach Wilna durchführen.

Diese Fragen sind sicherlich die wichtigsten, die wir uns im Amt je vorzulegen hatten; es ist aber dringend an der Zeit, dass wir uns um ihre Lösung bemühen, so schwer es uns auch wird.

Falls wir uns zu einer solchen Reise entschliessen sollten, wäre es zweckmässig, den von mir ausgearbeiteten Fragebogen den Utrechter Herren zur Beantwortung vorzulegen, damit wir klipp und klar die Ansicht der Fachwissenschaftler, zu der Sie durch Ihre Experimente gelangt sind, im Zusammenhang vorlegen können. Die Frage des Neemonus Horauf'im wird nicht schwer zu lösen sein, da jeder zugesteht: lau meshakrim, jedenfalls nicht schwere, als wenn unsere Vertrauensärzte das wiedergeben, was sie aus den Büchern der Rauf'im nochrin gelesen haben.

In diesem Zusammenhang möchte ich für Herrn Dr. Hoffmann bemerken, dass ich nach reiflicher Überlegung zum Punkte m'ssukeness geneigt wäre, den heissumstrittenen Satz wegzulassen, um die Einmütigkeit nicht zu stören. Wir werden ja ohnedies darauf

angewiesen sein, von Professor Roos uns in dieser Frage eine ausführliche briefliche Darlegung geben zu lassen.

Ich bitte die Dringlichkeit und Wichtigkeit der hier angeschnittenen Fragen nicht zu übersehen. Herr Kolleg Dr. Hoffmann wird im einzelnen berichten.

Mit kollegialer Begrüssung

Ihr sehr ergebener

gez. Rabbiner Dr. Jakobovits

Über die Entsendung des Herrn Rabinow in die Delegation sind mir in den letzten Tagen Bedenken aufgestiegen.

Frankfurt/M., den 26. Februar 35

Herrn Rabbiner Dr. Unna  
Mannheim

Lieber Freund,

Verzeihen Sie sehr, dass ich infolge sehr vieler Arbeit erst heute dazu kommen Ihre Anfrage zu beantworten.

Herr Dr. Neuhaus hat aus Holland noch keine Antwort erhalten, hat aber auf meine Veranlassung hin gestern nochmals dorthin geschrieben. Nach dem Brief von Jacobsohn hätte auch ich keine Bedenken gehabt meinen Namen und ein Geleitwort mitzugeben. Nun aber ist es ja für dieses Mal für mich zu spät. Vielleicht dass ich es ein anderes Mal tue. Den Brief von Herrn Jacobsohn sende ich Ihnen beifolgend zurück. Vielleicht können Sie ihm das gelegentlich einmal sagen.

Nun noch ein Wort zu Ihrem neulichen Brief in der Angelegenheit unserer Vereinigung. Ich hatte vorige Woche Gelegenheit Herrn Rektor Dr. Weinberg vom Berliner Rabbinerseminar eingehend zu sprechen. Darnach kann ich Ihnen mitteilen, dass der Sachverhalt ein etwas anderer war, als ihn Dr. Michalski dargestellt hat. Dr. Weinberg machte den Herren vom orthodoxen Verband schwere Vorwürfe über ihre Intriguen in der Schehita-Angelegenheit und sagte ihnen, dass es nicht weiter angehe, dass sie ihr eigenes Pferd ritten. Es dürfte nur der eine traditionelle Verband bestehen, der alle in sich aufnehmen müssen und es hätte keiner das Recht nun noch für sich seine eigenen Wege zu gehen. Die Herren hätten ihm nun erwidert, dass eine Zusammenfassung darum unmöglich sei, weil eine grosse Reihe von Mitgliedern auch dem Allgemeinen Rabbinerverband angehöre. Dr. Weinberg hat nun weder die Entstehungsgeschichte der traditionellen Vereinigung gekannt, noch auch die ganze Lage des Allgemeinen Rabbinerverbandes richtig gesehen. Er hat mir erklärt, dass er, nach dem was er inzwischen gehört hat, seinen Vorschlag zurückziehe, dem Vorstand unserer Vereinigung zuzumuten, dass dieser abrate von dem Beitritt zum Allgemeinen Rabbinerverband. Er selbst nähme jetzt dem

Allgemeinen Rabbinerverband eine neutrale Stellung ein und überliesse es seinen Schülern ihm beizutreten oder nicht.

Ich überlasse es Ihnen, ob Sie von diesen Ausführungen Herrn Dr. Michalski und den anderen Herren gegenüber Gebrauch machen wollen oder nicht.

Mit herzlichen Grüßen von Haus zu Haus

Ihr

J. Horovitz<sup>1</sup>

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<sup>1</sup> Jakob Horovitz, *Gemeinde rabbi* in Frankfurt.

ב"ה יום א' פ' ויצא תרצ"ה ברלין

לכבוד הרב הנכבד מהר"י אונגא שליט"א,

בתשובה על מכתבו מיום ער"ח כסלי' הנני להודיע כי היחס של חשד אלי מצדם תמוה וזר בעיני מאד, ולא עוד שאני מתרגז על יחס משונה זה, בעוד שידוע כמה כח ועמל השקעתי בענין זה. גם עצם נסיעתי לליטא ופולין גרם לי טרחה יתירה וביטול זמן וכמה לילות נדדה שנתי מעיני ולא מצאתי שום צד זכות אלא לשער שלא נמסרו הדברים כהויתם שאמרתי לחברנו הרב ד"ר יעקובוביץ נ"י ולכן עלי לחזור על דברי אלה.

על בקשת הד"ר יעקובוביץ נ"י שאסע למועצת הרבנים בהומבורג אמרתי: א) שאי אפשר לי בשום [אופן] מחמת שהאסיפה חלה ביום א', שבו הי' עלי לפתוח את הסימיסטר ב"פתיחה" שלי על מס' קידושין וכבר הוקבע היום ונשלחו הזמנות ואי אפשר הי' עוד לדחות יום קבוע זה. ב) גם אמרתי שאין אני מקוה לשום תוצאות ממשיכות ממועצה זו ואמרתי לד"ר יעקובוביץ שנכון אני לברר ולבאר דבר זה לחבריני הרבנים ד"ר אונגא, ד"ר הורוביץ, ד"ר הופמן מפ"פ ושאר הרבנים שיזמינו לכך. ואמנם ד"ר יעקובוביץ בקש אותי ליסע עמהם בכדי לבאר את טעמי ונמוקי לפני חבריני בפ"פ ענ"מ וע"ז אמרתי שאין אני יכול מפני הטעם הא', ושנית קשה לי לנסוע לפ"פ ולא להיות נוכח בשעת המועצה ולהשתתף במועצה איני רוצה. ולכן הצעתי לפני הד"ר יעקובוביץ למסור לחבריני שאני נכון למסור להם דו"ח ע"ד נסיעתי אימת שירצו ובמקום שירצו אבל לא בזמן המועצה בפ"פ שאין אני רוצה להשתתף בה. אמרתי שמאחר שהרב ד"ר הופמן בא לפרקים לברלין וגם הד"ר הורוביץ רגיל לבוא לברלין אפשר שיסכים גם כת"ר לבוא לברלין. והד"ר יעקובוביץ הסכים להצעתי. ומעולם לא עלה על דעתי שסרובי להשתתף במועצה המשותפת יתן מקום לתרעומות ואדרבא חשבתי שבודאי יבינו את טעמי ונמוקי שאין אני רוצה להשתעבד למועצה שאין אני מאמין בתוצאותיה.

מה שנוגע למכתבו של הגר"ח [עוזר גראדזענסקי] ששינה את דעתו והודיע פתאום דעתו לאיסור טרם שאלו את פי', גם בעיני הי' זאת חדה סתומה וכבר גליתי תמהוני זה במכתבי להגר"ע נ"י ואשמע מה בפי'. ותמהוני גדול ביותר, מאחר שלי אמר בפירוש שלא יכתוב שום מכתב טרם ישאלו את פי' באופן רשמי. ורק לי נתן רשות לגלות את נסית לבו שלא להתיר. ופתאום בא מכתבו שהפתיע אותי מאד! משער אני שאולי גרם זה מה שהודעת לי לו ע"י נאמן ביתו הרב ר"י שוב שעתיד אני להדפיס את קונטרסי הידוע בדבר המום הבהמות. ומעשה שהי' כך הי': בהיותי בביתו סיפרתי לו שאני מתכוון להוציא ב"ה ספר שו"ת. במשך הדברים אמר לי שאין לי להדפיס את קונטרסי הנ"ל כדי שלא ילמדו מתוכו להתיר, וסיפר לי שהגאון ר' יצחק אלחנן ז"ל כשכתב בשעתו תשובה ארוכה ע"ד ההיתר לחרוש ולזרוע בשביעית בא"י ע"י מכירה לעכו"ם לא הכניס תשובתו זו בספרו שו"ת שפירסם אח"כ בדפוס. אני שתקתי בשעת מעשה, וכדי שלא תהי' שתיקתי זו כהודאה לדברי' או כהבטחה לבקשתו הודעת לי לו ע"י נאמן ביתו הרב שוב הנ"ל שליוה אותי בדרכי אל תחנת מסלת הברזל שכבר מסרתי קונטרסי הנ"ל לבית הדפוס וא"א לי עוד לחזור מזה. ובבואי הנה מצאתי מכתב מהגר"ע נ"י שבו הוא מודיעני שהוא מצטער מאד על ההודעה הנ"ל ומבקשני להפסיק את הדפסה ואם בלתי אפשר -- להודיע לכה"פ שאין אני מתיר וכי גם גדולי הדור לא הסכימו להיתר.<sup>1</sup> אפשר שזה גרם להגר"ע נ"י למהר ולכתוב לי ולהרב ד"ר הופמן נ"י מכתב רשמי שאין הוא מסכים להתיר ביראו שמא אדפיס את קונטרסי הנ"ל. זו היא

השערה מצדי ועדיין אני מחכה לתשובת הגר"ע על תמיהתי הנ"ל.<sup>2</sup>

1. ראה שרידי אש, חלק א, ע' שעט.
2. תשובת הר"ע בשרידי אש, חלק א, ע' שפ. ראה גם את מכתבו אל הרב זאב צבי קליין, בו הוא כותב: "בדעתי הי' לחכות בתשובתי עד אשר שאלוני אולם כאשר ידידנו הרב הגאון ר' יחיאל יעקב וויינבערג שי' בהיותו פה הודיעני כי שאלה זו [שאלת ההימום לפני השחיטה] עומדת על הפרק וגם כתב לי אחד שהשאלה הזאת תעמוד על הפרק באספה בלייפציג וכי שם תפתר שאלה זו וע"כ מצאתי לחובה להשיב להרה"ג האפפמאן שליט"א בפפד"מ. עדות נאמנה, ע' 184.

