

JACOB ETTLINGER, HIS LIFE AND WORKS:  
THE EMERGENCE OF MODERN ORTHODOXY  
IN GERMANY

Judith Bleich

*Bowdoin. Fennell.*

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## TABLE OF CONTENTS

Chapter I	Life	1
Chapter II	Writings	56
Chapter III	Halakhic Issues and the Reform Movement	83
	A. Introduction	
	B. Circumcision	
	C. Intermarriage	
	D. Second Days of the Festivals	
	E. Location of the <u>Bimah</u>	
	F. <u>Kaddish</u>	
	G. Confirmation	
	H. Delayed Burial	
	I. Hamburg Temple Prayerbook	
Chapter IV	Reaction to the Reform Movement	186
Chapter V	Attitude to Secular Culture	242
Chapter VI	Education: Views and Endeavors	262
Chapter VII	<u>Der treue Zionswächter</u> and <u>Shomer Zion</u> <u>ha-Ne'eman</u>	291
Chapter VIII	Settlement of Israel	322
Afterword		365
Bibliography		367

## CHAPTER I

### LIFE

Jacob Ettlinger was born on March 17, 1798 (29 Adar I, 5558) in Karlsruhe, capital of the Grand Duchy of Baden, in the southwest of Germany.<sup>1</sup> In his youth he signed his name Yukov Ettlingen, Yukov being an affectionate cognomen for Ya'akov (Jacob) and Ettlingen, the name of the small town in which his forebears had at one time resided and from which the family surname was probably derived. It is in this form that his name appears in his first published

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<sup>1</sup>Biographical sketches of Jacob Ettlinger are to be found in Eduard Duckesz, Iwoh Lemoschaw (Cracow, 1903), pp. 114-124; Akiba Posner and Ernest Freimann, "Rabbi Jacob Ettlinger," Guardians of our Heritage, ed. Leo Jung (New York, 1958), pp. 231-243; and Yonah Emanuel, "Perakim be-Toldot ha-Rav Ya'akov Ettlinger Zal," Ha-Ma'ayan, XII, no. 2 (1972), 25-35. The biographical information is synopsized in brief encyclopedia articles by Gotthard Deutsch, "Jacob Ettlinger," Jewish Encyclopedia (New York, 1906), V, 264-265; S.A. Horodetzky, "Jacob ben Aaron Ettlinger," Encyclopedia Judaica (Berlin, 1930), VI, 826-27; and Shlomo Eidelberg, "Jacob Ettlinger," Encyclopedia Judaica (Jerusalem, 1971), VI, 595-596. Unfortunately, these biographies take little account of the material on Ettlinger in the periodical literature of the time. In particular Der treue Zionswächter (hereafter cited as TZW), Vols. I-X (1845-1854), contains a wealth of material concerning Ettlinger's activities in Altona and constitutes a hitherto untapped source.

work, Bikkurei Ya'akov.<sup>1</sup> Both his parents, his father, Aaron, and his mother, Rechel Rachel, traced their ancestry to Isaac of Ettlingen, a pious scholar whose liturgical compositions, a series of tehinot, informal supplicatory prayers, were the treasured possessions of the Ettlinger descendants.<sup>2</sup> Records of the Ettlingen community for the year 1673 refer to one Isaak von Ettlingen. In 1717 the name of a "Baujud," one Josef Jakob von Ettlingen, appears among the first Jewish settlers of Carlsruhe.<sup>3</sup>

Jacob's father (1769-1849) served as Klausrabbiner, rabbi of the local House of Study, in Carlsruhe. A recognized Talmudic scholar, Aaron Ettlinger was steeped in Kabbalah as well as in the pietistic tradition of the devout Jews of Germany.<sup>4</sup> It is he who, as Jacob's first teacher, introduced the young lad not only to Talmudic studies but also to mystic lore and instilled in him a spirit of deep

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<sup>1</sup>Altona, 1836.

<sup>2</sup>Aaron Ettlinger was the son of Meir, son of Seligmann, son of Isaac. The lineage is traced in Aron Freimann, Aus dem Stammbaum der Familien Ettlinger-Freimann-Horovitz (Berlin, 1925).

<sup>3</sup>Franz M. Hundsnurscher and Gerhard Taddey, Die jüdischen Gemeinden in Baden (Stuttgart, 1968), pp. 82-83.

<sup>4</sup>Regarding the manifestation of this tradition in nineteenth-century Germany vide Yeshayahu Wolfsberg, "Popular Orthodoxy," Yearbook, Leo Baeck Institute, I (1956), 248-249.



religiosity. Years later Jacob was to write in glowing terms of this training and education. In introductory remarks to his work on Yevamot, he notes that he had named his collection of Talmudic novellae, Arukh la-Ner, in honor of his parents to whose pious souls he wished "to erect a lamp to shed light before them in their honored resting place on high." As he elaborates:

for the fruits of my understanding are but of their plantings and of theirs is what I have placed before them in the garden of the Lord to gladden their souls. I was a beloved child to them, they reared me on their knees, they instructed me in the holy path, the path of life, they planted me as a tree by streams of water.<sup>1</sup>

Aaron Ettlinger is cited several times in his son's printed works. Of note are the exchange of views between the two dealing with highly technical questions of ritual purity recorded in Binyan Zion (Altona, 1868), numbers 52, 54 and 55 and in Binyan Zion ha-Hadashot (Vilna, 1874), no. 66.

A number of aggadic commentaries authored by Aaron Ettlinger were appended to the printed editions of both Binyan Zion and Arukh la-Ner, Yevamot. Most of the above material appeared originally as contributions to the rabbinic journal, Shomer Zion ha-Ne'eman, which Jacob Ettlinger edited.<sup>2</sup>

<sup>1</sup>Altona, 1850, Preface.

<sup>2</sup>Binyan Zion (hereafter cited as BZ), nos. 52-54, and 55 and Binyan Zion ha-Hadashot (hereafter cited as BZH), nos.

Posthumously published articles by Aaron Ettlinger were also included by his son in nos. 148 and 160 of that journal.

Jacob's Talmudic education was continued under the guidance of the rabbi of Carlsruhe, Asher Wallerstein (1754-1837) whose father, Aryeh Loeb ben Asher of Metz, was the author of the celebrated Sha'agat Aryeh, a classic in rabbinic literature. Until the age of 18 Ettlinger pursued his studies under the aegis of Asher Wallerstein and it is this scholar who exerted a decisive influence on Ettlinger's intellectual development.

As an elected member of the Consistorium and chief rabbi (Ober Rath and Landrabbiner) of the Grand Duchy of Baden Wallerstein was known to be strictly Orthodox yet tolerant of others. The publication Sha'agat Aryeh ha-Hadashot includes glosses by Asher Wallerstein, dated 1836, under the title Hagahot Asher. His other writings which include numerous novellae as well as considerable ethical and homiletical material were never published.<sup>1</sup> Ettlinger mentions

33, 36, 55 and 40 respectively. The latter discussion is amplified in no. 47 of that journal and reprinted in BZH, no. 67. The aggadic comments at the conclusion of BZ appeared originally in Shomer Zion ha-Ne'eman (hereafter cited as SZN), nos. 65 and 61. A memorial poem dedicated to Aaron Ettlinger, "Kinah al Mot Ish Tamim," by Rabbi Meshullam Zalman ha-Kohen (Ettlinger's son-in-law, S. Cohn of Schwerin) appears in SZN, no. 84. Vide also TZW, V, 296 and 323-324.

<sup>1</sup>Allgemeine Zeitung des Judentums (hereafter cited as AZDJ) 1837, pp. 252 and 260. Regarding Asher Wallerstein's writings vide the comments of his son-in-law, Alexander Aron,

Wallerstein by name in Binyan Zion ha-Hadashot, no. 83.<sup>1</sup>

Asher Wallerstein himself was, throughout his life, closely identified with his father, the author of Sha'agat Aryeh, particularly when the latter had become totally blind and Asher assisted his father both in the administration of his yeshivah (Talmudic academy) and in the preparation of his manuscripts. Regarded as one of the most eminent Talmudists of his age, the author of Sha'agat Aryeh was distinguished for his pendency of mind and self-reliance in the pursuit of truth. His methods of elucidation and interpretation demanded rigid logic and critical investigation to the exclusion of the excesses of pilpul, a form of casuistry in which Talmudic difficulties were resolved by far-fetched, if ingenious, modes of analysis.<sup>2</sup> Sha'agat Aryeh's most notable disciple was Rabbi Hayyim,<sup>3</sup> founder of the Rabbinical College of

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in SZN, no. 67 and Aryeh Loeb ben Asher, Sha'agat Aryeh ha-Hadashot (Vilna, 1874), p. 144.

<sup>1</sup>Duckesz, Iwoh, p. 114, fails to indicate that the reference is to ha-Hadashot.

<sup>2</sup>Sha'agat Aryeh (Frankfort-am-Oder, 1755), Introduction, observes that pilpul is useful only as an exercise for the student for the purpose of developing mental skills. He had eliminated pilpul from his published works because he considered that this method "must necessarily contain admixtures which are foreign to the truth of Torah."

<sup>3</sup>Hayyim of Volozhin, Nefesh ha-Hayyim (Vilna, 1874), Introduction. Cf., M.S. Schmuckler, Toldot Rabbenu Hayyim mi-Volozin (Jerusalem, 1968), p. 14.

Volozhin, an institution that enjoyed a world-wide reputation by virtue of its high level of Talmudic scholarship and which served as the model for the prominent rabbinical colleges of Lithuania. Thus Sha'agat Aryeh emerges as one of the most significant intellectual precursors of the Lithuanian Talmudic academies.

The distinctive style of Talmudic study, research and analysis that Ettlinger was to develop can be traced to the methodology and approach of his teacher Asher Wallerstein and follows directly in the tradition of scholarship of Sha'agat Aryeh. This was the method of study and investigation to which Lithuanian Talmudic scholars aspired.<sup>1</sup>

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<sup>1</sup>The Lithuanian academies prided themselves on their analytic approach to Talmudic study. This method of rigorous Talmudic textual interpretation--a method which is frequently misunderstood and denigrated--is accurately analyzed by Harry Austryn Wolfson in his Crescas' Critique of Aristotle (Cambridge, 1929), pp. 24-27. The Talmudic method is so widely misunderstood that Wolfson's defense merits quotation at length:

In this method the starting point is the principle that any text that is deemed worthy of serious study must be assumed to have been written with such care and precision that every term, expression generalization or exception is significant not so much for what it states as for what it implies. The contents of ideas as well as the diction and phraseology in which they are clothed are to enter into the reasoning. . . . This attitude toward texts had its necessary concomitant in what may again be called the Talmudic hypothetico-deductive method of text interpretation. Confronted with a statement on any subject, the Talmudic student will proceed to raise a series of questions before he satisfies himself of having

Ettlinger in Germany was thus to evolve an approach closely akin to that of the leading rabbinic academies of Eastern Europe. It is to this common heritage that one may attribute

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understood its full meaning. If the statement is not clear enough, he will ask, 'What does the author intend to say here?' If it is too obvious, he will again ask, 'It is too plain, why then expressly say it?' If it is a statement of fact or concrete instance he will then ask, 'What underlying principle does it involve?' If it is a broad generalization, he will want to know exactly how much it is to include; and if it is an exception to a general rule, he will want to know exactly how much it is to exclude. He will furthermore want to know all the circumstances under which a certain statement is true, and what qualifications are permissible. Statements apparently contradictory to each other will be reconciled by the discovery of some subtle distinction, and statements apparently irrelevant to each other will be subtly analyzed into their ultimate elements and shown to contain some common underlying principle. The harmonization of apparent contradictions and the interlinking of apparent irrelevancies are two characteristic features of the Talmudic method of text study. . . . And any attempt to answer these questions calls for ingenuity and skill, the power of analysis and association, and the ability to set up hypotheses--and all these must be bolstered up by a wealth of accurate information and the use of good judgment. . . . And there is a logic underlying this method of reasoning. It is the very same kind of logic which underlies any sort of scientific research, and by which one is enabled to form hypotheses, to test them and to formulate general laws. . . . Just as the scientist proceeds on the assumption that there is a uniformity and continuity in nature so the Talmudic student proceeds on the assumption that there is a uniformity and continuity in human reasoning. Now, this method of text interpretation is sometimes derogatorily referred to as Talmudic quibbling. . . . In truth it is nothing but the application of the scientific method to the study of texts.

the affinity of Eastern European Talmudic scholars for Ettlinger.<sup>1</sup>

In the latter years of the nineteenth century the divisions and cleavages between rabbinic scholars in Western Europe and those in the East, particularly in Lithuanian yeshivot, became increasingly more pronounced. At one point Talmudic scholarship had flourished in Germany but this epoch had now drawn to a close. Rigid intellectual discipline and detailed analysis of Talmudic sources became the hallmark of the Eastern school, but not of German scholars. Yet in the yeshivot of Eastern Europe Ettlinger's volumes of novellae, 'Arukh la-Ner', were to become standard texts used by the yeshivah student as one of the basic latter-day works to which he turned on a regular basis in conjunction with his Talmud study.<sup>2</sup> Ettlinger continued to be regarded as a

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<sup>1</sup>For example, 'Arukh la-Ner is cited repeatedly in the works of Eastern European Talmudic scholars such as Elchanon Wassermann, Kovetz He'arot (New York, 1952), Baruch Ber Leibowitz, Birkat Shmu'el, I-IV (New York, 1947-1962) and Reuven Grozovsky, Hiddushei Rabbi Re'uven, I-II (New York, 1964-1971).

<sup>2</sup>This can be corroborated a) by the large number of copies of these works sold annually by booksellers specializing in Talmudic and rabbinic publications, and b) by entering any institution for advanced Talmudic study and observing the number of copies of 'Arukh la-Ner upon the study tables next to the folios of Talmud.

rabbinic scholar of the calibre of those of the preceding era. No other German rabbinic authority of his time, not even a recognized scholar such as Seligmann Baer Bamberger and certainly not younger men such as Samson Raphael Hirsch and David Zevi Hoffman, held a comparable position in the realm of pure Talmudic scholarship. It was his unchallenged position as a Talmudic scholar that assured Ettlinger his rightful place in the continuum of halakhic scholarship as well. The authoritativeness and weight later to be associated with his responsa by all segments of Jewry<sup>1</sup> stems directly from his universal recognition as a Talmudic scholar on par with those of the Eastern school. It cannot be overemphasized, that in practical terms, it is in the respect and regard for Ettlinger as a Talmudist that we find the key to his effectiveness and importance as a spokesman for the entire spectrum of Orthodoxy.

During the period of his study under Asher Wallerstein Ettlinger simultaneously pursued a course in general studies at the local Jewish school. Following his matriculation he became one of the first Jewish students to obtain admission to the University of Würzburg. During his third year of study in Würzburg Ettlinger's career at the university was rudely interrupted. On August 2, 1819, there was a sudden outbreak of antisemitic riots. Mobs of students shouting "Hep-Hep" attacked the Jews of Würzburg forcing them to abandon the city.

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<sup>1</sup>Infra, p. 62.

Ettlinger himself, it is related, narrowly escaped bodily harm by jumping out of a window in the back of his lodgings.<sup>1</sup> Devoting himself to the study of philosophy, Ettlinger had excelled in his university studies and although he had obtained no formal degree, the documents from his professors pertaining to his scholastic attainments bore the grade "vorzüglich" and attested to his superior performance.<sup>2</sup>

The fact that Jacob Ettlinger did have several years of university training--regardless of the lack of formal completion thereof--is crucial in terms of the role he was to play in later years. He was among the first of a new group of young Jewish rabbis to pursue secular studies on the university level. However, all the more important, following exposure to the atmosphere of the secular university, Ettlinger was, at the time, one of the few individuals to retain adherence to a completely unadulterated version of Orthodox Judaism. It was an anomalous phenomenon--one which did not go unnoticed by his colleagues within the Orthodox fold in their ongoing debate regarding the permissibility of secular studies within the context of a strictly Orthodox Weltanschauung. By the time Ettlinger had achieved prominence as a traditional rabbi and head of a yeshivah in Altona, the saying was current that "Satan made

<sup>1</sup>Posner, p. 233.

<sup>2</sup> Loc cit.; Duckesz, Iwoh, p. 114; S. Eppenstein, "Leben und Wirken Dr. I. Hildesheimers," Jeschurun, VII (1920), 276.



him go through the university and come forth so immune and loyal as to lure all the rest of modern rabbis to pursue those studies which caused their disloyalty to traditional Judaism."<sup>1</sup>

Representing an extreme position among Orthodox leaders, Hatam Sofer (Rabbi Moses Schreiber) and his disciples had openly expressed themselves as unalterably opposed to secular studies.<sup>2</sup> Followers of this school tended to minimize the import of the experience of Ettlinger by attributing to him ex post facto regret at having pursued the wisdom of the Western World. They were wont to tell that in his youth he had on occasion been found in the Würzburg Synagogue praying before the Ark that secular studies not have a baneful influence upon his character.<sup>3</sup> They claimed that in later years Ettlinger publicly proclaimed his regret for having pursued secular studies declaring that he had witnessed with his own eyes the effect of such studies in undermining the faith of Orthodox Jews and estranging them from the teachings of the Torah.<sup>4</sup>

<sup>1</sup>Kaufmann Kohler, "Personal Reminiscences of my Early Life," Hebrew Union College Monthly, May, 1918, p. 228.

<sup>2</sup>The negative position of this school with regard to secular studies is presented in great detail by Akiva Joseph Schlesinger, Lev ha-Ivri (Ungvar, 1865). Cf., Chaim Chamiel, "He-Hatam Sofer 'al ha-Reformah, 'al ha-Ivrit ve-'al Goral Yisrael beyn ha-'Amim," Sinai, LIV (1964), 164-166. Cf., however, the comments of Ya'akov Katz who maintains that followers of this school objected only to the study of philosophy. "Contributions towards a Biography of R. Moses Sofer," Studies in Mysticism and Religion Presented to Gershom Scholem on his Seventieth Birthday by Pupils, Colleagues and Friends, edited by L.E. Urbach, R.J. Zwi Werblowsky and Ch. Wirszubski (Jerusalem, 1967), Hebrew section, pp. 141-142.

<sup>3</sup>Emanuel, Ha-Ma'ayan, XII, no. 2, 25.

<sup>4</sup>Abraham Stern, Melitzei Esh (New York, 1962), III, 51.

How true these allegations may be is open to question. In fact, Ettlinger did not have an ambivalent attitude toward secular education but rather, as shall be demonstrated,<sup>1</sup> developed over the years a very definite approach toward such studies according them a position of limited importance within a rigidly controlled framework of Torah study. He appears to have had a genuine regard for some aspects of secular studies and a realization of their incontrovertible significance in the modern world. Certainly he placed emphasis on the value of acquiring fluency in modern languages and himself did not hesitate to preach and write in German and even to prepare certain prayers in the vernacular. Moreover, in the schools established under his auspices in Altona, secular subjects were taught to both boys and girls.

However, this regard was tempered by an attitude of caution and circumspection. Ettlinger appears, particularly in later years, to have been wary of the influence of secular studies on impressionable youngsters. In theory he did not negate secular studies in themselves but was motivated in terms of policy by his fear of their encroachment upon Torah scholarship. Thus, as a general rule, he did not look with favor upon his students attending even the philosophic lectures of Isaac Bernays, Orthodox Rabbi of Hamburg. Ettlinger did, however, make exceptions in rare instances for students of superior caliber and unquestionable

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<sup>1</sup>Infra, pp. 250-254.



and later in Frankfort, Bing was appointed District Rabbi of Heidingsfeld in 1796 and moved from there to Würzburg in 1816. He remained in Würzburg until his retirement in 1839 serving as spiritual leader of the over one hundred communities under his rabbinic jurisdiction and at the same time heading a yeshivah which was one of the most significant centers of Torah in Germany.<sup>1</sup> Among his students are numbered rabbis who served in the most prominent Orthodox positions of the time: Jacob Ettlinger of Altona, Isaac Bernays of Hamburg and Nathan Adler of London. Bing's chief disciple, Eliezer Bergmann, disseminated his master's teachings in Jerusalem. One student, Abraham Rice, emigrated to the United States and appears to have been the first rabbi in North America with a claim to Talmudic scholarship.<sup>2</sup> Seligmann Baer Bamberger, another disciple and himself a younger colleague of Bing, succeeded to the latter's rabbinic post and, achieving renown as the "Würzburger Rav,"

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<sup>1</sup>M.L. Bamberger, Ein Blick auf die Geschichte der Juden in Würzburg (Würzburg, 1905), pp. 12-13; Abraham Bing, Zikhron Avraham (Pressburg, 1892), Introduction, pp. 7-9. Vide also Orient, March 27, 1841, p. 104; and I.M. Jost, Israelitische Annalen (Frankfort-am-Main, 1839), no. 12, p. 26. Apparently Bing died on March 1, 1841. Cf., Moses Auerbach, "Seligmann Bär Bamberger," Jeschurun, XV (1928), 525, note 1.

<sup>2</sup>Israel Tabak, "Rabbi Abraham Rice of Baltimore," Tradition, VII (Summer, 1965), 101; Occident, V (1847), 158.

played a dominant role in the history of Bavarian Jewry.

Abraham Bing and his remarkable yeshivah left a firm imprint on Ettlinger. The mingling of Talmudic expertise with the mystic lore of Nathan Adler had a special appeal to the young student echoing as it did the approach of his own father Aaron Ettlinger. The blending of Talmudism and Kabbalah was to remain a distinguishing feature of Jacob's own scholarship.<sup>1</sup>

With the exception of scattered references in contemporary publications<sup>2</sup> and the works of colleagues and students and a very small book Zikhron Avraham, containing glosses and novellae on Schulhan Arukh, Orah Hayyim, the major part of Bing's reputedly large literary legacy remained unpublished and a significant portion thereof was irretrievably

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<sup>1</sup>Ettlinger's work is replete with references to kabbalistic sources. Cf., Emanuel, Ha-Ma'ayan, XII, no. 2, 35. Ettlinger's kabbalistic leanings were a subject of ridicule to his detractors. Vide, e.g., the reference to Ettlinger as "Einem Manne von Ihren mystisch-kabbalistischen Grundsätzen" AZDJ, January 1, 1842, p. 4; ibid., March 24, 1845, pp. 192-93; and Israelit des neunzehnten Jahrhunderts (hereafter cited as IdNJ), VI (1845), 354.

<sup>2</sup>A commentary by Bing is incorporated in the Commentary of the Tur on Torah (Jerusalem, 1961), Leviticus 11:29. Several pages of Bing's novellae on Berakhot were published in the tractate Shabbat of the edition of the Talmud published in Fuerth, 1832. Vide Raphael Nathan Nata Rabinowitz, Ma'amar al Hadfasat ha-Talmud (Munich, 1876), p. 115.

lost.<sup>1</sup> In reference to Talmudic and halakhic questions Ettlinger refers to Bing and cites his views in Binyan Zion nos. 27 and 182, Binyan Zion ha-Hadashot nos. 8 and 14 and 'Arukh la-Ner, Yevamot, 5a. To Ettlinger, Bing also personified a model of rabbinic leadership in communal affairs. Beyond the walls of the yeshivah Bing was known as an uncompromising opponent of the Reform movement and at a gathering of Bavarian notables in 1836 had emerged as one of the most articulate Orthodox spokesmen.<sup>2</sup>

In later years Ettlinger's path was often to cross that of one of his fellow students at the yeshivah in Würzburg, Isaac Bernays. Both Ettlinger and Hakham Bernays, as the latter came to be known, were destined to play a pioneering role in fashioning modern Orthodoxy. Both were to teach and inspire Samson Raphael Hirsch and Ezriel Hildesheimer, the major spokesmen and ideologues of neo-Orthodoxy.<sup>3</sup> It is related that Ettlinger and Bernays studied together, Bernays guiding Ettlinger in the study of Maimonides' Guide and Ettlinger taking the leading role in the study of Yoreh

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<sup>1</sup>Zikhron Avraham, p. 11.

<sup>2</sup>Ibid., p. 9; Herz Bamberger, Geschichte der Rabbiner der Stadt und des Bezirkes Würzburg (Wandsbeck, 1905), p. 69. Hatam Sofer, Hoshen Mishpat, no. 35, refers to Bing as

"זוהר חסידות גדול איך גאון ופוסק מובהק"

<sup>3</sup>Cf., Mordecai Breuer, "Perakim be-Toldot Rabbi Shamshon Raphael Hirsch," Ha-Ma'ayan, XII, no. 2 (1972), 55-56 and M. Hildesheimer, Ha-Ma'ayan, XII, no. 3, 40.

De'ah.<sup>1</sup> Both were ordained by Bing,<sup>2</sup> and Bernays was

<sup>1</sup>As reported by Rabbi E. Munk and Dr. S.P. Nathan to Duckesz, JJLG, V, 298.

<sup>2</sup>Loc. cit. Curiously, Bernays' Reform opponents challenged the very fact that Bernays had received rabbinical ordination. Writing in the AZDJ, Feb. 26, 1842, p. 123, one correspondent notes "Der hiesige Chacham ist kein Rabbiner. . . . Auch besitzt er weder den Gradus und die Ordination, noch die licentia practicandi. . . ." Another writer, ibid., p. 125, declares, "Herr Isaak Bernays, der in Würzburg, und ich glaube auch in München seine Studien gemacht hat, kann von dem Herrn Professor Kalb, der ihn hierher empfohlen, von Wagner, von Creuzen, vielleicht auch von Görres die brillantesten Atteste aufzuweisen haben; aber eine 'הישראלי' von dem Rabbeu Abraham Bing in Würzburg; aber eine 'הישראלי' von diesem Rabbi, oder dem Rabbinen Herz Scheuer in Mainz, dem Geburtsorte des Herrn Isaak Bernays--zeigt er nicht vor." A note, ibid., p. 123, relates that in the 1820s a satiric limerick regarding Bernays mocked his usage of the title Hakham [Sephardic term for rabbi] rather than Hokhom [Ashkenazic term for wise man] in light of the fact that Bernays had neither adopted the Sephardic pronunciation nor had he received rabbinic ordination.

It is noteworthy that the very critic who states that Bernays did not receive ordination and would not even be able to point to any published work which might establish his claim to rabbinic scholarship, immediately concedes (ibid., p. 126) that Ettlinger's credentials as Talmudist are beyond question: "Niemandem wird es einfallen, an Ettlinger's rabbinischen Kenntnisse /sic/ zu zweifeln und wenn wir auch seine תורת משה nicht geschrieben haben möchten, so zeugt doch selbst diese Schrift von des Mannes bedeutenden Kenntnissen als Rabbi."

According to the above charges Bernays was able to produce only recommendations signed by academic, not rabbinic figures. While Duckesz does not document a source for Bernays' ordination he does cite (loc. cit., note 1) part of the German translation of a letter of recommendation for Bernays written in 1819 by Abraham Bing to the communal leaders of Hamburg. Unfortunately, the selection cited contains no direct reference to Bernays by name or title. I have been unable to locate documentary proof of Bing's ordination of Ettlinger or Bernays. However, Bernays' service as dayyan in Würzburg during Bing's incumbency and

subsequently appointed by Bing to serve as dayyan in Würzburg.<sup>1</sup> The close contact between Bernays and Ettlinger was maintained when Bernays later served as rabbi of Hamburg and Ettlinger was called to the rabbinical position in neighboring Altona. In the major controversy that raged in Hamburg over the Temple prayerbook Ettlinger was to back the cause of Bernays.<sup>2</sup> When the Hamburg community honored their leader upon completion of twenty-five years of service Ettlinger participated in the ceremonies<sup>3</sup> and two years thereafter when Bernays passed away it was Jacob Ettlinger who delivered the eulogy beside the grave and also a memorial address at the synagogue.<sup>4</sup> The meeting of Bernays

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the very fact that Bing wrote to Hamburg on Bernays' behalf recommending him for the post of spiritual leader of that community are conclusive evidence of Bernays' rabbinic qualifications. The text of the certificate of ordination conferred on S.B. Bamberger by Bing is included in Shaul Esh, ed., The Bamberger Family (Jerusalem, 1964), Hebrew section, p. 11.

<sup>1</sup> Duckesz, JJLG, V. 298; Leon Horowitz, "Toldot Rabbi Yitzhak Bernays Zal," Kneset Yisrael, ed., S.P. Rabinowitz (Warsaw, 1886), I. 846. Bing presided over one of the few functioning rabbinic courts. Cf., Zikhron Avraham, p. 8.

<sup>2</sup> The text of Bernays' interdict is included in Duckesz, Iwoh, pp. 110-112 and JJLG, V, 320-321. Ettlinger's interdict was reprinted in the AZdJ, January 1, 1842, p. 3. Cf., infra, pp. 178-183.

<sup>3</sup> Duckesz, Iwoh, p. 317; TZW, II, 362-364 and 373-376.

<sup>4</sup> Duckesz, JJLG, V, 319; TZW, V, 147-149 and 158. The full text of Ettlinger's memorial address was printed in ibid.,

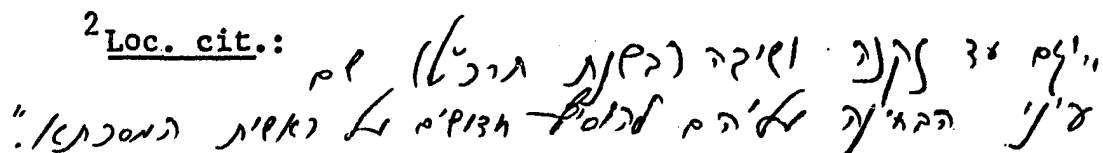




fear of appearing presumptuous in writing at such an early age. His lingering diffidence was dispelled by his father, Rabbi Aaron, at whose insistence he began to give his literary and scholarly powers full reign.<sup>1</sup> In 1821 Ettlinger began to work on a full-scale commentary on the tractate Sanhedrin, a work which he completed in the year 1824. He did not however submit this commentary for publication but added notes and corrections to it throughout his lifetime.<sup>2</sup> The work was finally published posthumously by his son, Ben Zion. The public lecture Ettlinger delivered in Karlsruhe upon the completion of the study of the tractate with his students is included at the end of the work (pp. 84b-85a). His marriage in 1825 to a cousin, Nanette, daughter of Kaufmann Wormser of Karlsruhe,<sup>3</sup> brought Jacob a degree of financial independence. This assistance supplemented by a modest income from tutoring afforded him a measure of economic security and he was enabled to continue his academic pursuits. Although he did not as yet serve in an official capacity, a coterie of youngsters began to gather around,

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<sup>1</sup>Ben Zion Ettlinger, in introductory remarks to Jacob Ettlinger, 'Arukh la-Ner, Sanhedrin (Warsaw, 1873).

<sup>2</sup>Loc. cit.: 

<sup>3</sup>Posner, p. 234. Duckesz, Iwoh, p. 114, gives the date as 5583 (1823). For the relationship vide Freimann, Stammbaum.



the 1819 "Hep Hep" riots the government authorities and Duke Ludwig, in person, had gone to great lengths to render assistance and protection to the beleaguered Jewish citizenry.<sup>1</sup>

A policy of religious tolerance had become a matter of official government law in Baden. An edict dated August 14, 1807, granted the Jewish faith equality of status with Christianity. Thenceforth rabbis were to be recognized as state officials as were members of the Christian clergy. The entire Jewish community was organized under the aegis of a central Jewish council. In 1827 the Baden Jewish community was divided into district-rabbinate with existing local synagogues (with the exception of Mannheim) coming under the jurisdiction of the district rabbi.<sup>2</sup> Ladenburg was named the seat of a district-rabbinate which included the cities of Feudenheim, Ilvesheim, Schriesheim, Dossenheim and Seckenheim.<sup>3</sup>

In 1825 Ettlinger was named Klaus Rabbi of Mannheim and in 1827 was appointed District Rabbi (Kreisrabbiner) of the Ladenburg area as well.<sup>4</sup> Since the year 1652, some

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<sup>1</sup>Hundsnurscher, p. 145.

<sup>2</sup>Ibid., pp. 14-15; Karl Otto Watzinger, "Die Entwicklung der jüdischen Gemeinde Mannheims von 1660 bis 1862," Mannheimer Hefte, 3 (1957), p. 24.

<sup>3</sup>Hundsnurscher, p. 174.

<sup>4</sup>Isak Unna, Die Lemle Moses Klaus-Stiftung in Mannheim, II (Frankfort-am-Main, 1909), 39-40.

forty-six years after the founding of the city by Elector Frederick IV, Jews had played an integral part in the overall development of Mannheim. The Jewish community had achieved a fair degree of financial success and had been granted a measure of religious freedom. In the early eighteenth century, the Jewish inhabitants comprised about one eighth of the total population and one finds a joking reference to Mannheim as "new Jerusalem." During the next hundred years the Jewish community grew in numbers and prominence numbering close to fifteen hundred by the year 1825.<sup>1</sup>

From its inception the Mannheim Jewish community enjoyed religious freedom and independence and had established a tradition of pride in its Talmudic scholars. There had at one time been three separate institutions for Talmudic scholarship but after the year 1765 only the most significant of the three remained extant, the Lemle Moses Klaus. This unusual institution had been founded in 1708 by Lemle Moses Reinganum, a wealthy financier and one of the lay leaders of Mannheim's Jewish community. The klaus incorporated a synagogue, bet medrash and yeshivah with ten resident rabbinic scholars who received a stipend enabling them to devote themselves to full-time Talmudic study. Two of the

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<sup>1</sup>Hundsnurscher, pp. 189-193.

ten served in official capacities, one as the head of the klaus and yeshivah and a second as his assistant. Under the terms of Reinganum's will a trust was set up for maintenance of the klaus and the support of its ten rabbinic scholars. Regular lectures were scheduled for the scholars and students as well as for members of the greater community.<sup>1</sup>

On April 18, 1825, Jacob Ettlinger was appointed head of the Mannheim Klaus. He was to receive an annual salary of six hundred florins in addition to a parsonage. One finds reference to protest of the appointment on the part of members of the Mannheim Jewish Community Council who registered their dissatisfaction at not having been consulted in the selection of a rabbinic functionary who might well become chief rabbi of the city as well.<sup>2</sup> This negative reaction was probably a reflection of the fears of the party who sympathized with the burgeoning Reform movement and whose views were obviously not represented by young Ettlinger. As events developed their immediate fear was unjustified. The city post was not offered to the new Klaus Rabbi and, as the years passed, the Mannheim rabbinate tended to align itself with the cause of Reform. The new synagogue erected

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<sup>1</sup>Unna, I (Frankfort-am-Main, 1908), 10-12.

<sup>2</sup>Unna, II, 39.

in Mannheim in 1853 featured an organ and the spiritual leader at the time, Elias Prager, edited a new prayerbook in which, among other changes, all references to a return to Palestine and a personal Messiah were deleted.<sup>1</sup> Ettlinger did, however, receive an appointment as district-rabbi of the communities in the Ladenburg area. He served the close to one hundred Jewish inhabitants of Ladenburg<sup>2</sup> and the small and scattered Jewish populations of its environs from his home in Mannheim, devoting the greatest part of his time to the study and teaching of Talmud in the yeshivah attached to the klaus.

During these years the small yeshivah in Mannheim flourished. Over seventy young men from all parts of Germany came to study under the youthful Ettlinger.<sup>3</sup> Many of these students achieved prominence in later years, the most famous of them being Samson Raphael Hirsch. It has been suggested that Hirsch's decision to study in Mannheim rather than at the more prominent yeshivah in Fürth was prompted by Hakham Bernays, under whose influence Hirsch had come in his

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<sup>1</sup>Hundsnurscher, p. 192.

<sup>2</sup>Ibid., p. 174.

<sup>3</sup>Israelit, 1871, p. 940. Cf., also Die jüdische Presse, 1872, p. 166, for a cursory description of yeshivot in Germany at the time.

formative years.<sup>1</sup> Hirsch spent only one year in Mannheim (1828-29),<sup>2</sup> at the end of which time he received rabbinic ordination from Ettlinger. Brief though this span of time was it marks a turning-point in Hirsch's intellectual development. There are many lines of influence that can be traced between the thought of Ettlinger and Hirsch.<sup>3</sup> It is most significant that the year that Samson Raphael Hirsch spent in Mannheim was precisely the one in which Ettlinger was engaged in combatting Reform elements in the Baden Religious Conference and was active in planning religious school curricula. The influence of Ettlinger on Hirsch is clearly discernible both in the spheres of education and of an organized approach to Reform.