גם מה שהזכיר הגר"ח"ע ע"ד הודעתי בעתונים לאיסור, לא נתכוין אלא כלפי הודעתי ב"אזראעלים".<sup>3</sup> אלא שעדיין תמוה בעיני מאד, והרי בפירוש אמרתי לו שהודעתי זו לא הי' אלה כלפי המשטינים במדינה הידועה.<sup>4</sup> עכ"פ לא הי' לכת"ר ולחבירי' לבעוס עלי שאין אני אחראי בעד מעשי' ודבריו' של הגר"ח"ע שליט"א, אשר באמת מסטירים עלי' מכתבים ותלגרמות מכל הארצות והמדינות. כ"ז כתבתי למען האמת וכדי להוציא מלבם כל חשד והרהור עלי, כאלו ח"ו לא עשיתי מלאכתי באמונה. ח"ו, לא תהה כזאת בישראל, אלא שאנוס אני לכבוש את יצרי ולסגור את פי כדי שלא לתת מקום לחרחור ריב ומדון. ומעתה אני מקוה שידונו אותי לכף זכות.

מוקירו ומכבדו מאד

יחיאל יעקב וויינבערג

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May 17, 1934, p. 2.3

4. כלומר, גרמניה. היה צורך להזהר אפילו במכתבים פרטיים שנכתבו בעברית.

ב"ה יום ב' חי' שרה י"ז חשון תשי"ד, מונטרע.  
 להו"ג הגאון הגדול מוהרי"א הלוי הרצוג שליט"א  
 הרב הראשי לישראל,

מכתב הדר"ג נמסר לידי זה אתמול בערב ואני אסור בחדרי לרגל מחלה קלה שתקפתני והנני להודיע להו"ג, כי קונטרסי בדבר הימוס הבהמות קודם שחיתתן נמצא גם בא"י בידי חברי ותלמידי לפנים, ה"ה: הרב ד"ר משה אייערבך, תל-אביב רח' רש"י 40, הרב ד"ר ש. גרינברג, ת"א רח' אחד העם 48, הרב ד"ר עזריאל הילדסהיימר, ת"א רח' הרמן כהן 8, הרב פ. ביברפלד, ת"א רח' ברדיצבסקי 12, וכולם ימסרו את הטופס להו"ג, ועל הו"ג לפקוד על אחד מפקידיו שיבקש מהנ"ל. ואמנם צריך אני לספר להו"ג כי בחורף העבר שלח אלי הגאון בעל חזון אי"ש שליט"א את גיטו הרב גרוינימן נ"י לבקשני על קונטרסי הנ"ל, כי גם הוא נשאל מנורבגיא על שאלה זו, ולא רציתי למסור לו את הטופס היחיד הנמצא אצלי, והראיתי לו על הנ"ל שאצלם יוכל לקבל את הקונטרס. ואולם כדי לעשות רצון הדר"ג אני יוצא מגדרי ואני שולח לו את קונטרסי ע"י הרב הנעלה מר ארי' ליפשיץ נ"י מכאן, העומד לנסוע לא"י לחוג את חג נשואיו עם בת הרב ראקאווסקי נ"י בירושלים, והוא יגיע לירושלים ביום ג' הבא וימסר את קונטרסי יחד עם קונטרסים ומכתבים בנושא זה, שקבלתי מרבנים גדולים ומפורסמים. ונא לשמור עליהם שלא יאבדו חלילה ע"י העלם עין וחוסר השגחה.

בדעתי להדפיס את כל החומר בספר שו"ת שאני עתיד בעזה"י להו"ל אי"ה. והנה מהגאון רח"ע ז"ל היו לי עשרות מכתבים אבל רובם נאבדו, ורק מקצתם נשארו בידי וניצולו ע"י תלמידי הרה"ג ד"ר ברקוביץ נ"י. במכתבים של הגר"ח"ע ז"ל לא נמצאו ד"ת, ורק היסוסים ופקפוקים ובפירוש אמר לי הגר"ח"ע ז"ל כי שום אחד מהרבנים והר"מים שהציע לפניהם את קונטרסי זה (ביניהם הגר"ש שקאפ ז"ל, הגר"ב"ד לייבאוויץ ז"ל, הגה"ק ר"א וואסרמן הי"ד, ויבל"ח הגר"א קוטלר, הגר"א"פ

ר"מ דמיר ועוד), לא מצאו מקום להשיג נגדי, אבל כלם יראים להתיר. וכן כתב לי הגר"א ד שפירא מקובנא ז"ל בשמו ובשם גדולי ליטא. כמו"כ הודיעו לי הגר"מ זמבא והגר"א פרומער הי"ד שגם הם לא מצאו פירכא בדברי. והרב מסוקולוב זצ"ל שנסתלק באטוואצק שלח לי את בנו קודם פטירתו לבקש סליחתי על שלא ענה על מכתבי, לפי שקבל מכתב מהגר"ח"ע ז"ל שלא להשיב לי כי אם אלינו. ולא הוא בלבד כי אם כל גדולי ליטא ופולין קבלו "חוזר תשאי" של הגר"ח"ע ז"ל שלא להשיב לי. וכפה"נ חשש שמא אתיר את ההימום לאחר שאקבל הסכמת רבים. ודבר זה ידוע גם להגר"ש"ד כהנא שליט"א.

כוונת הגר"ח"ע ז"ל הי' לש"ש, עיקר החשש מצדו שלא יגזרו גזירה החישמול בשאר הארצות. גם הרב של העדה החרדית בפ"פ דמייך הרה"ג ר' יונה הורביץ שלח ג"כ חוזר כזה והוא הפציר ברבנים שלא להתיר בשו"א.<sup>2</sup> ואמנם ענין השחיטה הוא דבר רגיש מאד. והחרדים לדבר ד' אינם רוצים בשום חידוש ורק להשאיר השחיטה כמנהג אבותינו. ודבר זה מובן לכל בעל נפש וחלילה לזלזל בזה, וברי לי שאפילו אם יתירו כל גדולי עולם, יבוא האדמו"רים השונים ויאסרו באיסור חמור ויכריזו על שחיטה שבאה אחרי חישמול כעל נו"ט. אם יש להו"ג ענין בשאר החומר הנמצא בידי אני נכון להמציאו לידו, אבל במדומה לי שאין הוא מכיל דברים חשובים מבחינת ההלכה, ורק דברי רגש, חששות ספקות והיסוסים.

ועוד הפעם אני מבקש את הדר"ג לפקוד על אחד ממשרתיו שישמרו בעין פקוחה על החומר שאני ממציא לידו, שבאם יאבד יהי' אבידה שאינה חוזרת לעולם.

והנני המסור לו בידידות רבה,

יחיאל יעקב וויינברג

הגאון מטארנופול בעל חבצלת השרון התיר בתחלה ואח"כ חזר בו, ויעיין הדר"ג

1. הרב יצחק זליג מורגנשטרן

2. ראה שרידי אש, חלק א, ע' שעד.

בחבה"ש חלק ג'.<sup>3</sup> במכתב פרטי כתב שכן הצפידו בו הרב דפ"פ וכן רבנים אחרים ועי"ש בספרו.

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3 . סימנים בד וכה (סימן בד נדפס גם בשרידי אש, חלק א, ע' קנד-קנט).

ב"ה אור ליום ועש"ק [וארא] תרצ"ד

החווה"ש לכבוד ידידי הרב הגאון הגדול עטרת תפארת ישראל וכו' כש"ת מוהר"ד  
חיים עוזר גרודזענסקי שליט"א האבדק"ק ווילנא יע"א  
אדוני הרב הגאון הנכבד מאד!

אחדש"ה כמשפט הנני לאשר בזה קבלת יקרת מכתב ב' הדר"ג מאור ליום ג'  
כ"ב טבת בתודה רבה. ואטן ואומר כי כל מכתב שאני מקבל מאת ב' הדר"ג הריחו  
לי כאות הצטיינות, וביחוד כשהוא מכיל עצה טובה בעדי ויחסי לאיזה ענין שהוא.  
ובזה הנני מסהר לתשובת דברי ב' הדר"ג אלי ואודיעהו כי נכון הדבר  
שהמכתב שהואיל לשלוח לי על שם הרב אהרנסון לא הגיעני כי כבר יצאתי אז  
מתל-אביב. הרב קוק אמנם ספר לי שקבל מכתב מאת ב' הדר"ג אבל תוכן המכתב  
אינני מכיר, ואל נכון כתוב בו כזה שכתב ב' הדר"ג אלי. הרב קוק אשר כמובן  
לקחתי אצלו הסכמתו טרם שנכנסתי בדבורים עם מי שהוא בארץ ישראל, אמר לי  
שהוא יענה לכ' הדר"ג בעצמו באופן ישר. כמו"כ היה בקורי הראשון בתל-אביב  
אצל הרב אהרנסון, שג"כ מובן מעצמו שבלי הסכמתו לא הייתי עושה אף פסיעה  
אחת שם. ומראש עלי להגיד כי שני הרבנים הללו לא רק שהרשו לי לבוא בדברים  
עם אישים אחרים, אלא היו בטוחים שניהם, שבהעתקת בית מדרשנו בארץ ישראל  
דוקא תצמח טובה רבה לתורה וליהדות המסורתית. כששמעתי בארץ ישראל שכ'  
הדר"ג ערך מכתבים לרוזנהיים, אוירבך, וויינבערג, ומונק, השתוממתי על זה  
הרבה. אני חשבתי שבהיות לי הסכמות רבני ארץ ישראל, אין לי צורך עוד  
בהסכמות אחרות. ועלי להגיד כי בכל יראת הכבוד שאני רוחש לכבוד הדר"ג דבר  
הידוע לו מאז, אין אני יכול להכחיד תחת לשוני, למען האמת והצדק, את  
השתוממותי זו.

ומכיון שאמרתי דברים אלו בהתגלות לב, עלי להוסיף את דלהלן: כל  
ההאשמות נגד מחשבתנו להעתקת בית מדרשנו לא"י, באו מבלי לנסות לבוא קודם

בדברים אתנו, לשאול אותנו לכהפ"ח, מה הן מחשבותינו והלך רוחנו, ומאיזה טעמים ונמוקים אנו חושבים לעשות פסיעה זו. בטוח אני, כי אלמלי הטריחו עצמם לשאול אותנו קודם, כי עתה היו כמה דברים מיותרים. גם אינני חי מעבר להרי חושך, ואני מכיר ג"כ קמעא צרכי המדינות ואופים המיוחד, ולבטלן אינני מחזיק עצמי, ולעושה "להכעיס" בודאי לא. והנה מגודל הכבוד שאני רוחש לכ' הדר"ג והיות שדעתו חשובה אצלי ביותר, הנני להיות נדרשתי לאשר לא נשאלתי, ולהציע לפני הדר"ג את נמוקיני אנו.

הסבה לחשוב ע"ד העתקת מוסדנו באה לרגלי המצב הנוכחי כאן: והיינו מאשכנז יהיו מספר התלמידים בעתיד הקרוב אפס או לכל היותר כ"כ קטן עד שאי אפשר יהי' להחזיק בעדם את בית מדרשנו. תלמידים מחו"ל שהיו עד עכשיו החצי ממספר התלמידים הכללי, ג"כ לא יבואו עוד, והיות שבית מדרשנו לא ראה את עצמו מעולם כמוסד אשכנזי בלבד, אלא כמוסד מרכזי שהשפעתו היתה בכל העולם, הנה בשביל ההשפעה הזאת אנו רוצים להחזיק את המוסד רב הברכות שלנו הלאה ולהעתיקו לארץ אחרת.

ובחשבנו את דרכנו באיזה מדינה נבחר, בהכרח שהיה עלינו לחשוב בראש וראשונה על ארץ ישראל. ראשית מפני שאין אדם יודע מה יולד יום ואם (אל אפתח פה לשטן) לא יהי' ח"ו מצב שכזה גם במדינה אחרת שבאירופה בקרוב. והשנית תפריע במדינה אחרת ההשתמשות בשפה האשכנזית שיביטו עליה בעין רעה. ובארץ ישראל, כמובן יכולים ורוצים אנו להשתמש בלשוננו הקדושה. אבל העתקת בית מדרשנו לארץ ישראל, לא הי' לא קודם נסיעתי לא"י ולא בימי שבתי בארץ ישראל וגם עכשיו אחרי שובי משם דבר מחלט מכל וכל. אנכי נסעתי לשם רק להתחקות ולראות אם אפשר לנו להעתיק את בית מדרשנו לשם, מבלי לגרום נזק לעניני הארץ, וכן להכיר לדעת איזה שנויים יהי' עלינו לעשות באופן הלמוד הנהוג בבית מדרשנו בהתאם לתנאי המקום והזמן, ובאיזה מקום נוכל לכוננו וכו'.

וכו'.

כמובן השפיע עלי ועל ידידי בזה עוד גורם אחד הלא היא האהבה לארץ אבותינו. רק מי שרוצה לסגור את עיניו לבלי לראות את המצב השורר שם, יכול לעבור על זה ולא לשים לב כי בארץ ישראל שורר נגוד עצום בין ה"זקנים" וה"צעירים". אין כאן המקום לחקור ולשאול מדוע ואיך הגיעו הדברים לידי כך, אם אשמים הזקנים או הצעירים, או אולי לא אלו ולא אלו אלא תהלכות הזמן. אבל איך שהוא, נכון הוא שהתהום המפריד ביניהם ישנו. אין איש בארץ ישראל מכחיש דבר זה, לא הרב קוק, לא הרב אהרנסון, ואפילו לא ה"ישוב הישן". כולם מכירים וסוברים שמן ההכרח שיעשה איזה דבר, וחלוקי הדעות ישנם רק על ה"דרכים" שיש ללכת בהם. אנחנו החיים באשכנז, יודעים שלפני מאה שנים נמצאו היהודים פה ג"כ במצב שכזה שבו נמצאים אחב"י בעת בארץ ישראל. אנחנו יודעים מה היו התוצאות מזה שהניחו הדברים במהלכם כמו שהם ולא עשו דבר בעד התפשטות הרעה. אנחנו מאמינים כי אלמלי עשו אַן מה שעשו רבי שמשון רפאל הירש ואמו"ר הגאון ז"ל לאחר חמשים שנה, כי עתה היו פני הדברים והבאות שונים לגמרי. אנחנו מאמינים כי אז היה המצב מתהווה באשכנז כמו למשל בהולנדיא ששם החרדים וביחוד הרבנים יש להם כל הכח ומושלים בכפה, והחפשים אם ירצו ללכת בדרך חדשה, עליהם "לצאת" מן הקהלה ולעשות כל ההוצאות מכיסם, ממש ההפך מן המצב אצלנו באשכנז. כמובן יודע אני שבמדינות אחרות חושבים אחרת, וישנם אולי רבים החושבים אחרת גם במדינתנו. אבל אנחנו, תלמידי אמו"ר ז"ל והמחזיקים בשיטתו של הרב הירש ז"ל יש לנו השקפת-עולם שלנו, ויש לנו הרשות לדרוש שיחשיבו אותה ג"כ כמו האחרות.

ובהיות לנו השקפה זו מן ההכרח היה שתעלה לפנינו המחשבה, אם אין החובה מוטלת דוקא עלינו, שהרעה יצאה מאשכנז לפני מאה שנה, לנסות לעצור בעד האסון הנשקף בארץ ישראל. אבל בנסיעתי לארץ ישראל דחיתי את הרעיון הזה

אחור לגמרי. לא חשבנו כלל ללכת לשם בתור "מצילי ארץ ישראל", אלא לראות אם נמצא שם מקום מקלט בעד מוסדנו ואם נוכל להמשיך משם את השפעתנו על אשכנז ומדינות אחרות מבלי לגרום היוזק ליראים דשם. להפתעתי, הצהירו מעצמם מבלי כל השפעה מצדי, הרבנים דשם קוק, אהרנסון, עוזיאל, יעקב מאיר ומספר גדול של יראים ותיקים בשמחה גלויה, שהם מקוים טובה גדולה בעד ארץ ישראל עצמה וחזוק היהדות שם מבואנו לשם. אני מהיך גם לומר, שהם ב"ישוב הישן" ישנם רבים שישמחו על ביאתנו והעזרה שנביא להם, אלא שהם מהססים להגיד זאת בפומבי. אבל דבר אחד ברור לי: אנחנו נעורר שם בחוגים רבים את החשק ללמוד התורה, חוגים שכעת אינם רוצים אפילו לשמוע מזה. גם בקור הישיבות ירבה על ידי זה. על מה שכתב ב' הדר"ג "איזה צורך ונחיצות יש להמציא לבני א"י רבנים אשר רובם דרך ארץ עיקר להם ותורה טפל" אני עובר בשתיקה מפני יקר ב' הדר"ג החביב עלי ביותר.

לבסוף עלי להוסיף עוד דבר אחד בלי שום תירוץ: קודם נסיעתי לא"י אמר לי מנהיג ידוע אחד מכאן של היהודים ה"מתקנים", שמארץ ישראל מאיצים בו לשלוח להם איזה רבנים "אשכנזים", ושניים כבר החליטו ללכת לשם (האחד פגשתי כבר בארץ). כשבאתי לירושלים שמעתי שהאוניברסיטה אומרת להנהיג במוסדם חנוך רבנים, לא חפשים ולא מתקנים אבל כמובן גם לא "יראים", ועל ידיעה בש"ס ופוסקים ג"כ לא יקפידו כ"כ. ההכרה גברה בי אח"ז שהזניחו רעיון זה יען נאמר שם שאנחנו מוכנים לבוא. מה שיהי' אם אנחנו לא נבוא לשם אין אני יכול לומר, כמובן. הגדתי לכ' הדר"ג את כל נמוקיני. על הרשמים שהבאתי עמי מא"י לא נשאלתי ע"כ אינני רוצה לומר בזה כלום.

באמרי לכ' הדר"ג עוד הפעם תודה רבה ונאמנה בעד מכתבו הנני לבקש סליחתו על אריכות המכתב, אבל הרגשתי צורך פנימי לפרש לפני ב' הדר"ג את הדברים עד כמה שאפשר לעשות זאת בכתובים.

בדרישת שלום לבגית הנני בזה ידידו מוקירו ומכבדו מקרב ולב בכל רגשי

הכבוד והערצה

[מאיר הילדסהיימר]

ב"ה אור ליום ב' כ"ח טבת תרצ"ד פה ברלין

החווה"ש ובט"ס לכבוד ידידי היקר והנכבד עד מאד ה"ה הרב הגאון הגדול נר ישראל ומארו וכו' כש"ת מוהר"ר חיים ע. גרודזענסקי האבדק"ק ווילנא  
 זה רק שני ימים שערכתי לכבוד הדר"ג שליט"א מכתב ארוך ומפורט. עכ"ז  
 רואה אני חובה לעצמי, לערוך אל כ' הדר"ג בתור נוספות גם את השורות דלהלן.  
 האמת אגיד ולא אכחד, כי אין אני רואה שום תוצאות מעשיות מזה, אבל לבי  
 יאלצני לבוא אל כ' הדר"ג בזה ואם גם רק כמאמר הכתוב: אדברה וידוח לי,<sup>1</sup>  
 והקלתי סבל מצפוני.