Among other students of Ettlinger in Mannheim were

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<sup>1</sup>Breuer, Ha-Ma'ayan, XII, no. 2, 56. For the relationship between Hirsch and Bernays vide Isaac Heinemann, "Ha-Yahas she-beyn Shamshon Raphael Hirsch ve-Yitzhak Bernays Rabbo," Zion, XVI (1951), 44-90 and idem, "Samson Raphael Hirsch, the Formative Years of the Leader of Modern Orthodoxy," Historia Judaica, XIII (1951), 29-54.

<sup>2</sup>Samson Raphael Hirsch, Naftulei Naftali : Erste Mittheilungen aus Naftali's Briefwechsel (Altona, 1838), p. 67.

<sup>3</sup>Cf., Yonah Emanuel, "Be-Ikvot Gedolei Yisrael be-Ashkenaz," Ha-Rav Shamshon Raphael Hirsch, Mishnato ve-Shittato, ed. Yonah Emanuel (Jerusalem, 1962), pp. 150-151, 161 and 178-179; and Breuer, Ha-Ma'ayan, XII, no. 2, 59-62. Contrast Heinemann, Zion, XVI, 46.



Rabbi Gershom Josaphat, Dayyan of Halberstadt, Rabbi Bodenheimer of Crefeld and Rabbi Zevi Benjamin Auerbach, rabbi of Darmstadt.<sup>1</sup> One of the most learned of the group was Jacob's younger brother Arie' Loeb, a former student of Bing at Würzburg and, from the year 1829,<sup>2</sup> one of the scholars of the Mannheim Klaus. When his brother departed for Altona Loeb Ettlinger was appointed head of the klaus in Mannheim and served in that capacity until his death in 1884. Responsa, novellae, essays and sermons authored by Loeb Ettlinger were published in both Shomer Zion ha-Ne'eman and the Zionswächter.<sup>3</sup> Several glosses authored by Loeb Ettlinger are to be found in Bikkurei Ya'akov.<sup>4</sup> Most of his writings, including a commentary on the tractate Makkot as well as numerous responsa and novellae, have been lost. However, the manuscript of his commentary on the tractate Gittin was preserved and in 1962 the work was published in Israel under the name Ma'adanei Melekh.

Two of Ettlinger's outstanding pupils, Getschilk

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<sup>1</sup>Israelit, 1871, p. 940.

<sup>2</sup>Arie' Loeb Ettlinger, Ma'adanei Melekh (Tel Aviv, 1962), Introduction, note 7.

<sup>3</sup>Vide, for example, an aggadic exposition by Leib Ettlinger in SZN, nos. 177-8 and his halakhic responsa in nos. 143, 151 and 152 of the journal.

<sup>4</sup>Tosefot Bikkurim (Altona, 1858), glosses on sections 626, 627, 628 and 629.

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Schlesinger and Shmaya Meyer, accompanied their teacher when he moved to Altona. Throughout his life Ettlinger maintained an intimate personal relationship with both these disciples.<sup>1</sup>

Quite apart from the supervision of Talmudic studies in the yeshivah Ettlinger was charged with the direction of the Jewish school in Mannheim. Mannheim was one of the few cities in which members of the rabbinate served on the local school board.<sup>2</sup> Moreover, the Jewish Volksschule, the school officially recognized by the government, was housed in the Lemle Moses Klaus. Ettlinger was active in administration of this school and in planning its curriculum.<sup>3</sup>

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<sup>1</sup>For details, vide Duckesz, Chachme AHW (Hamburg, 1908), pp. 134-135 and 144-145. Cf., Jacob Rosenheim, Zikhronot (Tel Aviv, 1955), p. 26. Responsa nos. 2 and 12 at the conclusion of 'Arukh la-Ner, Yevamot (Piotrkov, 1914) and BZH nos. 102, 103 and 135 are addressed to Schlesinger. In BZ, nos. 79 and 92, Ettlinger addresses his interlocutors, Mordecai M. Jaffe and Getschilk Schlesinger, then both scholars of the Hamburg Klaus, as " הגדולי'ם המדענים'ם ". For Ettlinger, who did not employ laudatory titles as a matter of policy (vide Binyan Zion, Introduction, note), the terminology is extravagant.

<sup>2</sup>Hundshurscher, pp. 14 and 192.

<sup>3</sup>Cf., infra, p. 37. Abraham Geiger came into contact with Ettlinger in Mannheim. Geiger's description of a school inspection conducted by Ettlinger depicts the latter as insistent that Scripture be taught strictly on the basis of the rabbinic interpretation. The vignette is characteristic: "Er [Geiger] besuchte auch den Carlsruher Rabbiner Ascher Löw und wurde durch ihn den übrigen sogenannten badischen Conferenz-rabbinern, besonders dem 'Clausprimator' Jakob Ettlinger [später in Altona] vorgestellt. Mit diesem war Geiger auch bei einer Schulprüfung zusammen. Als bei derselben der Lehrer

It was in connection with school curricula and rabbinic criteria that Ettlinger began to emerge as a spokesman for Orthodox interests and a militant opponent of the Reform party. In 1827 Ettlinger was appointed by the Jewish Council as one of the three rabbinic members of the Religious Conference, the committee which officially supervised all educational and religious institutions of the Baden Jewish community. Ettlinger's appointment may have been obtained as a result of the influence of his father-in-law, Kaufmann Wormser. The young Klaus Rabbi certainly did not represent the views of the majority of members of the Jewish Council who were distinctly Reform in orientation. There was a great deal of dissension within the Conference and soon it was split into two sharply opposing factions. The following year Kaufmann Wormser registered complaints with the Ministry of the Interior to the effect that his son-in-law had not been treated equitably--a fact which expressed itself in such petty matters as failure to reimburse him for travel expenses.

Differences of opinion led to increasing tension

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Rosenfeld die Kinder in der Geschichte Josephs prüfte und die Brüder Josephs wegen ihres harten Benehmens tadelte, stand Ettlinger auf und verwies dem Lehrer strenge, in solcher Weise von 'den Stämmen Israels' zu reden." Abraham Geiger, Abraham Geigers Leben in Briefen, ed., Ludwig Geiger (Breslau, 1885), pp. 16-17.

and to an official break in 1829 between the younger members of the Religious Conference and the Jewish Council. Ettlinger was unalterably opposed to the fact that rabbinic ordination and appointment were under the jurisdiction of the Council. Ultimately Ettlinger became convinced that the Orthodox could not be assured of safeguards for their religious standards. He concluded that it would be unprofitable to continue to function as a part of the Council and tendered his resignation to the Conference.<sup>1</sup>

Since he was held in high regard by the nobility and the government and respected by the Christian populace Ettlinger was frequently called upon to represent the Jewish community at functions at which non-Jews were to participate. In pamphlet form the community later published several of the sermons Ettlinger delivered during this period. These

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<sup>1</sup> Adolf Lewin, Geschichte der badischen Juden seit der Regierung Karl Friedrichs (1728-1909) (Carlsruhe, 1909), pp. 228-230; Berthold Rosenthal, Heimatgeschichte der badischen Juden seit ihrem geschichtlichen Auftreten bis zur Gegenwart (Buhl, Baden, 1927), p. 344. Ettlinger himself mentions his participation in the Religious Conference in a letter dated 2 Marcheshvan, 1829, in which he refers to "Eine fast drei-wochentliche Anwesenheit in Karlsruhe . . . wie ich als Mitglied der Religions-Konferenz der Grosherzoglichen Oberheits der Israeliten den jährlichen Sitzung des Oberrats 'letouwas benei Ameinoe' bei zu wohnen hatte." He notes that the Conference was considering questions of fundamental significance, "wichtige Gegenstände 'liesad pinas jikras touroseinoe weemoenoseinoe hakkedousjo'." Cited in Jaap Meijer, Moeder in Israel: Een Geschiedenis van het Amsterdamse Asjkenazische Jodendom (Haarlem, 1964), p. 80. Ettlinger's original letter was written in Hebrew characters. This transliteration in a Dutch work accounts for the somewhat strange spelling.

include ceremonial addresses on the occasion of the dedication of the Synagogue in Ingenheim, an address in honor of Duke Karl Frederick (1828), and a eulogy in tribute to Duke Ludwig of Baden (1830).<sup>1</sup>

Ettlinger's renown began to spread far and wide and he received many invitations to deliver lectures and addresses in distant cities. His opinion regarding halakhic matters was sought by many. Exchanges of responsa between Ettlinger and authorities such as Rabbi Seckel Wormser of Michelstadt and Rabbi Moses Shick of St. Georgien date from this period.<sup>2</sup>

The growth of Ettlinger's fame is reflected clearly in an invitation dated 1829 in which Jacob Meier Lehren offered Ettlinger the position of head of a projected rabbinic academy in Amsterdam and requested him to draw up a tentative curriculum for such an institution. Ettlinger's answer<sup>3</sup> indicates the broad range of scholarship with which he sought to familiarize rabbinic students and reveals a characteristic emphasis on the study of practical Halakhah.

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<sup>1</sup>Duckesz, Iwoh, p. 116. I have been unable to locate the pamphlets dating from this period in a library or archival collection. Possibly copies are in the possession of some members of the Ettlinger family.

<sup>2</sup>BZ, nos. 28, 95 and 111 are dated Mannheim.

<sup>3</sup>The full text is cited by Meijer, pp. 80-81.

In his reply there is also clear evidence of Ettlinger's grasp--already at this early stage in his career--of the new demands that were to be made upon the modern rabbi in an age of rapid acculturation.

For practical reasons Ettlinger declined the offer to move to Amsterdam. There is a record of Ettlinger's candidacy a year earlier for the post of chief rabbi of Copenhagen which had become vacant with the demise of Chief Rabbi Abraham Gedalia. Among the ten candidates for the latter appointment were also Nathan Adler, later Chief Rabbi of England, and Gotthold Salomon of the Hamburg Temple. The disparate views of the applicants indicates that the religious direction that the Copenhagen community was to take had not yet been determined. In the opinion of the Board of Directors of the Copenhagen Community only two of the candidates qualified for the post: Jacob Ettlinger and Dr. Abraham Alexander Wolff and they submitted these names to the Danish king in order that he should "appoint the rabbi whom His Majesty found most dignified."<sup>1</sup> Dr. Wolff received the appointment to the post and under his leadership the Danish community moved gradually in the direction of Reform.

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<sup>1</sup> Joseph Fischer, "Prof. Wolff's Ansaettelse som Praest," Jødisk Familieblad, May 15, 1929, p. 6. Cf., Kurt Wilhelm, "The Influence of German Jewry on Jewish Communities in Scandinavia," III (1958), 319.

Ettlinger was to leave Mannheim neither for Amsterdam nor for Copenhagen. He remained in Mannheim for over ten years until 1836 at which time he accepted a call to serve as Chief Rabbi of the distinguished Jewish community of Altona.

Ettlinger's departure saddened the Mannheim community by which he was deeply beloved. His brother was appointed head of the klaus and district-rabbi of Ladenburg. While Talmudic study was continued at the klaus, with the departure of Rabbi Jacob the existence of the yeshivah which had given the klaus its distinctive character came to an end. Throughout his life Jacob Ettlinger maintained close contact with the Mannheim community. The memorial tribute included in the Memorbuch of the klaus upon Ettlinger's demise<sup>1</sup> reflects the esteem with which he was regarded and the special pride the community had continued to take in the activity and accomplishments of its erstwhile rabbi.

Situated in the northwest of Germany on the Elbe River, Altona is the oldest community of the famed, historic Three Communities, Altona, Hamburg, Wandsbeck, known as "Kehillot AHW," which had been the seat of such illustrious rabbinic personalities as Hakham Zevi Ashkenazi, Rabbi

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<sup>1</sup>The text is cited in Unna, II, 67-68.

Yeheskel Katzenellenbogen and Rabbi Jonathan Eibeschtz.

In the year 1811 Hamburg was ordered by the government to form an independent communal structure and the union of the Three Communities was dissolved. After the death of Rabbi Akiba Wertheimer (1778-1835), the communal leaders of Altona invited Jacob Ettlinger to fill the vacant post. Altona was at the time part of the kingdom of Denmark. The position of chief rabbi placed the incumbent at the head of the local kehillah as well as of neighboring Wandsbeck and of the counties of Schleswig and Holstein. The chief rabbi also served as the presiding judge of the Jewish Court which was officially recognized by the Danish government.

The invitation was extended to Ettlinger on the basis of his reputation and renown and did not involve any trial or probationary period. A personal delegation brought Ettlinger a contract which was arranged artistically in the form of two tablets each containing five paragraphs. One tablet contained a list of duties and responsibilities of the rabbi to the community, the second enumerated the duties and responsibilities of the community toward the rabbi. Ettlinger accepted the contract in principle but indicated his desire that the provision for a three-year term be deleted. The governing body of the Altona community replied immediately assuring him that it had certainly not been their



intent to offer him the post for the specified time alone. In conformity with an ancient local tradition all rabbinic contracts included such a stipulation and they had assumed that a similar practice was followed in all Jewish communities. They assured Ettlinger that they were willing to offer him a life contract and that, if he wished, they would draw up a new contract upon his arrival in Altona.<sup>1</sup>

Ettlinger arrived in Altona on Lag b'Omer, 18 Iyar, 1836. The kehillah published his inaugural address to the Altona congregation, a sermon delivered in German, in which he delineated his conception of the function of a rabbi. Citing the Biblical narrative relating that prior to his death Moses had sought to appoint over the people of Israel a man "who shall go out before them and who shall come in before them, who shall take them out and bring them in" (Numbers 27:16-17), Ettlinger emphasized that a leader cannot allow himself to stand above his followers; should pride and haughtiness elevate the leader over the congregation they would become estranged from one another. Neither can a leader permit himself to be, so to speak, "beneath" the people and be subservient to their whims. Rather, he

<sup>1</sup>Duckesz, Iwoh, p. 116. A copy of the contract in German translation is to be found in the Central Archives, Archival Record, no. AHW/541, nos. 216, 217, 217a, 218, 219, 219a. Cf., the comments of Moses Schreiber, Teshuvot Hatam Sofer, Orah Hayyim, nos. 205 and 206, who maintains that customarily a minimum period of time is stipulated in a rabbinic contract in order not to bind the rabbi indefinitely. However, insofar as the community is concerned, rabbinic appointments, in the opinion of this authority, carry automatic life tenure.

must endeavor to walk before them, serving as a living model and example. However, Ettlinger added, another quality is required of the leader. He must "take out and bring in" his people, guiding each and every one of them in both their public and their private lives.<sup>1</sup> During the thirty-five years of his rabbinate in Altona Ettlinger fulfilled this role of active leader and mentor, literally "going out and coming in" before the congregation and playing a dynamic part in every phase of communal activity.

Shortly after his arrival in Altona, Ettlinger established a yeshivah and, despite the fact that the students were few in number, it became a noted center of Talmudic study. Among the first of Ettlinger's students was Ezriel Hildesheimer who spent several years of intensive study in Altona and maintained a close relationship with Ettlinger throughout his life, communicating with his teacher regularly on questions of law and learning.<sup>2</sup> In later years it was this disciple of Ettlinger's who was destined to bring many of the ideas of his teacher to a

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<sup>1</sup>Emanuel, Ha-Ma'ayan, XII, no. 2, 27.

<sup>2</sup>M. Hildesheimer, "Ha-Ma'ayan," XII, no. 3, 40-41. Vide also Zevi Benjamin Auerbach, "Toldot Hayyav shel Rabbi Ezriel Hildesheimer be-'Ir Moladeto Halberstadt," Sefer ha-Zikaron le-Rav Weinberg, ed. E. Hildesheimer and K. Kahana (Jerusalem, 1969), pp. 231-232.

yet wider audience of students and congregants. For the first twenty years of Ettlinger's incumbency the yeshivah was a vibrant force but afterwards appears, for unknown reasons, to have been disbanded.<sup>1</sup> In addition to the Talmud classees for scholars in the yeshivah Ettlinger gave many lectures on a more popular level on Talmudic, philosophical and ethical topics geared to the adult membership of the congregation at large.<sup>2</sup>

Supervision of elementary education was also under Ettlinger's jurisdiction. Three years after his arrival he was instrumental in the establishment of a Jewish elementary day school in which both religious and secular studies were taught. He played an active role in curriculum planning and selection of staff. Ettlinger was meticulous in his supervision of this small school, molding it into a model institution reflecting his own unique blend of enlightened yet uncompromising Orthodoxy.<sup>3</sup>

Ettlinger's effectiveness in the community was enhanced by his popularity as preacher and lecturer. From his published homiletical works, Minhat Ani on Pentateuch and the many lectures and sermons published by an appreciative

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<sup>1</sup>Die jüdische Presse, 1872, p. 166.

<sup>2</sup>Cf., TZW, I and II (1845-6), passim.

<sup>3</sup>Infra, pp. 262-270.

kehillah Ettlinger's mastery of the spoken art can readily be discerned. The German addresses are striking in the modernity of their form and content. Ettlinger placed great emphasis on dignity and decorum in worship and the tone of services throughout his tenure reflect this special concern. Noteworthy are the special prayers composed by Ettlinger himself, such as the prayer for a bountiful harvest which was written in German and Hebrew and distributed throughout Schleswig-Holstein and the dirge on the death of Frederick VI of Denmark.<sup>1</sup>

As chief rabbi Ettlinger presided over the autonomous Jewish Court. By edict of the Danish government the rabbinic court in Altona had jurisdiction over civil affairs for all Jews residing in Altona and in the province of Schleswig-Holstein. Decisions of the court could be appealed only before the Royal Court of Copenhagen. Ettlinger's predecessor Akiba Wertheimer, had headed the court for many years and had won wide acclaim as a wise and impartial judge.<sup>2</sup>

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<sup>1</sup>Vide, for example, the following reports of special services conducted by Ettlinger: TZW, I (1845), supplement to no. 25, 1-4; ibid., III (1847), 327-328; ibid., IV (1848), 70-71 and 172-173; Israelit, Sept. 21, 1864, p. 506; and ibid., Nov. 25, 1868, p. 889.

<sup>2</sup>Wissenschaftliche Zeitschrift für jüdische Theologie, ed. A. Geiger, II (1836), 145.

Ettlinger followed in this tradition, presiding over the Altona Court for twenty-seven years until the official status of the court was revoked on July 14, 1863 by royal decree of King Frederick VII of Denmark. According to this edict,<sup>1</sup> henceforth both Jewish and non-Jewish citizens were to be subject to the secular civil code. Ettlinger's Bet Din continued to function, but only in the capacity of an ecclesiastical court.

The Altona Court was one of the last independent Jewish law courts in Western Europe and many Jews preferred this court to that of the civil authorities for the settlement of litigation. This preference was based primarily upon religious considerations. Jewish law includes a comprehensive code of civil law (Hoshen Mishpat) and Judaism enjoins its adherents from admitting litigation between two members of the Jewish faith for disposition by a secular court. The Talmud declares, "And these are the ordinances which you shall place before them--'before them' [rabbinic tribunals]<sup>2</sup> but not before courts of the gentiles." In addition, appearing before the Jewish court afforded the disputants certain practical advantages, such as an uncrowded docket and minimal court expenses.

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<sup>1</sup>Duckesz, Iwoh, p. 121.

<sup>2</sup>Gittin 88b.

Eduard Duckesz provides a vivid description of this court, comparing Ettlinger's conduct and demeanor to that of one of the early rabbinic personalities who had headed the Three Communities. He notes that Ettlinger held court two or three hours daily and that, despite the fact that the Hamburg community had long been separated from Altona, many Hamburg Jews brought their litigation before the Altona court. Duckesz adds that eye-witness accounts of members of the Hamburg and Altona communities attest to "how glorious it was to observe and listen when Rabbi Jacob Ettlinger sat with his court and judged in accordance with the Hoshen Mishpat. Love of truth was their only goal, that the law of the Torah be executed in truth. The rabbi and his judges accepted but a nominal fee of six shillings as compensation for the time involved."<sup>1</sup>

Ettlinger associate judges were noted scholars, Rabbi Yehezkel Joelson, a student of Rabbi Akiva Eger, Rabbis Isaiah Hollander and Jacob Katz, both disciples of Hatam Sofer, and Rabbi Elia Munk.<sup>2</sup> Some of the dayyanim also

<sup>1</sup>Duckesz, Iwoh, p. 117.

<sup>2</sup>Duckesz, Chachme, pp. 128-129, 136-137, 140-142 and 150-151; Meir Lerner, Denkrede auf seine Herrn Oberrabbiner Rabbi Jakob Ettlinger am 1 Channukatage 5682, sein 50. Sterbtag gehalten in der Synagoge zu Altona (Altona, 1922), p. 12, note 2. Vide also "Grossvater und Enkelin," Jahrbuch für die Jüdischen Gemeinden Schleswig-Holsteins (hereafter cited as JJGSH), VII (1935-1936), 23-25. Following Ettlinger's demise Jacob Katz served as interim rabbi of Altona until the appointment of Chief Rabbi Eliezer Loeb.

served as lecturers in the yeshivah. Although Ettlinger himself often travelled to the smaller congregations throughout Schleswig-Holstein, the dayyanim were frequently delegated to officiate as religious functionaries for these outlying communities.<sup>1</sup>

As a result of presiding over so active a court for over a quarter of a century Ettlinger gained experience and proficiency in applying the laws of Hoshen Mishpat to practical situations. His expertise in jurisprudence was recognized far and wide and other rabbinic figures deferred to Ettlinger in this area.<sup>2</sup> Over the years the court afforded Ettlinger an added insight into the intimate lives and problems of his constituents. Although management of the court was an arduous task, taxing both in time and energy, it proved an invaluable tool in bringing to realization Ettlinger's ideal of the rabbi as a guide of

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<sup>1</sup>Cf., Duckesz, "Die Gemeinden und ihre Beamten der Provinz Schleswig-Holstein während der Amtszeit des Altonaer Oberrabbiners Jacob Ettlinger vom Jahre 1836-1871," JJGSH, III (1931-32), 18-21.

<sup>2</sup>Vide, for example, the comments of Seligmann Baer Bamberger, Yad ha-Levi, I (Jerusalem, 1965), Hoshen Mishpat, no. 3. "Since this is a financial matter I cannot give a definitive reply in this matter. Therefore, be so kind and send the question with your answer and my answer to the revered Rabbi Jacob Ettlinger, Chief Rabbi of Altona, whose greatness is renowned and before whose court financial matters are frequently brought and from that quarter a decision will be forthcoming." Cf., also, ibid., no. 8.

the total community.

The rulings of this Bet Din were recorded in German by an official of the court. Several volumes incorporating the decisions of Ettlinger's court are currently to be found in Jerusalem in the Central Archives for the History of the Jewish People.

Ettlinger's first published work, Bikkurei Ya'akov was completed shortly after his arrival in Altona and he noted in his introductory remarks, "I have only recently been elevated to a prestigious post to be rabbi and head of the Bet Din of the community of Altona which is known with renown and glory." Ettlinger now entered upon a period of prolific literary activity. The major portion of his many volumes entitled 'Arukh la-Ner constituting glosses on various Talmudic treatises, of his extensive responsa and of his exegetic and homiletic works were written in Altona. The various Talmudic and halakhic works, Bikkurei Ya'akov, 'Arukh la-Ner and the responsa Binyan Zion received immediate acclaim in the rabbinic world.

In 1842 Ettlinger's wife Nanette passed away. His sister took over the responsibility of caring for his home and children for seven years until his remarriage to Sophie Meyer of Würzburg.<sup>1</sup> These changes in his personal life took place

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<sup>1</sup>Duckesz, Iwoh, pp. 117-118.



at a time when Ettlinger was becoming increasingly involved in the struggle against the Reform movement. During the next ten years this struggle gradually became Ettlinger's dominant concern consuming his mental and physical energies. On numerous occasions--in the furor over the Hamburg prayerbook, in the controversy over ritual circumcision, in the debate over abolition of the Second Days of the Festivals, in the organization of rabbinic opposition to the Brunswick Conference--Ettlinger emerges as a militant spokesman for Orthodoxy. Fully aware of the enormous power of the press in an educated society Ettlinger had the foresight and imagination to found two major journals of Orthodox thought. These journals, Shomer Zion ha-Ne'eman published in Hebrew and Der treue Zionswächter, written in German and edited by S.J. Enoch, rendered a significant contribution to the Orthodox cause. Ettlinger personally spent countless hours in the editing of the Shomer Zion ha-Ne'eman.

Ettlinger's intense devotion to the Land of Israel found expression in these journals whose pages he utilized on numerous occasions as a forum for the benefit of residents of the Holy Land. As a token of their appreciation of his tireless efforts on behalf of their welfare the rabbinic scholars of Jerusalem bestowed on Ettlinger the honorific

title of "Nasi," prince, of the Land of Israel.<sup>1</sup> In addition to his involvement in projects for the Land of Israel Ettlinger was active at the forefront of many local charitable enterprises. Following the advice of Ettlinger a wealthy Sephardic Jew named Avraham Zomvil founded a Bet Midrash (Zomvil Stiftung) in 1853 and endowed a trust fund for the support of its scholars.<sup>2</sup>

Ettlinger's relations with the non-Jewish community were exemplary. He maintained a most cordial relationship with the Danish authorities and did not hesitate to appeal to them to revoke specific regulations which, for religious reasons, were unsatisfactory to the Jewish citizenry.<sup>3</sup> On state occasions Ettlinger was wont to hold special services and to deliver patriotic addresses which were frequently published.<sup>4</sup> After the Danish-Prussian War in 1864, Schleswig-

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<sup>1</sup>Ibid., pp. 119-120. A facsimile of the "scroll of investiture" is to be found in Ettlinger's commentary on the Passover Haggadah, Minhat Ani (Jerusalem, 1972), unnumbered pages, 7.

<sup>2</sup>Duckesz, Iwoh, p. 121; idem, Chachme, p. 134.

<sup>3</sup>Cf., AZDJ, March 24, 1845, p. 192 and the Voice of Jacob, Oct. 22, 1845, p. 16.

<sup>4</sup>E.g., Rede gehalten bei dem Trauergottesdienste wegen Ablebens Sr. Majestät Frederik VI, in der grossen Synagoge der hochdeutsch-Israelitischen Gemeinde zu Altona (Altona, 1840), and TZW, IV, 70-71.

Holstein was ceded to Prussia. The following year Altona was visited by its new sovereign, Wilhelm of Prussia.

The royal visitor granted Ettlinger an audience and invited him to attend the State Dinner. Ironically, the event took place on the Fast of Gedaliah and Ettlinger was unable to partake of anything whatsoever at the repast.

Nonetheless he was warmly received by the king who was said to have been so favorably impressed by the rabbi's personality and bearing that he reconfirmed by royal decree the rights previously enjoyed by the Jewish community under the Danish government.<sup>1</sup>

Indeed, in assessing Ettlinger's contribution as rabbi of Altona one should not overlook the impact of his character and personality on the many students and congregants with whom he maintained close personal contact. His warm and sympathetic nature was particularly appreciated by the many yeshivah students to whom his home was always open. Of interest are the personal reminiscences of Kaufmann Kohler, a prominent Reform leader who had at one time been a student at the Altona academy and who was by no means enamored of Ettlinger's method of study:

Ettlinger was a remarkable personality . . . He was a pronounced mystic and spent hours in prayer,

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<sup>1</sup>Duckesz, Iwoh, p. 121; Encyclopedia Judaica (Jerusalem), VI, 956.

with the two kinds of Tefillin (Rashi's and R. Tam's) on, before he entered the lecture room, where he dwelt chiefly on the Halachic discussions, pointing out difficulties in the most naive fashion. . . . It was, however, a great privilege to enjoy his and his wife's hospitality each Sabbath and Festival when the richly decked table with its dishes and songs had a peculiar charm. . . . My two years stay at Altona . . . were indeed a great experience for me.<sup>1</sup>

Many of Ettlinger's other students, who of course revered him primarily as their instructor in the intricacies of Talmudic law, were effusive in the warmth of their personal tributes to their teacher. For example, one may note the poem in his honor signed by five of his students, Shmaya Meyer, Getschilk Schlesinger, Elazar Katz, Ezriel Hildesheimer and Nathan Ulmann,<sup>2</sup> and the many extravagant tributes paid to Ettlinger by his student, Jonathan Wittkower, in the pages of Ha-Maggid.<sup>3</sup>

These feelings of adulation and regard were not limited to the students of the yeshivah. Jacob Ettlinger was beloved and admired by the entire community. Formal expression was given to these sentiments on the occasion of the twenty-fifth anniversary of Ettlinger's election to

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<sup>1</sup>Kohler, Hebrew Union College Monthly, May, 1918, pp. 227-228.

<sup>2</sup>M. Hildesheimer, Ha-Ma'ayan, XII, no. 3, 42.

<sup>3</sup>E.g., 1870, pp. 19, 117-118 and 299; and 1871, pp. 379-380 and 386.

Rabbi Ettlinger Foundation."<sup>1</sup>

from Ettlinger's notes by his son Ben Zion.<sup>3</sup> Minhbat 'Ani

<sup>1</sup>Posner, p. 241; Lerner, Denkrede, p. 8.

<sup>2</sup>Cf., Israelit, 1871, p. 943.

<sup>3</sup>Minhat 'Ani (Jerusalem, 1963), p. 117b in an editorial note Ben Zion Ettlinger relates that from his death-bed his father dictated verbatim the material on the first three weekly Scriptural portions of Deuteronomy: ע'נ' ו' /

In editing the concluding chapters he had selected for publication from among his father's copious sermon notes only those passages which were comprehensible and cohesive without benefit of editorial additions.

contains the last address Ettlinger delivered in the Altona synagogue, on Shabbat Shuvah (the Sabbath of Repentance, the appellation given to the Sabbath immediately preceding the Day of Atonement), 1871.<sup>1</sup>

On the threshold of his seventieth birthday Ettlinger drew up a testament containing detailed instructions for his burial.<sup>2</sup> This remarkable document reflects characteristic features of Ettlinger's personality, his genuine humility, his deep-seated piety and his intense love for the Land of Israel.

Ettlinger requested "with the full force of a testament" that the word "zaddik," righteous, be avoided in connection with any mention of his name. He suggested that the phrase "and may his memory be a blessing" or "peace over him" be used instead and that the phrase "may the memory of the righteous be a blessing" should not be employed in conjunction with his name. He requested also that no words of praise be inscribed on his tombstone. The inscription should include merely his name, the number of years of his service as rabbi and the names of the books

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<sup>1</sup>Pp. 132b-135a.

<sup>2</sup>The text of the testament was printed in part in Ha-Maggid, 1871, p. 386, and in the Israelit, 1871, p. 944. For the complete text and for halakhic and kabbalistic parallels vide Joseph Unna, "Tzava'at Ha-Rav Ya'akov Yukov Ettlinger Zal," Ha-Ma'ayan, XII, no. 2 (1972), 37-40.

he had authored. It was his wish that no eulogies or memorial addresses be delivered in his memory. Instead he requested his friends and students to study Mishnah daily for the merit of his soul throughout the entire year of mourning and on every anniversary of the day of his death. He further instructed his wife, at the time of his demise, to engage the services of three scholars so that at least two of them would be constantly engaged in Torah study until the time of the burial. Prior to burial there was to be distributed to the poor from his estate a sum of money equal to the numerical equivalent (gematria) of his Hebrew name.

According to a kabbalistic tradition he requested that in accordance with mystic formulae the four forms of execution utilized by the Bet Din be symbolically enacted upon his body. In accordance with another kabbalistic tradition he directed his sons not to follow the coffin but to precede the bier to the cemetery.

Ettlinger expressed regret that he had not been able to fulfill his ardent desire to be interred in the Land of Israel. He stated that it was, however, his wish at the very minimum, that his body be covered with earth from the Holy Land. For this purpose he had acquired a crate filled with soil from the Holy Land and had stored

it in his attic. He explicitly directed that his entire body be covered with this earth and that wherever possible the earth be placed between the shrouds and the bare body.

Jacob Ettlinger passed away on the first night of the Hanukkah festival, December 7, 1871, at the age of seventy-three. The ancient Jewish cemetery located on Königsstrasse had been officially closed for the past year. However, the government authorities acceded to the request of Meier Goldschmidt, a senior member of the governing board of the Altona kehillah, and issued a special permit to reopen the historic cemetery in order that the community might bury their eminent leader alongside the graves of the great Altona rabbis of the past.<sup>1</sup> From accounts of the moving funeral attended by thousands who had come from all parts of the country to pay their last respects to their revered leader, one can discern the extent to which Ettlinger was beloved by the populace.<sup>2</sup>

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<sup>1</sup> Israelit, 1871, p. 944; Lerner, Denkrede, p. 12, note 2. Vide Duckesz, Iwoh, p. 123 for the text of the inscription on the tombstone.

<sup>2</sup> Israelit, 1871, pp. 944 and 949; Ha-Maggid, 1871, p. 368; Die jüdische Presse, 1871, pp. 591-594; Dora Lehmann, "Erinnerungen einer Altonaerin," JJGSH, I (1929-30), 148. In compliance with Ettlinger's request E. Hildesheimer and S. Cohn who addressed the funeral assemblage avoided laudatory comments. For Hildesheimer's remarks vide Die jüdische Presse, 1871, pp. 591-594. Israelit, 1872, p. 110, synthesizes a memorial address delivered by M. Lehmann of Mainz



Ettlinger's influence had been felt most keenly in Altona, the city which he had served as rabbi for over thirty-five years. However, his scholarship and writings had brought him universal recognition and acclaim, and Jews from all over had turned to him for counsel and for halakhic guidance. Jews of Germany, in particular, looked upon him as their foremost halakhic authority and revered him as "the last Gaon of the German tradition."<sup>1</sup>

By the second decade of Ettlinger's tenure in Altona this city had become the nerve-center of the Orthodox camp. From Altona emanated Ettlinger's call to "tradition-  
alists, the "faithful believers in Israel," to organize themselves in opposition to the Reform Movement.<sup>2</sup> While the Shomer Zion ha-Ne'eman added a new measure of vitality to rabbinic scholarship, the pages of the Zionswächter carried the message of a militant Orthodoxy to all parts of the world. The small but vibrant yeshivah and the Jewish

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in tribute to both Ettlinger and Abraham Samuel Benjamin Schreiber, Ketab Sofer, who died the same year. A eulogy in honor of both these rabbis is to found in Simon Sidon, Shevet Shimon (Pressburg, 1884), pp. 11b-12b and in Joseph Saul Nathanson, Derush Hespeid (Lemberg, 1872).

<sup>1</sup>Willy Aron, "Rabbenu Jacob Ettlinger (1798-1871), the Last Gaon of Germany," The Jewish Forum, XXXV (July, 1952), 109-110; Avraham Bick, "Ha-Gaon he-Aharon Nusah Ashkenaz," Ha-Ma'ayan, XII, no. 2 (1972), 41.

<sup>2</sup>Shelomei Emunei Yisrael (1845).

day school served as models for institutions of Orthodox education. At the hub of all this activity were Ettlinger, S.J. Enoch and several devoted followers. Ettlinger himself, as a prolific and creative Talmudist and halakhist personified the highest ideals of rabbinic scholarship and under his leadership Altona became transformed, in the eyes of Orthodox Jews, into an oasis of Torah in a desert of secularism.

From the mid-1850s on the religious activity of the Altona community began to wane. Gradually the traditional kehillot of Frankfort-am-Main and later Berlin as well, under the dynamic direction of Ettlinger's disciples, Hirsch and Hildesheimer respectively, took the place of Altona at the forefront of Orthodox life. In the religious institutions and the publications sponsored by both Hirsch and Hildesheimer the influence of Ettlinger is marked and readily apparent.

Ettlinger's son Ben Zion served as rabbi in Mohiliev and five of his sons-in-law held prominent rabbinic posts: Solomon Cahn, rabbi of Schwerin and later Berlin; Joseph Isaacson, rabbi of Rotterdam; Israel Meir Freimann, rabbi of Ostrowo; Moses Leib Bamberger, rabbi of Kissingen; and Marcus Horowitz, rabbi of Frankfort. These members of his immediate family as well as hundreds of his students followed

in Ettlinger's footsteps; they were committed to the traditions of their faith, unswerving and meticulous in observance of halakhah yet receptive to the social, intellectual and technological advances of modern life provided the latter did not come into conflict with Torah law as understood by traditional Judaism.<sup>1</sup> The ideas of Jacob Ettlinger, the methods he had advocated and the goals to which he had aspired thus became the legacy of an ever-widening spectrum of German Jews.

Ettlinger had charted a course for his followers. He was one of the first prominent Orthodox leaders to confront the challenge and problems of the new era in a creative manner. Moreover, he was one of those rare leaders who is able to impart his vision to others and to steer them along the path he has outlined. Thus, in a very real sense, he played a unique role as an architect of modern Orthodoxy.