תמוז ביום הש"ק, קבלתי מארץ ישראל שלשה מכתבים מאישים שונים. האחד  
 נרגז יותר מהשני, וכולם כאחד הרגיזוני גם אותי ויגזלו את מנוחתי. כפי שמודיעים  
 לי, נתפרסמה בימים האלה ב"קול ישראל", ידיעה, ש"ועד מועצה גדולי התורה"  
אסר או יעץ לבית מדרש הרבנים לבלי לבוא לארץ ישראל. על פי זה הביאו כבר  
 עתונים אחרים הידיעה שבית מדרשנו בל יעתק עוד לא"י. להידיעות הללו כבר היו  
 תוצאות שונות. הקשה שבכולן היא, שהאוניברסיטה בירושלים נגשה שוב להגשמת  
 תכניתה בדבר חנוך רבנים. מנהל האוניברסיטה דר. מגנוס כבר צין לאיש סודי את  
 שמות הרבנים אשר בחר בהם להוראת הלכות ופוסקים, ואני יכול לומר עליהם שהם  
 בלי ספק למדנים ויראי-שמים. בעת יהי' שם המצב כמו שהיה כאן לפני ששים  
 שנה, מצב שהביא את אדמו"ר אבי הגאון זצ"ל ליסד את בית מדרשנו, למען אשר  
 לא ילמדו הבחורים לכהפ"ח את למודי-הקודש באוניברסיטה.

יודע אני שימצאו רבים אשר יאמרו: עבור בחורים כאלה המבקרים את  
 האוניברסיטה אין לנו לדאוג, מי שעושה כזאת אין להאורטודוקסיה להתענין בו  
 עוד. אבל אני איני יכול להסכים לדעה זו. אני חושש, שצעירים חרדים רבים מכל  
 הארצות, גם מאמיריקה, ואפילו מאשכנז ילכו להתם לקחת להם שם הסמיכה  
 לרבנות, ורע ביותר יהי' זה. ועוד הפעם מוכרח אני לומר: אל אפתח פה לשטן --  
 1. איוב לב, כ.

בעד ארץ ישראל גופא. בערים, במושבות בקבוצים תתחיל מלחמה קשה, שאת תוצאותיה לא יוכל שום איש להגיד מראש. הזקנים יהיו נגד "רבני האוניברסיטה" והצעירים בעדם. ומי יודע עד כמה ישארו הזקנים זקנים באמת. לדאובני עלי להגיד כי ירא אנכי שזה לא יהי' לזמן רב. אין אני רוצה להכחיד גם את זאת: כששמעתי בארץ ישראל מתכניתו של מגנוס, ראיתי כעין "השגחה פרטית" להחלטתי לנסוע לארץ ישראל. כי קייתי שעל ידי העתקת בית מדרשנו לא"י או בהתחשב האוניברסיטה באפשרות העתקת בית מדרשנו להתם, ימנע כבר האסון הזה. כעת אירע מה ש[אירע]

גם כותבי שני המכתבים האחרים הם נרגזים מאד. אפשר שהיראים שם לא שמו כ"כ לבם עד עכשיו למצבם, או אולי הבינו היטב, אבל לא ידעו והכירו איזה דרך ישכון אור העזרה. בכל אופן, עתה בהיותי שם, התרגלו ברעיוננו וקשרו תקוות גדולות בהגשמתו. כל התקוות הללו הומרו.

והנה יודע אנכי אמנם שבחוג ידוע מביטים על היראים שממנם אני מדבר קצת בבטול. אבל אנכי בהיותי בארץ ישראל הייתי עד ראייה ונוכחתי שהדבר לא כן. אין אני יכול לקבל עלי האחריות להתיאש מכל החוגים האלה ולבטלם, לחשבם כטיט חוצות.

חוזר אני על דברי שאמרתי כבר במכתבי הקודם. לא בארץ ישראל ואף לא אחר חזרתי לביתי כבר היה אצלי דבר מחלט הצריך ונחוק להעשות. אולם כעת אני מכיר שלא יהא לי פתחון-פה לא לפני ה' ואנשים, ולא לפני זכרון אבי אאמו"ד הצדיק ז"ל אם לא נלך לארץ ישראל. אלא שעכשיו ידינו כ"כ אסורות עד שעלינו לעזוב התפתחות הדברים לנפשם, ולעמוד מן הצד לאין מעשה.

עוד הפעם אני אומר מה שאמרתי בתחלה: יודע אני שלהמכתב הזה לא תוכלנה להיות תוצאות מעשיות, אבל בכל זאת אני מוכרח לכתבו. ואת כ' הדר"ג הסליחה!

בד"ש לבבית ובכל הדרת הכבוד והידידות

מוקירו ומכבדו מאד

[מאיר הילדסהיימר]

ב"ה אור ליום ד' ח' שבט תרצ"ד

ישאו הרים שלום וברכה כבוד ידידי היקר והנכבד מאד ה"ה הרב הגאון האדיר רועה ישראל והדרו וכו' כש"ת מוהר"ר חיים עוזר גראדזענסקי הי"ו האבדק"ק ווילנא יע"א.

אדוני וידידי הרה"ג שלים"א!

כבדני ואכבד בתשובתו המפורטת אשר הואיל להריץ אלי על מכתבי האחרונים. מקרב ולב הנני מודה לכ' הדר"ג על כל דבריו, והנני מסהר בזה לאמר לו כי מעולם לא עלתה על דעתי ועל מחשבתי לחשוב שאין לגדולי הדור הרשות והזכות לחות את דעתם בכל הענינים והשאלות העומדים על הפרק, ומובן מעצמו שדבר הזה נאמר גם בנוגע לשאלת העברת בית מדרשנו לא"י. אדרבה. כ' הדר"ג יסלח לי אם אומר, כי לפענ"ד, גאוני הדור מקמצים ביותר בהבעת-דעתם ומשמיעים את אזהרותיהם עפ"י הרוב בשעה מאוחרת.

אנכי תמהתי רק, כמו שכתבתי כבר במכתבי הקודם, על אשר לא נשאלנו מקודם מחשבותינו והכוון שלנו. כי על כן משוכנע אני שכל המחאה לא היתה באה אז. כל רבני בית מדרשנו וכל חברי הקורטוריון שלנו ידעו כי לא היתה כונתי ככל וכלל בניסיעתי זו, להעביר את בית מדרשנו לא"י, רק להתבונן ולראות אם בכלל יש אפשרות להעברה ואיזה שנויים יהיו נחוצים בתכנית הלמודים שלנו למען אשר לא נפגע ברגשי הארץ, ואף גם זאת שלא היה במחשבתנו להנך שם רבנים דוקא בשביל א"י וכו' כמו שהארכתי כבר בזה במכתבי.

אבל כפי שאני רואה מתוך מכתב כ' הדר"ג קבל כל ידיעותיו מא"י, מאחרי שידע שלא בקרתי את הגאון רמ"ם עפשטיין זצ"ל, וכי לא דברתי כלום עם הרב דושינסקי בבקרי אותו. ועוד הפעם עלי להביע את תמהוני על שלא כתבו לכ' הדר"ג שהגאון רמ"ם היה אז חולה מסוכן ושלא יכלתי לבקרו בשביל זה. כששמעתי שהוטב לו קצת הלכתי אל ביה"ח "שערי צדק" כדי לבקרו אבל על דברת הדופא לא

נכנסתי לחדרו. דוקא את הגאון הרמ"ס זצ"ל הייתי חפץ ביותר להועץ ולשמוע את חות דעתו. הוא הכיר את המוסד שלנו, מהלך למודיו, את רבניה ואת תלמידיו. הוא ג"כ הגיד "שעור" בבית מדרשנו בהיותו כאן. מפיו הייתי יכול לשמוע איזה שנויים עלינו לעשות במוסדנו וכו'. אבל כשנסעתי מברלין, כמובן, שלא יכלתי לדעת כי חולה הוא, וחשבתי בבירור שיהי' בין אלה האישים שאתראה עמם בא"י לשמוע חות דעתם.

מה שנוגע להרב דושינסקי, הנה אמנם נכון הדבר שלא דברתי עמו מעניננו, אבל הודעתי לו ע"י ר' משה בלוי ור' יונתן הורביץ, כי עשיתי זאת, יען ידעתי שאין הוא יכול בשום אופן לתת הסכמתו, מאחר שיש אצלם חרם על כל למודי חול. אלמלי דברתי עמו מזה הייתי בעיני כ"לועג לרש". אבל אנכי הגדתי לשני הרבנים הנזכרים שאדיר חפצנו הוא שלא לגרום שום נזק לישיבות, אלא אדרבה, להביא תועלת לרעיון בקור הישיבות, כמו שהיה הדבר גם כאן, שבית מדרשנו עורר והלהיב כמה צעירים לבקור הישיבות. שעליהם רק לחכות לראות את מעשינו ואח"כ להוציא משפט. כמו"כ הצהרתי לשני הרבנים הנ"ל שאין בחפצנו לחנך רבנים בשביל א"י, אבל התקוה תשעשע אותנו כי נשפיע על הנוער הארצי-ישראלי לטוב חזק הדת ורבוי יראת שמים, בראותם את תלמידיו, התנהגותם ורוחם. רצוננו הטוב לחיות בשלום עם הישוב הישן נוכיח בזה שלא נביא מוסדנו לירושלים אלא לת"א.

אני מאמין, שלא הודיע המודיע הארצי-ישראלי לכ' הדר"ג כל זה דברים כהוייתן, וכ' הדר"ג היה מסתין עם כתיבת מכתביו כי אז, יסלח לי אם אומר זאת, בודאי שלא היו באים כל ההשפלות והבטוים המכאיבים על מפעלו של אאמו"ר

הגאון זצ"ל.<sup>2</sup>

לבסוף עלי להעיר עוד רק דבר אחד, בנוגע לי לעצמי. כונתי בכל הענין הזה היתה רק שעלי בתור בנו הצעיר להחזיק ולקיים את מפעל חיו של אאמו"ר הגאון הצדיק זצ"ל, המתנה הטובה והכבירה הזאת שחנך בה לא רק את יהודי אשכנז, אלא כל תפוצות הגולה, לטובת היהדות והרמת קרן התורה. ולא רק משום כבוד בית אבא, אלא יען שנתן מתנה יקרה זו לכל העולם היהודי, ולו גם אם ימצאו עוד רבים וכן שלמים שאינם מכירים בערכה. היום, שכולם יכירו זאת ויעריכוה כראוי, בא יבא. בזאת אני בטוח. לעומת זה אות היא לי איפה יתקיים המפעל. ורק מפני שהאמנתי, כי לפי הכרתי וידיעותי לא יוכל המוסד להתקיים כאן ולא במדינה אחרת שבאירופה, בחרתי בארץ ישראל והקדשתי לזה כל כחותי.

אם כעת באים אחרים, חכמים וחרדים ואוביקטיביים יותר ממני ואומרים שלא לעשות את הדבר הזה, והם מקבלים עליהם אחריות התוצאות (שתבאנה לפי דעתי ושאותן אני ירא) אני את נפשי הצלתי, ויצאתי ידי חובתי לפני ה' ולפני זכרון כבוד אדמו"ר אבי הגאון הצדיק זצ"ל. וזה די לי!

בכל רגשי הכבוד וההוקרה הגמורה ובידידות נאמנת דו"ש תמיד

[מאיר הילדסהיימר]

2. ראה אגרתו אל הרב הילדסהיימר, קובץ אגרות אחיעזר, בני ברק תש"ל, חלק ב, ע' תמג-תמד: "... אבל איך עלה על הדעת ליסד בית חרושת כזה לרבנים באה"ק שיש שם ישיבות גדולות ורבנים גדולים, גדולי תורה ויראה, לבחור ברבנים חדשים שאצלם דרך-ארץ עיקר ותורה טפל, וגם להספרדים בערי המזרח אין צורך ברבנים כאלה. להיראים בודאי אינם מסוגלים, ולהשמאלים מסטרא דשמאלא אין צורך גם ברבנים מטיפוס ברלין, ואין זה תיקון רק קלקול גדול לאה"ק ועלבונה של תורה."

ב"ה ח' חנוכה תרצ"ד

למרח הגאון שליט"א,

מכתב הדר"ג קבלתי. בינתיים כבר קבל את החלק הראשון של תשובתי, במשך הימים הקרובים אשלח את השאר. מפני כאב עיני אני ממעט בכתיבה ועבודתי מתנהלת בכבודות, מטעם העדה הגדולה דוחקים ומאיימים שינהיגו אכילה טריפות בבתי החולים ושאר המוסדות. עלה בידי לפעול שיחכו עוד עד שתבוא תשובת כת"ר.

ע"ד הרב דר. הי.ל. נ"י' -- כבר עוררת מחאה אצל הקוראטאריים שבכאן על שעושה על דעת עצמו, נגד המדובר, כי בפרש (!) התנינו עמו שלא יעשה דבר ורק לתור ולחקור ולדרוש ולהרציא [ולהמציא?] דו"ח כאן. אני מתנגד אל הרעיון בכל תוקף, אבל עדיין אני מחזיק בהשקפתי כי כל הדבר הוא חלוט בעלמא כמו שיראה הדר"ג. מכתב הדר"ג לפ"פ ולהרב דר. מונק עורר התרגזות על שנמצא בו הבטוי "בית חרושת לרבנים" -- וכי בית חרושת אנחנו. וכי אנחנו "עושים" רבנים? אנחנו עושים שלא תשתכח תורה מישראל באשכנז. וממי יצאה הרוח של אהבת תורה בכל אשכנז עד שרבים נוסעים לישיבות? האם לא מבית מדרשנו? וידוע הדבר כי גם אלה שלמדו אצלנו כמה שנים אינם מקבלים תעודה אם אינם ראויים לכך. ובכלל מדוע נגרע חלקנו מכל הישיבות? לאמתו של דבר יש לנו ישיבה כמשמעה הטוב, ואיזו למודי חול לומדים אצלנו, רק תנ"ך וידיעת תולדות ישראל. האם גם אלה למודי חול? ומעיד אני כי בזמן האחרון שוקדים תלמידינו כל היום עד שעה מאוחרת בליכה ובכל האולמים והתאים נשמע קולה של תורה. ובי"ש ובמדות טובות לא נופלים תלמידינו מתלמידי הישיבות בפולין ובכל מקום בואם מקדשים ש"ש ברבים כידוע ומפורסם ורק צרי-עין מכחישים דבר זה. ויסלח לי הו"ג אם אומר לו כי בענותנותו שכח הפעם את מעמדו. הוא חושב א"ע ל"ראש ועד הישיבות" בעוד שלאמתו של דבר הוא בדורנו ראש האומה כולה, וגם לנו יש רשות לבקש מהדר"ג

שיגן עלנו ויסחה נגד אלה המזלזלים בכבודנו. אנחנו -- "בית חרושת לרבנים!" יחקור וידרוש הו"ג ויוכח, כי אנחנו מדקדקים ומחמירים ונוהרים יותר בשעת הבחינות בש"ע ומתן התעודות יותר מראשי-הישיבות בפולין שנותנים תעודות-סמיכה לכל אמריקאני ולכל אשכנזי אפילו אינם יודעים צורתא דשמעתתא. ואנחנו דוחים אותם. ומפורסם כאן כי תלמידים שלא יכלו להשיג אצלנו תעודה בשביל מיעוט ידיעתם נסעו לפולין ולליטא ולמדו איזו זמנים -- לא למדו אלא בלו שם -- וקבלו סמיכות.

קצורו של דבר, הדר"ג יכול וגם צריך להתנגד אל העברת בית מדרשנו לא"י אבל במקום המשפט שם הצדק. צריך הוא לגעור בנזיפה באלה המזלזלים בנו מדוע לב או מצרות עין או מצביעות וחנופות-שקר וד"ל.

ובעיקרו של דבר אני מתנגד להעברת בית-מדרשנו לא מטעמים שזכר הדר"ג כי יבולע ע"י לישיבות -- ח"ו! אדרבא! כשם שע"י ובהשפעתנו נתגברה האהבה לישיבות בחוגי הסטודנטים שבאשכנז כן יהי' גם בא"י. ואני מתנגד מטעמים אחרים לגמרי, אך גבר עלי כאב עיני ולקצר אני מוכרח, אבל זאת אגיד להו"ג שאיני יודע ומבין בשום אופן מדוע מתיחס אלינו בחשדנות כזו. אנחנו קדשנו ש"ש ואנחנו נלחמנו והצלחנו במלחמתנו נגד הבורות והמינות יותר משאר הרמ"ם אשר בליטא ובפולין.

הנאמן לו באה"ר

יחיאל יעקב וויינבערג

ב"ה יום א' ה' בשבט תרצ"ד

ישאו הרים שלום לכבוד הרבנים הגאונים רועי ישראל וכו' מוהר"ש אהרנסון  
ומוהרב"צ עוזיאל נ"י הרבנים הראשים (!) דק"ק יפו--תל-אביב

אחדש"ה בכבוד הראוי. הדו"ח שמסר לנו הרב דר. מאיר הילדסהיימר נ"י, חבר  
הקורטוריון שלנו, בחזירתו מארצנו הקדושה ותאורו מקבלת הפנים באהבה שנערכה  
לו מצד הרבנות הראשית, ומאותות החבה שהובעו מצד חוגים רחבים של אחב"י  
בתל-אביב לרעיון העברת בית מדרשנו הגדול לעירנו העברית, הביא בלבנו שמחה  
עצומה ונתנו ברכה ותודה לה' על שהחיינו וקימנו לשמוע דברים כאלה מארץ  
הקודש. אנו מרגישים צורך לומר כי אנתנו כאן בגולה שואפים ומשתוקקים בכל  
נימי לבנו ובכל (. . .) נפשנו לעלות ולהשתקט בארצנו הקדושה הקמה לתחיה.

למגנת לבנו לא הגיעה עוד השעה הכשרה למלוי משאלת לבנו זו, ואין אנו  
יכולים עדיין לשוב לבית אבות. אחינו בני ישראל במדינה זו שרויים בצרה ודכוי  
הנפש, ואין להם נחמה אחרת אלא המוסדות הרוחניים שנוצרו על ידם בימים  
הטובים שעברו. בית מדרשנו הגדול הוא בבחינת מרכז רוחני לכל תפוצות ישראל  
שבארץ זו ובארצות הסמוכות לה זה יותר מששה עשיריות שנים. ממנו יצאה תורה  
ואורה ויהדות טהורה, רועים נאמנים ומנהיגים חרוצים לוחמי מלחמת היהדות  
ומחזיקים בדגלה.

ואיך נוכל לעזוב כעת את אחב"י השרויים בצער ודאגה יום-יומית לנפשם?  
אי-אפשר לנו לדחוק את השעה. סבורים אנחנו שמחויבים אנו לדאוג בראש בעד  
ספוק הצרכיים הרוחניים שבארץ זו ובעד מלוי המקום הפנוי והריק שיבוא בעזוב  
בית מדרשנו אותם.

מובן שאין אנו מסיחים את דעתנו אף יום אחד מאולתנו לשיבתנו לארץ  
המדה. וכל שיחנו והגיגנו הוא רק הארץ הקדושה ההולכת ונבנית ב"ה לעינינו  
בחמלת ה' עלינו, ברוב רחמיו על עמו המפוזר והמדוכא בכל תפוצות הגולה אשר

אור להם רק בציון ותקוה בארץ עברנו ועתידנו. אנחנו כאן ולבנו שם.  
ובכן הננו מביעים לכם ולכל הנמנים עמכם עוד הפעם את תודתנו הנאמנה  
בעד הקריאה של חבה לשוב לארץ אבות. אנו בתפלה שה' הטוב יפקוד את עמו  
בפקודת ישועה ורחמים, ונזכה כולנו לראות בביאת גואל צדק ושיבת כל הבנים  
לגבולם במהרה בימינו.

בכל רגשי הכבוד וההוקרה העמוקה מתוך לב מלא תודה וברכה  
משה אויערבך, יחיאל יעקב וויינבערג, שמואל הכהן גרינברג

23. 11. 38

Herrn Salmann Schocken  
King George Str.  
Jerusalem.