It should be noted that historical accounts

1Cf., Ettlinger's own comments in an official statement endorsing the use of machines for the baking of matzah, Bittul Moda'ah (Lemberg, 1859), p. 14b:

[illegible]

written in the late nineteenth century and early part of the twentieth century by followers of the Wissenschaft des Judentums school contain a wealth of material on the German Jewish community but, the scientific orientation of these scholars notwithstanding, are often presented in a biased and one-sided manner. Contemporary Reform writers<sup>1</sup> have approached the subject with greater objectivity but their treatment of the Orthodox sources is cursory. The past twenty years have witnessed a proliferation of writings analyzing the philosophy and achievements of Samson Raphael Hirsch.<sup>2</sup> The bulk of his writings have been republished in both Hebrew and English translation. Halakhic responsa by both S.B. Bamberger<sup>3</sup> and Ezriel Hildesheimer<sup>4</sup> have

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<sup>1</sup>In contrast to David Philipson's classic study, The Reform Movement in Judaism (New York, 1967), which is factually accurate but betrays a lack of understanding of the background of many of the specific controversies, works such as W. Gunther Plaut, The Rise of Reform Judaism (New York, 1963), idem, The Growth of Reform Judaism (New York, 1965), and Jakob J. Petuchowski, Prayerbook Reform in Europe (New York, 1968), are careful to place the facts in proper perspective.

<sup>2</sup>Chief among these are: Yonah Emanuel, ed., Ha-Rav Shmshon Raphael Hirsch, Mishnato, ve-Shittato; I. Grunfeld, Three Generations: The Influence of Samson Raphael Hirsch on Jewish Life and Thought (London, 1958), and the articles by M. Breuer in Ha-Ma'ayan, vols. IX-XII.

<sup>3</sup>Yad Ha-Levi, I and II (Jerusalem, 1965 and 1972).

<sup>4</sup>She'elot u'Teshuvot Rabbi Ezriel (Jerusalem, 1969). Hildesheimer's correspondence, Igrot Rabbi Ezriel Hildesheimer also constitutes a significant source.

recently been published from manuscripts and constitute an important historical source. A paucity of material has appeared regarding the contributions of Gemeindeorthodoxie, German Orthodoxy which did not follow Hirsch's policy of secession. A comprehensive and objective history of modern Orthodoxy in Germany remains a desideratum.<sup>1</sup>

Jacob Ettlinger's specific contributions as scholar and halakhist, as preacher and teacher and as militant crusader against the Reform Movement merit detailed examination and analysis. An assessment of his work is a fundamental first step in any study of the history of modern Orthodoxy in Germany.

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<sup>1</sup>An outline for such a history was prepared by Yeshayahu Wolfsberg, "Studien zur Geschichte und Bedeutung des Gesetzestreuen Judentums in Deutschland," Bulletin, Leo Baeck Institute, nos. 2-3 (February, 1958), p. 125. Unfortunately his untimely death prevented him from bringing the project to fruition. Cf., also idem, Yearbook, Leo Baeck Institute, I, 254.

## CHAPTER II

## WRITINGS

From his youth in Würzburg to the very last days of his life Ettlinger devoted himself to committing the fruits of his scholarly activity to writing. His primary goal, he declared, was to serve as a guide and teacher, "for only to lead the perplexed on an uncharted path and to be a guide for them along the way that leads to the fortress of truth, only for this have I labored."<sup>1</sup> Ettlinger's prolific writings are primarily concerned with rabbinic lore. His major literary contribution is in the area of Talmudic and halakhic scholarship.

Ettlinger's first published work, Bikkurei Ya'akov, dealt in great detail with the laws pertaining to the Feast of Tabernacles. In his introductory comments he noted:

With great labor I have gathered definitive decisions from codes and responsa, both early and late, which are in my possession. I have examined and analyzed them in accordance with my limited powers and have added many legal

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<sup>1</sup>Arukh la-Ner, Makkot (Altona, 1855), Introduction.

decisions of my own. At times I have been lenient, at times stringent. At times I have indicated how to fulfill the commandment in the optimum manner.

The high caliber of this book is attested to by the fact that the celebrated Akiba Eger wrote a number of glosses on it. Rabbi Eger's untimely death prevented him from carrying out his avowed intention of writing additional comments.<sup>1</sup> The comments of Rabbi Eger, which originally appeared in the Shomer Zion ha-Ne'eman, were reprinted by Ettlinger when he republished the Bikkurei Ya'akov in 1858, appending to it the Tosefot Bikkurim containing additional rulings, the critical comments of his colleagues, and his own rejoinders. The rulings of Bikkurei Ya'akov are frequently cited by the authoritative Mishnah Berurah.

Ettlinger authored several significant volumes of Talmudic novellae entitled 'Arukh la-Ner. He stated that his novellae were modeled upon those of P'nei Yehoshua, a standard and basic seventeenth century textual commentary on many tractates of the Talmud.<sup>2</sup> The latter work consists primarily of short expository statements in explication of the Talmudic text and in resolution of

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<sup>1</sup> SZN, no. 31.

<sup>2</sup> Arukh la-Ner, Yevamot, Introduction.





However, in the volumes of 'Arukh la-Ner instances of textual emendation are extremely rare, the works being primarily devoted to critical analysis.

Ettlinger wrote the bulk of his commentary on Yevamot when he was thirty years old but did not publish the work until 1850. This was followed, in 1855, by the publication of 'Arukh la-Ner on the tractates Makkot and Keritot. Subsequently Ettlinger published an additional volume of 'Arukh la-Ner on Sukkah in 1858 (also known as Ittur Bikkurim) and a volume on Niddah in 1864. Ettlinger's 'Arukh la-Ner on Rosh Hashanah and Sanhedrin was published posthumously in 1873. The second edition of 'Arukh la-Ner on Yevamot, published in 1914, contained addenda and correspondence between Ettlinger and his colleagues regarding the subject-matter of Ettlinger's commentary on the tractate.

In explaining his selection of tractates upon which to write, Ettlinger states that he chose to write commentaries on Yevamot, Makkot, and Keritot because the P'nei Yehoshua commentary does not include these tractates. Moreover, he notes, there is a general paucity of commentaries by latter-day authorities on the tractate Makkot. Keritot, Ettlinger points out, has no commentaries except the standard Rashi and Tosafot and the latter is particularly

terse and difficult to comprehend.<sup>1</sup> With regard to his work on Niddah, Ettlinger notes, that many of the themes of this tractate have been dealt with extensively in responsa literature in the process of clarifying the practical laws which emerge from the tractate. However, he declares, those portions of the tractate which had no direct bearing upon applicable Halakhah did not receive the same degree of attention. Hence his work, written as a page by page commentary, was an endeavor to clarify all aspects of the tractate.<sup>2</sup>

Ettlinger emphasizes that he had seen fit to write commentaries on tractates containing material which has no practical relevance to Jewish life following the destruction of the Temple. He comments that it is unfortunate that many students and scholars neglect the study of material not deemed to be relevant and advances three reasons why such study must be pursued as an integral part of rabbinic scholarship. In the first place, it is precisely the study of laws which can have applicability only in the Messianic era which strengthens and bolsters the faith of the Jew in the redemption and rebuilding of Zion. Secondly, he notes, the Sages considered study of the laws

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<sup>1</sup>Arukh la-Ner, Makkot, Introduction.

<sup>2</sup>Arukh la-Ner, Niddah, Introduction.

pertaining to the sacrificial order as having the same efficacy as the offering of the sacrifice itself. Ettlinger's third reason is that from the point of view of rabbinic scholarship the entire corpus of Scriptural and rabbinic literature constitutes an integral whole and no portion can be comprehensibly understood without a thorough knowledge of other portions. To illustrate this concept Ettlinger employs the simile of the candelabrum in the Tabernacle, all of whose branches and adornments were beaten out of a single piece of gold. The various parts of the candelabrum symbolize the different areas of Torah study. The Torah itself is a unified entity as is the candelabrum.<sup>1</sup>

In his introduction to 'Arukh la-Ner on Yevamot Ettlinger notes his awareness of the fact that works dealing with rabbinic scholarship are antithetical to the spirit which pervaded the major portion of the Jewish community of his day. He reasserts his own commitment to rabbinic scholarship and declares that he has directed his writings to that small group of his coreligionists "in whose midst there yet burns the love of the perfect Torah."

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<sup>1</sup>'Arukh la-Ner, Makkot, Introduction. Cf., Rosh Hashanah and Sanhedrin, Introduction by Ben Zion Ettlinger. Cf., also Jacob Ettlinger's extensive comments on the symbolism of the candelabrum, Minhat 'Ani, Parashat Baha'alotkha, pp. 90a-90b.



scholars in France, England, Holland, Austria, Galicia, Poland, Russia, the United States and the Holy Land. With his assumption of the editorship of Shomer Zion ha-Ne'eman in 1846 and the publication of Binyan Zion in 1868 Ettlinger's decisions were disseminated among an even wider public.

The most significant source for Ettlinger's halakhic rulings are the two volumes of responsa Binyan Zion and its sequel, Binyan Zion ha-Hadashot, published posthumously in 1874 by Ben Zion Ettlinger. The vast majority of these responsa originally appeared in Ettlinger's Shomer Zion ha-Ne'eman. Binyan Zion consists of 182 responsa; Binyan Zion ha-Hadashot contains 176 responsa in addition to a section devoted to novellae on the two chapters of the tractate Hullin dealing with practical aspects of the dietary laws. A great part of both these works is devoted to theoretical discussions regarding abstract questions which may more properly be described as novellae. The responsa dealing with practical matters cover all aspects of religious law.

Of particular importance are Ettlinger's rulings on the questions of autopsy (BZ, nos. 170-171) and contraception (BZ, no. 137). In both cases his rulings were restrictive in nature. Several responsa deal with medical questions (BZ, nos. 75 and 111; BZH, no. 57). Noteworthy are those responsa dealing with social conditions and scientific

advances. Thus, for example, Ettlinger discusses the recently developed technique of hypnotism (BZ, no. 67). Ettlinger consulted with medical authorities in an attempt to find a scientific explanation of the technique and sanctioned its use. Two responsa (BZ, nos. 119-120) deal with the question of preservation of an aborted fetus for scientific purposes. Ettlinger rules in the negative. Ettlinger also discusses at length problems which arose as a result of the increasing lack of observance on the part of his coreligionists. Lack of Sabbath observance, in particular, created a host of problems. Ettlinger's discussion of the question of selling a business to Sabbath violators (BZ, no. 15) became an important precedent for later responsa dealing with commercial relationships with Sabbath violators. An even more fundamental responsum in which Ettlinger indicates that, in most instances, contemporary violators of the Sabbath are not to be deemed apostates, has become a classic in the annals of Halakhah (BZH, no. 23).<sup>1</sup> The growing practice of utilization of German rather than Hebrew names occasioned a responsum with regard to whether the German name should not be used in wedding contracts (BZH, no. 172). Several of the responsa reflect the changing religio-cultural realia (BZ, nos. 23,

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<sup>1</sup>See infra, pp. 218-220.

24, and 139; BZH, no. 172). Some questions of religious law came into sharp focus as a result of the growing Kultur-kampf between Orthodoxy and Reform. Of note are Ettlinger's responsa on aspects of the laws of circumcision (BZ, nos. 23, 24, and 88). One responsum dealing with questions of forbidden marriage contains a harsh reference to the practice of Reform rabbis in this regard (BZ, no. 148).

Of theoretical interest is the role Ettlinger played in the halakhic controversy surrounding a proposal advanced by Zevi Hirsch Kalischer for the reinstitution of the sacrificial order. This topic captured the attention of the precursors of the religious Zionist movement, even though realistically there was little likelihood of implementing the proposal. Ettlinger was opposed to Kalischer's plan, arguing that for halakhic reasons sacrifices could not be instituted until the time of the ultimate redemption. Ettlinger was supported in this position by Hatam Sofer and Akiba Eger although the latter scholar advanced halakhic considerations which were not identical with those upon which Ettlinger based his decision.<sup>1</sup> Ettlinger's

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<sup>1</sup>Kalischer incorrectly claimed that Hatam Sofer and Akiba Eger approved of his plan. Cf., Yonah Emanuel, "Al Ta'anat 've-lo Ariab' shel ha-Rav Ya'akov Ettlinger neged Hiddush ha-Korbanot b'Zman ha-zeh," Ha-ma'ayan, XII, no. 3, p. 54, note 7. Regarding this controversy vide also J. David Bleich, "A Review of Halakhic Literature Pertaining to the Reinstitution of the Sacrificial Order," Tradition, IX (Fall, 1967), 103-124. Vide also infra, pp. 342-347.

original rulings on this matter appeared in Shomer Zion ha-Ne'eman, nos. 15 and 36. Subsequently he corresponded with Kalischer on the subject and later published his responsa in Binyan Zion, nos. 1 and 2. In the second edition of his Derishat Zion (Teheran, 1866) Kalischer responded to Ettlinger's arguments. The publication of Binyan Zion occasioned a further rejoinder by Kalischer. This took the form of a monograph published the very year that Binyan Zion appeared and containing a sharp refutation of Ettlinger's views. The monograph, entitled Kuntres Shivat Zion was appended to Kalischer's pamphlet Shalom Yerushalayim which itself consisted of addenda to Derishat Zion. Kalischer also included a brief response entitled Mikhtav me-Eliyahu by Elijah Gutmacher of Graetz in which the latter also rejects Ettlinger's contentions. Ettlinger's main halakhic objections were advanced independently, in somewhat different form, by Naftali Zevi Yehudah Berlin, head of the rabbinical academy of Volozhin.<sup>1</sup>

Three of the halakhic controversies in which Ettlinger took an active part and which became celebrated issues of the day are not recorded in Binyan Zion. The most

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<sup>1</sup>Ha-'amek Davar (Jerusalem, 1937) on Deuteronomy 16:3 and Meshiv Davar, Yoreh De'ah, II (Warsaw, 1894), no. 56, cited by Emanuel, Ha-Ma'ayan, XII, no. 3, 61-62.



significant of these was undoubtedly the controversy surrounding the permissibility of the use of machinery for the baking of matzot, a method which had become feasible due to the technological advances of the time. Ettlinger was among the prominent rabbis who sanctioned this innovation.<sup>1</sup> Another problem with which Ettlinger concerned himself was the determination of which etrogim might be utilized for fulfillment of the commandment of the "four species" on Tabernacles. Since citrons are not indigenous to the European continent they were of necessity imported from the more temperate zones. It was well known that in many locales the citrons exported to the Jews of Europe were not pure etrogim but were hybrids resulting from the grafting of branches of other citrus trees onto the etrog tree. The vast majority of rabbinic authorities forbade

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<sup>1</sup>Ettlinger's ruling was published in a pamphlet entitled Bittul Moda'ah (Lemberg, 1859), pp. 14a-b. Ketab Sofer, S.B. Bamberger and Joseph Saul Nathanson were among the prominent authorities who sanctioned use of machine matzot. Rabbis Shlomo Kluger, Chaim Halberstadt of Zans and Mordecai Ze'eb Ettinger ruled against the innovation. The negative rulings were published by Rabbi Kluger in a pamphlet entitled Moda'a le-Bet Yisrael (Breslau, 1859). Bittul Moda'ah was issued by Rabbi Nathanson as a response to Moda'a le-Bet Yisrael. Both pamphlets have been republished in a single volume in a photo offset edition (Jerusalem, 1973). Moda'a le-Bet Yisrael has also been appended to a recent edition of Shlomo Kluger, Avodat Avodah (New York, 1962). Vide also Shlomo Kluger, Ha-Elef Lekha Shlomo (New York, 1950), Hashmattot le-Orah Hayyim, nos. 32-36 and Chaim Medini, Sedei Hemed (New York, 1962), VII, 396-401.



Several responsa written by Ettlinger are included in the responsa collections of Ezriel Hildesheimer (Teshuvot Rabbi Ezriel)<sup>1</sup> and S.B. Bamberger (Yad ha-Levi)<sup>2</sup> which have recently been published from manuscripts.

The only contemporary German rabbi who held a comparable position to Ettlinger as a halakhic authority was Seligmann Baer Bamberger, the venerable district-rabbi of Wurzburg. A particularly close relationship existed between Bamberger and Ettlinger and the relationship was further cemented by the marriage of Ettlinger's daughter to Bamberger's son, Moses Leib. Apart from his other works, Bamberger was widely known as the author of several specialized halakhic compendia: Melekheth Shamayim (Altona, 1853), dealing with the laws of writing Torah scrolls and the Scriptural passages for phylacteries and mezuzot; Amira le-Vet Ya'akov (Furth, 1858), dealing with the laws devolving upon women and written for their benefit in the German language printed in Hebrew letters; and More le-Zovechim

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<sup>1</sup>Pp. 153-154, 157, 256, 343 and 366.

<sup>2</sup>I, Yoreh De'ah, nos. 58, 106 and 186; Even ha-Ezer, nos. 2, 17, 19, 44, 45, 46, 48, 49, 55 and 56. Responsa by Ettlinger are also to be found in Seligmann Baer Bamberger, Neti'ah shel Simḥah (Debo, 1928), nos. 6, 14, 28, 34, 42, 56 and 76. Vide also the excerpts from Ettlinger's correspondence in Simḥah Bamberger, Zekher Simḥah (Frankfort-am-Main, 1925); nos. 57 and 199.

(Fürth, 1863), dealing with the laws of ritual slaughter.

A letter of approbation authored by Ettlinger appears in each of these works.

Ettlinger and Bamberger maintained a lively scholarly correspondence. Ettlinger's Tosefot Bikkurim contains over a hundred glosses by Bamberger and Ettlinger's responses to them. 'Arukh la-Ner on Yevamot (Piotrkov, 1914), responsum no. 13, also addresses itself to Bamberger's comments. On many matters of law and ritual Ettlinger and Bamberger were wont to consult one another.<sup>1</sup> Numerous responsa authored by Bamberger, regarding matters which cover the entire gamut of personal and communal life, conclude with a note that Bamberger's final decision remains pending until the agreement of Ettlinger has been assured.<sup>2</sup> On occasion, when Bamberger found himself in disagreement with other rabbis regarding points of law he would suggest that the matter be submitted to Ettlinger for a final decision.<sup>3</sup>

<sup>1</sup>Vide BZ, nos. 10, 15, 18, 40, 71, 73, 74, 83, 108, 156 and 161; BZH, nos. 5, 21, and 22; Yad ha-Levi, I, Orah Hayyim, nos. 35, 40, 68 and 69; ibid., Yoreh De'ah, nos. 35, 36, 45, 51, 58, 106, 107, 117, 186, 194, 196, 204, 213, and 219; ibid., Even ha'Ezer, nos. 2, 9, 11, 13, 17, 19, 22, 41, 42, 44-52, 55 and 56; ibid., Hoshen Mishpat, nos. 3 and 8; and Yad ha-Levi, II (Jerusalem, 1972), no. 73.

<sup>2</sup>E.g., Yad ha-Levi, I, Yoreh De'ah, nos. 51, 58, 117 and 219.

<sup>3</sup>Ibid., Even ha'Ezer, nos. 9 and 56.





this manner many difficulties may be resolved."<sup>1</sup>

Ettlinger and Rabinowitz were close personal friends. Accordingly, when Ettlinger's son-in-law Israel Meir Freimann expressed interest in obtaining an early rabbinic manuscript with the intention of writing a commentary on it and of publishing the work together with his commentary, Ettlinger turned to Rabinowitz to assist Freimann in this endeavor. Rabinowitz was at the time engaged in research on manuscripts in the Munich library. He wrote Ettlinger that several of the rabbinic commentaries in manuscript in the library merited publication but that these would not serve Freimann's purpose in that he wished to add a commentary of his own. Rabinowitz noted that the Munich library housed one manuscript that would, however, be most suited for Freimann's project; namely, the work entitled Ve-Hishir, a Midrashic work arranged according to the Scriptural portions of the week and dealing primarily with the laws discussed in each weekly portion. In Rabinowitz' opinion the work dated to the early Geonic period. Since the major portion of the work dealt with halakhic rather than aggadic material he thought a commentary on it would constitute a valuable contribution.<sup>2</sup>

<sup>1</sup>Munich, 1868, p. 11.

<sup>2</sup>Unpublished letter from Raphael Nathan Nata Rabinowitz to Ettlinger dated only Friday, 13 Tammuz. Cf., Freimann's account in Ve-Hishir, I (Leipzig, 1873), iii-iv.

Apparently Freimann was interested in Rabinowitz' suggestion and subsequently Rabinowitz supervised the copying of the manuscript.<sup>1</sup> Freimann wrote a lengthy commentary on the work entitled 'Anfei Yehudah' and published it with the text of Ve-Hishir in two volumes. In the composition of the commentary Freimann frequently consulted with his father-in-law regarding difficult technical points. Ettlinger's comments, numerous written rejoinders often incorporating lengthy glosses and novellae, were included by Freimann in the text of the 'Anfei Yehudah'.<sup>2</sup>

In 1856 the commentary of R. Hai Gaon on the order of Taharot was published from a manuscript. This work contains textual corrections and notes authored by Ettlinger. In his letter of approbation to the volume Ettlinger noted that he had acceded to the wish of the publisher to add corrections to the work but that he had emended only the obvious errors in citations of Talmudic and rabbinic works but had not seen fit to add corrections on the basis of his own conjecture even in places where it was evident that the text had become corrupt.<sup>3</sup>

<sup>1</sup>Ibid., p. iii.

<sup>2</sup>Ibid., pp. 29, 52, 115, 160-161, 165, 238-239 and 249-250; and ibid., II (Warsaw, 1880), 29, 35-36, 125 and 153.

<sup>3</sup>Kovetz Ma'asei Yedei Geonim Kadmonim (Berlin, 1856), p. iv. Pages 46-55 contain notes authored by Ettlinger, Nathan Adler and Jacob Reifmann.



Ettlinger's interest in other aspects of Biblical and rabbinic scholarship is reflected in the material he selected for publication in Shomer Zion ha-Ne'eman. Particularly noteworthy are the many manuscripts of early-day scholars and even of the Geonim which were first published in this journal.<sup>1</sup> Of interest is the fact that Ettlinger wrote a letter of approbation to the commentary on Genesis authored by Naftali Herz Wesely. Despite the fact that Wesely had incurred the censure of many Orthodox rabbis for his active advocacy of the reorganization of Jewish education in accordance with the Edict of Tolerance of Joseph II, Ettlinger did not withhold his approval from the volume and referred to Wesely as a "poet, philosopher and stylist of renown."<sup>2</sup>

In 1874 Ben Zion Ettlinger published Minḥat 'Ani, a work which his father began to prepare for publication in 1868 and upon which he was still laboring during the last weeks of his life.<sup>3</sup> Minḥat 'Ani is a work dealing with Biblical exegesis and homiletics arranged according to the

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<sup>1</sup>E.g., responsa of Rav Sherira Gaon and Rav Hai Gaon in nos. 106-109 and 111-117 and correspondence of Maimonides' son Abraham in nos. 111-118.

<sup>2</sup>Olelot Naftali (Hamburg, 1842), unnumbered pages.

<sup>3</sup>Ben Zion Ettlinger in introductory remarks to Minḥat 'Ani.

weekly Scriptural portions of the Bible. A major part of the work is based on the interpretation of Midrashic passages relating to the weekly Scriptural portions. Frequently Ettlinger cites several seemingly conflicting Midrashic comments on a particular verse and endeavors to reconcile the contradictions.

In the bulk of his written work Ettlinger appears as a pure scholar analyzing the intricacies of Talmud and Halakhah. In Minhat Ani, a far more subjective work, he emerges as a religious leader confronted by the problems of a new era and as a rabbi concerned with the spiritual welfare of his community. Several of the recurrent themes reflect the religious turmoil of the times and Ettlinger's involvement in the conflict between Reform and Orthodoxy. Thus the concept of peace is the subject of several lengthy expositions in which Ettlinger repeatedly emphasizes that the ideal of brotherly love and harmony must not be forsaken even when serious theological disagreement arises. In such a case the dispute must be kept on a theoretical rather than a personal plane, feelings of negativism and opposition being directed to the ideas espoused, not to the people involved.<sup>1</sup> Love of peace must at no time, however, be allowed to

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<sup>1</sup>Va-Yera, pp. 5a-5b. Cf., va-Yigash, pp. 15b-16a, va-Yakhel, p. 38b, Korah, pp. 95a-97b and Balak, pp. 101b-102b.

overshadow the love of truth; the pursuit of harmony is not sufficient justification for countenancing religious infractions.<sup>1</sup> Similarly, Ettlinger devotes many pages to an analysis of the responsibilities and obligations of communal leadership and the nature of the qualities of personality and character which an authentic spiritual guide must exemplify. He stresses that reproof and censure of wrongdoers is a moral obligation which a leader dare not shirk, but that utmost sensitivity, tact and sympathy must be exercised lest such criticism be self-defeating.<sup>2</sup> Minhat Ani contains many references--some couched in strong language--to the irreligiosity that characterized the times. On countless occasions Ettlinger mentions the heretics and unbelievers of the day and notes that Torah study, religious observance and faith were at a low ebb: "and [a situation] such as this we have seen with our own eyes in this evil generation, how they have descended from wrongdoing to wrongdoing and have substituted darkness for light and light for darkness."<sup>3</sup>

The uniqueness of Israel and its mission among the nations is another important theme of the work. Noting that Israel's distinction derives from its relationship to the Torah, Ettlinger demonstrates the manner in which the fate

<sup>1</sup>Beha'alotkha, pp. 87b-88a and Pinhas, pp. 104b-105a.

<sup>2</sup>Beha'alotkha, pp. 87a-92a and va-Yelekh, pp. 129a-132a.

<sup>3</sup>Balak, p. 103a.

and destiny of the entire people is determined by the extent to which it preserves and guards this relationship.<sup>1</sup> He places great emphasis on the primacy of Torah study as a means of attaining comprehension and understanding without which adherence to the Divine Law is devoid of true meaning.<sup>2</sup> With regard to this several of Ettlinger's discussions pertaining to the rationale of the commandments are of interest. He explains many of the mitzvot from the point of view of their symbolic significance.<sup>3</sup> Particularly noteworthy is his analysis of the laws surrounding prayer and the reading of the Torah.<sup>4</sup> Much of the work having been based on sermons and addresses which he had delivered to congregations over the years, many of the homiletic comments are moralistic in tone and concern themselves with the development of character. Thus Ettlinger discusses topics

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<sup>1</sup>E.g., Toldot, pp. 8a-9a; va-Yetzei, p. 10b; Bo, p. 22a; and Bamidbar, pp. 77b-80b.

<sup>2</sup>Va-Yetzei, p. 9b, Yitro, p. 25b and Shalah, p. 95a.

<sup>3</sup>E.g., the laws of Passover and halitzah, Lekh Lekha, p. 4b; the laws of sukkah, Emor, p. 69a; the laws of shmittah, Behar, p. 70a; and the laws of sacrifices, Bamidbar, p. 81b. For a similar approach on the part of Bernays vide Hans Israel Bach, "Isaac Bernays," Monatsschrift für Geschichte und Wissenschaft des Judentums (hereafter cited as MGWJ), LXXXIII (1939), 544-545.

<sup>4</sup>Ki Tetzei, pp. 125a-127b.

such as the role of reward and punishment, the trial of riches, the need to express a sense of gratitude and the character trait of humility.

Ettlinger's regard for kabbalistic practices, a notable example of which are several of the stipulations included in his last will and testament, and his interest in Zohar find expression throughout his written work.<sup>1</sup> Minḥat 'Ani, in particular, reveals his penchant for mystical and kabbalistic thought.<sup>2</sup>

Indeed, while many of the themes of Minḥat 'Ani relate to problems of the modern world, it must be emphasized that neither in content nor in style is Minḥat 'Ani itself a work which is designed for the modern reader. The complex intertwining of the threads of different Midrashic passages and the somewhat tortured textual exegesis reflect the intellectual bent of a previous era. It is only in his German writings that Ettlinger approaches the modern frame of mind. Here he endeavors to present his thought in a manner which is adapted and attuned to the general cultural milieu of his day. Abhandlungen und Reden, published in Schildberg in 1899, is a brief homiletic work containing

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<sup>1</sup>Emanuel, Ha-Ma'ayan, XII, no. 2, 35 cites in particular Arukh la-Ner, Rosh Hashanah 20b and BZH, no. 122.

<sup>2</sup>E.g., Va-Yishlah, p. 11b and Shemot, p. 19b.

German sermons and essays all of which had previously been published in the Zionswächter. That journal contains several additional sermons by Ettlinger. As noted, a number of individual addresses delivered by Ettlinger on various occasions over the years were published in pamphlet form.

In the early nineteenth century a new type of sermon began to emerge.<sup>1</sup> The preacher would usually structure the address around a brief Scriptural or occasionally Talmudic quotation rather than entering into lengthy expositions of rabbinic and Midrashic sources. The majority of such sermons emphasized the ethical and moral aspects of religion. Ettlinger's German addresses show a surprising resemblance to this new genre. They do not center upon the exegesis of complex texts, nor do they elaborate upon the Midrashic sources in the discussion of which Minhat Ani abounds. The sermons are noteworthy in their organization and logical structure and their clarity of expression. Ettlinger follows his contemporaries in the tendency to utilize flowery language and in a romanticized approach to religion and society. The themes of the sermons mirror the prevalent

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<sup>1</sup>Cf., Alexander Altmann, "Zur Frühgeschichte der jüdischen Predigt in Deutschland: Leopold Zunz als Prediger," Yearbook, Leo Baeck Institute, VI (1961), 3-4.

emphasis on the ethical component of religion. Thus one finds discussions of the golden mean, of righteousness and charity and of the role of religion in ennobling the human personality.<sup>1</sup> The addresses frequently reflect Ettlinger's preoccupation with the challenge of Reform. He sought to analyze the motives of Reformers of his time and to explain the manner in which he considered them to be misguided.<sup>2</sup> Urging militancy in the upholding of tradition, he endeavored to characterize the role of committed and uncompromising leadership.<sup>3</sup> Many of the German sermons are devoted to an explication of some of the fundamental concepts of Judaism. Ettlinger stressed, in particular, the traditional interpretation of revelation and the sanctity with which the Orthodox Jew believes Holy Writ to be endowed.<sup>4</sup>

Thus it is in his homiletical writings, both those written in Hebrew and directed to an audience reared in a traditional milieu, and those written in German and geared to an audience raised in the Western culture, that Ettlinger's approach as religious leader may be clearly discerned.

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<sup>1</sup> Abhandlungen und Reden, pp. 16-30, 35-43 and 51; Das Gotteshaus als Vorhalle zur Ewigkeit (Altona, 1845), pp. 7-9.

<sup>2</sup> Abhandlungen und Reden, pp. 54-61.

<sup>3</sup> TZW, V (1849), 161-163.

<sup>4</sup> Abhandlungen und Reden, pp. 43-53.

It should be noted that there is considerable unpublished material authored by Ettlinger. Ben Zion Ettlinger remarks in his introduction to Minḥat 'Ani that that volume included only one fifth of his father's homiletical writings. In 1973 a commentary on the Passover Haggadah, also entitled Minḥat 'Ani, was published in Jerusalem from a manuscript that had been in the possession of descendants of Ettlinger. The commentary is similar in style to Minḥat 'Ani on the Pentateuch. Ettlinger appears to have written a commentary, also entitled 'Arukh la-Ner, on the tractate Pesahim. This volume was never published and its fate is unknown.<sup>1</sup> A number of letters written by Ettlinger are to be found in the Library of the Hebrew University<sup>2</sup> and in the possession of various members of his family.

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<sup>1</sup>Unna, Ha-Ma'ayan, XII, no. 2, 37.

<sup>2</sup>Hebrew University Library, Ms. Collection, 802482. Five of these letters were published in "Mikhtavim meha-Rav Ya'akov Ettlinger Zal," Ha-Ma'ayan, XII, no. 2 (1972), 46-54.



### CHAPTER III

#### HALAKHIC ISSUES AND THE REFORM MOVEMENT

##### A. Introduction

With the growth of the Reform movement in the nineteenth century, factionalism became a hallmark of Jewish life. Reformers on the one hand, and those who adhered to the traditional interpretation of belief and observance on the other, viewed themselves as separate entities within the community. The traditionalist party came to be known as "Orthodox." This term was originally employed in a pejorative sense by the Reformers but gradually came to be adopted by the traditionalists themselves. The term appears first to have been applied to Jews in a Berlin journal, Berlinische Monatsschrift, in 1795, where it is employed in a derogatory sense to designate the unenlightened.<sup>1</sup> The term Orthodoxy implies an emphasis on "correct belief." However

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<sup>1</sup>xxv, 530. Cited in H.D. Schmidt, "The Terms of Emancipation 1781-1812," Yearbook, Leo Baeck Institute, I (1956), 30. It has however been generally assumed that the term was first used at the sessions of the Assembly of Notables in 1806. Vide David Rudavsky, Emancipation and Adjustment (New York, 1967), p. 411, note 13.

since Judaism is also a praxis and stresses the insufficiency of faith alone, the term Orthodox as applied to traditional Judaism is a misnomer and hence many traditionalist spokesmen did not favor the usage. Samson Raphael Hirsch determined to transform the term from a derogatory epithet to a badge of honor. In contrast the terms "traditional" or gesetzestreu were preferred by the Orthodox groups in Germany who opposed Hirsch's policy of secession and even by some of Hirsch's followers.<sup>1</sup>

By the second decade of the nineteenth century the cleavage within the ranks of Judaism had become pronounced and Orthodoxy and Reform emerged as clearly defined denominations representing opposing philosophies pitted against one another in a struggle for supremacy. In its early development Reform thought was greatly influenced by general trends in the intellectual life of late eighteenth and early nineteenth century Germany. The literature of the Berlin Haskalah (Enlightenment), particularly the writings which appeared in German, presented a serious

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<sup>1</sup>Ezriel Hildesheimer, "Mi-tokh Hiluf ha-Mikhtavim beyn Maran R. Ezriel Hildesheimer Satzal u-beyn Maran R. Shamshon Raphael Hirsch Satzal u-Mekoravav," Yad Sha'ul, eds. J.J. Weinberg and P. Biberfeld (Tel Aviv, 1952), p. 243; I. Grunfeld, ed., Judaism Eternal (London, 1959), p. xlvii; Isaac Heinemann, "Supplementary Remarks on the Secession from the Frankfort Jewish Community under Samson Raphael Hirsch," Historia Judaica, X, no. 2 (1948), 123, note 1.

challenge to the rabbinic tradition. Both directly and indirectly this literature constituted a destructive assault upon the structure, values and institutions of the Jewish religion.<sup>1</sup> The voluminous literature produced by advocates of the political emancipation of the Jews also had a significant effect on the mentality of German Jewry. German authors who championed civil liberty took exception to what they viewed as the medievalistic form of religion practiced by the Jewish masses. They felt constrained to condemn observance of mitzvot as vestiges of a primitive form of religious expression. Singled out for derogation were Jewish dietary laws, laws of burial and laws of the Sabbath and festivals. The notion of a chosen people and Jewish messianic aspirations were attacked with vehemence.<sup>2</sup> These writings created a climate of opinion which had a great influence upon protagonists of Reform.

The early Reformers were caught in a vise between acceptance of this anti-rabbinic bias and a lingering attachment to their ancestral faith. They did not at first reject the entire corpus of Jewish law. They wished to

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<sup>1</sup>Vide Isaac Eisenstein-Barzilay, "The Treatment of the Jewish Religion in the Literature of the Berlin Has-kalah," Proceedings of the American Academy for Jewish Research, XXIV (1955), 39-68.

<sup>2</sup>Schmidt, pp. 29-32.

effect a radical change in Jewish religious life but acknowledged that the only Jewishly valid development was one which would evolve on the basis of the Halakhah. In contradistinction to radical Reform, which later characterized most American Reform congregations and which rejected any form of halakhic orientation, classical Reform focused its interest on the reform of Halakhah.<sup>1</sup> The discussions at the first Reform rabbinic conferences centered on questions of Jewish law and reflected an attempt to establish new norms of conduct on the basis of halakhic sources.