Sehr Geehrter Herr Schocken,

Das Dozentenkollegium des Rabbinerseminars zu Berlin wendet sich an Sie mit der Bitte, die Lösung eines Problems zu ermöglichen, das sich in der letzten Entwicklung der Dinge also besonders dringend erwiesen hat.

Wir bitten Sie, sehr geehrter Herr Schocken, als den Vorsitzenden des Kuratoriums der Universität, uns in unserem Bemühen zu helfen, jungen begabten Menschen von wissenschaftlichem Streben eine Existenz in der Richtung in der von ihnen gewollten Lebensarbeit aufzubauen, indem Sie die Hörer unserer Anstalt, die Ihren Aufnahmebedingungen entsprechen, aufnehmen und ihnen ein Stipendium für ein oder zwei Jahre gewähren.

Sie kennen die Arbeit des Seminars, die gründliche talmudische Ausbildung mit akademischem Niveau und allgemein wissenschaftlicher Schulung zu vereinen bemüht gewesen ist. Wir dürfen Ihnen versichern, dass die Hörer unseres Instituts, die sich auf unsere Veranlassung als Studenten bei Ihnen melden werden, über ein umfassendes jüdisches Wissen verfügen und mindestens die Abituriumsreife oder mehrere Semester Universitätsstudium aufzuweisen haben. Es sind etwa 15 Hörer, alles Menschen, denen wissenschaftliche Arbeit lieb und wissenschaftliche Methoden vertraut sind.

Wir alle als ihre Lehrer fühlen uns verpflichtet, in diesen Tagen für diese Menschen zu sorgen, die ihre wissenschaftliche und berufliche Ausbildung in unsere Hände gelegt haben. Wir wollen Ihnen diese Menschen anvertrauen in der festen Überzeugung, der Universität damit ein Schülermaterial besonderer Prägung gegeben zu haben. Wir sind überzeugt, dass Sie sich der Wichtigkeit und Dringlichkeit unseres Anliegens nicht verschliessen werden.

Wer wenden uns gerade an Sie, sehr geehrter Herr Schocken, weil wir wissen, dass Sie als Maezen jüdischer Gelehrter Ihre Aufgabe in der Heranbildung eines geeigneten Nachwuchses erblicken. Wir danken Ihnen schon im Voraus für Ihre freundliche Mühewaltung und zeichnen

mit vorzüglicher Hochachtung

Das Dozentenkollegium des Rabbinerseminars zu Berlin

Dr. I. Weinberg  
Samuel Grünberg  
Dr. Esriel Hildesheimer

Ein Schreiben gleichen Inhalts geht Herrn Prof. I. N. Epstein zu.

Berlin, 20 August 1938

Herrn  
Prof. Dr. G. Dalman

Greifswald

Sehr geehrter Herr Professor!

Ich bin im Besitze Ihres geehrten Schreibens nebst dem beigelegten Brief des Herrn Prälaten Huber.<sup>1</sup> Er führt aus einer deutschen Übersetzung des Mischne Thora folgende Stelle an: "Wisse, dass das künftige Leben nur dem Gerechten vorbehalten ist, und das sind die Juden . . . Alle (andere) Völker werden vernichtet werden, sie (die Juden) aber werden fortbestehen." Sie fragten mich, sehr geehrter Herr Professor, wo die Stelle steht. Darauf kann ich folgendes antworten.

Die Stelle steht in Mischneh Thora, Issure bia, Kap. 14 § 4. Die wörtliche Übersetzung dieses Textes lautet: "und man sagt ihm (dem Proselyten, der ins Judentum aufgenommen werden will) 'wisse, dass die künftige Welt nur den Gerechten vorbehalten ist. Und das ist Israel. Wenn Du nun Israel in dieser Welt im Elend siehst, so ist Ihnen das Gute vorbehalten, denn sie können in dieser Welt nicht viel Gutes aufnehmen, wie etwa die anderen Völker, denn ihr Herz könnte hochmütig werden, sie könnten abirren und sich um den Lohn der künftigen Welt bringen, wie es in der Schrift heisst (5. Buch Moses, 32, 15.): "Und Jeschurun wurde fest und schlag aus."'"

Im § 5 heisst es: "Und G"tt bringt über sie (die Juden) nicht übermässig viel Leid, damit sie nicht zugrunde gehen, sondern alle götzendienerischen Völker werden untergehen, sie aber (die Juden) werden bestehen." Soweit der Wortlaut in unseren Ausgaben.

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<sup>1</sup> Jacob Huber, "Protestant pastor; b. 1908; formerly pastor for *Volksdeutsche* in Galicia; left the church to work for the SA; as Untersturmführer (2nd Lieutenant) belonged to Einsatzkommando in Russia; later Hauptsturmführer (Capt.) in *Reichssicherheitshauptamt*; presently pastor in Hamburg." J. S. Conway, *The Nazi Persecution of the Churches* (Toronto, 1968), p. 404.

Die Venediger Ausgabe von 1550 hat den gleichen Text. Die Ausgabe von 1524 befindet sich nicht in meinem Besitz.

Der oben zitierte Text des Maimonides wird im Schulchan Aruch, Jore Dea, 268 § 2, gebracht.

Es sei mir gestattet, einige Bemerkungen an diese Stelle anzuschliessen, wobei ich Sie, sehr geehrter Herr Professor, bitten möchte, dieselben einer eingehenden wissenschaftlichen Prüfung zu unterziehen.

Bemerkung 1) Die Quelle für die Maimonidesstelle ist der Talmud Babli, Traktat Jebamoth, S. 47 am Ende. Dort heisst es: "Man sagt ihm 'wisse, dass die künftige Welt für die Gerechten bestimmt ist. Die Juden in der jetzigen Zeit können weder viel Gutes noch viel Strafe vertragen.'"

Ein oberflächlicher Vergleich zeigt uns, dass Maimonides diese Talmudstelle durch Erweiterungen kommentieren wollte, worauf die Kommentatoren des Maimonides hinweisen.

Bemerkung 2) Es leuchtet jedem ein, dass Maimonides mit diesem Ausdruck "und das sind Juden," der im Talmud nicht steht, den vorangegangenen Ausdruck "denn die künftige Welt ist nur den Gerechten vorbehalten" in dem Sinne erläutern wollte, dass die Juden an der künftigen Welt teilhaben können, da sie doch gewöhnlich die Gebote der Thora erfüllen, also gerecht (Zadikim) sind. Dass dies der Sinn ist, geht aus dem Sefer Mizwoth Gadol von Rabbi Mosche de Coucy (13. Jahrhundert), Verbot 116, hervor, der den Text des Maimonides in folgendem Wortlaut übernimmt: "und man sagt ihm: 'wisse dass die künftige Welt nur den Gerechten vorbehalten ist, denjenigen, die in der Thora enthaltenen Gebote beachten.'" "Und wenn Du Israel in dieser Welt in Elend siehst, so ist ihnen das Gute vorbehalten, denn sie können nicht viel Gutes aufnehmen, wie etwa die anderen Völker, ihr Herz könnte hochmütig werden, sie könnten abbiren und sich um den Lohn der künftigen Welt bringen, wie es heisst: 'und Jeschurun wurde fett und schlag aus.'" (5. Buch Moses, 32, 15)

Und G"tt bringt nicht zuviel Schlechtes über sie, damit sie nicht verloren gehen, sondern alle Völker gehen unter, während es von Israel in der Schrift heisst: (3. Buch Moses, 26, 44): "Ich habe sie verschmäht und sie nicht verabscheut, um sie zu vernichten." Soweit die Stelle in Sefer Mizwoth Gadol. Man sieht also, dass der Sefer Mizwoth Gadol, der sonst den Text des Maimonides wörtlich übernommen hat, den Ausdruck "und das sind die Juden" nicht anführt, sondern die Worte gebraucht: "das sind diejenigen, die die Gebote erfüllen."

Es bestehen zwei Möglichkeiten: Entweder hat in der dem Sefer Mizwoth Gadol vorgelegenen Maimonides Handschrift so gestanden, oder der Sefer Mizwoth Gadol hat den Ausdruck "und das sind Juden" so kommentiert, wie ich es oben anführte. Damit ist kein Ausschluss der Völker hier ausgesprochen, sondern es wird bloss gezeigt, dass man als Jude der künftige Welt teilhaftig wird, dessen ungeachtet dass man in dieser Welt soviel zu leiden hat. Es wird noch klarer wenn man den Anfang dieser an den Proselyten zu richtenden Ansprache sieht. Es heisst, man soll ihn (den Proselyten) nicht sofort aufnehmen, sondern ihn zunächst darauf hinweisen, dass die Juden viel zu ertragen haben und dass die Juden schmerzerfüllt, verfolgt, umhergetrieben, geplagt seien und das Züchtigungen über sie kommen. Wenn der Proselyt aber sagt: "Ich weiss alles, will aber trotzdem übertreten," so tritt man dieser Aufnahmen näher. Dennoch muss man ihn darauf hinweisen, dass er als Jude eine unvergleichliche grössere Last an Geboten zu erfüllen haben wird als andere Völker. Man sagt ihm: "Wisse dass Du bisher nicht gestraft wurdest, wenn Du die Speisgesetze übertratst und den Sabbath entweiht hast." Dann soll man aber ihm nicht nur die auf die Gebotsübertretungen stehenden Strafen sagen, sondern man soll ihm auch davon erzählen, dass er im Falle der Erfüllung der Gebote seinen Lohn in der künftigen Welt empfangen wird. Erst dann wird ihm gesagt, dass die künftige Welt für die Gerechten bestimmt ist und dass den Juden, obwohl sie in dieser Welt viel zu leiden haben, doch der Lohn in der künftigen Welt vorbehalten ist.

Es kommt lediglich der Gedanke zum Ausdruck, dass die missliche Lage des jüdischen Volkes in dieser Welt nicht eine Verschmähung durch G"tt bedeutet und nicht als Minderwertigkeit des jüdischen Volkes aufgefasst zu werden braucht, denn die Hauptsache ist doch der Lohn in der künftigen Welt, an der künftigen Welt haben die Gerechten Anteil. Die Juden können durch Ausübung der Gebote sich als Gerechte bestätigen. Kein Mensch kann ihnen dies strittig machen.

Bemerkung 3) Der Passus: "sie (die Völker) gehen unter und die Juden bestehen" bezieht sich garnicht auf den Passus, der von der künftigen Welt spricht. Die von Herrn Prälaten Huber angeführte Übersetzung hat beide Sätze übersprungen. Der Ausdruck "die anderen Völker gehen unter, die Juden bestehen" bezieht sich nicht auf die künftige Welt, sondern auf die geschichtliche Perspektive in dieser Welt und soll heissen: die sündhaften Völker werden nicht bestehen.

Dieser Gedanke stammt nicht von Maimonides, sondern ergibt sich wie der Sefer Mitzwoth Gadol anführt -- aus dem Bibelvers (3. Buch Moses, 26, 44) "ich habe sie nicht verschmäht und nicht verabscheut, um sie zu vernichten."

Der bekannte Kommentar des Tur Schulchan Aruch, Rabbi Joel Sirkes führt in seinem Kommentar, Bajith hadasch genannt, als Beleg für die letzterwähnte Maimonidesstelle den Vers des Jeremia (46, 28) an. Dort heisst es: "Du mein Knecht Jakob, fürchte Dich nicht, denn ich bin mit Dir, denn machte ich den Garaus allen Stämmen, dahin ich Dich versprengt habe, Dir würde ich nicht den Garaus machen, züchtigen nur werde ich Dich rechtens, kann dich strafledig nicht ledigen," s. Bubers Übersetzung zur Stelle.

Jeder merkt hier gleich, dass Maimonides in dem Ausdruck "alle Völker gehen unter" eine Paraphrase des obenerwähnten biblischen Verses gibt.

Bemerkung 4) Jedem Maimonides Kenner kann es garnicht einfallen, dass er die Nichtjuden von der Teilhaftigkeit der künftigen Welt ausschliessen wollte, da er an drei verschiedenen Stellen der Mischne Thora sagt: "Dir Frommen der Völker haben Anteil an

der künftigen Welt (s. Maimonides Mischne Thora, Hilchoth Tschuvah, Kap. 3 § 5, Hilchoth Eduth, Kap. 11 § 10, Hilchoth Melachim, Kap. 8 § 11.)

Bemerkung 5) Unter den Begriff "Fromme der Völker fällt jeder Noachide, der die sieben Noachidischen Gesetze einhält (Maimonides, Mischne Thora, Hilchoth Melachim, Kap. 8 § 11). Die sieben Gebote sind dortselbst, Kap. 9 § 1 angeführt. In Bezug auf die Teilhaftigkeit an der künftigen Welt stehen die anderen Völker nach jüdischer Auffassung noch besser als die Juden, da sie in der Erfüllung der sieben Gebote sich die künftige Welt sichern, während die Juden durch Übertretung von besonders wichtigen anderen Geboten der Teilhaftigkeit an der künftigen Welt verlustig werden (s. Talmud Babli, Traktat Sanhedrin Kap. 11).

Verzeihen Sie Herr Professor, dass ich vielleicht den Rahmen überschritten habe, den Sie mir in Ihrem Brief gesteckt haben.

Ich versichere Ihnen, dass ich es nicht aus Gründen der Apologetik getan habe. Ich bin ein ausgesprochener Gegner jeder Apologetik<sup>2</sup> und habe es lediglich aus Gründen wder wissenschaftlich Klarstellung getan. Ihnen, dem Manne der Wissenschaft, wird es ein Leichtes sein, alles von mir gesagte nachzuprüfen.

Ich nehme die Gelegenheit wahr, um Ihnen, sehr geehrter Herr Professor, die Verehrung und Dankbarkeit auszusprechen, die wir alle, die wir uns mit Talmudstudium und Talmudwissenschaft befassen, für Sie und Ihren wissenschaftlichen Lebenswerke empfinden.

Mit vorzüglicher Hochachtung ergebenst

Dr. J. Weinberg

Rektor am Rabbiner Seminar zu Berlin

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<sup>2</sup> Cf. *Li-Frakim*, p. 395 (300).

z. Zt. Warschau, den 5. Juni 1941  
Nowolipie 38/25

Rabbiner Dr. I. Weinberg  
fr. Rektor des Rabbinerseminars zu Berlin

Herrn Prof. Dr. L. Ginzburg,  
New York<sup>1</sup>

Ich bin von meinem Kollegen gebeten worden, Ihre Aufmerksamkeit auf folgendes zu lenken.

Zur Zeit befinden sich im hiesigen jüdischen Wohnbezirk ca 400 Kollegen / zusammen mit ihren Familien etwa 2300 Köpfe / nicht nur aus dem Generalgouvernement, sondern aus dem ganzen Gebiet des ehemaligen polnischen Staates. Unter ihnen sind auch Menschen von umfassender Gelehrsamkeit und hervorragende geistige Führer. Da Sie sämtlich ohne Mittel und Erwerbsmöglichkeit dastehen -- z.T. handelt es sich um Alte und Kranke -- so bedürfen sie dringend der Unterstützung.

Die Hilfe, die diesen armen Familien von seiten des hiesigen Jüdischen Hilfskomitees verabfolgt wird, ist sehr minimal, da dieses Hilfskomitee leider nur über beschränkte Mittel verfügt und ausserdem die ganze hier ansässige arme jüdische Bevölkerung betreuen muss. Wir bitten Sie daher ergebenst, für unsere Kollegen eine besondere Hilfsaktion einzuleiten.

Notwendig sind Geld und Lebensmittel, wie auch die Sendung von Kleidungsstücken. Für Geldsendungen empfiehlt sich die Adresse des Jüdischen Hilfs Komitees Warschau ul. Tenackie 5, ebenso auch für grössere Sendungen anderer Art. Diese Sendungen sollen ausschliesslich zur Verteilung an unsere Kollegen verwendet werden. Die Verteilung selbst soll laut Wunsch sämtlicher unserer Kollegen unter Aufsicht der folgenden Herren Kollegen vorgenommen werden.

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<sup>1</sup> The following is a form letter which was sent to numerous leading Jewish personalities in Western countries.

Kollege Elieser Jizchok Meisel fr. Lodz

- " Ruben Juda Neufeld fr. Nowy Dwor
- " Menachem Ziemba, Warschau
- " Rabb. Dr. I. Weinberg fr. Berlin z. Zt. Warschau

Es empfiehlt sich, dies dem hiesigen jüdischen Hilfskomitee mitzuteilen.

Wir legen besonders grossen Wert auf die Nahrungsmittelsendungen, die sollen sie ihrem Zweck entsprechen, regelmässig und in ausreichendem Ausmass gesandt werden müssten.

Es wäre wünschenswert, dass auch Einzelsendungen an besonders angesehene Kollegen erfolgen. Wir erlauben uns einstweilen eine Liste von hervorragenden Kollegen beizulegen.

Sehr wichtig für uns ist die Vorbereitung für die Auswanderung der Kollegen. Wir hegen die Hoffnung, dass die amerikanischen Kollegen alle Mittel anwenden werden um uns die Emigration zu ermöglichen. Dazu ist die Beschaffung von Geldmitteln für Reisespesen, Schiffskarten, vor allem aber die Einreiseerlaubnisse / Affidavits / erforderlich. Bei einer gewissen Anstrengung glaube ich, wird dies zu ermöglichen sein. Uns ist bekannt, dass man z.B. für sämtliche Schüler der litauischen Jeschiwas die Emigrationsformalitäten durchgeführt hat und die Kosten verschaffte. Wir hier sind von der Hilfs- und Einsatzbereitschaft unserer Brüder in Amerika sehr gerührt. Umsomehr dürfen wir hoffen, dass Sie auch für unsere Kollegen hier, die im Dienst der Thora und in unermüdlicher Arbeit für unsere Gemeinschaft ergraut sind, mit der gleichen Begeisterung und Hingabe alle erforderlichen Schritte unternehmen werden. Der Unterzeichnete und seine oben genannten Kollegen sorgen für eine gerechte Auswahl und Einteilung der in Frage kommenden Emigrationsgruppen unter Berücksichtigung der Gelehrsamkeit, der geistigen Bedeutung und persönlichen Eignung, welche Grundsätze streng im Auge behalten werden. Nun ist die Reihe an unsere Brüdern in U. S. A. uns hilfreich

beizustehen. Wir bitten um Bescheid zu geben, welche anderen Gesichtspunkte bei den Auswanderungskandidaten in Erwägung zu ziehen sind.

Zum Schluss möchte ich Sie darauf aufmerksam machen, dass die Post hier gut funktioniert und dass der charitativen Tätigkeit seitens der massgebenden Faktoren volles Verständnis entgegengebracht wird.

Ihr ergebener

Rabb. Dr. I. Weinberg

Warschau 16. 1. 41

Lieber Dr. Weingort!

Nehmen Sie vielen Dank für die mir gesandten Lebensmittelpakette, die in bester Verfassung angekommen sind. Warum schreiben Sie mir gar nicht? Ich verkehre jetzt viel im Hause Ihrer l. Eltern und erfahre alles über Ihr Befinden. Dennoch wäre mir Lieb, wenn Sie persönlich mir Schreiben würden.

Aus Genf erhielt ich endlich (nach 2 Monaten) das angekündigte Lebensmittelpakett. Es war dabei Wurst. Ist es rituell zuverlässig? Haben Sie von Dr. Auerbach was gehört? Herr Nussbaum hat die ganze Zeit von sich nicht hören lassen. Kömmten Sie sich nicht bei Dr. Sulzberg darüber erkundigen.

Schreiben Sie mir bitte bald!

Viele Grüsse auch an Ihre Braut u. l. Eltern.

Ihr

J. Weinberg

Herzl. Gruss an Dr. Klatzkin!