However, the Reform approach to Halakhah constituted a sharp break with the past. In practice, customs and ceremonies were abrogated indiscriminately and only after fundamental changes had already been initiated was the attempt to find halakhic justification undertaken. Ethical commandments were emphasized, ceremonial and ritual laws relegated to secondary status; Biblical and prophetic teachings were revered, while Talmudic and rabbinic prescriptions were characterized as regressive. Despite all the attention given by Reformers to traditional Halakhah, its major premises were

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<sup>1</sup>W. Gunther Plaut, "The Halacha of Reform," Contemporary Reform Jewish Thought, ed. Bernard Martin (Chicago, 1968), pp. 88-90.

rejected by them. Halakhah was viewed neither as divinely ordained nor as supremely authoritative. It was the Reform belief that "whatever divine incursion halakhah may represent, in its immediate expression it is but another aspect of human development and that its force lies in this developmental or historic . . . capacity which can instruct but does not necessarily compel the contemporary Jew."<sup>1</sup>

No longer viewed as the revealed expression of the Divine will, Halakhah could exert no ultimate binding force upon life.<sup>2</sup>

To the Orthodox, on the other hand, the law was supreme, and represented the authentic expression of Divine will. Both the written and the oral law were believed to have Divine sanction. Accordingly, concern for proper observance of Halakhah dominated all aspects of life and thought. While the law was necessarily applied to constantly changing circumstances, it was viewed as being independent of time and circumstance.<sup>3</sup>

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<sup>1</sup>Ibid., p. 96.

<sup>2</sup>Cf. Jakob J. Petuchowski, "Problems of Reform Halacha," Contemporary Reform Jewish Thought, pp. 107, 111-112 and 121-122.

<sup>3</sup>Israel Bettan, "Early Reform in Contemporaneous Responsa," Hebrew Union College Jubilee Volume, ed. David Philipson et al. (Cincinnati, 1925), pp. 427-434.

Exponents of these two diametrically opposed views of the Halakhah were bound to clash. The conflict was exacerbated by the insistence of the early Reformers that their innovations did not violate the halakhic process. Much of the polemical literature of Orthodox and Reform writers of the early nineteenth century concerns itself with an analysis of whether Reform practices were indeed halakhically valid. Reformers sought to justify their changes on the basis of a reinterpretation of Talmudic and rabbinic sources. Orthodox writers sought to demonstrate the manner in which Reformers undermined the structure of Jewish law by disregarding the basic canons of Halakhah. From a cursory examination of the relevant literature it is readily apparent that in questions of Halakhah, with rare exceptions, the Orthodox approach was in general more rigorous, logically sustained, and intellectually honest. The Orthodox were prepared to accept the disabilities of the law as divinely imposed restrictions and acknowledged their inability to reinterpret the law for the sake of convenience and modernity. Many Reformers adopted a haphazard approach to Halakhah, accepting some tenets and rejecting others without developing consistent criteria of selection. The more radical Reformers were, at times, more consistent and honest in their approach than those who sought

to prove that all innovations were in harmony with historical Judaism. Moreover, the earliest Reformers glossed over the conflict between reform of Jewish law and the concept of a revealed religion. Only gradually did Reform thinkers begin to grapple with the problems of redefinition and delimitation of the concept of revelation.<sup>1</sup>

The arguments and polemics covered the vast array of Jewish ritual, civil, and religious law. The issues ranged from the trivial to the most significant, from questions of decorum at services and the use of the vernacular to the abolition of the rite of circumcision and sanction of mixed marriages. As one of the foremost halakhic authorities of German Jewry, Ettlinger's opinions and writings on these questions were of central significance to the Orthodox camp. His decisions were accepted as authoritative by most Orthodox rabbis and may be viewed as representative of normative Orthodoxy.

In the fundamental controversies such as those surrounding mixed marriages or the observance of Sabbaths and festivals there was no disagreement within the Orthodox camp. Here the importance of Ettlinger's contribution is not

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<sup>1</sup>Petuchowski, "Problems," p. 111. Noteworthy is Ettlinger's recognition that the question of revelation was a central one in the Reform-Orthodox confrontation. Vide, in particular, Abhandlungen und Reden, pp. 46-49.

in his role as halakhic arbiter and decisor but rather in his role as religious spokesman, articulating the Orthodox position with clarity and firmness.

In other, more technically complex issues Ettlinger's halakhic acumen is manifest and he emerges as a forthright exponent of a particular viewpoint. This is best exemplified in the intricacies of the circumcision controversy.<sup>1</sup> Here it is possible to discern his innate conservative bent and his tenacity in refusing to modify any aspect of ritual whether grounded in religious law (halakhah) or merely hal-  
lowed by religious custom (minhag).

Of course, the sociological condition of the times is reflected in the problems that were posed to Ettlinger. Some responsa were, indeed, addressed to him not simply because of the narrow ritual question involved but because of the wider considerations as they related to controversies then raging between Orthodox and Reform partisans. However, Ettlinger's halakhic rulings, as such, were predicated solely upon an analysis of relevant sources in the Talmud, the Codes and responsa literature. The analytic presentation dealt only with the theoretical components inherent in the problem presented to him. Reference was never made in the body of the argumentation to the religio-sociological

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<sup>1</sup>Vide infra., pp. 96-128.



implications of a given decision. Ettlinger's legal views were not in any way tinged by a priori considerations based upon socio-religious conditions or a desire to formulate a ruling which would meet with favorable acceptance.

Nevertheless, in many of Ettlinger's responsa it is possible to detect two levels of consideration. The technical discussion was invariably addressed to the legal complexities of the question. The broader ramifications of the issue were, however, not overlooked by Ettlinger. To these he addressed himself in comments that were appended purely as addenda to already formulated decisions. In these remarks Ettlinger showed that he was fully cognizant of the social and factional components of the problems to which he addressed himself. He expressed concern with regard to whether a given decision in a particular case would ultimately serve to enhance religious observance among his co-religionists or whether it would have adverse effects in terms of religious observance. Ettlinger was acutely sensitive to situations in which he feared the possibility of halakhic innovation. He noted that such innovation might serve as the thin edge of the wedge of Reform. Accordingly, while formulating his answer objectively and giving it expression in the legal usages of halakhic discourse, he did not hesitate to refer to the broader effects of such

decisions. A typical example is Ettlinger's responsum on the recitation of kaddish (BZ, no. 122).<sup>1</sup> He vigorously defended the traditional mode of practice and rejected any proposed modification on legal grounds but concluded with a general statement on the perils of halakhic innovation and the danger that even one minor modification might subsequently lead to severe ruptures in religious practice.

On occasion, Ettlinger took cognizance of the fact that many of his co-religionists were unobservant and found it necessary to delineate the relative severity of various transgressions with a view to containing any breach of Halakhah insofar as possible. Accordingly, as shall be demonstrated, one, at times, finds a remark expressing the conviction that the decision reached on purely theoretical grounds will have a salutary practical effect in preventing transgression or in counteracting Reform influences.

This pattern of thought is clearly illustrated in two responsa in Binyan Zion dealing with questions of marriage. A cursory reading of the Codes indicates that a katlanit, a woman twice widowed, is forbidden to marry a third time but even Rema (Even ha'Ezer 9:1) states that "many are lenient with regard to these matters" and they are not subject to censure on this account. In a responsum dealing

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<sup>1</sup>Vide infra, pp. 159-166.

with this subject (EZ, no. 131) Ettlinger sanctions such marriages and demonstrates that the Talmudic stricture is advisory in nature, based upon possible physical danger to the husband, and that the latter is at liberty to disregard this warning at his own risk if he desires. Ettlinger asserts that in such cases the prospective groom must be forthrightly warned that the union was considered by the Sages to be fraught with danger but adds that, having issued such an admonition, the rabbi has fulfilled his responsibility and may legitimately officiate at the wedding ceremony. Having discussed the halakhic basis of this problem, Ettlinger then turns to the factional ramifications of the issue. Emphasizing the intrinsic legal permissibility of such marriages he notes that, as a matter of policy, an Orthodox rabbi would be ill-advised to refuse to perform such a marriage since this would only lead to the performance of the marriage by a Reform rabbi in a halakhically invalid manner.

A second responsum involves a childless widow who remarried without undergoing the halitzah ceremony.<sup>1</sup> The questions presented to Ettlinger were whether halitzah could be performed without prior divorce and whether subsequent to the halitzah ceremony the woman might continue to live with

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<sup>1</sup>According to the law of Deuteronomy 25:5-10 a childless widow is not free to marry anyone other than her deceased husband's brother. The ceremony terminating this obligation is called "halitzah."

her second husband. In a lengthy responsum (BZ, no. 143), Ettlinger demonstrates, on purely halakhic grounds, that in order for halitzah to be efficacious the woman must receive a bill of divorce prior to the act of halitzah and that, furthermore, she is forbidden to live together with the second husband. In an obiter dictum Ettlinger adds that a firm stand on this issue, in addition to being halakhically mandated, is prudent as a matter of policy as well. He notes that the exponents of Reform maintained that the laws of halitzah had been abrogated. A permissive ruling in this instance might have the unfortunate result, Ettlinger avers, that women experiencing difficulties in securing halitzah would ignore this halakhic prerequisite to their remarriage.<sup>1</sup> These rulings take full cognizance of the ramifications of the decisions in light of the circumstances of the time. However, in neither case are considerations of the circumstances determining factors in the issuance of the halakhic ruling per se.

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<sup>1</sup>The reference to Reformers is explicit:

וילנע'ס גדול הכותש הצה (רבי'א) והמורה הביקורת מורים את הדם שאל  
 יוצר צדק, יבוא דאסער ע"ס חק המלכות ע"א ממנו ע"ג וסוף בן ע"ב  
 הימנו חלוצי ג'מר י' למוסד ע"א למצוא ביתר כבוד...

On the need for added stringency on account of wide-spread non-observance, cf., also Ettlinger's remarks in a responsum included in Yad ha-Levi, I, Orah Hayyim, no. 42:

וילנע'ס גדול הכותש הצה ... י' לעצור ע"ב ג'מר."

As noted, the entire Reform-Orthodox debate centered on questions of Jewish law. Most significant in this context are Ettlinger's rulings with regard to three major halakhic issues: circumcision, mixed marriages and observance of the "Second Days" of the festivals. Noteworthy is the position taken by Ettlinger with regard to several other halakhic questions including location of the bimah in the synagogue, recitation of kaddish, confirmation and delayed burial, as well as his action in the Hamburg Temple controversy. In addition to noting Ettlinger's personal role in these controversies, an attempt will be made to trace briefly further developments in each instance and to indicate the manner in which current practice in the Orthodox and Reform sectors of the Jewish community reflects the early controversies.

## B. Circumcision

The subject of ritual circumcision became a focal point of bitter controversy between Reform and Orthodox thinkers. Ettlinger was to join in the general debate regarding the overall significance of this rite in the Jewish faith and to take the lead in a far more technical polemic concerning the details of the manner in which specific parts of this rite were to be performed.

### Circumcision as a Ritual

Is membership in the people of Israel determined merely by natural descent or are factors of faith and ritual components of such membership? In 1843, when the Frankfort Verein der Reformfreunde (Society of the Friends of Reform) encouraged its members to abandon the rite of circumcision, this acute question was brought to the fore and it rapidly became the basis of one of the most impassioned confrontations to take place between all groups of traditional and liberal thinkers.

The Frankfort Society epitomized the position of radical Reform. A distinctly lay movement it was composed of a group of liberal thinkers who were actuated by the conviction that great numbers of their fellow Jews required a completely new form of expression for their Jewish commitment.

To their thinking, the rabbinic interpretations of Judaism had no relevance to the conditions of the modern world and must be rejected out of hand. The statement of principles issued by the Frankfort Society contains a more extreme formulation of Reform thought than had been presented by any previous group of Reformers and elicited the sharpest criticism of even a majority of the Reform leadership. In a letter accompanying their declaration of principles the founders of the society explained the reasons for, and aims of, their movement. The pure Mosaic religion, they claimed, was capable of constant development. In their opinion, however, those Mosaic ordinances which were dependent upon the possession of a particular land had ceased to have binding validity. Similarly, whereas the mass of ritual and ceremonial laws developed by Judaism over the centuries may have been necessary in times of exclusion and oppression, such observances had become anachronistic. Moreover, they maintained, the myriad ritual laws had dimmed the essential spirituality of Judaism. In an era of freedom and enlightenment the time had finally come, they declared, for these laws--mere religious externalism--to be eschewed in order that the inner truth of the Jewish religion be freed from encumbrances, encrustations and impurities:

In our day the difference between the inner truth of Judaism and its external form has become especially acute. . . . [Many] have arrived at the conviction that most of the practical commands, the observance of which constitutes the bulk of present-day Judaism, rest on human and temporary premises. They claim rightfully that this external form is for the most part without significance--yes, even unworthy of pure religion. . . . Thus thousands have renounced allegiance to Talmudic rabbinical Judaism and are connected outwardly with the Mosaic religious community only by habit or by the control of the state or by family ties. . . .

Moved by these considerations a number of German Israelites have determined to give expression to their opinions of the present condition of Judaism through a public declaration and to renounce formally their allegiance to all objectionable commands and to all antiquated customs which to all intents and purposes they have rejected long ago.<sup>1</sup>

The gist of the Society's Reform program was contained in its brief declaration of principles: 1) The members of the Society viewed the Mosaic religion as capable of unlimited development. 2) They did not consider the collection of writings designated by the name Talmud to be authoritative either from the dogmatic or the practical standpoint. 3) They did not await the coming of a Messiah who would restore them to their land since they acknowledged no other fatherland than the country in which they were born or to which they belonged according to their civic status.<sup>2</sup>

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<sup>1</sup>Philipson, p. 121.

<sup>2</sup>Ibid., p. 122.



In the preliminary discussions two additional items had been included in the declaration, one statement declaring that the members of the Society did not consider the various ritual and ceremonial laws to have binding force and another statement specifying that they did not recognize circumcision as an obligatory religious rite.

This latter point provoked a tempest of outrage and agitation. Although omitted from the final draft of the declaration, the paragraph regarding circumcision represented the views of most members of the Society. When an instance occurred of a father refusing to have his son circumcised the rabbi of Frankfort, the aged Salomon Abraham Trier<sup>1</sup> sought every means to dissuade the Society from supporting such actions and taking what he deemed to be a revolutionary step that would place them beyond the pale of their co-religionists. Twice Trier submitted official appeals to the city Senate requesting their official intervention in a matter that affected the integrity of Jewish identity. When the Senate categorically refused to intervene Trier appealed to his rabbinical colleagues

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<sup>1</sup>Trier, ed., Rabbinische Gutachten Über die Beschneidung (Frankfort-am-Main, 1844), introduction, p. v, bemoans the conflict that marred his declining years: "And to such a struggle did Divine Providence ordain that I must yet call upon my younger colleagues in the last years of my life."

to issue declarations on the significance of circumcision. In response to his appeal Trier received forty-one communications, twenty-eight of which he proceeded to publish in a volume of rabbinical responsa on circumcision entitled Rabbinische Gutachten Über die Beschneidung.<sup>1</sup>

All of the respondents, not only staunch traditionalists, such as Bamberger, Ettlinger, and Hirsch but representatives of a more moderate viewpoint such as S.D. Luzzatto and S.L. Rapoport and even representatives of the Reform movement such as Samuel Hirsch, were uncompromising in their stand in favor of circumcision. Many of the responsa advocated harsh sanctions in reaction to the Frankfurt recalcitrants. Rapoport, notwithstanding his position as a leading exponent of the Eastern European Haskalah movement, did not hesitate to insist upon the adoption of

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<sup>1</sup>The published responsa were from Rabbis S.R. Hirsch of Emden, N.M. Adler of Hannover, Felsenstein of Hanau, Lazar Horowitz of Vienna, J.A. Ettlinger of Altona, S. Ullmann of Crefeld, Wetzler of Gudensberg, Adler of Oberndorf, Samuel Hirsch of Luxembourg, S.B. Bamberger of Wurzburg, A. Wechsler of Schwabach, H. Aub of Munich, S.D. Luzzatto of Padua, I.N. Mannheimer of Vienna, L. Adler of Kissingen, S.L. Rapoport of Prague, A.A. Wolff of Copenhagen, B.H. Auerbach of Darmstadt, B. Levi of Giessen, J. Bamberger of Worms, A. Sutro of Munster, J. Lowenstein of Gailingen, S. Fürst of Heidelberg, H. Traub of Mannheim, Wassermann of Mühringen, L. Schott of Randegg, J. Mecklenberg of Königsberg and H. Schwarz of Hürben. Trier, Gutachten, xvi, note, includes the names of later respondents and adds, among these, a brief citation from the response of Isaac Bernays.

the same policy as had applied in bygone eras with regard to Saducees and Karaites and to declare, "We must strictly warn our co-religionists not to have any social contacts with the members of this Reform association, and especially not to enter into matrimonial union with them."<sup>1</sup> Luzzatto, in what may be considered one of the more moderate responses, categorically states that all contact with members of the Society must be avoided, that they are to be relieved of administrative posts in the Jewish community, that they may not contribute to communal taxes, be counted in the quorum of worshippers or be given any religious honor during religious services and that they must be buried in a section of the cemetery separate from the remainder of the community.<sup>2</sup>

Ettlinger's response, dated 24 Ab, 5603 (August 20, 1843), is succinct and pointed, moderate in expression yet forceful and uncompromising in view. In his brief statement Ettlinger moves beyond a defense of the rite of circumcision to an analysis of what constitutes religious apostasy.

The position of the Reform Society is so radical, Ettlinger contends, that a rebuttal is virtually superfluous.

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<sup>1</sup>The translation is cited in Plaut, Rise, p. 52.

<sup>2</sup>Cited ibid., p. 208.

Ettlinger asserts that the views expressed by the Frankfort Society are utterly paradoxical as an expression of authentic Jewish thought. Their divergence from normative Judaism is absolute. "To anyone who is unbiased it must be evident that this viewpoint is one of defection, falsehood and apostasy."<sup>1</sup> Reacting to the Society's position with regard to the abrogation of the ritual laws, Ettlinger goes on to state that knowledgeable Jews are well aware of the fact that religious laws which are contingent upon time and circumstance have been explicitly formulated in such a manner as to indicate clearly any limitation in their applicability. Laws not specifically restricted apply to Jews in all times, lands and circumstances. Citing Scriptural references (Genesis, Chapter 17 and Leviticus, Chapter 12), Ettlinger demonstrates the eternally binding character of the law of circumcision. He declares that all Jews acknowledge that the law of circumcision was ordained by God for Abraham and his descendants as an eternal sign of the Covenant. To reemphasize its significance to all succeeding generations of Israel, this law was briefly reiterated to Moses at Sinai.

Responding to the third principle enumerated in the declaration, Ettlinger adopts a novel tactic, arguing, in effect, that the Reformers have not simply departed from the teachings of Judaism but have renounced a fundamental tenet held in common by all

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<sup>1</sup>Gutachten, p. 35.

profess religious belief. He contends that there is a Scriptural basis for the belief in a personal Messiah. This belief, Ettlinger adds, constitutes a fundamental principle of Christianity as well. The beliefs which the Frankfort Society undermines being central to both these major religions, the Society itself must accordingly be regarded as inimical to the cause of religion in general.

Ettlinger then moves to a general definition of apostasy and expresses his conviction that it is a moral obligation to expose heresy when it masquerades as religious truth:

Whoever presumes to investigate the purpose of the commands in order to determine the degree of their applicability according to time and circumstances denies the Divine origin of the Commandments, denies Revelation; for who among mortals may venture to determine the purposes of the commandments which emanated from infinite Divine wisdom? Whoever denies Revelation, and still for appearances sake, mouths the word 'religion' is able to comprehend under this term only the dangerous so-called Religion of Reason as a result of which, were it to come into power, all political relationships would be shaken and in whose jaws both Judaism and Christianity would be swallowed. As little as we are justified in troubling ourselves over the behavior of individual transgressors and investigating whether their actions were grounded on faulty premises or indiscretion, it is however very much indeed an obligation [devolving] in particular upon Israel's teachers in those places where falsehood is emboldened to conceal its activities under the hypocritical cloak of legality to tear this [cloak] off in order that the wolf



Ultimately it is history, Ettlinger emphasizes in his final remarks, which will testify to the abiding validity of the commandments. "Judaism itself, as it has endured in a homogeneous manner for thousands of years in all parts of the civilized world bears witness to the inviolability of its content and structure."<sup>1</sup> It is remarkable, that it is this argument from history rather than the argument from religion which was to be the determining factor in the controversy over circumcision.

Following Trier's publication of the Gutachten the agitation concerning circumcision continued unabated. Two outstanding Reform spokesmen and theorists aligned themselves in opposition to circumcision. In a private communication to Zunz Abraham Geiger expressed his disapproval of the rash procedure of the Reform Society but stated his sympathy with their viewpoint. Despite the fact that religious sentiment clung tenaciously to circumcision, he, himself, could not but view it as "a barbarous bloody act . . . ; the sacrificial idea which invested the act with sanctity in former days has no significance for us."<sup>2</sup> Even Geiger, however, did not express himself

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<sup>1</sup>Loc. cit.

<sup>2</sup>Abraham Geiger, Nachgelassene Schriften, ed. Ludwig Geiger (Breslau, 1878), V, 182-183.

publicly on this matter. It remained to Samuel Holdheim, one of the most fearless and forthright of the early Reformers, to express the case for radical Reform in a controversial pamphlet issued in 1844 entitled Über die Beschneidung in religiös-dogmatischer Beziehung (Schwerin and Berlin, 1844). Although at this point in the development of his theological position Holdheim still regarded circumcision as one of the eternally binding precepts<sup>1</sup> Holdheim contended that circumcision was the sign of theocratic nationalism in Judaism not of the religious and ethical covenant. Moreover, since according to Jewish law it is birth not circumcision that determines who is a Jew, both the father who failed to circumcise his son and the son who was not circumcised must be considered Jews. He was, therefore, adamantly opposed to any exercise of expulsion on the part of religious authorities. In his opinion it was essential that freedom of conscience be preserved and that the rabbi and the community serve only as guides and educators exercising no powers of coercion.

Four years later, Holdheim restated this position emphatically and in much more extreme terms in an answer to questions addressed to him by a Reform society in Arad,

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<sup>1</sup>Immanuel Ritter, "Samuel Holdheim: The Jewish Reformer," Jewish Quarterly Review, I (1889), 210.



Hungary. In this rejoinder Holdheim did not merely declare circumcision to be non-obligatory or non-essential. In no uncertain terms he advocated its abrogation in the interests of a broadened, enlightened faith. The theocratic idea underlying conversion was based, he declared, on the concept of a special covenant of love excluding the nations and circumcision was the sign of this particularistic covenant. The idea of such an exclusive covenant had ceased to be a religious truth, he argued, and therefore

. . . protest must be lodged against circumcision, the expression of an outlived idea. . . . The Jew today believes by no manner of means that he through the accident of his descent from Abraham stands in a close special relationship to God and that he is obligated to give physical evidence of this closer relationship by a sign in the flesh. I am opposed to circumcision on principle and declare every Jew who confides in my religious insight and conscientiousness absolved from all obligation in this matter. Yes, I declare every Jew who neglects to have his son circumcised because of his larger belief to be a true and complete Jew.<sup>1</sup>

Inherent in the position espoused by Geiger and Holdheim and the members of the Frankfort Society was a challenge to the very core of Jewish religious and historic consciousness. Few of their Reform colleagues followed this extreme position. Of interest is a response of Zunz which is unreserved in condemnation of those who wished to

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<sup>1</sup>Cited in Philipson, p. 280.

abolish circumcision: "Got forbid that we should tamper with this precept, which was in past times and is still at the present day, revered as sacred by the whole Jewish people. Who will dare abrogate with impunity this holy rite?"<sup>1</sup> Indeed, although vast numbers of German Jews endorsed all manner of religious Reform, abolition of circumcision was a step most of them were unable to take. In seeking to abrogate this essential Jewish rite the Frankfort Society had overstepped the bounds. The Society itself failed as a practical organization largely because it had become identified in the public mind with agitation against circumcision.<sup>2</sup>

The status of the rite of circumcision was a question which was raised repeatedly at Reform conferences. The Augsburg Synod in 1871 expressed a typical Reform position in declaring that whereas an uncircumcised boy born of a Jewish mother was still to be regarded as a Jew and to be treated accordingly in all ritual matters nonetheless the Synod itself records that it "premises without any reservation the supreme importance of circumcision in Judaism."<sup>3</sup> Similarly guidelines for a program of

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<sup>1</sup>Ibid., p. 455, note 92.

<sup>2</sup>Ibid., p. 131.

<sup>3</sup>Plaut, Rise, p. 211.

Liberal Judaism, drawn up in Posen in 1912 and representing the platform of twentieth-century German Reform, noted that circumcision is considered a sacred institution by Liberal Jews.<sup>1</sup>

It is interesting that Geiger privately expressed the hope that a new sign or rite might be found to replace circumcision in the religious life of the Jew.<sup>2</sup> In more recent times the idea of evolving a new ritual of initiation into the Jewish community has also been advanced by Mordecai M. Kaplan.<sup>3</sup> However, no newly conceived rite of covenant has ever been adopted and the ancient rite of circumcision remains the only universally accepted Jewish sign of initiation. This rite retains a historical and almost mystical hold over the Jewish people that is perhaps best expressed in the liturgy of the circumcision ritual itself. The ritual describes circumcision as an eternal symbol of sanctification unto the Lord who "has set His statute in his flesh and sealed his offspring with the sign of the holy covenant . . . And it is said He hath remembered His covenant for ever, the word which He commanded to a thousand

<sup>1</sup>Plaut, Growth, p. 70.

<sup>2</sup>Nachgelassene Schriften, V, 202-203.

<sup>3</sup>"Toward the Formulation of Guiding Principles for the Conservative Movement." Tradition and Change, ed. Mordecai M. Waxman (New York, 1958), pp. 304-306.

generations . . . unto Israel for an everlasting covenant."

Circumcision as a sign of the covenant is historically and culturally a fundamental Jewish symbol far too deeply ingrained to be easily abandoned. Ettlinger's argument from history appears to have prevailed.

### Mode of Performance

Whereas, as has been noted, Ettlinger's opinion in the basic controversy with regard to the obligatory nature of circumcision reflected the views of the consensus of rabbinic leaders of the time, he was to become embroiled in a drawn-out dispute about specific technical aspects of this ritual in which far less unanimity was achieved. In this context the rulings Ettlinger issued are of major significance in the development of Orthodox attitudes toward complex facets of the halakhah of circumcision.

The laws of circumcision derive from a number of Biblical passages<sup>1</sup> as well as allusions in the Prophets and Hagiographa<sup>2</sup> and are outlined in the Mishnah Shabbat

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<sup>1</sup>The original commandment to Abraham is recorded in Genesis 17:1-14 and 23-27. Vide also Genesis 21:4; Genesis 21:8; Genesis 34:14-25; Genesis 50:23; Exodus 4:24-26; Exodus 12:44; Exodus 12:48; Exodus 32:37; Numbers 23:10; and Numbers 24:11-12.

<sup>2</sup>Joshua 52:28; Judges 14:3; Samuel I, 17:26; Kings I, 19:10; Jeremiah 9:24; Jeremiah 33:25; Ezekiel 16:6; Psalms 65:5; Psalms 105:8; Psalms 119:162; Psalms 119:165; Psalms 119:166; Psalms 148:6; Nehemiah 9:8.

19:2. Traditionally, the operation of circumcision consists of three distinct acts already mentioned in the Talmud: (1) milah, the excision (hittukh) of the thick foreskin; (2) peri'ah, removal of the mucous membrane covering the glans and its retraction in order to uncover the corona; (3) metzitzah, suction of the blood from the wound and from the vessels flowing into the wound.

It appears that circumcision was performed in the same manner without objection or interference from laymen or physicians up to the nineteenth century. At this time opposition to aspects of the ritual was advanced primarily on the basis of hygienic reasons. Many medical men wished to modify--if not abolish--peri'ah and metzitzah, maintaining that the traditional methods involved danger of infection.<sup>1</sup> The Consistorium in Paris issued a decision in 1843 discarding metzitzah entirely and resolutions were passed at the Reform Conferences in Brunswick (1844), Frankfurt (1845) and Breslau (1846) against both peri'ah and metzitzah. These actions in turn called forth the vigorous protest of Orthodox spokesmen. Numerous pamphlets, declarations and responsa were issued denying that there was in fact medical danger involved in these procedures, delineating

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<sup>1</sup>H.J. Zimmels, Magicians, Theologians and Doctors (London, 1952), pp. 159 and 163-164.

the halakhic rulings pertaining to circumcision and clarifying which aspects of that ritual, if any, might indeed be modified while maintaining strict adherence to the law. One of the leading figures in the Orthodox counter-debate was Jacob Ettlinger.

The issues involved basically concerned three technical questions: (a) May peri'ah be performed otherwise than with the fingernail? b) May metzitzah be omitted? c) If metzitzah is mandatory, may it be performed by means of a glass tube, a gauze pad, or some similar device?

a) Peri'ah. According to the Mishnah, tearing of the mucosa, peri'ah, is an indispensable part of the circumcision rite. If one neglects to perform peri'ah it is "as if he had not carried out the circumcision."<sup>1</sup> In their codifications, Maimonides and others describe peri'ah as being performed with the fingernail. The question is whether they are simply describing the usual procedure or whether incorporation of the term "fingernail" in their codification of the halakhah was intended as a specification that peri'ah must necessarily be performed with the fingernail. Some authorities claimed that a surgical instrument might be used for this procedure and that the use

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<sup>1</sup>Shabbat 19:4.

of the fingernail merely reflected prevalent usage of a former age.<sup>1</sup>

In the last one hundred and fifty years there has been vigorous debate for and against the replacement of the fingernail by instruments. Following the enactment of a law by the Consistorium in France forbidding the use of the fingernail for peri'ah,<sup>2</sup> a rash of defamatory accusations appeared regarding the medical dangers inherent in the traditional practice of peri'ah.

Responding to the agitation regarding this matter, Ettlinger issued a strong ruling against the use of instruments for peri'ah. His responsum, dated 1855 and addressed to his son-in-law, Rabbi Solomon Cohn, appeared originally in the Shomer Zion ha-Ne'eman, no. 218, and was subsequently published in Binyan Zion, no. 88. Ettlinger quotes the Midrashic source, Yalkut Tehillim, no. 723, on the verse, "All my bones shall declare O Lord who is like unto Thee" (Psalms 35:10). The Midrash comments: "Said David--I praise Thee with all my limbs to fulfill the commandments with them--the fingernails to perform peri'ah and melikah,"<sup>3</sup>

<sup>1</sup>Immanuel Jakobovits, Jewish Medical Ethics (New York, 1967), p. 194.

<sup>2</sup>Ibid., p. 338, note 28.

<sup>3</sup>"Melikah" is the act of "pinching off" the head of the sacrificial bird as ordained in Leviticus 1:15 and 5:8.

and the thumb to gaze upon the light during the havdalah<sup>1</sup> ceremony." Ettlinger apparently views the Midrash as establishing a rabbinic ordinance (takkanah) requiring the use of the fingernail for peri'ah. He further speculates that use of the fingernail may be a Biblical requirement. Ettlinger avers that the mode of performance of many mitzvot is not clearly spelled out in Scripture but was received orally by Moses (halakhah le-Moshe mi-Sinai) and transmitted from generation to generation. He cites as an example use of the etrog to the exclusion of other fruits for the performance of the commandment, "And you shall take you on the first day the fruit of goodly trees" (Leviticus 23:40), the identification of which is known to us only on the basis of the oral tradition going back to Moses. Similarly, argues Ettlinger, the mode of performing peri'ah has been transmitted from generation to generation and since in previous generations it was invariably performed by use of the fingernail such use may well have been incorporated in the mitzvah itself as it was originally given to Moses. At the very minimum, argues Ettlinger, the use of the fingernail for peri'ah by generations of Jews has established this usage as a hallowed custom (minhag) which cannot be abrogated.

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<sup>1</sup>Ceremony marking the conclusion of the Sabbath.



Ettlinger concludes his responsum by ruling that in normal cases a practitioner using an instrument is to be disqualified but nonetheless he permits such a practitioner to perform the circumcision in the event that no other circumciser is to be found.

A generation later, David Zevi Hoffmann, Melammed le-Ho'il, Yoreh De'ah (Frankfort am-Main, 1927), no. 81, ruled in favor of the use of the fingernail, basing himself entirely on the views of Ettlinger. Mentioning Ettlinger's precedent both C.E. Schapiro in his compendium on circumcision, Ot Hayyim ve-Shalom (Beregsas, 1921), p. 283 and Judah Meir Schapiro in his responsa, Or ha-Me'ir (Pietrokow, 1926), I, no. 58, emphatically endorse use of the fingernail.

Many recognized authorities do however permit peri'ah to be performed with the use of an instrument. Several scholars indicate a preference for use of the fingernail on the basis of kabbalistic sources but do not regard use of the nail as mandatory.<sup>1</sup> In the twentieth century the halakhic question has been complicated by the introduction on the part of some practitioners of hemostats which are inserted horizontally between the mucous

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<sup>1</sup>Vide sources enumerated in Moshe Bunim Pirutinsky, Sefer ha-Berit (New York, 1972), pp. 183-184.

membrane and the glans clamping the membrane and the foreskin together. The foreskin and membrane are then both severed with a single incision. The halakhic question is a two-fold one: a) Performance of peri'ah other than by means of the fingernail and b) simultaneous performance of milah and peri'ah rather than performance of peri'ah subsequent to completion of the milah. The matter has generated much discussion.<sup>1</sup> The use of a hemostat--not to be confused with the various clamps and devices such as the Gumco clamp and Magen<sup>2</sup>--has received rabbinic approval.<sup>3</sup> Nonetheless, to this very day, many Orthodox practitioners follow the traditional practice of using the fingernail for purposes of peri'ah.

b) Metzitzah. The controversy regarding metzitzah--suction of the wound--was more widespread and engendered a great deal of bitterness. The Talmud, Shabbat 133b, stipulates the need for suction and states that there is danger if it is omitted but fails to indicate explicitly that the act must be done by mouth. Maimonides, Mishneh Torah, Hilkhoh Milah 2:2 and Karo, Shulhan Arukh, Yoreh De'ah, Hilkhoh Milah 264:3, include a description of metzitzah but also make no reference to performance of the

<sup>1</sup>Ibid., pp. 206-213.

<sup>2</sup>Ha-Pardes, XXV, no. 5 (1955), p. 31; Cf., a pamphlet by Isaac B. Lefkovits, An Analytical Discussion Regarding the Gumco Clamp (New York, 1953).

<sup>3</sup>Pirutinsky, loc. cit.

act by mouth. Karo specifies that "one sucks the membrane until the blood is extracted from the [more] remote places so that no danger [to the infant] may ensue; and any circumciser who does not carry out the sucking procedure is to be removed [from his office]. After sucking [the wound] one places on it a compress or a plaster or some medicinal powder to stop the bleeding."

Separate manuals dealing with circumcision date from the first half of the thirteenth century.<sup>1</sup> The classic Zikhron Berit la-Rishonim emphasizes that metzitzah is required for medical reasons to prevent danger to the child and describes direct oral suction as the method in which this act is to be performed.<sup>2</sup> Subsequent references over the centuries describe metzitzah as performed by direct oral suction.<sup>3</sup>

In the nineteenth century the practice of traditional metzitzah was seriously challenged. The most common argument advanced was that the physical contact between the practitioner and the patient exposed both to danger of infection. Following allegations that the practice of

<sup>1</sup>Zimmels, p. 158.

<sup>2</sup>Jacob and Gershom Hagozer, ed. J. Glassberg (Berlin, 1892), pp. 20 and 116.

<sup>3</sup>For example, Jacob Emden, Migdal Oz (Berditchev, 1836), Part I, chap. 9b, section 3 and David b. Samuel Halevi, Trei Zahav, commentary on Shulchan Arukh, Orah Hayyim, 584:4.

metzitzah had indeed led to fatalities several civil authorities and many members of the Reform clergy banned the act.<sup>1</sup>

The opposition to the movement to abrogate the practice of metzitzah was organized and led by Ettlinger upon whose opinions most of those who argued for retention of metzitzah based their arguments. Ettlinger published his views in the Shomer Zion ha-Ne'eman, nos. 5 and 12 and subsequently reprinted these responsa as nos. 23 and 24 of his Binyan Zion. Ettlinger's principal thesis is that the Hebrew term "metzitzah" denotes the act of suction. He demonstrates, on the basis of Hebrew grammar, that the root of "metzitzah" is "matzatz"--to suck or draw. This should not be confused, he argues, with the term "mitz" meaning to squeeze or to press. Accordingly, by definition, metzitzah implies the act of suction. Pressure of a gauze pad on the wound does not constitute an act of metzitzah and such an act may therefore not be substituted for suction.