Warschau d. 5 Mai 1941

Lieber Herr Dr. Weingort

Vielen Dank für Ihre 1. Karte. Schreiben Sie mir bitte, was Sie in Genf für mich erreicht haben? Was gedenken die Herren dort für uns zu tun? Bitten Sie Herrn Dr. Klatzkin und Herrn Schachnowitz sich beim dortigen Hilfs Komitee, für alle hiesigen Kollegen tatkräftig einzusetzen. Aus der Slowakei erhielt ich auf Veranlassung der Agudas Jisroel Luzern 35 Kg Mazzos, die ich sämtlich an würdige Kollegen hier verteilt habe, da ich persönlich G. s. D. andersweitig versorgt worden bin. Bitte Sie, an Ihre 1. Eltern von meinen persönl. Angelegenheiten nichts mehr zu schreiben, da dort viele Leute verkehren und daher unwillkürlich Ihre Briefe von dieser gelesen werden. Meine Schuler aus der Slowakei haben auf meinen Wunsch hin 40 hiesige Kollegen mit Mazzos versorgt. Herzl. Grüsse an Ihre 1. Eltern von

Ihrem ergebenen

Dr. J. Weinberg

Dr. Jakob Weinberg  
Nowolipie 38/25  
Warschau

ב"ה

Lieber Herr Dr. Weingort!

Vor allem besten Dank für Ihre Grüsse u. Wünsche zum neuen Jahre, die ich auf das herzlichste hiermit erwidere. Möge dieses Jahr uns die ersehnte Erlösung bringen.

Meine Krankheit verbittet mir mich weiter mit der Schächtfrage zu befassen. Sie besitzen ja (ich -- leider -- nicht) mein 200 Seiten fassendes Gutachten über die ganze Problematik, die mit der Betäubung zusammenhängt . Aber -- wie ich zur Zeit in einer Konferenz ausführte, spielen ausser den halachischen noch andere Gründen mit die ebenso wichtig sind. Ich bin dieserhalb von der Schweiz angefragt worden u. lehnte ebenfalls ab, auf diese Frage jetzt einzugehen.

Es bedrückt mich sehr, dass sowohl Sie, wie auch Ihr Schwiegervater vergessen haben, mir einen Esrog zu schicken. Ich habe damit gerechnet, dass Sie es tun werden. Manche Schüler aus Ihrer Jeschiwoth haben ihre verwandter geschickt. Aber von meinen Schülern hat sich Niemand gefunden, der an mich dachte. Es ist ja sehr deprimierend für mich. Die besten Grüsse u. Wünsche!

Ihr Dr. J. Weinberg

ב"ה יום ה' כ"ג באלול תשי"ז מונטרו

ידי"נ הרה"ג החכם המופלא מהר"ש אטלס שליט"א

בשובי מבד גאסטיין מצאתי את מכתבו היקר מט' אלול שלא נשלח אלי לשם. שמחתי לשמוע שוב ממנו אחרי דומיה ארוכה כ"כ. כידוע לו אני סובל הרבה מנדודי שינה במדה זעומה, וב"ה כי הוטב לי הרבה, ואני מקוה כי עכשיו אוכל לעבוד כאות נפשי, אלא, דא עקא, הרופאים אסרו עלי עבודה רוחנית המיגעת את המוח. כתבתי להרב סניעה כי כת"ר רוצה לבוא עמו בכתובים ורשמתי לו את אדריסתו בנויארק. אדריסת הרב סניעה היא Tymaninger Str. 76 II. היינו יחד בבד גאסטיין בשני שבועות.<sup>1</sup> הוא חלש בגופו ואור עיני' הורע. הוא חושב מחשבות לבוא לנויארק ולשאול בעצת רופאים מומחים שם. בעצמו יכתוב לכת"ר וידע את מבוקשו.

אנו הולכים ומתיתמים, מיטב ידידנו הלכו לעולמם. אני שרוי בצער למותו של ד"ר הולר ז"ל. הוא נתקל בתאונת דרכים, נפל למשכב ולא קם ממטתו. חבל על האי גברא יקירא ועל שופרא רבא דבלי בארעא. מפרופ' ישראל בעמאן לא שמעתי, אבל כל אדם גדול שמת מניח חלל ריק. מי יוכל למלא מקומו של ד"ר ביק? בחיים חיותם אנו מבקרים אותם ומחפשים מומיהם, אבל בשעוזבים אותנו אנו מרגישים מה שאבדנו.

לבי מלא עצב על הקנאות הגדולה שהתגברה במחנה החרדים. יקרא נא את החוברת האחרונה של "הסאור" ויראה את העוורון שנלקו בו. הרבי מסטמר אוסר לימוד שפת עבר ואחרים אומרים כי יסוד המדינה העברית הי' חטא שאין לו כפרה.<sup>1</sup> ב"שערים"<sup>2</sup> יצא סופר אחד במחאה על שהעניקו לר"ש ליברמן בפרס ע"ש הרב קוק בעוד שהוא עובד במחיצת הריפורמיים. עי"ש ותרוה נחת רב. מצד אחר הם מעטירים כל "רבי", שהכל ידעו שאינם מופלגים בתורה, בתוארים "הגאון" ו"רשכבה"ג" ועוד. בשביל אנשי האגודה הוא [!] כל רב קטן שנתחבר להם גאון גדול.

1. תמוז, תשי"ז, ע' 29.

2. ל' אב, תשי"ז, ע' 2.

ב"שערים"<sup>3</sup> הכריזו איסור להשתתף בקונגרס למדעי היהדות בירושלים, ומאידך גיסא טענו, מדוע לא הזמינו את הגאונים בא"י ובחו"ל שקטנם עבה ממתני כל חכמי א"י וחו"ל? הם באו בטענה זו לפרופ' דינור, והוא השיב להם שאין הרבנים עוסקים במחקרי היהדות, ועל תשובה זו שפכו קיתונות של ליצנות הדיוטית. רואה אני כי סו"ס יבוא לידי קרע בגוף האומה. אותי הזמינו לבוא לקונגרס וגם שלחו לי כרטיס מטוס אלא שמחמת בריאותי החלשה נמנעתי לבוא. ואמנם בירושלים נתפרסם שבדעתי לבוא, והמטירו עלי מכתבים בבקשות נמרצות שלא לבוא ולהשתתף בכנס של אפיקורסים ומינים. אני לא השגחתי באזהרות אלה ושלחתי מכתב ברכה והתנצלות על אי-בואי ומכתבי זה הוקרא ברבים.

בירושלים נתכנסו גם לוועידה אידיאולוגית, ושם נידונה השאלה על יחס ההסתדרות הציונות למדינה ואם יש להסתדרות הציונות זכות הקיום. נמסרה שאלה זו למלומדים (ובתוכם פרופ' הישל והרב ד"ר אלטמן) לפתרון. המצב הרוחני בכל החוגים מעורר עצב ויאוש. מתרוצצים בלבי רעיונות מרים על עצם קיום האומה וסיכוייה בעתיד. כל העולם שונא אותנו. אנחנו תולים שנאה זו ברשעת העמים, ואין איש שם על לבו שמא גם אנחנו אשמים במקצת. כל העמים נחשבים בעינינו לדומים לחסור. אסור להציל נכרי,<sup>4</sup> ואסור לרפאותו חנם,<sup>5</sup> ואסור לחלל עלי' את השבת לפקוח נפש,<sup>6</sup> ביאתו אינה אוסרת אשה לבעלה לשיטת ר"ת<sup>7</sup> כי זרמת סוסים

3. ראה מאמרו של הרב בן ציון פירר, א' אב, תשי"ז, ע' ב, ומאמריו של יעקב כ"ג, ג' אב, תשי"ז, ע' ב, וט"ז אב, תשי"ז, ע' ב.

4. עבודה זרה כו., רמב"ם הלכות רוצח ושמירת הנפש פרק ד הלכה יא, שלחן ערוך יורה דעה סימן קנח סעיף א וחושן משפט סימן תכה סעיף ה.

5. עבודה זרה עו.; רמב"ם הלכות עבודה זרה, פרק י הלכה ב, שלחן ערוך יורה דעה סימן קנח סעיף א.

6. יומא פג., פד: (מבואר שם דדוקא בספק כותי ספק ישראל מחללין את השבת, אבל בודאי כותי לא), עבודה זרה כו., רמב"ם הלכות שבת פרק ב הלכה יב, שלחן ערוך אורח חיים סימן שכט סעיף ב.

7. תוספות יומא פב.; כתובות ג: ד"ה ולדרוש, סנהדרין עד: ד"ה והא, ועוד.

זרמתם.<sup>8</sup> האם יוכלו העמים להשלים עם קיפוח זכויות זה? מותר להונות נכרי ולהפקיע הלואתו<sup>9</sup> ואסור להשיב לו אבידה!<sup>10</sup> ומה לעשות? האם אפשר לעקור תורה שלמה שלנו במליצות אפולוגיטיות או בהערמות מחוכמות? וד' יודע כי מה שכתבתי הוא בדם לבבי, דם הנפש.

תתחדש עליך ועל רעיתך הדגולה שנה טובה ומבורכה בכל.

ידידך

יחיאל יעקב וויינברג

מאמרים שונים שלי נדפסים בתלפיות ובספר היוכל להרב מירסקי.<sup>11</sup> אפשר שכבר יצאו לאור. שלח לי את ספרך החדש! אם תזדמן עם המשורר פרופ' הלל בבלי דרוש בשלומו. הוא מכניס את בנו בשבת הבע"ל לגיל בר-מצוה. הוא אדם עדין מאד, בעל לב טוב ונשמה יתירה.

8. יחזקאל כג, כ. ראה יבמות צח.

9. ראה אנציקלופדיה תלמודית, כרך ה, ערך גזל גוי, שיטת חולקים בזה.

10. בבא קמא קיג; סנהדרין עו; רמב"ם הלכות גזלה ואבדה, פרק יא הלכה ג, שלחן ערוך חושן משפט סימן רסו סעיף א. כתב הבית יוסף שם (מהדורת מכון ירושלים): "ומילתא דפשיטא שכל הגוים שוים בזה בין עובדי כו"ם בין שאינם עובדים דהא לאו אחיך נינהו ורבינו שכתב עובדי כו"ם לאו דוקא." ראה הרב דוד כהן, העקוב למישור, ברזקלין תשנ"ג, ע' כד.

11. ניו יורק תשי"ח.

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