Ettlinger speaks of suction as meaning by implication oral suction. He claims that the reference in Maimonides' code is obviously to oral suction. To draw blood from

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<sup>1</sup>Aaron Friedenwald, "Circumcision--in Medicine," Jewish Encyclopedia (New York, 1906), IV, 100; Jakobovits, Medical Ethics, p. 338, notes 36 and 37.

"distant places" it is necessary to use the drawing power of suction; it would not be feasible to do so by pressure exerted by the hand. With reference to an allegation that Hatam Sofer had permitted use of a gauze pad applied by hand for purposes of metzitzah, Ettlinger responds that were Hatam Sofer yet alive he would challenge the latter authority to find at least one Scriptural or rabbinic usage of the term metzitzah other than to denote drawing or sucking. In the absence of such evidence, Ettlinger re-asserts his conviction that metzitzah must be interpreted as suction.<sup>1</sup>

Addressing himself to the medical question of the necessity for metzitzah as a therapeutic measure Ettlinger points out that in certain instances Halakhah does not take cognizance of contemporary scientific assumptions. Ettlinger draws attention to many provisions of Halakhah which are seemingly predicated upon considerations which are contraindicated by empirical evidence. He argues simply that the entire fabric of Halakhah would be unravelled

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<sup>1</sup>The opinion of Rabbi Moses Schreiber on this matter is not included in his own responsa collection. The text of a letter on the subject written by Hatam Sofer is to be found in Eliezer Hurwitz, Kokhavei Yitzhak (Vienna, 1847), I, 41. Rabbi Moses Schick, Teshuvot Maharam Schick, Orah Hayyim, no. 152, claims that this ruling of Hatam Sofer was intended only as a "hora'at sha'ah," an ad hoc dispensation, and not as a blanket permission.

were one to restructure the legal rulings in accordance with each of these discrepancies. In references to the specific case of metzitzah he points out that quite possibly the Sages may have recognized the presence of a medical danger, albeit in a very minute number of cases, even though modern physicians are unaware of such danger.

Furthermore, Ettlinger points out, the original reference to metzitzah in the Mishnah, Shabbat 19:2, makes no mention of the purpose served by metzitzah. The notion of metzitzah as a therapeutic measure is found for the first time in a statement by Rav Papa quoted in the Gemara, Shabbat 133b. Ettlinger argues that Rav Papa's statement is not necessarily exhaustive with regard to the rationale underlying the ordinance of metzitzah. Accordingly, metzitzah must be performed even if it were to be demonstrably shown that this procedure had no medical efficacy.

Ettlinger views metzitzah as a rabbinic edict (takkanah) of ancient origin which may indeed have originated in the days of Moses.<sup>1</sup> He does not consider metzitzah to be an intrinsic part of the circumcision ritual per se and professes never to have heard of any authority who

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<sup>1</sup>BZ, no. 24, "Without a doubt it was ordained in antiquity and possibly it was ordained by Moses our teacher, when he commanded Israel concerning circumcision."



bearing on the halakhic details of the ritual itself. Advocacy of such improvements rather than an approach of censure and vilification constitute Ettlinger's response to the pressures of the Liberal party. Accordingly, he emphasizes that hygienic safeguards are mandatory "so that in this manner the complaints of the opponents will be obviated."<sup>1</sup>

As part of the campaign to maintain traditional metzitzah Ettlinger continued to use the forum of the Shomer Zion ha-Ne'eman to publish additional responsa on the subject written by his colleagues. A discussion by Abraham Ulman of Lackenbach analyzing the reasons why a gauze pad is unacceptable for metzitzah appeared in nos. 20 and 21 of the journal. Issue no. 20 also contains a further discussion by Gabriel Reik of some of the sources for metzitzah. Of particular importance is the unequivocal responsum in support of traditional metzitzah authored by Abraham Benjamin Wolf Hamburger of Fürth.<sup>2</sup> and by Abraham Wechsler of Schwabach included in no. 38 of the Shomer Zion ha-Ne'eman. Issues 93-98 of the journal feature a lengthy responsum by Rabbi Benjamin Ze'ev Löw dealing with aspects of the metzitzah question and negating any innovation in the traditional procedure.

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<sup>1</sup>BZ, loc. cit.

<sup>2</sup>A noted Talmudic scholar, Hamburger was head of the yeshivah of Fürth and was the author, among other works, of Simlat Binyamin (Fürth, 1840-41), consisting of responsa on Orah Hayyim and Yoreh De'ah. A section of Simlat Binyamin, entitled Nahalat Binyamin, deals at length with the laws of circumcision.



Throughout the years 1846 and 1847 the battle for metzitzah was fought, as well, in the pages of the Zionswächter.<sup>1</sup> Most significant was the attempt to enlist medical and scientific authorities in the defense of the procedure. Statements strongly endorsing traditional metzitzah were issued by four prominent members of the medical faculty of the University of Wurzburg and reprinted in the Zionswächter.<sup>2</sup> These authorities, Professors Textor, Munz, Narr and Dr. Laubreis, unequivocally state that metzitzah is harmful neither to the patient nor to the practitioner; to the contrary the practice has definite therapeutic value. Munz adds that the moderate suction of blood involved in metzitzah prevents inflammation and other complications which might arise were a different procedure to be utilized. Metzitzah, he declares, is to be recommended as a method that is "not only harmless but most salutary."<sup>3</sup>

These medical reports were reprinted by Benjamin Zevi Auerbach in his Berit Avraham, a compendium that became

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<sup>1</sup>II, 285-290, 393-399, 400-404 and 409-410. Vide also news articles in III, 136, 414 and 424. An editorial note in II, 285 refers the reader to SZN, for Ettlinger's halakhic discussion of metzitzah. Questions relating to the laws of peri'ah are discussed in TZW, II, 333-334 and 377-378.

<sup>2</sup>III, 417-418.

<sup>3</sup>Ibid., p. 418.

a standard handbook on circumcision.<sup>1</sup> The Hungarian halakhic authority, Moses Schick, who followed Ettlinger in an emphatic affirmation of metzitzah, referred his interlocutors to the medical testimonials published in the Zionswächter, adding that his own experience as a practitioner of milah for over forty years confirmed these views.<sup>2</sup> Since the battle against metzitzah was, on the surface, an issue based on questions of hygiene, the medical evidence disseminated by the press was of supreme importance to Ettlinger's camp.

Virtually all Orthodox authorities conceded that total abrogation of metzitzah could not be sanctioned. However, in the years that followed great controversy developed concerning the possibility of finding a substitute for direct oral suction. This change was advocated by many rabbis within the Orthodox camp itself. The new awareness on the part of many of the dangers of communicable disease gave impetus to a search for alternative methods of performing metzitzah, even among those who would not entertain the notion of abolition of this procedure.

As noted by Ettlinger in his response to the position of Hatam Sofer, some practitioners began to perform

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<sup>1</sup>Frankfort-am-Main, 1880, pp. 139-140.

<sup>2</sup>Teshuvot Maharam Schick, Orah Hayyim, no. 152, and Yoreh De'ah, no. 244.

metzitzah by simply pressing a gauze pad or cotton swab against the open wound. More in keeping with the concept of oral suction was the practice of other circumcisers who began to utilize new appliances specially invented for use in metzitzah. Particularly popular was a glass cylindrical tube designed by Rabbi Dr. Michael Cahn of Fulda in the late nineteenth century. The latter device received the approbation of numerous respected halakhic authorities. Both Samson Raphael Hirsch and Ezriel Hildesheimer, Ettlinger's disciples, sanctioned use of this glass tube. One should bear in mind the fact that Ettlinger does not discuss the feasibility of using a glass tube, a usage which does not violate the notion of performance of metzitzah by suction. Ettlinger makes no reference to this specific device in his responsa and presumably had not seen it.<sup>1</sup>

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<sup>1</sup> Sinai Schiffer, Kuntres Mitzvat ha-Metzitzah, trans. into Hebrew by Sinai Adler and printed in Sinai Adler, Devar Sinai (Jerusalem, 1966), pp. 102-103. Turk, Perspective, I, 60, who expresses astonishment at the position taken by Hildesheimer, fails to note this crucial point.

A responsum by Samson Raphael Hirsch regarding the question of metzitzah appeared in Nachalath Z'vi, II (1931-1932), 192 and has been reprinted in Shamshon Raphael Hirsch, Mishnato ve-Shittato, pp. 345-348. Writing in 1886, Hirsch endorsed Ettlinger's views regarding oral suction:

כ"י יצא ענין זה בקרבנו אמרנו הנאמן המלך' עקב  
 "ולקח גזע עמו" וזהו אלא שיש בו חסד ואין  
 או אלא שיש בו חסד ואין חסד ואין חסד ואין חסד  
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The controversy regarding the permissibility and advisability of innovation in the performance of metzitzah brought about a sharp division within Orthodoxy. On one side the retentionists aligned themselves in a vociferous plea for recognition of direct oral suction as the only acceptable manner in which metzitzah might be performed.<sup>1</sup> On the other hand, a large number of Orthodox authorities favored use of the glass cylinder but were adamantly opposed to use of a gauze pad for metzitzah and made a public

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Jeschurun, XXI, no. 46 (1888), 723-726 featured an article entitled "Die Vornahme der Mezizah mittelst einer Glasröhre," containing a description of the glass tube, instructions for its use, medical testimonials and the halakhic endorsements of S.R. Hirsch, Ezriel Hildesheimer and Isaac Elchanan Spektor of Kovno. The statement signed by Hirsch and Hildesheimer specifically notes that metzitzah by means of the glass tube constitutes oral suction and has sufficient drawing power "to draw the blood from distant places."

Hildesheimer's endorsement of the glass tube was also recorded in a letter written by him to Rabbi S.M. Laizerowitz of London in which Hildesheimer indicated his fear of the possibility of infection inherent in direct oral suction. Vide K.D. Kaplin, "A Letter of Rabbi Azriel Hildesheimer on Circumcision with an Introductory Note," Ha-Darom, no. 36, pp. 66-67.

<sup>1</sup> Chaim Medini, Sedei Hemed, VIII, 236-280, lists a vast array of authorities who rule in favor of direct oral suction. Vide also Y.M. Epstein, 'Arukh ha-Shulhan, Yoreh De'ah Hilkhos Milah 261:5, 265:16 and 266:5.

issue of the matter.<sup>1</sup>

At the present time Orthodox practitioners continue to insist on metzitzah as part of ritual circumcision. In practice there remains a great deal of divergence with regard to the manner of performance of metzitzah. The authoritative Mishnah Berurah, Hilkhos Shabbat 331:1 and Bi'ur Halakhah, loc. cit., sanctions the use of a gauze pad or cotton swab. Other devices recently suggested include the use of a manually operated rubber bulb attached to a glass cylinder and oral suction with the interposition of a sterile gauze pad.<sup>2</sup> Currently the glass cylinder is still in use among many circumcisers; its usage was permitted and even advocated by both Rabbis A.I. Kook<sup>3</sup> and I.H. Herzog.<sup>4</sup>

Several contemporary circumcisers are still engaged in a modest campaign in favor of mechanical methods of suction. They argue that such methods are as effective as metzitzah by mouth, yet are more in conformity with the

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<sup>1</sup>Vide Schiffer, pp. 107-108 who lists the numerous rabbis who signed a petition to this effect.

<sup>2</sup>Jacob Levi, "Ha-Metzitzah be-Peh le-Or ha-Refuah," No'am, IX (1966), 285-301.

<sup>3</sup>Da'at Kohen (Jerusalem, 1942), Yoreh De'ah, no. 142.

<sup>4</sup>Cited in Bernard Homa, Metzitzah (London, 1960).

demands of hygiene and as a consequence are closest in spirit to the true intent of metzitzah which is the prevention of harm or medical danger to the infant.<sup>1</sup> Nevertheless, there remains a large group within Orthodox circles who continue to opt in favor of direct oral suction on the basis of both kabbalistic and halakhic considerations.<sup>2</sup>

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<sup>1</sup>Yehudi Pesach Shields, "The Making of Metzitzah--1972," Tradition, XIII (Summer, 1972), 36-48.

<sup>2</sup>Jakobovits, Medical Ethics, p. 196.

### C. Intermarriage

One of the most fundamental issues of contention between Reform and Orthodox rabbis was the question of intermarriage. This question had aroused heated public debate as early as 1806 when it was included by Napoleon as the third of the twelve questions presented to the Assembly of Notables. The deliberations of the Assembly were designed to assure unequivocal Jewish loyalty to the state.

The Jews wished to answer all twelve questions in a satisfactory manner. However, the question regarding intermarriage created complications for the rabbis were in conscience bound to oppose marriages outside the Jewish faith. Accordingly, the query as to whether a Jew might marry a non-Jew or whether Jewish law permitted marriage between Jews only was answered in an evasive manner. The Notables declared that the Bible forbade marriages with heathen peoples but since French Christians were not heathen the Biblical prohibition did not apply to contemporary France.

The Sanhedrin summoned by Napoleon endorsed the positions taken by the Assembly of Notables on nearly every issue. Since it ruled that civil tribunals had priority over religious tribunals the Sanhedrin was able to evade a direct theological endorsement of intermarriage. The

Sanhedrin declared that mixed marriages were valid from the civil standpoint and that although they might not be capable of receiving religious sanction they should not be subject to religious proscription.<sup>1</sup>

The general effect of the Sanhedrin was to divest Jewish identification of all but its narrowest religious connotation and to grant broad national and cultural considerations priority over Jewish allegiances. In this sense the Paris Sanhedrin exerted a far-reaching influence on the development of the early Reform movement.<sup>2</sup> The agenda of the first Reform Conference included a reconsideration of the very questions which had been addressed to the French Notables and Sanhedrin. With regard to the question of intermarriage the Brunswick Conference moved beyond the position taken by the Assembly of Notables and the majority of Reform rabbis present passed a motion to the effect that "members of monotheistic religions in general are not forbidden to marry if the parents are permitted by the laws of the state to bring up children from such wedlock in the Jewish religion."<sup>3</sup>

<sup>1</sup>Howard Morley Sachar, The Course of Modern Jewish History (Cambridge and New York, 1958), pp. 60-63; Plaut, Rise, p. 73.

<sup>2</sup>Sachar, pp. 63 and 148. Vide also Leopold Löw, Gesammelte Schriften (Szegedin, 1893), III, 108-163.

<sup>3</sup>Plaut, Rise, p. 222. No definitive statement was issued regarding this matter at the Augsburg Synod of 1871.



After 1848 as a result of the new conditions of freedom questions regarding intermarriage assumed added importance. Now the issue was no longer a theoretical one. As legal impediments were removed Reform rabbis had the opportunity to perform mixed marriages. In 1849, Samuel Holdheim was able to overcome legal difficulties and officiate at a mixed wedding of a Leipzig couple that was unable to marry under Saxon law and B. Wechsler encountered no difficulty when he officiated at a mixed marriage ceremony in Oldenburg. The Ministry of Cults of Denmark granted formal legalization to mixed marriages with the provision that offspring be reared in the Lutheran faith. Mixed marriages were permitted in Hamburg, the civil authorities requesting an advance declaration by the prospective parents as to the choice of religion for their children but permitting a subsequent change of mind.<sup>1</sup>

Orthodox apokesmen had been unanimous in condemning intermarriage. The new developments necessitated a reiteration of their official position in particular with regard to the status of progeny of mixed marriages. A definitive and unequivocal statement was issued by Ettlinger and printed in the Zionswächter of June 28, 1850.<sup>2</sup> Delineating the halakhic status of A suggestion endorsing the position adopted at the Brunswick Conference was deferred to a later date. Philipson, pp. 317-318.

<sup>1</sup>Salo W. Baron, "Aspects of the Jewish Communal Crisis in 1848," Jewish Social Studies, XIV (1952), 116-117.

<sup>2</sup>"Gutachten des Herrn Oberrabbiner Ettlinger in Altona über die religionsgesetzliche Wirkung der Mischehe," TZW, VI, 207. Cf., Orient, XI (1850), 171.

mixed marriages and of the children of such unions, Ettlinger declared that:

1) Jewish law recognizes as legal and permissible only a marriage contracted between a Jewish man and a Jewish woman or between a non-Jewish man and a non-Jewish woman.<sup>1</sup> A marriage between a Jew and a non-Jew is halakhically invalid.

2) According to Jewish law, the religion of children of mixed marriages is determined by the mother. Children of a Jewish mother are considered Jewish even if the father be a non-Jew. This is a fact of law that is not subject to change by parental stipulation. Children born of a non-Jewish mother are considered to be non-Jews even if the father be Jewish. In the event that male issue of the union of a Jewish father and a non-Jewish mother have undergone circumcision, they are not recognized as Jews unless they have undergone formal conversion. Conversion of the non-Jewish mother following the birth of the child does not alter the non-Jewish status of the previous offspring.

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<sup>1</sup>Halakhah recognizes the exclusivity of permanent conjugal relationships between non-Jews and deems their violation to constitute adultery. While such relationships are not deemed to be sacramental in nature as is matrimony among Jews their status is recognized by Halakhah as being roughly equivalent to a common law marriage. Vide Sanhedrin 57b; Maimonides, Mishneh Torah, Hilkhoh Melakhim 9:7 and *ibid.*, Hilkhoh Ishut 1:1.

3) Judaism recognizes no distinction between children born in or out of wedlock with regard to the mutual rights and obligations of parents and children. Children of mixed marriages, regardless of sex, are, however, recognized only as children of the mother, not of the father. Halakhah regards the children of such unions as having no blood relationships whatsoever with the father, even if the father were to convert to Judaism subsequent to their birth.

Ettlinger's statement contained no innovative interpretation but merely synopsized the halakhic rulings recorded in the Talmud and the various codes.<sup>1</sup> Similar rulings were issued by other prominent Orthodox authorities.<sup>2</sup> Ettlinger's emphasis on the status of the children born of such unions reflects his reaction to the position formulated by many Reformers to the effect that mixed marriages were valid but that it was necessary for the rabbi performing such a

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<sup>1</sup>Avodah Zarah 36b; Rambam, Mishneh Torah, Hilkhos Issurei Bi'ah, 12:1 and 7; Shulhan 'Arukh, Even ha-Ezer 16: 1-2.

<sup>2</sup>Baron, ibid., p. 117. Zevi Hirsch Chajes, Minhat Kena'ot, Kuntres Aharon in Kol Kitvei Maharitz Chajes (Jerusalem, 1958), II, 1032-1036. Vide also the statement signed by 133 Orthodox rabbis, Israelit, 1871, pp. 568-569. A responsum on intermarriage authored by Bernays is included in Duckesz, JJLG, V, 321-322.

marriage to stipulate that assurances be made that the children be reared as Jews. Reflected in Ettlinger's responsum is the fact that from the halakhic point of view the latter position is completely untenable since the specifications of Jewish religious law with regard to the status of children born of such unions are clearcut and not subject to parental stipulation or civil adjudication.

It is noteworthy that over fifty years later Ettlinger's ruling with its emphasis on the status of progeny was cited in a public controversy involving similar considerations. During the early years of the twentieth century Dr. Tobias Lewenstein, Orthodox rabbi of Copenhagen, became involved in a serious dispute with regard to intermarriage. It had become customary for the Copenhagen Jewish community to regard the progeny of mixed marriages as Jewish merely on the basis of parental agreement at the time of such marriages that the children be reared as Jews. To an official statement in defense of his opposition to this practice Lewenstein appended a translation of the definitive decision issued by Ettlinger, pointing out that the latter authority was an eminent halakhic scholar who had served years earlier as "Danish rabbi in Altona."<sup>1</sup>

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<sup>1</sup>Moses Lewenstein and Salomon Ehrmann, "Rabbi Tobias Lewenstein," Guardians of our Heritage, pp. 474-475.

Indeed, during the twentieth century questions with regard to the status of mixed marriages arose frequently. Within the Reform movement, a minority opted in favor of a rabbi solemnizing such marriages. The majority wished to discourage intermarriage but did not view such a union as invalid. The latter position is reflected by the policy adopted by the Reform rabbinic organization, the Central Conference of American Rabbis, in 1909 and reaffirmed in 1947. The formal statement declared that mixed marriages were to be discouraged as "contrary to the tradition of the Jewish religion" but did not formally proscribe the actions of a rabbi who officiated at such marriages.<sup>1</sup>

The ambiguous position of the Reform rabbinate with regard to the fundamental question of mixed marriages remains one of the few issues regarding which there is bitter controversy between exponents of Reform and Orthodoxy to the very day. In the United States rising statistics of intermarriage have aroused the concern of the total Jewish community. Within the Reform movement itself, an increasingly large faction has urged formal censure of Reform rabbis who officiate at mixed marriages. However, as late as June 1973, such a motion, while it sharply divided the Reform

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<sup>1</sup>Plaut, Growth, p. 258.

rabbinic conference, failed to gain majority endorsement. The resolution adopted declared that the Central Conference "recalling its stand adopted in 1909 'that mixed marriage is contrary to the Jewish tradition and should be discouraged' now declares its opposition to participation by its members in any ceremony which solemnizes a mixed marriage."<sup>1</sup> However, the resolution noted that members of the Central Conference hold divergent views and it did not call for sanctions against any rabbi who performs mixed marriages. The official Reform position on this issue has provoked the strongest condemnation on the part of Orthodox leaders. The Orthodox Rabbinical Council of America, at its annual convention in June 1973 passed a unanimous resolution to utilize its veto privilege and to exert pressure on Jewish secular and religious organizations "to exclude from leadership roles those who marry out of the faith and those rabbis who officiate at mixed marriages."<sup>2</sup> This

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<sup>1</sup>Resolution of the Committee on Mixed Marriage, Central Conference of American Rabbis, Atlanta, Georgia, 1973. Of interest is the discussion of mixed marriage included in CCAR Journal, XX, no. 2 (Spring, 1973). The 1972 convention statements are to be found on pp. 15-36 and additional articles on this topic are included on pp. 37-54.

<sup>2</sup>Resolution of the Rabbinical Council of America, Thirty-seventh Annual Meeting, Fallsburg, N.Y., June 26, 1973.

resolution is an expression of the conviction that since intermarriage poses a crucial threat to the survival of the Jewish people sanctions must be applied against those whose actions threaten the ethnic survival of Jewry.

#### D. Second Days of the Festivals

Another focal area of controversy between protagonists of the Orthodox and Reform viewpoints was the question of observance of the Sabbaths and festivals. A particular point of contention was the status of the "Second Day of the Diaspora." Ettlinger was instrumental in disseminating and publicizing the Orthodox reaction to this specific issue.

Jews in the Diaspora currently observe six holy days in addition to the festival periods which are prescribed in Scripture. They observe an extra day of the New Year (Rosh Hashanah), an extra day of Pentecost (Shev'uot), and an extra day each at the beginning and end of Passover (Pesah) and of Tabernacles (Sukkot).

With the exception of the second days of the New Year these extra days are observed only in the Diaspora, not in the Land of Israel, and are therefore referred to as Yom Tov Sheni Shel Galuyot, the "Second Holiday of the Exiles."

Historically, the institution of the Second Days arose before holidays were observed on the basis of a permanently established calendar. The Jewish calendar is based upon the lunar cycle. The precise days on which the festivals are to be observed depend upon the day proclaimed



and sanctified as the New Moon, the first of the month (Rosh Hodesh). In days gone by, the new month was determined by visual observation. The Bet Din proclaimed the beginning of each month on the basis of the testimony of witnesses who had actually sighted the new moon. The lunar month contains twenty-nine or thirty days. The inauguration of a new month took place on either the thirtieth or the thirty-first day following the previous Rosh Hodesh. Following sanctification of the new month messengers were dispatched by the Bet Din to all Jewish communities to inform them which of the two possible days had been proclaimed Rosh Hodesh and hence when all the festivals of that month would fall. Communities too distant to be reached prior to the advent of the festivals had no means of ascertaining whether the previous month was of twenty-nine or thirty days' duration. Thus, they were always confronted by the possibility of an error of one day with regard to the determination of the correct day of the month. Hence, in order to guarantee proper observance of the festivals, the observance of a second day was necessary. Following the lapse of sanctification of the new moon each month by an act of the Bet Din and the promulgation of a calendrical system by Hillel the Second such errors no longer occur. Nonetheless, Jews residing outside of the Land of Israel

maintained the tradition of observing two days and the Sages pronounced the "Holiday of the Exiles" to be formally binding on all Jews of the Diaspora, declaring, "Be careful to observe the customs your ancestors transmitted to you."<sup>1</sup>

According to Geonic authorities the custom is of hoary antiquity; it originated in the days of the Prophets.<sup>2</sup> The Halakhic codes from Maimonides<sup>3</sup> to the Shulhan Arukh<sup>4</sup> are unanimous in declaring the Second Days binding on Jews in the Diaspora. Karo states that whoever attempts to abrogate the Second Days is automatically subject to excommunication (niduy). Over the centuries, Jews continued to observe Yon Tov Sheni as an integral part of their religious calendar.

Abrogation of the Second Days was one of the earliest innovations of the founders of the Reform movement. Their primary contention was that the observance of these Second Days was an anachronism which had long since outlasted its original purpose. Since there is no longer any question

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<sup>1</sup>Betzah 4b. Vide also Pesahim 52a.

<sup>2</sup>Teshuvot ha-Ge'onim, ed. Jacob Mussafia (Lyck, 1864), no. 1.

<sup>3</sup>Mishneh Torah, Hilkhot Kiddush ha-Hodesh 5: 9-12.

<sup>4</sup>Shulhan Arukh, Orah Hayyim 496:1.

with regard to the exact day of the month, they argued, there is no cogent reason for retaining the additional day of the festivals. Accordingly, in the 1840s Reform leaders in Germany, England and the United States advocated abrogation of Yom Tov Sheni.<sup>1</sup>

Questions surrounding observance of the festivals were discussed at great length at the Reform Rabbinical Conference at Breslau in 1846. At this conference, Salomon Herxheimer presented the position that abolition of the Second Days was entirely in accord with Biblical law and that the reason for the Talmudic directive to maintain such observance remained applicable solely in the case of the New Year.<sup>2</sup> From the practical standpoint, he averred, these additional days were a source of undue hardship and economic disadvantage and their abolition should be encouraged as a modification necessary in order to assure religious survival. Moreover, he added, again with the exception of the New Year, the excessive length of the festivals was counterproductive in the spiritual sense. Shortening the duration of the festivals would, in his opinion, enhance their religious effectiveness. He strongly urged Reform leaders to advocate this change forthwith and not

<sup>1</sup>Philipson, pp. 99, 215, and 335.

<sup>2</sup>The second day of the New Year is not recognized as "Yom Tov Sheni" and, indeed, is observed in the Land of Israel as well. Vide Maimonides, Mishneh Torah, Hilkhoh Kiddush ha-Hodesh 5:8.

to procrastinate until such time as their congregants achieve general consensus on the matter. To have a salutary effect reforms such as this one must not be delayed, he warned, lest in the interim the entire religious structure be abandoned.

Bernhard Wechsler reported to the Breslau Conference on behalf of a special committee whose recommendations were generally accepted. He pointed out that his colleagues were in agreement that Yom Tov Sheni no longer had validity and hence its total or partial abrogation was permissible. However, he noted that such abolition was not to be considered mandatory and Reform leaders must be cognizant that in certain locales the celebration of these days had taken deep root among the Jewish populace. Accordingly, his committee recommended that ceremonial observance of the Second Days be optional at the discretion of the individual community, it being however clearly understood that the Conference considered the prohibition to work on these days not to be binding.<sup>1</sup>

As a result of these deliberations, abolition of

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<sup>1</sup> For the text of both these addresses in English translation vide Plaut, Rise, pp. 195-199. Schmidt, Year-book, Leo Baeck Institute I, 30, notes that the number of Jewish festivals was the subject of unfavorable comment on the part of non-Jewish German authors.

Yom Tov Sheni was introduced in many Reform congregations in Germany and eventually, in Reform congregations in the United States, this practice became accepted as a matter of course.<sup>1</sup>

The contention of the Reform leaders with regard to the Second Days was sharply rejected by 19th-century halakhic authorities. The Orthodox views were aired in the pages of Ettlinger's Shomer Zion ha-Ne'eman. This journal publicized a responsum on the matter authored by three Sephardic scholars of Jerusalem, a very brief note by Jacob Ettlinger himself and a lengthy responsum by Rabbi Seligmann Baer Bamberger.<sup>2</sup>

Bamberger's communication embodies an exhaustive discussion of the halakhic ramifications of the issue. Bamberger dismissed as patently erroneous the assumption that observance of the Second Days was merely a matter of custom (minhag) and not law. Quite to the contrary, he

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<sup>1</sup> Philipson, p. 377.

<sup>2</sup> Nos. 176, 177 and 180-182. Bamberger's responsum was reprinted in his Yad ha-Levi, Orah Hayyim, I, no. 99. Vide also the responsum of Ahron David Deutsch, Goran David (Paks, 1885), no. 41 and Igrot Soferim, ed. Solomon Schreiber (Vienna, Budapest, 1933), section 2, no. 63, pp. 63-64.

maintained, observance of Yom Tov Sheni is mandated by binding rabbinic decree. Marshalling the relevant sources, he emphatically declared that no rabbinic authority had the power to abrogate this decree, since the edict concerning Yom Tov Sheni was promulgated as a "fence" around the Torah," . . . and a matter which was enacted as a 'fence' even Elijah and his court cannot abrogate." Moreover, he averred, a rabbinic edict followed in all the dispersions of Israel, cannot be rescinded even by a Bet Din greater in wisdom and number.

Bamberger's detailed responsum was frequently quoted by Orthodox leaders over the years in the battle for maintenance of Yom Tov Sheni. On the other hand, Ettlinger's own brief comments contain no really significant halakhic material and were therefore not incorporated into his responsa work and are not widely known. Responding to the arguments of Reform spokesmen, Ettlinger points out that their basic argument concerning stabilization of the calendar quite obviously involves no new discovery. Rabbinic scholars over the centuries were well aware of the changed conditions, yet they did not consider abrogation of Yom Tov Sheni. These scholars were most seriously concerned with possible infractions of the law--such as abrogation of phylacteries on the Second Days and the

pronouncement of specific holiday blessings involving the Divine Name--which would ensue should observance of the additional festival days be unnecessary. Nonetheless, at no time, Ettlinger emphasizes, did these scholars entertain the notion of abolishing the Second Days. Reform spokesmen had also argued for abrogation on the basis of practical considerations arising from the many inconveniences and financial hardships which occur as a result of the extended holiday period. Even this argument, Ettlinger points out in an ingenious sally, was recognized and anticipated by the Sages. Interpreting the verses, "I would scatter them among the nations and disperse them through the countries . . . Wherefore I gave them also statutes that were not good, and ordinances whereby they should not live" (Ezekiel 20:23 and 25) the Jerusalem Talmud, Eruvin 3:9, depicts God Himself as bemoaning the restrictions of the Second Days of the festivals as an unfortunate concomitant of the exile. "Know you in truth," Ettlinger emphatically declares, "that no person has the power to abrogate the Second Days of the festivals, even if all the Sages of Israel were to assemble and to unite with one voice in abrogating [this observance]."<sup>1</sup>

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<sup>1</sup>SZN, no. 177.

As he had done with regard to the controversy over circumcision, Ettlinger publicized Orthodox views regarding the Second Days in the pages of the Zionswächter as well. The last volume of that journal,<sup>1</sup> which appeared in the year 1854, featured a brief article discussing the halakhic considerations which preclude abrogation of the Second Days, a short item mentioning the decision of the Jerusalem scholars as well as an essay authored by Ettlinger's son-in-law, Solomon Cohn, then rabbi of Maastricht, elaborating on the Orthodox viewpoint. Confronted by a decision of the Reform movement which he regarded to be of fundamental importance, Ettlinger chose to react to it by mounting a campaign of education and clarification. Neither the articles written in Hebrew nor those written in German are intemperate in tone. The articles studiously avoided the fomenting of strife and dissension. Ettlinger's aim was to dispel the intellectual confusion that the controversy had engendered, to state the Orthodox position clearly and thoroughly and to present it to as wide an audience as possible.

Proposals to abolish the observance of the Second Days of the festivals have been advanced within the Conservative movement in the United States since 1933. In 1959

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<sup>1</sup>X, 25-26, 29-30, 32 and 37-38.



the Law Committee of the Rabbinical Assembly of the Conservative Movement adopted the position that the observance of the Second Days is to be optional at the discretion of local congregations. This suggestion met with a very mixed reaction on the part of Conservative rabbis<sup>1</sup> and with vehement protest on the part of the Orthodox rabbinate.<sup>2</sup>

The Conservative argument in essence parallels that of the Reform leaders of the previous century. Contemporary proponents of the Conservative view that Yom Tov Sheni is not obligatory claim that "the second day is halakhically indefensible."<sup>3</sup> Since, in their opinion, it has "no inherent holiness," they argue that decisions regarding the observance of this day may be determined by taking into consideration "local needs, local customs and local sensitivity."<sup>4</sup>

The members of the Rabbinical Assembly Law Committee did not, however, reach unanimity on this crucial

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<sup>1</sup>"Yom Tov Sheni," Conservative Judaism, XXIV (Winter, 1970), 21-59.

<sup>2</sup>Norman Lamm, "The Second Days," Chavrusa, X, no. 3 (June, 1969), 7-10.

<sup>3</sup>Philip Sigal and A.J. Ehrlich, "A Responsum on Yom Tov Sheni shel Galuyot," Conservative Judaism, XXIV, 32.

<sup>4</sup>Ibid., p. 27.

issue. Some members of the committee and several leading professors of the Jewish Theological Seminary publicly dissociated themselves from the decision of the Rabbinical Assembly, declaring that observance of the Second Day preserves the unity of the centuries-old community of Israel.<sup>1</sup>

Orthodox Jews continue to maintain full observance of the Second Days. Contemporary Orthodox thinkers reiterate the halakhic basis for the observance; in essence their position is the same as that of Bamberger and Ettlinger. Beyond the technicalities of the law they point to the spiritual values of Yom Tov Sheni, to the significance of maintaining reminders of the gulf between the Diaspora and the Land of Israel and to the need for communal cohesiveness in religious observance. Their primary argument remains their commitment to the sanctity of rabbinic law:

Any assertion that abrogation could be achieved by halakhic means betrays an ignorance of the ways in which the Halakhah operates and the heavy and weighty issues here involved. . . . our observance of the "Second Day" is an indication of our acceptance of the authority of the Sages, and the validity of the Rabbinic interpretation of the Torah.<sup>2</sup>

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<sup>1</sup>Wilfred Shuchat, "Response to a Responsum," Conservative Judaism, XXIV, 39,

<sup>2</sup>Lamm, Chavrusa, X, no. 3, 8-9.

### E. Location of the Bimah

The raised platform from which the Scriptural portion is read is commonly referred to as bimah or almemor. While the exact definition of these terms may be open to varied interpretation halakhic rulings concerning the bimah are generally taken as applying to the Torah Reader's platform.<sup>1</sup>

Archaeological evidence indicates that this platform has at different periods and in different countries occupied various positions.<sup>2</sup> However, traditional synagogues in Germany were characterized by a central almemor.<sup>3</sup> The question of the removal of the bimah from the center of the synagogue to the front, close to the Ark, became yet another subject of bitter controversy between the proponents of Orthodoxy and Reform. When Moses Sofer was asked to rule on the permissibility of shifting the almemor from its central position he issued an unequivocal negative ruling, Hatam Sofer, Orah Hayyim no. 28. It was in connection with this question that he coined an oft-quoted aphorism "ha-dash asur min ha-Torah--innovation, departure from accepted custom, is forbidden by

<sup>1</sup>Immanuel Jakobovits, Jewish Law Faces Modern Problems (New York, 1965), pp. 43-46.

<sup>2</sup>Ibid., p. 44. Cf., I. Elbogen, "Almemor," Encyclopedia Judaica (Berlin, 1928), II, 371-373; Rahel Wischnitzer-Bernstein, "Almemor im Mittelalter und Neuzeit," ibid., II, 374-384; and Kaufman Kohler, "Almemar or Almemor" and A.W. Brunner, "Almemar or Almemor, Architecturally Considered," Jewish Encyclopedia (New York, 1906), I, 431.

<sup>3</sup>Helen Rosenau, "German Synagogues in the Early Period of Emancipation," Yearbook, Leo Baeck Institute, VIII (1963), 223-224.

the Torah."<sup>1</sup> The issue of a central bimah was thus elevated into a question of principle and in Hungary, in particular, became symbolic of the entire struggle for and against synagogue Reform.

The halakhic basis for placing the bimah in the center of the synagogue is to be found in three rulings of Maimonides:

1) Mishneh Torah, Hilkhot Tephillah 1:3 states that one places the bimah in the center of the House of Worship in order that all worshippers be enabled to hear the reader or preacher.

2) Mishneh Torah, Hilkhot Hagigah 3:4 notes that at the hakhel ceremony, the national convocation in Jerusalem every seven years, a bimah of wood was placed in the center of the women's part of the Temple court. The king ascended and sat on this platform so that the people could hear his reading and gather around him. 3) Mishneh Torah, Hilkhot Lulav 7:23 declares that every day of the Feast of Tabernacles the people made a circuit around the Temple altar with their palm branches.

Accordingly, it is now the custom in all Jewish communities to place the tevah in the middle of the synagogue and, in memory of the Temple, to circle it each day of the festival

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<sup>1</sup>The term "hadash" refers to the newly harvested grain crop which is forbidden for consumption by Jews until the offering of the minhat ha-omer on the second day of Passover (Leviticus 23:14). The literal translation of the word "hadash" is "new." Hence Moses Sofer's comment that all things new are Biblically forbidden--a pun reflecting his negative attitude to the innovative nature of Reform practice.

as used to be done around the altar. The Talmudic source for Maimonides' ruling is the account in Sukkah 51b of the noted large synagogue in Alexandria which had "a bimah of wood in its center."

As supporting evidence for the centrality of the bimah other authorities have emphasized the central position of the Tabernacle in the wilderness encampments, the circling of Mount Sinai before the giving of the Law, and the fact that the outer altar was placed in the center of the Temple court. While Jacob Asheri (Rosh) and Moses Isserles (Rema) Orah Hayyim 150:5, maintain that the bimah must have a central position, Joseph Karo's authoritative Kesef Mishneh on Maimonides' Hilkhos Tephillah 11:3 rules otherwise. He notes that in some places the bimah is erected at the western side of the synagogue, ". . . for its location in the center is not mandatory, everything depending on the place and the time." In periods when synagogues were very large it was necessary that the bimah be central so that all might hear the reader, "but in these times when, through our sins, our synagogues are small and all can hear, it is more attractive to place it at the side than in the middle."<sup>1</sup>

Hatam Sofer argued that while according to the

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<sup>1</sup>The relevant sources are cited by Jakobovits, Modern Problems, loc. cit.

thesis of Kesef Mishneh a new synagogue may be built with the bimah at the front, in an existing synagogue, even according to this authority, the bimah cannot be removed from its central position. The principle governing the latter situation may be found in the Jerusalem Talmud Shabbat 12:3 which records that it was forbidden to transfer the boards used in the walls surrounding the Tabernacle from one position to another. Even inanimate objects are endowed by Halakhah with prerogatives with regard to their utilization in the performance of mitzvot.<sup>1</sup>

On the other hand, the opinions of leading Reform spokesmen, among them Aub, Frankel, Geiger, Hess, Herxheimer, Samuel Hirsch, Holdheim, Hamburger, Kahn, Mannheimer, Maier, Philippson, Schwab, and L. Stein were all in favor of placing the almemor near the Ark.<sup>2</sup>

As may readily be anticipated, Ettlinger ruled that the bimah must be placed in the center of the synagogue. He did not, however, enter into tendentious argumentation on this issue. We find his views on the matter subtly incorporated into an address on the role and significance of the synagogue. This speech was delivered by Ettlinger at

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<sup>1</sup>Cf., a contemporary authority, Eliezer Waldenberg, Tzitz Eli'ezer (Jerusalem, 1970), X, no. 22.

<sup>2</sup>Kohler, loc. cit. Cf., Leopold Löw, Gesammelte Schriften (Szegedin, 1898), IV, 93-107.

the dedication of a new synagogue in Rendsburg on November 12, 1845. At the time two pamphlets were published in Altona, one containing the program of the dedication ceremony and another Ettlinger's address.<sup>1</sup> The occasion of the opening of a new synagogue in which the traditional architecture was maintained afforded Ettlinger the opportunity to emphasize the significance of the location of the bimah. Although he made no direct reference to the controversy regarding this matter and did not even mention the word "almemor," Ettlinger, in these remarks, presented a very definite case for a central bimah. The section of the speech which specifically discussed the bimah<sup>2</sup> was reprinted in the Zionswächter with a new title, "Der Almemor und seine Bedeutung in der und für die Synagoge."<sup>3</sup>

The selection reflects Ettlinger's characteristic approach in such matters which was to minimize negative references to Reform in instances in which the situation

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<sup>1</sup>Programm zur Einweihungs-Feier des neuerbauten israelitischen Gotteshaus in Rendsburg (Altona, 1845) and Jacob Ettlinger, Das Gotteshaus als Vorhalle zur Ewigkeit (Altona, 1845). Cf., TZW, I (1845), Supplement to no. 25, pp. 1-4.

<sup>2</sup>Das Gotteshaus, pp. 10-12.

<sup>3</sup>TZW, II, 5-6. This selection was subsequently reprinted in Abhandlungen und Reden, pp. 7-10. Cf., S. Adler, "Über die Zweckmäßigkeit des in der Mitte der Synagoge erbauten Almemor," TZW, II, 99-100.

did not involve a glaring breach of Halakhah. In such cases he preferred to avoid polemic and to concentrate rather on emphasis of the positive aspects of the position he espoused. If his own opinion were presented with sufficient clarity and emotional appeal there would be little to gain by derogating other viewpoints. Accordingly, the only reference to the controversial nature of the topic is to be found in an editorial note to the effect that the question of interior synagogue architecture having been so frequently raised in modern times it "might not be uninteresting"<sup>1</sup> to examine the views of Orthodoxy with regard to this matter.

Ettlinger approaches the subject from the symbolic rather than the halakhic standpoint. He portrays the synagogue as having three central functions each of which functions is symbolized by a specific artifact. The first function of the synagogue is sanctification of the human spirit. This concept is embodied by the Ark situated on the Eastern wall of the synagogue and representing the earthly manifestation of Divine Glory. The second purpose of the synagogue, that of worship, finds expression in the spot where the cantor stands before the congregation leading them in prayer and devotions. The third purpose of the synagogue is spiritual enlightenment and instruction. It

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<sup>1</sup>TZW, II, 5.



is this latter function which is symbolized by that part of the sanctuary specifically designated for the Reading of the Law. It is most suited, Ettlinger emphatically declares, that this particular place be in the center of the synagogue as the Sages specified. For, he points out in flowery language, as a kernel is embedded in the core of a fruit, as a heart beats at the center of the body, and as rays emanate from a central pinpoint of light so were the Tablets of the Law in the Holy of Holies enshrined in the very midst of the encampments of Israel. In later eras the centrality of Torah in the life of the Jew is given dramatic emphasis by the reading of the Law from the bimah located in the center of the synagogue.

Ettlinger then elaborates on the details of this symbolism. Placing the Torah in a central position illustrates that it is the focal point and source from which all light radiates. The center serves, in addition, as a symbol of equality. A central bimah testifies both to the fact that all Israel has an equal share in the Torah and to the fact that the words of the Law are directed to each individual in equal measure. Moreover, declares Ettlinger, the center also represents a rallying point. The Torah is read in the midst of the members of the congregation as a constant reminder to them that they are

called upon to watch over, guard and defend its principles.

In poetic language Ettlinger enters into great detail in illustrating the significance of this latter symbol. In a decisive battle the standard or banner becomes the symbol of honor around which soldiers align themselves heroically defending it from all attackers; in the same manner Israel has its banner, the defense of which is crucial to its survival. "Also the house of Israel has its standard, which it carried in bloody battles, no flag of gold and colored cloths attached to a high staff but the holy Torah itself."<sup>1</sup> For centuries, from the Dark Ages to the Enlightenment, the faithful guarded this standard from all onslaught and it remained unsullied, symbol of triumph and victory. In this portrayal of the symbolism of the central position of the bimah and in the intricate simile of the battlefield there is a veiled reference to the symbolic significance of the bimah in the struggle against Reform as well. Ettlinger's call to his co-religionists, "Here in the midst of the faithful should this Torah be raised on high. . . . Around it let us stand in closed ranks to guard it and defend it until the Lord will raise it on Zion's Mount in days to come"<sup>2</sup> is quite

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<sup>1</sup>Loc. cit.

<sup>2</sup>Ibid., p. 6.

obviously to be interpreted as a call to close ranks against any manner of innovation contrary to the spirit of tradition. Ettlinger concludes with the vision of the restoration of Zion not merely as a standard peroration, but as the one fundamental concept which he lost no opportunity to reiterate in even the most indirect confrontation with the protagonists of Reform.

The halakhic question of the location of the bimah remains the subject of dispute even in present times. Most contemporary Orthodox scholars maintain that the bimah must be centrally located. Some still consider the displacement of the bimah to be the thin end of the wedge of Reform. One authority goes so far as to state that it is preferable to pray alone rather than to worship in a synagogue without a central bimah. Others view the placement of the bimah at the center to be recommendatory not mandatory.<sup>1</sup>

The attitude generally adopted by Orthodoxy today is best reflected in two recent responsa by the Orthodox dean of halakhists, Moses Feinstein,<sup>2</sup> who rules that in

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<sup>1</sup>Zalman Sorotzkin, "Be-Inyan ha-Amadat Bimah be-Emtza Bet ha-Knesset," No'am, V (1962), 52-59 and Mordecai ha-Kohen, ibid., pp. 60-69, cited by Jakobovits, Modern Problems, p. 45.

<sup>2</sup>Igrot Mosheh, Orah Hayyim, II (New York, 1963), nos. 41 and 42.

building a synagogue structure the bimah must be placed in the center. However, failure to position the bimah in the center does not invalidate a synagogue as a place of prayer. In a comment placing the issue in historical perspective, he adds that the stringent attitude ascribed to certain Hungarian Rabbis who forbade prayer in a synagogue where the bimah was not located in the center was based on "hora'at sha'ah," an ad hoc ruling as a means of stemming the tide of Reform.<sup>1</sup>

We have here an instance in which a comparatively minor halakhic point assumed added significance as a focal point of controversy, becoming, as Ettlinger noted, the banner around which the opposing forces arrayed themselves.

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<sup>1</sup>Cf., Naphtali Carlebach, Joseph Carlebach and his Generation (New York, 1959), pp. 225-230.

### F. Kaddish

When questioned regarding a point of ritual, Ettlinger's basic decision was determined solely by his understanding of the halakhic sources that dealt with the matter. However, he tended to be wary of any change in ritual whatsoever that smacked of Reform innovation, and to be particularly forceful when confronted by such a situation. Of interest is a responsum by Ettlinger, Binyan Zion, no. 122, dated 1854, dealing with the question of changing a single custom, the manner of recitation of kaddish.

In early Jewish tradition each of the various kaddish prayers was recited by only a single mourner. Rema, Shulhan Arukh, Yoreh De'ah 376 and Magen Avraham, Orah Hayyim 132, meticulously list the order of precedence in cases of conflict between mourners within the twelve-month period and within the thirty-day period, and those observing the anniversaries of the death of a parent. When there were an insufficient number of kaddish prayers for allocation among all mourners of equal priority it was common practice to cast lots in order to determine which mourner should be accorded this privilege. This practice led to frequent quarrel and strife. It appears that among Sephardim the custom was always for all mourners to recite the kaddish prayer in unison.<sup>1</sup> It had

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<sup>1</sup>Jacob Emden, Siddur Bet Ya'akov (Lemberg, Vienna,

become prevalent in Reform congregations for the cantor to lead the mourners in a common recitation of kaddish.<sup>1</sup>

Rabbi Baer Oppenheim of Eybeschütz had been consulted regarding the permissibility of an innovation in the mode of recitation of kaddish and had decided in the affirmative but wished to solicit Ettlinger's opinion on the matter. The question had arisen in a certain community in which there had existed a small and a large synagogue in addition to several other places of worship. The large synagogue had become dilapidated and had been razed and a new synagogue had been built in its place. A decision was reached to hold services only in the new synagogue since the new building was large enough to accommodate all of the worshippers in the community. Heretofore the prevalence of a significant number of "private" worship services in addition to services held in two community synagogues provided ample opportunity for each mourner to seek a service at which he would be enabled to recite the

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1937), p. 92a, no. 2. Referring to Emden's ruling that it was permissible for Ashkenazim to recite kaddish in unison, as was then the custom among Sephardim, Ettlinger, in the above responsum, claims that living in Altona, the city where Emden had resided, he was aware of the fact that although Emden maintained a private house of worship he failed to introduce any such innovation with regard to recitation of kaddish.

<sup>1</sup>Vide, for example, the Synagogenordnung (synagogue order) of Mayence cited by Petuchowski, Prayerbook Reform, p. 121, no. 7.

kaddish. With the abrogation of services held other than in the main synagogue there were simply not sufficient kaddish prayers for each mourner to be assured this privilege. Therefore, it was further decided that the mourners' kaddish would thenceforward be recited by all mourners together, including those in the first thirty days of mourning and those reciting kaddish on the anniversary of the death of a parent. Some felt that this new procedure would eliminate altercations. Objections were raised to the decision on the part of others on the grounds that the innovation was contrary to custom.

In his rejoinder, Ettlinger strongly objects to the innovation and refutes each of Oppenheim's arguments. He maintains that it is forbidden to change the custom that had been in vogue in the past and to permit the mourners to recite the kaddish together. He also rejects the suggestion of Rabbi Oppenheim that the Reader recite kaddish aloud, the mourners reciting it silently with him. This custom, Ettlinger claims, had been introduced by Reformers. Such an innovation would nullify the whole purpose of kaddish in Ettlinger's opinion. For, he points out, kaddish is to the benefit of the deceased only when the Name of God is sanctified aloud.

In his responsum Ettlinger enters into a detailed

analysis of the source of the kaddish prayer and the laws surrounding it. He concludes that no variation can be sanctioned in the accepted practices. Ettlinger's reason for objection to communal recitation is that the voices are blurred and indistinct and that the recitation degenerates into a babble of voices, in which each mourner recites the prayer at his own pace, the result being that the kaddish is inaudible to the congregation. This, says Ettlinger, is unacceptable since the essence of the kaddish is a call for sanctification of the Divine Name and the prayer is thus utterly meaningless if it is incomprehensible to an attentive congregation. He maintains that there is, however, a fundamental distinction between Ashkenazic and Sephardic practice. Noting that he does not know the reason for the Sephardic custom, he points out that "there is still a great difference, however, between the Sephardim and the Ashkenazim. The former recite all their prayers in harmony and unison." Since they are accustomed to harmonious recitation, even when reciting kaddish in unison, their voices can be distinctly heard. The same cannot be said of the Ashkenazim, he continues. This can be seen from "the case of the kaddish de-Rabbanan [kaddish of the rabbis recited after the study of passages from rabbinic literature] which is recited here by all



mourners together. It is a mockery and derision; everyone tries to shout louder than his neighbor with the result that it is completely impossible to respond 'Amen.'" Ettlinger adds that it is only his great reluctance to tamper with existing traditions that prevents him from abrogating the practice of common recitation of even the kaddish de-Rabbanan.

It is precisely such an attitude of trepidation with regard to any change of hallowed tradition that Ettlinger wishes to foster. Addressing himself to the question of the proposed change, he declares, "I am altogether astonished at how you can describe as a wonderful and proper innovation the changing of a Jewish custom which has been followed in all parts of Germany and Poland for over 300 years." To effect such a change, Ettlinger adds, is "to walk in the footsteps of the Reformers of our time who have changed the form of prayer and have introduced this custom." In this responsum Ettlinger attacks Reform propagandists on the grounds of their lack of religious understanding and what he considers to be their insincere motivation. In the first place, he points out, Reform leaders fail to appreciate the place of religious custom in Judaism. Ettlinger underscores the fact that recitation of kaddish in unison had not been in vogue

throughout Germany and Poland "in even one single community."

Such a change could therefore only be sanctioned by Reform leaders "who do not value the custom of Israel."

Moreover, he contends, the motivation of Reformers in accepting these changes is opportunistic. For, with regard to the specific case under consideration, the Reformers, he claims, were inconsistent and hypocritical since to them the kaddish was vacuous and devoid of meaning other than as a means of appeasing the desires of their adherents. In conclusion, he urges his interlocutors not to sanction any change in established custom. It is quite apparent that apart from his opinions with regard to this specific question, Ettlinger wishes to erect strong safeguards against any possible further Reform inroads.

Current practice in the vast majority of Orthodox congregations is for all mourners to recite the kaddish in unison. The innovation apparently came into vogue in the mid-nineteenth century and was gradually adopted by Orthodox congregations throughout the world. Curiously enough, congregations of specifically German origin have retained the older tradition. A prime example is the K'hall Adath Jeshurun (New York, New York) in which prior to the commencement of the service, one may observe the sexton indicating to each mourner which kaddish he has

been assigned and subsequently watch as the mourner approaches the rail in front of the Ark and recites the kaddish alone--a practice which in fact seems bizarre to an uninformed guest. Despite the differing customs accepted by so many other Orthodox synagogues, these German congregations prefer to retain the older custom. They maintain that that custom--as supported by Ettlinger--is clearly more nearly in accordance with halakhic sources.

Ettlinger's responsum regarding the recitation of kaddish appeared earlier in Shomer Zion ha-Ne'eman, no. 167, couched in even stronger language. In the original rejoinder Ettlinger castigated those who had "these days introduced innovations in the synagogue which are not in accordance with the law and altered matters of prayer and abrogated the piyyutim. . . ." The query originally addressed to Ettlinger also raised the question of the institution of distinctive vestments for the cantor. At the conclusion of his remarks in the responsum in Shomer Zion ha-Ne'eman Ettlinger notes his opposition to the introduction of special garb for the cantor and to the proposal that no one be permitted to lead the congregation in prayer without such garments. He regards such a proposal as the mere aping of Christian custom and asserts that Jewish practice has already ordained a distinctive garb; namely, the talit (prayer

shawl) and that no other special garments are to be countenanced.

### G. Confirmation

Historically the institution of a Confirmation ceremony in place of the traditional Bar Mitzvah is one of the first innovations of the Reform movement. The first Jewish Confirmation ceremony took place in the Samson School of Wolfenbüttel.<sup>1</sup> As early as 1810 Israel Jacobson introduced a Confirmation ceremony for both boys and girls.<sup>2</sup> Early advocates of Reform, such as Joseph Friedlander,<sup>3</sup> Michael Creizenach<sup>4</sup> and Maimon Fraenkel favored the adoption of Confirmation. In an impassioned article in Sulamith<sup>5</sup> Fraenkel declared that in his time the Bar Mitzvah ceremony had become a meaningless and uninspiring rite and portrayed the need for a new, more solemn ceremony in the course of which a youngster would be impressed with his duties and obligations as a Jew and a citizen.

Gradually a ceremony was developed which usually

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<sup>1</sup>Mordecai Eliav, Ha-Hinukh ha-Yehudi be-Germaniyah be-Yemei ha-Haskalah ve-ha-Emantzipatziyah (Jerusalem, 1960), p. 264.

<sup>2</sup>Jacob Rader Marcus, "Israel Jacobson," Yearbook, Central Conference of American Rabbis, XXXVIII (1928), 490, note 73.

<sup>3</sup>Philipson, p. 36.

<sup>4</sup>Ibid., p. 111.

<sup>5</sup>"Über die Konfirmation bei den Israeliten," Sulamith, third year (1810), I, no. 2, 110-124.

included a public affirmation of faith, an exhortatory sermon, the confirmand's pledge to lead a religious life and a concluding prayer and benediction. In time, Confirmation came to be an integral part of Reform ceremonial. It was adopted by Reform congregations in Germany, England and the United States and was considered by them to be "one of Reform's significant contributions to Jewish ceremonial practice."<sup>1</sup>

The idea of a Confirmation ceremony did not immediately take root among the masses, primarily because its origin was so obviously Christian. Reform leaders pointed out that Confirmation was in no wise necessary for acceptance or admission to Judaism but was merely an educational tool designed to enhance the youngster's appreciation of and respect for his religion. Salomon Herxheimer, in his defense of Confirmation, admitted that it was important that the confirmand be made to understand that he was bound to Judaism by birth and by virtue of the Sinaitic covenant and not merely by the Confirmation rite itself. However, he contended that Confirmation vows do not violate any principle of Jewish law and that, to the contrary, the confirmand's pledge to remain faithful to his religion

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<sup>1</sup>Plaut, Rise, p. 173. Cf., Philipson, pp. 106, 335 and 371.

parallels traditional religious vows. Herxheimer recommended that the Confirmation ceremony be preceded by a public examination in religious questions to take place during worship services. The examination should require rigorous preparation over a period of several months. He favored incorporation of the Confirmation ceremony itself as part of the Temple service rather than its relegation to the school:

These acts in their total sacred and worshipful character, belong into a sacred place in the midst of public worship service and the religious ceremony which renders them more solemn for all participants. They do not belong, therefore, into some school hall or even into the family circle where they might become a sort of 'breakfast confirmation.' . . . The pious sense which is encouraged by it [the examination] will be still more elevated and increased when, at the end of the instruction period, there is a confirmation ceremony, one of high significance, sanctity and solemnity.<sup>1</sup>

The basis for Orthodox opposition to the institution of Confirmation was the contention that it involved substitution of a Christological ceremony for the indigenous Jewish Bar Mitzvah. Within a school framework, it was

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<sup>1</sup>Plaut, pp. 176-177. Herxheimer's emphasis on membership in the faith-community as contingent upon birth and not Confirmation is apparently a reaction to objections raised with regard to this issue. Cf., remarks of a correspondent to Ha-Maggid, June 22, 1870, p. 186, "What is called among the nations 'Confirmation' (the affirmation and acceptance of religion) heaven forbid that we of the Jewish nation have a part in this, for the child is a complete Jew from birth."

feared that Confirmation would come to signify a kind of religious graduation and lead to an earlier termination of Judaic studies.<sup>1</sup>

In many cases the Confirmation ceremony had indeed been incorporated into the official school program. In Baden it was proposed that the Confirmation ceremony be conducted following a public examination in the fundamentals of religion and Confirmation ceremonies were instituted in Heidelberg in 1830 by a teacher named Rehfuss. Ettlinger, at the time Klaus Rabbi in Mannheim, headed the Orthodox opposition to this innovation. He argued that the Confirmation ceremony contradicted basic religious principles of Judaism and that the entire concept was foreign and completely out of place within a synagogue. This was, however, an area where Ettlinger was willing to consider a compromise solution. In an attempt to satisfy popular desire for a formal event and yet avoid a format which was intrinsically offensive to Orthodox Jews, Ettlinger suggested a different kind of ceremony as an alternative to Confirmation. He proposed that the school institute a

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<sup>1</sup>Eliav, Ha-Hinukh ha-Yehudi, p. 268. The ceremony itself was obviously patterned upon Christian models. Vide ibid, pp. 257-259. Cf., also Abraham Sutro, "Od be-Inyan Hitbadshut be-Bet ha-Knesset," SZN, no. 175:

... במנהג אשכנזי  
היה תמיד להעביר את הילד  
החדש לבית המדרש  
לפני שיתחיל ללמוד  
ואת המנהג הזה  
הוא קורא "התקדושה"  
במקום אחר  
הוא קורא "התקדושה"  
במקום אחר



public final examination day with a formal assembly at which a graduate would be charged with his obligations "as a Jew, a man and a citizen of the world."<sup>1</sup> Ettlinger was even willing to permit this ceremony to take place within the synagogue itself provided it not interfere with the services and there be separation of the sexes. The Baden Jewish Council accepted Ettlinger's compromise and instituted ceremonial final examinations in the synagogue, for boys only, in place of the proposed Confirmation ceremony. Rehfuss was not satisfied with the compromise and held an official Confirmation ceremony in Heidelberg (1833) with the participation of a mixed choir. The Jewish Council then ruled that the final examination must be conducted under the direction of the rabbinate. Girls would be permitted to participate in the ceremonies; however, they were not to join in the singing and were to repair to the women's section of the synagogue immediately following the examination.<sup>2</sup>

Following in the spirit of the compromise on Confirmation adopted in Baden, Ettlinger advocated a similar

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<sup>1</sup>Eliav, Ha-Hinukh ha-Yehudi, p. 269.

<sup>2</sup>Ibid., p. 267. In the 1840's the Council gradually reversed its position, permitting, and finally advocating, Confirmation. Vide also Adolf Lewin, Geschichte der badischen Juden, pp. 256-257 and Berthold Rosenthal, Die jüdische Volksschulen in Baden (Frankfort, 1934), p. 155.

approach in Altona. When official proposals were advanced to institute Confirmation, he remained adamantly opposed and expressed the reasons for his position to the government authorities.<sup>1</sup> As a result of Ettlinger's intervention a similar policy was instituted in Altona to that adopted in Baden. When the Danish government of Schleswig-Holstein promulgated an edict requiring every Jewish boy of 15 and girl of 14 to undergo a public examination in the knowledge of their faith, the wording of the law stipulated that this constituted an "Öffentliche Religionsprüfung," a public religious examination, and not "Confirmation." This law remained in effect even after the annexation of these provinces by Prussia. It was Ettlinger's wont to participate in the public examinations and to address the students, in the rhetoric of the day, concerning their duties as Jews and as citizens.

Particularly significant is a newspaper report of a public examination held in Altona in the year 1870 in which the aged Ettlinger participated. The correspondent reports on the dignity and solemnity of the ceremonial,

<sup>1</sup>"Berichte der Magistrate und Erklärungen . . . sowie des Oberrabbiners Ettlinger in Altona betr. die zu treffenden Anordnungen bei der geplanten Einführung der Konfirmation der mosaischen Religionsprüfung" (1846-1847), Abt. 309, Lfd. 21686, Landesarchiv Schleswig-Holstein and "Oberrabbiner J. Ettlinger in Altona wegen Öffentlicher Religionsprüfung der jüdischen Kinder" (1866), Abt. 309, Lfd. 24659, Landesarchiv Schleswig-Holstein.

the choral selections, the examination proceedings and Ettlinger's sermon which concluded with the religious pledge being administered to the students by the rabbi himself. Most noteworthy is the reporter's observation that at the inception of the entire ceremony the aged rabbi "rose to the podium and notified the examinees, and the entire assemblage as well, that they should not err in thinking that this was a Confirmation ceremony for it was but an examination of the students' knowledge of sacred studies."<sup>1</sup>

Ettlinger's opposition to the Confirmation ceremony per se was grounded in his identification of it as a distinctly Christian rite and not in a fear of adopting a modern ceremonial. The innovation had, in his opinion, two different aspects, the religious and the educational. If the Christological aspects of the ceremony could be avoided he had no objection to the educational aspects of the ritual. Quite to the contrary, a ceremony emphasizing character training and citizenship was quite in keeping with Ettlinger's conception of the Orthodox Jew as citizen of his country and active participant in modern society. Ettlinger wished both school and synagogue to be permeated with an atmosphere of dignity and spirituality. He was

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<sup>1</sup>Ha-Maggid, loc. cit.

aware that changes which were in keeping with the new social modes added lustre and prestige to the service in the eyes of the congregants and was willing to institute such changes to the extent that they were not contraindicated by Halakhah.

With the passage of time the Confirmation ceremony has still not found an enduring place in Orthodox synagogues. The fate of this innovation in Reform circles is a curious one. Classical Reformers in the United States had continued to argue in favor of complete elimination of the Bar Mitzvah and its replacement by Confirmation. Kaufmann Kohler, declaring that the Bar Mitzvah ceremony had lost all meaning and was a sham and an anachronism, exhorted his colleagues not to encourage this rite "as it is a survival of orientalism like the covering of the head during the service, whereas the Confirmation . . . is a source of regeneration of Judaism each year . . ." <sup>1</sup> While these Reform leaders did succeed in instituting Confirmation ceremonies in virtually all Reform synagogues--and Confirmation ceremonies were instituted in many Conservative congregations as well--they did not, however, influence their congregants to abandon observance of the Bar Mitzvah. Celebration of the Bar Mitzvah is currently standard Reform practice,

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<sup>1</sup>Cited in Plaut, Growth, p. 312.

popular sentiment in favor of this observance having overcome the objections raised by the early Reformers.<sup>1</sup>

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<sup>1</sup>Ibid., p. 311. Vide also the results of a recent survey sponsored by the National Association of Temple Educators and the Education Department of the Union of American Hebrew Congregations. Donald R. King, "Kol-Bo Survey," Compass, no. 24 (Summer, 1973), pp. 5-7.

### H. Delayed Burial

At times, Ettlinger's representations of the Orthodox view were subjected to satiric and caustic criticism in the Reform press. Two cases in point concern halakhic issues in which Ettlinger's involvement was essentially peripheral.

Halakhah stipulates that burial be performed without delay.<sup>1</sup> In the eighteenth and nineteenth centuries there was considerable opposition to this practice on the part of both civil authorities and Reformers. The medical belief then current was that the onset of death could not be definitively determined until signs of bodily decomposition were apparent. When a civil decree was issued by Duke Friedrich of Mecklenburg-Schwerin in the year 1772 prohibiting burial before three days had elapsed, members of the Schwerin Jewish community turned for help to Moses Mendelssohn and Rabbi Jacob Emden. In a memorandum to the duke, Mendelssohn pointed out that observance of the edict posed difficulties for the Jewish citizenry since Jews were bound by rabbinic law which forbade undue delay of burial but suggested that, in the future, the Jews of Schwerin obtain medical certification of death prior to

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<sup>1</sup>Sanhedrin 46a-b on the basis of the Biblical law of Deuteronomy 21:23; Shulhan 'Arukh, Yoreh De'ah 357:1.

burial. Thereafter, the duke issued a new regulation in accordance with Mendelssohn's proposal. However, in a separate communication to the leaders of the Schwerin community and in letters to Jacob Emden, Mendelssohn endorsed delayed burial and sought to adduce Talmudic evidence in support of this innovation. A sharp rebuttal of Mendelssohn's contentions was authored by Emden who categorically insisted upon retention of the halakhic requirement for immediate burial.<sup>1</sup>

Subsequently the issue arose with increased frequency.<sup>2</sup> German authors of the Enlightenment period were often intolerant of any tradition or belief they classified as backward or superstitious. Early burial was one of the practices to which they took extreme exception, condemning it as a dangerous and barbaric custom.<sup>3</sup> In Altona burial prior to three days after death was forbidden by edict of

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<sup>1</sup>Vide Ha-Me'assef, 1785, pp. 152-155, 169-174 and 178-187. This material was reprinted in Bikkurei ha-Ittim, 1824, pp. 219-224 and 229-238. Additional information, including Mendelssohn's communication to the communal leaders of Schwerin, may be found in Siegfried Silberstein, "Mendelssohn und Mecklenburg," Zeitschrift für Geschichte der Juden in Deutschland, I (1929), 233-244 and 275-290. The controversy is discussed in detail in Alexander Altmann, Moses Mendelssohn: A Biographical Study (University, Alabama, 1973), pp. 288-293. Vide also Moses Schreiber, Teshuvot Hatam Sofer, Yoreh De'ah, no. 338.

<sup>2</sup>Altmann, Mendelssohn, pp. 293-294 and 350.

<sup>3</sup>H.D. Schmidt, Yearbook, Leo Baeck Institute, I, 29-

the Danish authorities. However, exceptions were permitted on the basis of medical testimony that bodily decomposition was evident. Ettlinger strove to obtain legal concessions for the Jews in order that they be enabled to comply with the halakhic prescription for early burial. His actions aroused heated controversy with regard to this issue. Reform writers scoffed at his insistence upon the traditional practice, challenged his halakhic interpretation and castigated as evidence of poor citizenship his attempts to circumvent the law.<sup>1</sup>

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<sup>1</sup>IdNJ, 1845, pp. 212-216 and AZdJ, 1845, pp. 192-193. Vide also a further exchange on the subject, ibid., pp. 311-314. and 359-360.



# I. Hamburg Temple Prayerbook

Greater animosity was aroused by Ettlinger's participation in the celebrated controversy over the Hamburg Temple Prayerbook. The bitter dispute that swept the Hamburg community did not engulf neighboring Altona, but the conflict did not leave Ettlinger unscathed.

The most significant instance of early worship reform was that instituted at the Hamburg Temple which was dedicated in 1818. The innovations introduced were organ music, choral singing, German sermons and German prayers, adoption of the Sephardic pronunciation of Hebrew and abolition of the traditional cantillation employed in the Reading of the Law at public services. In 1819 the leaders of the Temple published the Hamburg Prayerbook edited by Meyer Israel Bresselau and Seckel Isaac Fränkel, the first prayerbook specifically designed for a Reform congregation. In addition to the substitution of German for Hebrew in many prayers, the Prayerbook is notable for its modification and, in some instances, omission of prayers for the coming of a personal Messiah and for the restoration of Zion.<sup>1</sup> The Hamburg Temple innovations aroused widespread

<sup>1</sup>The Temple Prayerbook did not represent a thorough reform of the services and is characterized by many inconsistencies. For a comparison of the services of the Hamburg Prayerbook with the traditional prototypes, vide Petuchowski, Prayerbook Reform, pp. 50-53. Vide also Philipson, pp. 29-34.

Orthodox opposition. The Hamburg rabbinate denounced the changes as heretical and sought to induce the Senate of Hamburg to close the Temple. The Reformers responded by publication of a volume edited by Eliezer Libermann entitled Nogah ha-Zedek with an appendix Or Nogah (Dessau, 1818), containing a number of rabbinic opinions in favor of the innovations. The rabbinate of Hamburg, whose attempt at securing the intervention of the secular authorities had failed, then appealed to their colleagues for formal support. Twenty-two responses were gathered into a volume entitled Eleh Divrei ha-Berit (Altona, 1819). The respondents were foremost Orthodox rabbis and included among their number halakhic authorities such as Moses Schreiber, Akiba Eger, Mordecai Benet and Jacob of Lissa. Eleh Divrei ha-Berit constitutes the classic formulation of the Orthodox position. The responsa were unequivocally opposed to any innovation which was not sanctioned by rabbinic law. In the words of Jacob of Lissa: "Heaven forbend that any particular be changed."<sup>1</sup>

Even sharper controversy was engendered by the

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<sup>1</sup>P. 77. Bresselau responded to the Orthodox indictments in his Herev Nokemet Nekom Berit (Hamburg, 1819). For an English translation of brief excerpts of Eleh Divrei ha-Berit and a discussion of some of the basic concepts vide Plaut, Rise, pp. 34-37 and Israel Bettan, Hebrew Union College Jubilee Volume, pp. 434-443.

publication of the revised edition of the Hamburg Temple Prayerbook in 1841. Shortly after the appearance of the new prayerbook on Oct. 16, 1841, Isaac Bernays, spiritual leader of the Orthodox congregation, issued a public proclamation (moda'ah) declaring that the liturgy of this prayerbook did not satisfy the requirements for prayer (tefillat hovah) and that the interdict issued against the first edition of the prayerbook was applicable to the new edition as well.<sup>1</sup> Bernays' proclamation and a counter-declaration issued by the Temple authorities were widely circulated. Following agitation by the Temple directors the Hamburg Senate issued an edict (Jan. 12, 1842) ordering that these documents be removed from the synagogues. However, Bernays circumvented the edict by issuing a cautionary notice (azharah) in which he once more declared that the Temple Prayerbook did not satisfy the requirements for prayer.<sup>2</sup>

It should be noted that one of the most unfortunate aspects of the entire controversy was the attempt on the

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<sup>1</sup>The text of the proclamation is included in Duckesz, Iwoh, pp. 110-112 and idem, JJLG, V, 320-321. A facsimile of the printed handbill is to be found in the Central Archives for the History of the Jewish People, Jerusalem, Archival Record No. AHW/541, page numbered 249. Earlier, Bernays had opposed attempts of the Temple administration to obtain a permit to enlarge the Temple building. For Bernays' statement on the matter vide Duckesz, JJLG, V, 309-313.

<sup>2</sup>Philipson, pp. 81-82.

part of both Orthodox and Reform leaders to involve the civil authorities. While Gabriel Riesser co-signed a formal rebuttal of charges which had been addressed to the Senate by the Orthodox he expressed his distaste for this state of affairs in a private communication:

For my part there is nothing in the world of less concern to me than the Senate's ruling on these matters; indeed, I should regard it as a good sign for our cause if the decision were to go against us. However, the great majority of the members of our congregation would much rather endure the displeasure of Almighty God than that of the Senate--in which noble sentiment the Orthodox party is fully their equal.<sup>1</sup>

The new attempt at worship reform and the attendant controversy gave rise to a voluminous literature.<sup>2</sup> While the text of the prayerbook itself failed to please moderates and radicals alike, the Reformers were unanimously opposed to Bernays' action. Opinions gathered by the Temple directorate were published in a volume entitled Theologische Gutachten über das Gebetbuch nach dem Gebrauche des Neuen Israelitischen Tempelvereins in Hamburg, ed. N. Frankfurter (Hamburg, 1842). The responsa, authored by J. Aub, J.A. Auerbach, A. Chorin, J.A. Friedlander, A.

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<sup>1</sup>Cited in Moshe Rinott, "Gabriel Riesser," Yearbook, Leo Baeck Institute, VII (1962), 22.

<sup>2</sup>Vide Petuchowski, Prayerbook Reform, p. 361, note 38.

Geiger, M. Gutmann, S. Holdheim, A. Kohn, J. Maier, I.M. Mannheimer, L. Philippon, and L. Stein and the prefatory remarks by Dr. N. Frankel all expressed strongest condemnation of Bernays' interdict. The prayerbook was also vigorously defended in separate publications of the Temple rabbis, Gotthold Salomon<sup>1</sup> and Naphtali Frankfurter,<sup>2</sup> and in two pamphlets authored by Samuel Holdheim.<sup>3</sup> Bernays was subjected to sharp personal attack in the pages of Abraham Geiger's Der Hamburger Tempelstreit, eine Zeitfrage (Breslau, 1842). Even Zacharias Frankel who independently authored a critique of the prayerbook's nontraditional format took sharp issue with Bernays' action.<sup>4</sup>

A lone voice raised in support of Bernays was that

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<sup>1</sup>Das neue Gebetbuch und seine Verketzerung (Hamburg, 1841).

<sup>2</sup>Stillstand und Fortschritt (Hamburg, 1841).

<sup>3</sup>Über das Gebetbuch nach dem Gebrauche des neuen Israelitischen Tempelvereins zu Hamburg. Ein Votum (Hamburg, Berendsohn, 1841) and Verketzerung und Gewissensfreiheit. Ein zweites Votum in dem Hamburger Tempelstreit (Schwerin, 1842). The second pamphlet was written in response to a vehement anonymous attack on the views of Salomon, Frankfurter and Holdheim, Jude und Nichtjude: Eine Erwiderung auf die Schriften der Tripel-Allianz (Amsterdam, 1842).

<sup>4</sup>Orient, 1842, pp. 53-56, 61-64, and 71-72. Salomon responded to Frankel's remarks in Sendschreiben an den Herrn Dr. Z. Frankel (Hamburg, 1842). Frankel's lengthy reply appeared in the Literaturblatt des Orients, 1842, pp. 353-368 and 377-384.

of Ettlinger.<sup>1</sup> At the outset of the controversy Ettlinger had taken no public part but he subsequently entered the dispute and issued a formal statement dated Dec. 8, 1841.<sup>2</sup> Ettlinger noted that he had refrained from publicizing his own views as long as there was hope that the dispute would remain a local one. However, once the controversy was no longer contained within the confines of the Hamburg community, and outside opinions were being solicited, he declared that he felt duty bound to express his own opinion. Ettlinger's ruling supported Bernays' position, emphasizing Ettlinger's conviction that the earlier ban applied to the new edition of the prayerbook as well and declaring explicitly that "the interdict of those rabbis to whose entire contents I assent . . . is also fully applicable to this prayerbook. . . . it is forbidden to any Israelite to pray from it."<sup>3</sup>

Ettlinger's statement evoked a spate of unbridled criticism that took the form of ad hominem argumentation rather than debate on the halakhic and religious issues;

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<sup>1</sup>Cf., Caesar Seligmann, Geschichte der jüdischen Reformbewegung (Frankfurt am Main, 1922), p. 103, "Nur der Nachbarrabbiner, Jakob Ettlinger in Altona, trat öffentlich für Bernays in die Schranken."

<sup>2</sup>The full text may be found in AZdJ, 1842, pp. 2-3.

<sup>3</sup>Ibid., p. 3.

Frankfurter's Stillstand und Fortschritt contained a particularly immoderate personal attack.<sup>1</sup> In the heat of the dispute the Reform protagonists did not acknowledge that Bernays and Ettlinger were merely re-echoing the conclusions of those who had issued the interdict against the earlier prayerbook in 1819. Thus, in taking issue with Ettlinger for circulating a ruling which included no supportive argumentation, Geiger<sup>2</sup> failed to recognize the import of Ettlinger's total endorsement of the earlier interdict. Ettlinger's view reflected the consensus in Orthodox circles that the rulings of Eleh Divrei ha-Berit were applicable to the new prayerbook and that the issue had been settled long ago. It is for this reason that so few Orthodox rabbis felt the need to take a public stand on this matter. Ettlinger's involvement was prompted by his propinquity to Hamburg and his personal friendship with Bernays.

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<sup>1</sup>Vide ibid., pp. 2-6 and the critique of Frankfurter, Literaturblatt des Orients, 1842, p. 189.

<sup>2</sup>Tempelstreit, p. 4.

## CHAPTER IV

### REACTION TO THE REFORM MOVEMENT

Following the first Reform rabbinical conference convened in Brunswick in 1844, Ettlinger became convinced that it was necessary to organize Orthodox forces in a concerted effort to stem the growth of the Reform movement. As long as isolated liberal leaders had pressed for religious changes, he felt that it had been sufficient to deal with each problem and situation on an ad hoc basis. But the newly-formed association of many Reform rabbis in a common forum and their concerted action in formulation of standards for Reform practice and publicization of their deliberations and recommendations created a new situation. At this point Ettlinger perceived the need for a different manner of response on the part of the Orthodox community. As a first step he began to organize a formal protest in the form of a written manifesto entitled Shelomei Emunei Yisrael (The Faithful Believers of Israel). Ettlinger circulated this document among his colleagues in order to obtain their endorsement. In 1845 the manifesto was published in a small



pamphlet containing both a Hebrew and a German text and bearing the signatures of seventy-seven Orthodox rabbis. The signators included Nathan Adler, soon to be appointed Chief Rabbi of Britain, B. Auerbach of Darmstadt, S.B. Bamberger of Würzburg, S.R. Hirsch, then Rabbi of Emden, S.B. Schreiber (Ketab Sofer) and the members of the Pressburg Rabbinate, Moses Schick of St. Georgien, G. Titkin of Breslau, and S.A. Trier, of Frankfort.<sup>1</sup>

The immediate purpose of the manifesto was to discredit both the conference which had already met in Brunswick and the planned conference which was scheduled to be convened in Frankfort in the summer of 1845. The banner of the document, in the form of a motto, consisted of the words of Ezekiel 33:6-7, from which the manifesto took its title. The manifesto declared that the proceedings of the Brunswick Conference had been completely objectionable. The assembled rabbis were depicted as having been deficient in rabbinic learning and scholarship and as having acted with great presumption in styling themselves the "Rabbinic Assembly of Germany." The manifesto charged that the protocols issued following the conference revealed

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<sup>1</sup>The manifesto was also signed by Samuel Freund and Ephriam L. Teweles of Prague. Cf., the reference to these rabbis in Ketab Sofer's communication to Ettlinger, Igrot Soferim, section III, no. 5, p. 7.

that, with the single exception of the resolution defining the attitude of the Jew to the State, and including a discussion of the inviolability of oaths,<sup>1</sup> the doctrines and resolutions promulgated at the conference were designed to undermine the foundations of Jewish law and to permit each individual to interpret the law in accordance with his own desires. The seventy-seven rabbis accordingly declared:

that we, the undersigned, having weighed the resolutions of the above mentioned assembly in the balance of wisdom, with weights of justice, having searchingly and maturely considered every point, have come to the resolution of boldly and publicly declaring to those who fear the word of God . . . that all the resolutions which that Assembly has published, and those which they have prepared for promulgation at this congress, which is fixed for next summer, are all contrary to the statutes of our holy law. . . . Do not, therefore, brethren, hearken to their voice. . . . Do all in your power, by legal means, to defeat their counsels and to frustrate their designs.<sup>2</sup>

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<sup>1</sup>For the resolution on patriotism and discussion of the more Judaico vide Philipson, pp. 150-and 153.

<sup>2</sup>Translation of p. 1 of the Hebrew text. Voice of Jacob, V, 136, renders "by legal means" as "embrace all means in your power consistent with reason and justice." The intent of the Hebrew "בכל אמצעים חוקיים ונכונים" is clarified in the German text which explicitly urges "solchen neuerungssüchtigen Bestrebungen durch jedes gesetzlich erlaubte Mittel entgegenzutreten." The citations included in Philipson, pp. 160-161, are translations of the German text of the manifesto, the content of which is essentially the same as the Hebrew with minor variations of expression. On the desire to secure governmental intervention

The policy of the Reformers was compared in the manifesto to the action of the sailors on the ship in which Jonah had sailed for Tarshish. Just as the sailors had sought to lighten the burden of the boat by casting its gold, silver and precious cargo into the sea, so did exponents of Reform purport to save the law by unburdening it of its precepts and statutes. The manifesto stressed that no individual has the authority or power to abrogate or alter any precept of the Divine law and declared that Reform rabbis were not the first to deny this principle. In the days of the Kings of Israel there were numerous transgressors and idolators; at a later date Sadducees and Karaites denied the validity of rabbinic Judaism. While the ascendancy of such sects was of short duration, the people of Israel who believe in the written and oral Laws endure for all times. Of interest is the argument advanced in the manifesto to the effect that the beneficent and liberal governments under whose rule Jews found themselves at that stage of history, favored a society firmly based upon sound religious principles rather than upon the shaky innovations of the Reformers.<sup>1</sup> The document

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cf., "Mikhtav me-Hakhmei Yerushalayim," SZN, no. 10:

וְכֵן הָיָה שֶׁהַיָּם הָיָה כְּבֹד וְהַיָּם הָיָה כְּבֹד  
 וְהַיָּם הָיָה כְּבֹד וְהַיָּם הָיָה כְּבֹד

<sup>1</sup>Cf., the arguments advanced by Ettlinger in his discussion of circumcision, supra, p. 103.

concluded on a positive note expressing a hope for reconciliation and with the promise of friendship extended to "those who repent in truth and with a pure heart."

Ettlinger included a statement in the manifesto calling upon those who had not yet had the opportunity to do so to associate themselves formally with the protest expressed in the manifesto. Following promulgation of the document he continued to solicit signatures in order to underscore the strength of the opposition to Reform. The manifesto was widely circulated and came to be regarded as the official statement of the Orthodox party.<sup>1</sup> The British Voice of Jacob hailed the document as an important move to arrest the tide of heresy and published it in English translation.<sup>2</sup> This English translation was republished shortly thereafter in the pages of The Occident, an American journal, whose editor, Isaac Leeser, was keenly opposed to the Reform movement.<sup>3</sup>

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<sup>1</sup>There were several other written statements formulating Orthodox opposition to the conference. IdNJ, VI, 54-55 and 86-87 reports on the protests issued by H. Lehren of Amsterdam and the Cracow Bet Din respectively. For other protests vide Philipson, p. 460, note 63 and p. 461, note 64.

<sup>2</sup>V, 136-137 and 142-143.

<sup>3</sup>III (1845), 146-149 and 198-201. The editors of the Voice of Jacob anticipated small success for the Reform movement in Britain (V, 143) and observed that they considered Leeser's attitude to be one of over-fearfulness (V, 219). The different judgments of the respective editors were borne out by history, the Liberal faction in England not at all attaining the numbers, status, and influence achieved by the Reform movement in the United States. Cf., Philipson, pp. 329 ff. and 402 ff.

Many additional signatures to the manifesto were obtained and reports in the periodical literature soon referred to the document as the "protest of the 116 Rabbis."<sup>1</sup> In the years that followed the number of signators rose to over 300.<sup>2</sup> In August 1868, twenty-four prominent Reform rabbis conferred in Cassel and, as a result of their deliberations, decided to convene a synod of rabbinic scholars and lay leaders during the summer of 1869. These developments prompted the editor of the Orthodox journal, the Israelit, to republish the German text of the manifesto with the declaration that its message was applicable to the developments of the day and might well serve as the Orthodox response to the proposed synod.<sup>3</sup>

From the outset, the "protest of the seventy-seven" caused a great stir and has been described as having aroused as much attention as did the Brunswick Conference itself.<sup>4</sup>

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<sup>1</sup>Voice of Jacob, V, 219; SZN, no. 10, also refers to 116 signators and adds the endorsement of the Sephardic rabbis of Jerusalem,

וואס אונזערע ספרדישע רבנים וואס זינען אין ירושלים  
העצערע זאגן אז זיי זענען אויך מיטגעקומען צו דער  
האנדשטעלונג

<sup>2</sup>Israelit, 1868, p. 287. Cf., Igrot Soferim, I, no. 60, p. 85, "היינט האבן אונזערע רבנים געזאגט אז זיי זענען אויך מיטגעקומען צו דער  
האנדשטעלונג

<sup>3</sup>March 10, 1869, pp. 177-180. Cf., Philipson, p. 289 and p. 478, note 25.

<sup>4</sup>Ibid., p. 159.

The Orthodox party claimed that the manifesto had a considerable effect upon the climate of public opinion and served to discredit future Reform rabbinic conferences.<sup>1</sup> More accurate was the comment of one observer that the manifesto had served as a rallying point for the traditionalists, but that it was doubtful "whether its dry denunciations have convinced one man of his errors."<sup>2</sup>

In actuality, the document itself had little impact on Reform circles, although its appearance did call forth several counterreplies.<sup>3</sup> These responses, some signed by many individuals, confirmed the broad base of support which the Conference did in fact enjoy and reiterated the opinions of those who anticipated that the rabbinic conferences would be the vehicle for a reinterpretation of Judaism.

The tone of the discussion soon became sharper and the response at times degenerated into personal attacks. The document, referred to as the "Polish Rabbinic Manifesto," was reprinted in the Israelit des Neunzehnten Jahrhunderts,<sup>4</sup>

<sup>1</sup>Israelit, 1870, p. 94. <sup>2</sup>Voice of Jacob, V, 219.

<sup>3</sup>For responses from individuals in Mannheim, Worms, Giessen, and Carlsruhe vide IdNJ, VI, 128, 159, 215, and 228 respectively.

<sup>4</sup>VI, 100-103. With reference to the low level of debate, cf., comments of Zevi Hirsch Chajes, Minhat Kena'ot, Kol Kitvei Maharitz Chajes, II, 1019, note:

הנהיגו לכתוב וליקטו את דברי  
החכמים וליקטו את דברי  
החכמים וליקטו את דברי  
החכמים וליקטו את דברי

with introductory remark migrating all who had endorsed it. It was asserted that support for the manifesto had come primarily from Hungarian and Polish rabbis and that the single German rabbi of note to have signed the document was Samson Raphael Hirsch. Rabbi Abraham Adler of Worms also authored an attack on the Manifesto in the form of a pamphlet entitled Sendschreiben an die sieben und siebenzig sogenannten Rabbiner die durch Verdächtigung und Verläumdung zu gewinnen wähnen (Worms, 1845). A rejoinder was printed in the form of an open letter to Adler and Adler in turn published a response to the open letter.<sup>1</sup> The greater part of Adler's remarks consisted simply of sarcastic jibes directed at the seventy-seven rabbis in general and, in his second response, even at specifically named individuals among them. Adler scoffed at the signators, ridiculed their lack of secular education, impugned the integrity of their motives and even went so far as to slur

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<sup>1</sup>The original pamphlet, the open letter, "Offener Brief an A. Adler, Mitglied der Braunschweiger Rabbinerversammlung als Antwort auf sein Sendschreiben an die sieben und siebenzig . . ." by K-m and the rejoinder, "Offene Erwiderung auf K-m's offenen Brief," were republished by Adler in a booklet entitled Die sieben und siebenzig sogenannten Rabbiner und die Rabbiner-Versammlung (Mannheim, 1845). Vide also IdNJ, VI, 331-333 and 339-340. The open letter appears to have been authored by Raphael Kirchheim of Frankfurt. Kirchheim was originally opposed to the Reform movement but later came under the influence of Geiger and became a proponent of Reform.

their patriotism.<sup>1</sup>

An exchange such as this further lowered the level of the debate to ad hominem argumentation and personal vilification. Such discussions merely added fuel to the fire, tinging the controversy with bitterness and bringing relationships between protagonists of Orthodoxy and Reform to a low ebb. The manifesto and the reaction to it may indeed be seen as symptomatic of the impasse at which the two factions had arrived. If the writings of Reformers such as Adler exhibit a total lack of understanding of the viewpoints of the traditionalists and of the intensity of their commitment and the sincerity of their convictions, the Orthodox, too, were at fault in their assessment of the Reform position. Dismissal of all Reform innovations as expressions of a desire for accommodation to the modern world for purposes of expediency born of self-serving motivation indicates a failure to appreciate the nature of the enormous religious and philosophic upheavals of the time and of the spiritual considerations which motivated many of the early Reformers. The rhetoric of the manifesto certainly did not

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<sup>1</sup>Adler's remarks regarding patriotism, p. 4, called forth the sharpest response, pp. 14-15. The Orthodox were emphatic in negation of aspersions on their patriotism. Vide, for example, "Orthodoxie, Modernität und Patriotism," TZW, IV, 361-363 and the almost identical article, "Schliesst sich der moderne Rabbinismus dem Staate wirklich mehr an, als es das orthodoxe Judenthum thut?" TZW, V, 385-387.



provide a basis for common discourse. The manifesto may have served to alert members of the Orthodox community, but as an attempt to communicate with Reform it was singularly valueless. Reformers continued to address Reformers and Orthodox continued to speak to Orthodox but a genuine dialogue was not created.

The importance of the manifesto is to be seen neither in its message nor in the roster of signators appended thereto. The manifesto is significant as marking a turning point in the response and reaction of the Orthodox; it indicates a transition from a passive stand to one of active involvement. Ettlinger's attempt to enlist support for the manifesto prompted the first stirrings of a movement for organization and collective action on the part of the Orthodox. The crucial point was that Ettlinger took a more far-reaching step than merely publicizing the protest. He proceeded to advocate the establishment of a German-language periodical to be sponsored by those whom the manifesto referred to as "the faithful leaders who guard and protect the holy charge." With the implementation of this proposal and the publication of such a newspaper on a weekly basis German Orthodoxy entered a new phase. Finally, the Orthodox began to use to advantage both the pulpit and the press--the media of communication which had previous to that time

been virtually the exclusive domain of Reform.<sup>1</sup> The most significant aspect of this development was the fact that the journal appeared in the vernacular. The Orthodox were to lay to rest the shibboleth that the halakhic discipline and modern secular culture were mutually exclusive. In so doing, Orthodoxy was to reassert its self-esteem and to gain a new measure of respect in the eyes of German Jewry.

Ettlinger was fully aware of the significance of this new venture. He even attributed to the impact and influence of this journal the fact that after 1846 Reformers desisted from calling annual rabbinic conferences.<sup>2</sup> These annual conclaves were in actuality discontinued primarily for an entirely different reason. The revolutions of 1848 were a turning-point in the history of German Jewry. Liberal movements suffered a severe setback as a result of the failure of these uprisings and the subsequent immigration of great numbers of Jews from central Europe. The activity of Reformers for the next 20 years advanced at a much slower pace and not until 1868 did an assembly of Reform rabbis gather to call for a wide-ranging synod. However,

<sup>1</sup>Cf., Voice of Jacob, V, 219 and Die jüdische Presse, 1872, p. 343.

<sup>24</sup>Arukh la-Ner, Sukkah, introduction:

Arukh la-Ner, Sukkan, introduction:



motive force in publicizing the protest. Critics of the seventy-seven rabbis singled out Ettlinger for his zeal in circulating the document and referred disparagingly to his role in organizing opposition to the Reform rabbinical conferences.<sup>1</sup>

In two aspects of the document Ettlinger's personal orientation is manifest. It was Ettlinger who insisted on the inclusion of a German-language text.<sup>2</sup> The significance of this decision is underscored by the Reform responses to the manifesto many of which included remarks casting aspersions on the low level of general education of the Orthodox and by Adler's specific challenge, "Do count your men! How many among them understand German?"<sup>3</sup> Ettlinger's influence may also be detected in the temperate wording of the document. It should be noted that references to the manifesto as a ban or anathema<sup>4</sup> are simply misstatements

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<sup>1</sup>IdNJ, VI, 213, specifies that Ettlinger was a leader of the seventy-seven rabbis, "als einer der Koryphäen obenan steht der Oberrabbiner Ettlinger," and refers sarcastically to his efforts to publicize the manifesto, "Hr. J.A. Ettlinger . . . dieser Muster-Rabbiner hat sich als subscribenten-Sammler für das ungarisch-polnisch-rabbinische Sendschreiben . . . nun noch neue Verdienste erworben."

<sup>2</sup>Vide infra, p. 246.

<sup>3</sup>Adler, p. 6.

<sup>4</sup>IdNJ, VI, 213.

of fact. The document contained no anathema or imprecation nor did it include an attack on any individual. Even its critics admitted that the manifesto was restrained in expression and did not strike the strident note they associated with many other Orthodox pronouncements.<sup>1</sup> While Ettlinger's opinions in these matters prevailed with regard to the manifesto, they were not always accepted with unanimity by the more extreme among his colleagues.

Although Ettlinger openly assumed a militant anti-Reform posture, he was careful not to sanction extreme pronouncements and cautioned against measures that would alienate the masses. He did not wish to widen the breach and was specifically opposed to the issuance of bans and indictments which could not but lead to the severance of ties with large masses of Reform Jews. An encounter between Ettlinger and Rabbi Shlomo Eger throws light on this aspect of Ettlinger's policy. Following the conferences in Brunswick and Frankfort, Shlomo Eger, scholarly son of R. Akiba Eger and rabbi of the Posen region, determined to issue a ban against Reform Jews declaring them to be outside the pale of the community of Israel. When Eger informed Ettlinger of his intention the latter summoned him to Altona

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<sup>1</sup> Ibid., p. 100.

to discuss the matter in person. Eger undertook the journey and was received with great cordiality and honor by Ettlinger and the rabbis and Klaus scholars of Hamburg and Altona. He anticipated Ettlinger's full assistance and cooperation in circulating the ban but was soon disenchanted. Ettlinger conceded that in theory Eger was justified in wishing to pronounce a ban; however, in practice, he refused to sanction such a course of action. In a private communication in which he discusses the incident and describes his keen disappointment, Shlomo Eger interprets Ettlinger's attitude as one of fearfulness:

Although they were forced to admit that the matter was halakhically correct, they were unwilling to act upon it. For the sage, the Chief Rabbi of Altona, despite all his piety and despite all that has been done through him to denigrate the deeds of these rebels in the pages of the Guardian of Zion through Dr. Enoch, is yet afraid to do such a thing against the wicked who rule over him. For so do they honor and elevate him in accordance with the custom of the people of Germany . . . that he conducts his rabbinate in such a manner as [was customary] in the past and no small or big matter is changed in the synagogues of Altona and Hamburg without permission of the rabbinate. I was greatly impressed with their ancient customs . . . the rabbis of Germany are afraid to quarrel publicly with the wealthy and to publicize a ruling such as this against the heretics, lest these turn to evil ways in public and they [the rabbis] lose the good status they yet enjoy.<sup>1</sup>

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<sup>1</sup>Igrot Soferim, I, no. 60, p. 84. Cf., Abraham Bromberg, Mishpaḥat Eger (Jerusalem, 1958), pp. 80-87.

Eger also describes a meeting with Nathan Adler of London who was then visiting in Hanover.<sup>1</sup> Eger wished to obtain the help of Adler, and through Adler that of Moses Montefiore, but in this attempt as well he was unsuccessful. Eger concludes that a wiser course of action would have been to have approached the rabbis of Hungary for assistance in this matter. The distinction between the strident approach of the rabbis of the Hungarian school and that of Jacob Ettlinger and Nathan Adler is well-founded. However, Eger misses the mark in attributing Ettlinger's reaction to fearfulness or cowardice. Ettlinger's refusal to be party to a formal ban and indictment was a reasoned decision consistent with his carefully formulated policy with regard to public opposition to the Reform movement.<sup>2</sup>

Ettlinger's preoccupation with the defense of Orthodoxy is evident throughout his writings. In an effort to counter the teachings of exponents of Reform he continually emphasized the fundamental significance in Judaism of the doctrine of revelation and the belief in the restoration of

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<sup>1</sup>Ibid., p. 83. Adler had returned to Hanover for the celebration of his mother's eightieth birthday. The visit is described in TZW, III (1847), 230-231 and 238-239 and in Voice of Jacob, 1847, p. 192.

<sup>2</sup>Emanuel, Ha-Ma'ayan, XII, no. 2, 32, observes that both Hirsch and Hildesheimer were similarly opposed to the issuance of bans.

Zion. Passages dealing with these topics are to be found even in his purely Talmudic works.<sup>1</sup> It is, however, in Minhat 'Ani that the clearest expression of Ettlinger's thinking with regard to the Reform movement is to be found. In comments culled from addresses covering the span of over fifty years there is considerable emphasis on themes relating to problems of the modern era and changing attitudes to religion.<sup>2</sup> This work, as well as several of Ettlinger's German addresses, show evidence that Ettlinger attempted a systematic approach to these questions and had formulated a consistent response to them. These addresses do not represent an attempt on the part of Ettlinger to communicate with individuals who no longer viewed religion from the traditional perspective. His words of explanation and encouragement, teaching and exhortation, were addressed to those who accepted the fundamental beliefs of traditional Judaism. In speaking to, and writing for such individuals, Ettlinger sought to bolster their faith, to analyze the reasons for the increasingly more widespread non-observance

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<sup>1</sup>Vide, for example, 'Arukh la-Ner, Sanhedrin 17a and Siyum ha-Mesikhta; 'Arukh la-Ner, Makkot 24b.

<sup>2</sup>Ben Zion Ettlinger, Minhat 'Ani, introduction:

ייתכן שמאור דור הגדול של בניו אל כל אשר השפיע עליהם...  
 אהיה בין חלקים המוסרים והצניעם אל הרע...  
 וזו נכח השכל אשר לא יסגירם לעקר ולנשחץ  
 בזה השקפה אמנותית.



and to offer guidance in face of the cultural conflicts with which they were inevitably to be faced. If his analysis is, at times, too simplistic and falls short of a full understanding of some of the crucial factors that gave rise to religious change, it nonetheless represents a significant step beyond the one-dimensional didacticism of Shelomei Emunei Yisrael and similar pronouncements.

In several passages of Minhat Ani Ettlinger delineates his conception of the role of a spiritual leader and of the optimum manner in which such a leader should react to the religious crises of the times. His comments on the Scriptural portion of Be-ha'alotkha may well serve as a response to the criticism of Shlomo Eger and as an explanation of the considerations which motivated his own policy. Ettlinger discusses the Biblical narrative (Numbers 11:16-17 and 25) with regard to the appointment of the seventy elders as the spiritual leaders of Israel. On the basis of Midrashic sources he declares that the appointment of spiritual leaders was an event equal in significance to the very giving of the Law. The Almighty "descended" to give the Torah unto Israel and similarly he "descended" to appoint the elders. Laws promulgated by the elders and duly appointed leaders of Israel are endowed with Divine authority; rabbinic law is no less binding than Scriptural law. Ettlinger interprets

the verse "And He took of the spirit that was upon him /Moses/ and put it upon the seventy elders" (Numbers 11:23) as indicating that the authority invested in Moses was Divinely transmitted from Moses to the elders. Subsequently this authority was transmitted from the seventy elders to the leaders of Israel in each and every generation just as "one kindles a light from /another/ light in such a manner that the flame of the second light flows from the first light."<sup>1</sup> Ettlinger obviously is concerned with bolstering the authority of rabbinic Judaism. His remarks are directed toward exponents of Reform who cast doubts upon the binding force of rabbinic law. To their challenge Ettlinger's clearly articulated reply is that rabbinic law flows directly from Mosaic law and has equal sanction and validity.

Noting that the effectiveness of the religious leader is contingent upon his practical approach to communal issues, Ettlinger delineates two fundamental characteristics which it is essential for a spiritual leader to possess. He must be fearlessly outspoken but at the same time--and this point is reiterated by Ettlinger several

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<sup>1</sup>P. 87a.

times--he must know how to present his teachings, and even his censure, in a tactful manner. Ettlinger cites the Midrashic comment on Numbers 11:16:

Why did [Scripture] not state 'I shall gather seventy men [anashim]' but seventy man (ish)'? [To demonstrate that the reference is to] singular men who will be like unto Me and like unto you. 'The Lord is a man of war' [Exodus 12:3] and 'The man Moses was very humble' [Numbers 12:3].

Ettlinger then interprets this comment as elucidating the prerequisites of leadership:

There are some leaders of the people who think concerning the rebellious in their congregation and those who transgress the commandments of the Lord, that it is better to leave them alone and not to fight against them in order not to ignite the flame of quarrel and on their lips is the love of peace. . . . However, this is a faulty view. . . . It is incumbent upon one who leads the people not to draw back from fighting for the Torah of the Lord and the enactments of his Sages on account of the fear of dissension. But his words must be gentle and graciousness must be upon his lips in order that even his antagonists may recognize and know that he seeks not his own glory nor does the pride of victory rule over him but rather that all his words and all his deeds are but for the glory of God, to strengthen his Torah and to bring happiness to his congregation. . . . In this manner does he reveal his nature in that he does not speak in conceited language to dominate the rebellious but only to lead them back to the Torah. . . . therefore [Scripture employs the word] ish (man) to indicate that a leader must be a man who combines these two qualities, emulating the Lord of Whom it is said 'The Lord is a man of war' to fight against

the adversaries of Israel, and also emulating Moses of whom it is said 'and the man Moses was very humble.' His /the leader's/ words must be uttered in calmness and humility and not in pride; then they are words which come from the heart and will enter the heart and he will accomplish the goal of his battle.<sup>1</sup>

In his commentary on the Scriptural portion of Hukat Ettlinger underscores the importance of restraint in dealing with those who transgress. This homiletical passage is of particular significance since it clearly reflects the policies and approaches Ettlinger advocated in terms of responsible Orthodox response to Reform protagonists. In analyzing the narrative concerning Moses' striking of the rock (Numbers 20:2-13) he interprets the Midrashic comments on this Biblical passage as illustrating various methods of reproof. The striking of the rock symbolizes physical punishment and a manner of reproach suited to an errant child; "speaking unto the rock" symbolizes deliberation and discussion and the manner of reproof suited to one who has gained intelligence and understanding. Shortly after the exodus from Egypt Moses was told to strike the rock since the erstwhile slaves had not as yet developed spiritually and deserved to be treated as children. Later Moses was bidden to speak to the rock for after years of wandering in the wilderness the people of Israel had attained maturity and

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<sup>1</sup>Pp. 87b-88a.

required instruction by means of words. However, in his zeal to castigate the errant, Moses admonished his people in a harsh manner. He struck the rock and in so doing failed to sanctify the name of the Almighty.

In his exposition Ettlinger emphasizes that Moses erred in "not addressing the people with gentle words in order to cause them to return to the good . . . for the Lord desires for his children defenders, not accusers, and in this manner is His great name sanctified."<sup>1</sup> Here Ettlinger clearly indicates that opposition to Reform must not take an accusatory or vindictive form. Rather there must be a genuine attempt to understand the errant and to guide them with love and gentleness.

Ettlinger elaborates on this concept in his interpretation of an additional Midrashic comment on this passage. Yalkut Shim'oni, Numbers 20:17, relates that on this occasion water was granted unto Israel in the merit of Abraham. Ettlinger observes that Abraham epitomizes the leader who was able to inspire his fellow man to belief and faith. Abraham taught not by means of punishment and threat but by patient verbal instruction and guidance. Ettlinger contends that Moses' error was compounded by virtue of the fact that the water was made available because of the

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<sup>1</sup>p. 99a.

merit of Abraham. Because of the symbolism associated with the water it would have been all the more fitting for Moses to have refrained from striking the rock. On this particular occasion, it would have been especially suitable for Moses to have refrained from excessive reproof and to have transmitted the waters of Torah to the people in a pleasant manner, thereby acting in the spirit of the tradition of Abraham.<sup>1</sup>

There are several additional passages in which Ettlinger further emphasizes that it is desirable that criticism and reproof be administered in as tactful a manner as possible. He observes that admonitions, anger, insults and threats of punishment arouse antagonism and serve no useful purpose. The teacher who simply stresses the commandments and teachings of Torah arouses sympathy and affection. Effective spiritual guidance is contingent upon direct personal contact for the spoken word is more effective than the written. Ideally, a spiritual leader must be of exemplary character, capable of stirring the emotions of his followers and able to present even words of criticism in an attractive manner.<sup>2</sup> Elsewhere Ettlinger draws attention to the admonition, "You shall surely rebuke

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<sup>1</sup>P. 100a.

<sup>2</sup>Vide, in particular, pp. 5b and 129b-130a.

your friend and not bear sin because of him" (Leviticus 19:17). Ettlinger observes that from the Scriptural wording one may infer that one should not address a transgressor as if he were a sinner but rather as if he were "your friend in Torah and mitzvot."<sup>1</sup> When approached in such a manner the individual concerned is more likely to be receptive to constructive criticism. Moreover, Ettlinger adds, the concluding phrase, "and you shall not bear sin because of him" is a reminder that one who reproves a sinner must be careful not to bear sin on his account; viz., not to utter words of rebuke in a manner that might shame or embarrass his fellow man.<sup>2</sup>

From these varied homiletical comments there emerges a carefully delineated formulation of policy. While the religious leader is duty bound to censure those who deviate from the teachings of Torah he is viewed, at the same time, as being responsible for doing so in a manner that will ultimately lead to enhanced observance. However, Ettlinger cautions, neither otherwise laudatory traits of sensitivity nor pragmatic considerations may be

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<sup>1</sup>Kedoshim, p. 63a.

<sup>2</sup>Loc. cit.

allowed to deter the religious leader in his efforts to contain those who actively seek to undermine the cause of religion.

Thus, despite his emphasis on the importance of establishing harmonious personal and communal relationships, Ettlinger maintains that there are overriding concerns in the face of which even the ideal of peace must be swept aside. In numerous passages he extols peace as the greatest of values and as a prerequisite for Divine redemption.<sup>1</sup> Yet, he asserts, there are times when it may become necessary to impinge upon harmonious and peaceful relationships in order to isolate a segment of a community which persists in wrongdoing or wrong thinking. In his interpretation of the narrative concerning Sarah's dismissal of Hagar and Ishmael (Genesis 21:9-12) Ettlinger emphasizes that Sarah's discordant action was a necessary one, justified by the need to assure Isaac's survival.<sup>2</sup> Elsewhere, he notes that national harmony is an ideal only if such accord is also characterized by righteousness and piety. There is

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<sup>1</sup>Pp. 5a-7a, 38b, 95a, 102b, 105b, and 122b.

<sup>2</sup>Va-yera, pp. 6a-7a.



no positive merit to be found, he asserts, in a fraternal society whose aims are the subversion of the commandments of the Torah.<sup>1</sup> Most explicit are his comments on the Scriptural portion of Pinhas:

If you see that there are rebellious individuals who wish to destroy your Torah, then it is the time to act for the Lord, to wage the war of the Lord against them. . . . And he who wages the war of the Lord against the heretics should not restrain himself on account of the false argument that peace is great and it is better to grasp in friendship anyone who may be termed a Jew than to create a separation of hearts . . . and the reason for this is that although peace between man and man is great, nevertheless even better is peace between Israel and their Father in Heaven. Therefore, he who avenges the vengeance of the Lord to strengthen the Torah, he is the one who desires peace and seeks it diligently.<sup>2</sup>

This principle, Ettlinger declares, is evidenced in the narrative of Phineas. In avenging the Lord, Phineas killed a prince of the tribe of Simeon yet he was rewarded with the covenant of peace. Scripture states, "Behold, I give unto him my covenant of peace" (Numbers 26:12) and the Midrash adds, "It is indeed just that he receive his reward. . . . my covenant of peace" (Vayikra Rabbah 21:1). Although Phineas' action seemingly fostered dissension and aroused the antagonism of an entire tribe ultimately this very

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<sup>1</sup>Mattot, p. 106a.

<sup>2</sup>Pp. 104b-105a.

action brought peace between the Almighty and Israel. Therefore, Ettlinger concludes, the Midrash uses the expression "It is indeed just (be-din hu)" with reference to Phineas' reward.<sup>1</sup>

The obvious inference of this highly significant passage is that Ettlinger views Orthodox opposition to Reform as a form of conflict necessary in order to assure the establishment of the higher peace between Israel and the Almighty. Ettlinger is cautioning his Orthodox colleagues not to abandon the struggle because it may disrupt communal harmony. On the contrary, those who actively engage in the religious conflict, Ettlinger avers, are in fact safeguarding the communal interest and welfare. Ultimately the militant Orthodox will be hailed as the saviors of the people and, Ettlinger implies, it will indeed be just (be-din hu) to recognize their essential contribution.

Ettlinger viewed the Reform movement as one of the final stages in a gradual process of assimilation which was destined to culminate in total rejection of Jewish identity: "We find the descent of sinners from

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<sup>1</sup>p. 105a.

stage to stage . . . until they have thrown off the entire yoke of the faith of Israel and consider it a shame for themselves even to be addressed as Jews."<sup>1</sup> He cautioned that the strictest vigilance must be maintained lest early indications of religious laxity remain unnoticed only to be followed by more severe infractions. For in instances where specific transgressions are overlooked and non-observance becomes habitual, it becomes increasingly more difficult to reverse the process.<sup>2</sup> Ettlinger enlarged upon this theme in his analysis of the Mishnaic discussion concerning the events which are commemorated by the fast day of the seventeenth of Tammuz. The Mishnah, Ta'anit, chapter 4, relates that on this day five calamities befell Israel: the tablets were shattered, the daily sacrifice was abrogated, the wall of the city was breached, the Temple was burned and an idol was set up in the sanctuary. Ettlinger maintains that these events reflect the manifold troubles that Israel was to experience throughout the centuries of exile and dispersion but that their symbolism is particularly apt as

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<sup>1</sup>Toldot, p. 8a.

<sup>2</sup>Aharei Mot, p. 58a.

an illustration of the status of Jewish religious life of his own day. The breaking of the tablets symbolizes the crucial step leading to the rejection of tradition --the abandonment of Torah study. This is followed by the abandonment of prayers and observances which must be practiced with regularity as symbolized by the daily sacrifices. There follows the breakdown of the individual's inner defenses as symbolized by the breaching of the city. The next step is the burning of the Temple, i.e., the abrogation of the traditional service. The final indignity is the substitution of religious innovations for time-hallowed practices as symbolized by the idol erected in the Temple.<sup>1</sup>

In several passages in his writings Ettlinger attempts to analyze the causes underlying this gradual break with tradition. He notes that standard arguments advanced to rationalize non-observance of the mitzvot are: (1) the commandments are not eternally valid; (2) many of them serve no beneficial purpose; (3) an omnipotent Creator is unconcerned with man's deeds; (4) the Creator

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<sup>1</sup>Balak, p. 102b. Vide also Va-ethanan, p. 155b and Abhandlungen und Reden, p. 60.

will neither reward nor punish an individual's actions. In modern times, Ettlinger observes, other considerations prompted widespread non-observance. He notes that his contemporaries wished to become integrated in the general non-Jewish society and eschewed mitzvot as signs of Jewish distinctiveness.<sup>1</sup> He observes that his co-religionists had become obsessed with the need to conform and with the desire to emulate the prevalent life-style and social mores of the day. In a rare direct reference to "you German Reformers" Ettlinger castigates the Reform leadership for casting aside age-old traditions and laws simply to satisfy a desire "to be completely identical to other nations in custom and mode of life."<sup>2</sup> Ettlinger maintains that the new climate of opinion in which individual freedom was romanticized led to the equation of freedom with permissiveness and subsequent rebellion against the restrictions of Jewish law. In his analysis of the symbolism of the Passover Haggadah Ettlinger points out that the Passover liturgy underscores Israel's dependence on Divine deliverance as distinct from human freedom.<sup>3</sup> In

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<sup>1</sup>Minhat 'Ani, Bamidbar, pp. 80a-b.

<sup>2</sup>Abhandlungen und Reden, p. 59.

<sup>3</sup>Haggadah shel Pesach, Minhat 'Ani, pp. 59-60.

Ettlinger's opinion the Reform movement was given impetus by the natural penchant for change and quest for novelty and the failure of many to appreciate the timelessness of Judaic teachings. He points out that the allegorical significance of the flowering of the staff of Aaron (Numbers 17:23-25) is a symbolic indication that Torah is ever fresh and flourishes anew in each generation.<sup>1</sup>

Ettlinger cautions his co-religionists not to allow their integration into the general society to be achieved at the expense of allegiance to Divine Law and not to permit the ideals of universalism, patriotism and freedom to become their new gods. In a discussion regarding the problem of dual loyalties, Ettlinger insists that the conflict between Israel's hopes for redemption and the patriotism and loyalty of a Jew to his fatherland has no basis in fact and contends that these two ideals are not mutually exclusive. However, Ettlinger does not hesitate to assert boldly that in the event that a conflict were indeed to be present, the faithful Jew would have to give priority to Jewish values: "However, my friends . . . even granted that this belief would be in conflict with the gifts that the generous hand of the state wishes to

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<sup>1</sup> Minhat Ani, Korah, p. 98b. Cf., Aharei Mot, p. 58a, Kedoshim, p. 62a, and "Die Natur Ein Herold des göttlichen Glaubens," TZW, I, 125.

bestow upon its sons, may we, for material benefit, sacrifice a Divinely ordained belief?"<sup>1</sup>

Ettlinger realized that for many of his co-religionists, in practice, the answer to the above rhetorical question was an affirmative one. Indeed, in his opinion, the paramount motivation for religious reform was the wish to acquire material gain. Many individuals aspiring to attain maximum material pleasure and comfort experienced the "yoke of the commandments" as an impediment. Ettlinger maintained that economic considerations played an important role in the decision of a great number of his contemporaries to abandon the halakhic discipline. In particular, he attributed the widespread non-observance of the Sabbath and holy days to the difficulties encountered by many in securing employment. He commented that it was a tragic irony that while Jews had remained steadfast in observance for many generations in the face of privation and suffering when they had finally arrived at a juncture in history in which they lived in comparative ease and prosperity, they were, in large numbers, abandoning mitzvot for the sake of financial security.<sup>2</sup>

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<sup>1</sup>"Zions Wiedergeburt," TZW, X, 22. Cf., Minhat Ani, Aharei Mot, p. 57a.

<sup>2</sup>Loc. cit. Vide also ibid., va-Yakhel, p. 40a, Emor, p. 65a, and Korah, p. 198b.

Recognition of the fact that non-observance of the Sabbath was increasingly widespread and that fear of financial loss was often a determining factor in such non-observance prompted Ettlinger to author a responsum of far-reaching consequence with regard to the status of those who desecrated the Sabbath. In the Talmud one finds the category of a "mumar to the entire Torah," a person who rejects the commandments of the Torah in their entirety. In the Talmudic discussion, Hullin 5a, a public desecrator of the Sabbath is deemed to be in the same category as a "mumar to the entire Torah." Rashi, ad locum, explains this categorization by noting that the public desecrator of the Sabbath, by virtue of his action, denies the Scriptural testimony regarding the creation of the world by God. In denying this Biblical account he publicly proclaims the heresy of denying the divinity of Torah. Hence he is a "mumar to the entire Torah."

The new sociological reality of a significant number of Jews transgressing the Sabbath led Ettlinger to a redefinition of the implications of such desecration. In a responsum (BZH, no. 23), which he specified was theoretical only and not to be applied in practice, Ettlinger proceeded to note that Sabbath desecrators of his day were usually not in the category of heretics:



But I do not know how to consider Jewish sinners in our time. . . . For because of the multitude of our sins the sore has spread greatly, to such an extent that for most of them the desecration of the Sabbath has become like a permissible act. . . . There are those among them who offer Sabbath prayers and recite the kiddush and then violate the Sabbath. . . . The Sabbath desecrator is considered a mumar only because, by denying the Sabbath, he denies the creation and the Creator. But this man acknowledges them by his prayer and kiddush. And certainly their sons who arise in their places, who neither know nor have heard of Sabbath ordinances, are like . . . children taken captive. . . .

Ettlinger believed that material considerations prompted many of his contemporaries to become lax in religious observance. However, while he was not prepared to view the masses of the non-observant as heretics he emphasized that the above principle did not encompass those who openly rejected the fundamental beliefs of the Torah and declared that this ruling did not apply in instances when "it is clear to us that he knows the Sabbath laws and yet audaciously desecrates it in the presence of ten Jews together, for such a one is like an absolute mumar."

The practical consequences of this ruling were significant. Although Ettlinger had presented the decision only as a theoretical possibility, it soon became standard practice to count Sabbath desecrators as members of the quorum for public prayer and to accord them the prerogative of being called to the Reading of the Law. Neither practice could

have been permitted other than on the basis of a rationale similar to that advanced by Ettlinger. To this day rabbinic authorities when pressed for a defense of these practices invariably reply with a reference to this decision. Of interest are the lenient rulings of David Zevi Hoffmann<sup>1</sup> and more recently of Moses Feinstein,<sup>2</sup> both of which cite Ettlinger's precedent.

The reasoning underlying this pivotal halakhic decision is reflected in a basic theological distinction underscored by Ettlinger. In several passages of Minhat Ani he draws a sharp distinction between individuals who have abandoned observance for pragmatic and financial reasons and those whose rejection of mitzvot is predicated upon ideological considerations. In his commentary on Be-ha'alotkha he states:

For there are two categories of transgressors, [There are] transgressors by virtue of [human] nature, those who do not overcome their passions but in their hearts believe in the Torah and the commandments and there are sinners . . . who sin not on account of desire, but because they do not believe in the Torah and deny

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<sup>1</sup>Melamed le-Ho'il, Orah Hayyim, no. 29.

<sup>2</sup>Igrot Mosheh, Even ha-Ezer, II, no. 20. Rabbi Feinstein disagrees with Ettlinger's line of reasoning but reaches the same conclusion on different grounds. Vide also ibid., Orah Hayyim, I, no. 33. Cf., the discussion of these responsa in Samuel Morrell, "The Halachic Status of non-Halachic Jews," Judaism, XVIII (June, 1969), 455-457.

its commandments. The distinction between these two [categories] in which there may be discerned the origin of their transgression is if they only sin to transgress a negative commandment so that they do not put a rein on their passions to guard against forbidden pleasures but they observe the positive commandments which are not contrary to their passions. In this it may be recognized that they believe in the Torah. However, if not only do they sin in transgressing negative commandments, but also do not observe the positive commandments of the Torah, this indicates that they deny the Torah.<sup>1</sup>

Individuals who desecrated the Sabbath for material gain, but yet observed positive commandments such as the recitation of kiddush, were, according to the above analysis, to be regarded as "transgressors by virtue of nature" and not as heretics. It is to the status of such individuals that Ettlinger's halakhic decision was addressed.

Ettlinger maintained that a considerable number of those who were attracted to the Reform movement were individuals whose primary motivation was indeed materialistic in nature. Accordingly, they sought to abrogate commandments which might involve economic hardship or create embarrassment in association with non-Jews. Ettlinger felt that it was essential to differentiate between these two fundamentally disparate groups, between individuals whose intent was merely "to ease the yoke of Torah

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<sup>1</sup>p. 91a.

according to the needs of the times" as opposed to individuals who denied the validity of Torah and rejected its basic beliefs.<sup>1</sup> He emphasized that those whose transgression was motivated by passion could more readily be steered back to the path of Torah.<sup>2</sup> However, he was unwilling to view as hopelessly lost to Judaism even those individuals who were motivated by heretical views, and pointed out the manner in which even those considered to be "total transgressors," both Jews and non-Jews, were afforded opportunities to repent.<sup>3</sup>

Ettlinger considered intensive education and inspired leadership to be the only effective antidotes to Reform. He underscored the obligation of a spiritual leader to be concerned with the well-being of his entire community and to strive to draw close even those who had drifted far from the paths of Torah. He pointed out that Noah, David, and Job had achieved personal greatness in moments of stress and crisis, but that all three had failed as leaders of the nation in not having reached out to the entire people and consequently in failing to bring about the salvation of their entire generation. Noteworthy is

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<sup>1</sup>Va-yakhel, p. 39b.

<sup>2</sup>Va-yelekh, pp. 130b-131a. Cf., also Devarim, pp. 110a-111a.

<sup>3</sup>Be'ha'alotkha, p. 91b.

Ettlinger's observation that a spiritual leader must concern himself with the ethical and interpersonal aspects of his congregants' life and not only with matters which are essentially ritual in nature. Ettlinger noted that Noah was faulted for providing inadequate leadership to his generation. Whereas he had rebuked them for transgressing the laws between man and God he had failed to rebuke them for their lapses in observance of the laws between man and man. Thus Noah did not attain the status of truly great leaders such as Moses and Samuel who concerned themselves with all aspects of the life of their people.<sup>1</sup>

Most significant is Ettlinger's insistence that those whose faith faltered must be guided by means of instruction and explanation. He maintained that criticism and didacticism alone were ineffective and that it was necessary to take pains to teach those who were misguided and to clarify to them the laws of the Torah. Commenting on the double expression of reproof (hokheiah tokhiah) in the Biblical admonition "You shall surely reprove your friend," Ettlinger notes:

The repetition of [the word] hokheiah denotes that it is of the essence of reproof that when one says to one's friend, 'Do not do so,' when he has committed a transgression or 'Do

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<sup>1</sup>Ibid., pp. 88a-88b.



first accept the yoke of the commandments and only then may he engage in the study of the rationale of the commandments. When faith is bolstered by study and understanding, Ettlinger contended, it proves impregnable even to the negative forces of an alien environment.<sup>1</sup>

Ettlinger duly noted the rabbinic interpretation of the dictum "Know what to reply to a heretic" (Avot 2:14) as a reference to non-Jewish heretics and averred that it is pointless to engage in argumentation with Jewish heretics. Ettlinger claimed that while polemic for the sake of intellectual stimulation alone is proscribed, in instances where questions are raised regarding the fundamentals of the faith and the meaning of the commandments, it is necessary to reply with careful clarification and explanation lest the challenger think that the observant have no adequate reply.<sup>2</sup>

Ettlinger underscored the absence of any personal motive in his opposition to the exponents of Reform. In Minhat Ani, Va-yera, he pointed out that it was necessary to reprove individuals whose commitment to religion was weak. However, he added, even when such individuals have

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<sup>1</sup> Ki-Tavo, p. 127b and Yitro, pp. 25b-26a. Cf., Haggadah shel Pesah, Minhat Ani, p. 34.

<sup>2</sup> Ibid., pp. 35-36. Cf., comments in BZ, no. 24.

reached the stage of rejecting religious beliefs, it is not fitting to harbor hatred or animosity of their person, but only of their ideology.<sup>1</sup> He accused the Reformers of injecting a note of personal acrimony into the confrontation with exponents of Orthodoxy and of becoming their personal enemies.<sup>2</sup>

This comment reflects several unpleasant experiences in Ettlinger's life. To a number of Reform writers Ettlinger's interest in kabbalistic notions and practices was the subject of scorn and ridicule. Disparaging comments appeared in the Reform press over even as personal and painful an issue as Ettlinger's decision to accord his own wife prompt burial in accordance with halakhic and kabbalistic teachings.<sup>3</sup> Ettlinger's Talmudic writings were scoffed at by Reformers and his Bikkurei Ya'akov, in particular, was singled out as an example of the naivete and backwardness of Orthodox rabbis. This work dealt in minute detail with all aspects of the laws and rituals of the festival of Tabernacles and included several highly theoretical problems.

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<sup>1</sup>p. 9b.

<sup>2</sup>Loc. cit. Ettlinger states explicitly:

מאד רחוק מלומר שיש להם שום דבר  
 נכבד ונשגב ונאמץ ונחמד ונחמד  
 ונחמד ונחמד ונחמד ונחמד ונחמד  
 ונחמד ונחמד ונחמד ונחמד ונחמד

<sup>3</sup>IdNJ, 1845, pp. 214-215. Cf., also ibid., pp. 213 and 357.



With a total lack of appreciation of the significance of mitzvot to the Orthodox, one Reform writer mocked Ettlinger's preoccupation with ritual rather than "spiritual" concerns. Others seized on Ettlinger's discussion of such questions as the manner in which a person who has no hands should fulfill the commandment of the four species and the direction in which the palm branch is to be pointed in the Western Hemisphere as typifying the absurdities of Talmudic scholarship.<sup>1</sup>

In his introductory comments to 'Arukh la-Ner on Yevamot Ettlinger referred caustically to his awareness of the ridicule with which those who compose Talmudic and halakhic works were regarded by many of his contemporaries. Elsewhere, in a responsum concerning aspects of the ritual of circumcision, he noted that on account of his forthrightness in expressing his views on the question at hand he had been subjected to personal vilification of both a veiled and an overt nature.<sup>2</sup> The note of bitterness takes on a sharper edge in remarks included by Ettlinger in his eulogy of Isaac Bernays. While Ettlinger's outer deportment typified a Talmudist of the old school, Bernays, on the other hand,

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<sup>1</sup>IdNJ, 1845, p. 216. AZdJ, 1842, pp. 4-5 and 126. Cf., the less sharply worded remarks on this subject of Kaufmann Kohler, Hebrew Union College Monthly, May, 1917, p. 228.

<sup>2</sup>BZ, no. 24.

was acclaimed as a man of broad secular scholarship and his articulate championship of Orthodoxy represented a more obvious threat to the position of the Reformers. Furthermore, the controversy surrounding the Hamburg Temple Prayerbook created an atmosphere of dissension and strife in which individuals rather than ideologies were subjected to attack. Accordingly, Bernays was subjected to a more concentrated personal attack than the sporadic criticism directed against Ettlinger. Ettlinger's deep sympathy was aroused by his colleague's discomfiture. Following Bernays' demise Ettlinger expressed these sentiments in several memorial addresses. In his words of tribute and appreciation he specifically made reference to Bernays' personal suffering, declaring "How many bitter drops of the cup did he sip! Not life, but pilgrimage alone, may this be called."<sup>1</sup>

Ettlinger's own experience as rabbi in Altona was entirely different. The community was a homogeneous one and maintained a consistently high level of observance. During the entire period of Ettlinger's tenure there was no major dispute and his authority remained unquestioned. Ettlinger's rigid interpretation of Halakhah and his insistence upon maximum standards in all matters of ritual and observance

<sup>1</sup>"Trauer-rede zur Gedächtnissfeier des hochseligen geistlichen Beamten, Herrn. I. Bernays," TZW, V, 165.

were tempered by his mildness of manner and expression and his interest in all members of the community. A glimpse into the harmonious relationship that existed between Ettlinger and his congregants is given by a correspondent to Ha-Maggid who observed that :

For a lengthy period of time neither breach nor clamor was heard in Altona as in other cities of Germany. The words "modern" and "old" were not known and not heard for in matters of Divine service almost the entire congregation was observant. . . . Rabbi Jacob Ettlinger, of blessed memory, led his congregation in tranquility . . . and supervised all the affairs of the community.<sup>1</sup>

Ettlinger's public posture as rabbinic leader and his carefully formulated response to Reform give rise to speculation as to what his reaction would have been to events which unfolded shortly after his demise.

The single issue which splintered the German Orthodox community during the latter part of the nineteenth century was the question of secession. Radical opposition to Reform was concentrated in a number of independent Orthodox communities modeled upon the separatist community (Austrittsgemeinde) of Samson Raphael Hirsch in Frankfurt-am-Main. Hirsch contended that an Orthodox Jew ought not

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<sup>1</sup>July 3, 1872, p. 302. Cf., Ettlinger's own testimony in a responsum addressed to S.B. Bamberger included in Yad ha-Levi, I, Orah Hayyim, no. 42:

מלכה בקהלתנו וכל י"ג לבא יסמך ויזיר (הנספח מ)  
הנכרים ואין אומר דבר זה עבדו ממך המע  
למנוע דבר זכר לבגד חוש זכרתי

to remain a member of a composite communal organization in which both Reform and Orthodox congregants were represented, especially since an individual's financial contributions to such an umbrella organization were utilized for institutions conducted in contradiction to the tenets of his convictions. However, under German law at the time, a Jew was considered to be a member of the local general community and could renounce that membership only upon renunciation of Judaism. Hirsch considered this law to be an interference with the fundamental principle of freedom of religious conscience. In 1873 the Prussian parliament promulgated a law which enabled Christians to disassociate themselves from a church to whose doctrines they did not subscribe without at the same time renouncing their adherence to Christianity. Immediately thereafter Hirsch began to lobby for a similar right to be granted to the Jewish citizenry. With the assistance of an influential statesman, Eduard Lasker, Hirsch finally succeeded in this endeavor. On July 28, 1876 the Prussian parliament passed the Law of Secession granting Jews the right to leave the central community without renouncing Judaism and the right to form independent communities.

Heretofore the members of Hirsch's congregation had retained membership in the general community as well.

Following promulgation of the Law of Secession Hirsch urged his congregants to secede from the official Jewish community of Frankfort since it was now legally permissible for them to belong to the Orthodox community exclusively. Some congregants followed Hirsch's directive; however, a large number elected to remain within the general community as well. To a large extent it was the relative newcomers to Frankfort who followed Hirsch unconditionally whereas members of many of the older Frankfort families who had a deep attachment to the historic kehillah and its institutions chose to maintain dual membership. Many of the latter were particularly loath to surrender their burial rights in the communal cemetery where their forebears were interred. A very tense situation developed within the Frankfort community, a situation which was exacerbated when the renowned S.B. Bamberger of Wurzburg issued a ruling supporting the decision of those who chose to remain within the general kehillah. From this point on German Orthodoxy was sharply divided.<sup>1</sup> Following Hirsch's basic

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<sup>1</sup>Cf., Yeshayahu Wolfsberg, Yearbook, Leo Baeck Institute, I, 251-252. Of special interest to the English-speaking reader are analyses and reminiscences of the events in Frankfort contained in Historia Judaica (October, 1948), X, no. 2. In three articles, [Saemy Japhet], "The Secession of the Frankfurt Community under Samson Raphael Hirsch" (pp. 100-122), Isaac Heinemann, "Supplementary Remarks on the Secession from the Frankfurt Community under Samson

philosophy of Trennungsorthodoxie Jewish communities in several German cities, notably those of Berlin, Wiesbaden, Darmstadt and Mainz established separatist Orthodox congregations. On the other hand, a large segment of Orthodoxy, whose position was considerably strengthened by Bamberger's sanction, chose to administer their own Orthodox institutions under the auspices of the overall community. Proponents of the latter approach, which came to be known as Gemeindeorthodoxie established such communal arrangements in many towns, notably in Berlin, Cologne, Frankfort, Hamburg, and Breslau. This rift within Orthodoxy did not heal with time and the two camps remained separate and distinctive until the terrible holocaust which decimated German Jewry.

A great deal has been written about the respective merits and failings of both these approaches. The separatists have been taken to task for bringing about a tragic

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Raphael Hirsch" (pp. 123-134) and Jacob Rosenheim, "Historical Significance of the Struggle for Secession from the Frankfurt Jewish Community" (pp. 135-146), the developments in Frankfort are discussed by natives of the city who were intimately involved in its communal affairs. All three accounts provide intriguing background data but are highly subjective. An insight into Hirsch's thinking on secession and into the distinctions in approach between Hirsch and Hildesheimer may be obtained from the exchange of correspondence in Ezriel Hildesheimer, "Mi-tokh Hiluf ha-Mikhtavim beyn Maran R. Ezriel Hildesheimer Zatzal u'beyn Maran R. Shamshon Raphael Hirsch Zatzal u'Mekoravav," Yad Sha'ul, pp. 233-251.

waste of resources and for promoting divisiveness and disharmony. Hirsch's defenders, on the other hand, have maintained that were it not for the secession law and the possible alternative of establishing autonomous Orthodox communities even Gemeindeorthodoxie would have been unable to wrest any concession from the general communities which were dominated by Reform elements. Very much to the point are the remarks of the Lithuanian rabbinic authority, Rabbi Chaim Ozer Grodzinski, who hesitated to offer a definitive opinion in what he viewed as a dispute whose resolution was contingent upon familiarity with the details of the local situation and subsequent determination of the wisest course of action but who nonetheless declared that in his opinion Hirsch's action was necessary for the preservation of Orthodoxy:

There is no doubt that the sage and saint Rabbi S.R. Hirsch, of blessed memory . . . did a great thing in founding the admirable and outstanding Religionsgesellschaft which became an exemplary Jewish community. Had the God-fearing not strengthened themselves by means of a separate kehillah, due to their minority status they would have become submerged within the general community--[a development] which did not occur when they separated and developed on their own. Then even the general community was forced to improve itself and to conduct the general institutions in a sacred manner.<sup>1</sup>

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<sup>1</sup>From a private communication published in "Mikhtav be-Inyan ha-Kehillot be-Germaniyah," Sefer ha-Zikaron le-Rav

Whatever arguments may be presented in favor or in criticism of the wisdom and value of Hirsch's policy, several important points must be emphasized in the interests of historical accuracy. Hirsch's argument against enforced membership in, and taxation on behalf of, an overall religious superstructure was based upon considerations of freedom of conscience and infringement of basic civil liberties. Freedom of religion, argued Hirsch, entails not only freedom to desist from a form of worship which runs counter to an individual's convictions, but also freedom to refrain from actively supporting such forms of worship and the propagation of theological tenets offensive to a person's convictions. Thus Hirsch claimed that the legal right of secession was based on the fundamental principle of freedom of religious conscience which includes an individual's rights to form his own independent community. It is noteworthy that this latter point had been made by a Reform spokesman as well. Abraham Geiger had at one time urged Reform Jews to petition the government for permission to form a separate community.<sup>1</sup>

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Weinberg, ed. E. Hildesheimer and K. Kahana (Jerusalem, 1969), p. 11. This letter is also printed in Chaim Ozer Grodzinski, Ahiezzer Kovetz Igrot, ed. A. Surski (Bnei Brak, 1970), I, 243.

<sup>1</sup>Nachgelassene Schriften (Berlin, 1875), II, 55, cited in Rudavsky, p. 419, note 8.



It is a distortion to contend that Hirsch's practical policy of separation from the larger Jewish community was indicative of a lack of concern for individuals who did not accept the teachings of traditional Judaism.

Hirsch's Neunzehn Briefe Über Judentum (Altona, 1836) and a significant portion of his subsequent writings were addressed precisely to the questing and non-observant. Ultimately, the policy of separatism did in fact lead to an attitude of introversion and to an unfortunate erosion of interest in the well-being and welfare of the greater community. However, Hirsch himself cannot be faulted on this account. Quite to the contrary, Hirsch castigated those whose concern was limited to the religiously observant. Most revealing is Hirsch's discussion of the Scriptural narrative of Abraham's quest for ten righteous men within the city of Sodom. He notes:

The fear of a righteous man in the midst of Sodomite depravity which Abraham visualizes, for whose sake the city might be saved is not one who keeps to his own four walls in haughty pride of his superiority . . . gives up the masses and just looks on at their ruinous moral lapses, who thinks he has done quite enough if he saves himself and at most his own household. Yea, such a one Abraham would not class as righteous. He would not consider that he had at all fulfilled the duty which lies on every good man in bad surroundings. The ruin of the masses whom he had long given up would leave such a man cold. He might even possibly feel a certain smug satisfaction in it. That is

not Abraham's 'righteous man' out of considerations for whom the salvation of the city should be effected. His righteous man is to be found 'in the midst of the city' and in lively connection with everything and everybody. He never leaves off admonishing, teaching, warning, bettering wherever and however he can. He takes everybody and everything to heart, he never desponds, he is never tired of trying, however distant the hopes of success may be. These are the righteous ones whom he presumes must be 'in the midst of the city' who would feel grief and pain at the death of each individual of these thousands. . . .<sup>1</sup>

Hirsch's policy of separatism was directed not at separation from individuals but at separation from the communal system which he viewed as an institutionalized expression of heresy. He claimed that he had espoused secession neither on account of practical considerations, nor for reasons of expediency or strategy, but solely on the basis of his views with regard to the halakhic permissibility of cooperating with heterodox organizations. Hirsch maintained that Halakhah forbids formal association with any organization which denies the fundamental principles

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<sup>1</sup> Commentary on Genesis 18:24, English translation by I. Levi (London, 1959), pp. 325-326. Cf., David Henshke, "Maḥloket le-Shem Shamayim," Ha-Ma'ayan, XIII, no. 4 (1973), 46. Vide also comments of Wolfsberg, Yearbook, Leo Baeck Institute, I, 252-253; Howard I. Levine, "Enduring and Transitory Elements in the Philosophy of Samson Raphael Hirsch," Tradition, V (Spring, 1963), 289-290; and Shelomoh Eliezer Danziger, "Clarification of R. Hirsch's Concepts--a Rejoinder," Tradition, VI (Spring-Summer, 1964), 152-153.

of Judaism.<sup>1</sup> To bolster his argument he cited a responsum of Hatam Sofer endorsing the principle of separation.<sup>2</sup> Indeed, he was able to muster considerable halakhic support for his position on the part of many contemporary rabbis including Ezriel Hildesheimer<sup>3</sup> and Moses Schick.<sup>4</sup> However, he encountered formidable opposition in the halakhic ruling issued by S.B. Bamberger of Wurzburg. In assessing the significance and impact of the latter ruling one must bear in mind the fact that Bamberger's decision was limited to the specific conditions prevalent in Frankfort and was not issued in opposition to secession in general. With regard to the Halakhah involved in association with Reform, Bamberger questioned whether the Talmudic references to heretics on which Hirsch had based his ruling were indeed

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<sup>1</sup>Samson Raphael Hirsch, Gesammelte Schriften (Frankfort-am-Main, 1922), IV, 339-340. The "open letters" written by Hirsch and Bamberger with regard to the halakhic justification of secession were republished in Hirsch's Gesammelte Schriften, IV, 331-426 and 539-567. An analysis of the halakhic issues discussed in the exchange and an English translation of selected passages may be found in Leo Levi, "The Relationship of the Orthodox to Heterodox Organizations," Tradition, IX, no. 3 (Fall, 1967), 95-102.

<sup>2</sup>Teshuvot Hatam Sofer, VI, no. 89.

<sup>3</sup>From a communication such as that found in "Hiluf ha-Mikhtavim," Yad Sha'ul, p. 240, it is apparent that despite his anguish at the rift in the Orthodox community, Hildesheimer was convinced of the validity of Hirsch's halakhic position with regard to secession.

<sup>4</sup>Teshuvot Maharam Schick, Orah Hayyim, no. 306.

applicable to modern Reformers or whether the references in the Talmudic sources were to heretics who had espoused idolatry. With regard to the specific question of secession from the Frankfort community Bamberger questioned whether the particular form of association from which Hirsch demanded secession would indeed have had the effect of making the Orthodox appear to endorse the Reform position.<sup>1</sup> In Bamberger's opinion secession was not obligatory provided that sufficient guarantees were granted to the Orthodox group by the general community. However, in instances when the basic demands of the Orthodox community were not granted then even Bamberger maintained that secession was not merely permissible but mandatory. In a responsum concerning the question of secession Bamberger's son, Simchah, notes explicitly that only when the specified conditions were met did his father "agree that there is no obligation to separate from the Reform congregation in accordance with his reasoning. However, when these considerations are absent, his opinion has been recorded three and four times, namely in the matters of Karlsruhe, Vienna, Wiesbaden, and Frankfort, that it is incumbent upon the law-abiding to separate themselves from the Reform congregation."<sup>2</sup>

<sup>1</sup> Leo Levi, Tradition, X, 100.

<sup>2</sup> Zekher Simchah, no. 230, reprinted in Yad-ha-Levi, II. The question of the secession of the Orthodox from the

At the time of the dispute over secession between Hirsch and Bamberger Ettlinger was no longer alive. References to his decision on this question are simply misstatements of fact.<sup>1</sup> It is possible to project a cogent case for the likelihood of his having supported either side. The Zionswächter contained numerous discussions of "Trennung" (separation) and analyses of the problems of Orthodox minorities within larger communities.<sup>2</sup> Ettlinger had been among the first to urge vigorous concerted action on

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Viennese Reform community aroused widespread interest. In 1872 as many as 389 Orthodox rabbis signed a document mandating secession. Vide Hirsch, Gesammelte Schriften, IV, 342 and 401 and Mordecai Breuer, "Perakim mi-Tokh Biografiyah," Ha-Rav Shamshon Raphael Hirsch, Mishnato ve-Shittato, p. 33.

<sup>1</sup>Citation of Ettlinger's view by Rabbi Zevi Yehudah Kook as recorded in Ha-Tzofeh, December 29, 1972, is an obvious error of fact. The rejoinder of David Henshke, Ha-Ma'ayan, XIII, no. 4, 41-51 is very much to the point. Henshke also mentions a similar error in Judah Leib Maimon, Ha-Raiyah, (Jerusalem, 1965), p. 123. Maimon's statement implicating Ettlinger in the secession controversy,

יכיר וידע הגאון רבי זאב צבי יהודה קוק  
היה זהו דבריו אשר נאמרו ביום ההוא  
בשם הגאון רבי זאב צבי יהודה קוק  
אשר נאמרו ביום ההוא ביום ההוא  
אשר נאמרו ביום ההוא ביום ההוא  
אשר נאמרו ביום ההוא ביום ההוא

has absolutely no basis in fact.

<sup>2</sup>Vide, for example, news reports in III, 37-39, 69-70, 93, 302, and 306. Of interest is a brief article entitled "Trennung, das Hüsserste, doch nothwendige Mittel," that appeared twice in III, 353-354 and in V, 355-357, as well as a brief rejoinder authored by Abraham Hübsch, which appeared in IV, 2-3.

the part of the Orthodox leadership and may well have looked upon the Law of Secession, as did Hirsch, as an opportunity to build a strong and independent Orthodoxy. On the other hand, he did not support policies which he considered to be too divisive and antagonistic in nature. Ultimately, the dispute between Hirsch and Bamberger, particularly in its halakhic guise, was so very specific and contingent upon an interpretation both of the circumstances of the time and the sources in question that it is a vain endeavor to speculate upon what Ettlinger's ruling might have been.

One observation should, however, be made. Both on account of his halakhic and rabbinic authority and because of the unique personal relationship which he enjoyed with each of the major figures involved in the controversy, Ettlinger was the single authority in Germany whose view on the matter would have had a decisive impact on the course of events. Had Ettlinger been alive it is inconceivable that the principal protagonists would not have consulted him with regard to this matter. Ettlinger and Bamberger had a long-standing relationship of mutual respect, collaboration and affection. Hirsch was Ettlinger's own student. Had Ettlinger endorsed secession Hirsch's position would have been immeasurably consolidated even in the unlikely event that Bamberger would, under such circumstances, have

publicized a contrary ruling. On the other hand, were Ettlinger to have supported Bamberger's position, it is doubtful whether Hirsch would have persisted in the policy of secession and he would most definitely not have continued to receive the support of Hildesheimer and other authorities. It may indeed be said that had Ettlinger been alive at the time, in all probability, this major rift within the Orthodox camp would have been obviated.

## CHAPTER V

## ATTITUDE TO SECULAR CULTURE

Jacob Ettlinger and Isaac Bernays were the first Orthodox rabbis of note to preach in German.<sup>1</sup> In their selection of Bernays as their rabbi in 1819, the elders of the Hamburg community were influenced as much by his mastery of secular culture as by his proficiency in rabbinics. Bernays' popularity as a public speaker was acknowledged to be a major factor in his effectiveness as spiritual leader of the community.<sup>2</sup> Ettlinger, also, used German in the pulpit from the very beginning of his rabbinic career.<sup>3</sup> Ettlinger and Bernays were trail-blazers; their example was soon followed by many Orthodox rabbis in Germany.

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<sup>1</sup>Regular preaching in the vernacular was becoming increasingly prevalent. Cf., Adolf Kober, "Jewish Preaching and Preachers," Historia Judaica, VIII (October, 1945), 106ff.

<sup>2</sup>Duckesz, JJLG, V, 298-307.

<sup>3</sup>Vide, for example, Rede gehalten zur Feier des höchsten Namensfestes Seiner königlichen Hoheit des Grossherzogs Ludwig von Baden (Carlsruhe, 1824) and Jacob Aron Ettlinger, Elias Willstätter and Benjamin Dispeckter, Predigten, gehalten in den Synagogen zu Karlsruhe und Bühl von den Rabbinats-Kandidaten (Carlsruhe, 1824).



The endorsement of the use of the vernacular by these authorities was in itself a significant development. In the early part of the nineteenth century, use of the vernacular in the pulpit was not yet accepted as a matter of course in Orthodox circles. In the majority of cases, Orthodox rabbis of the time lacked fluency in the vernacular or were simply unused to utilization of the vernacular for sacred purposes. Moreover, there were several Orthodox authorities who were, in principle, opposed to use of the vernacular for such purposes. Hatam Sofer went so far as to declare that it was forbidden to study Torah from those who preached or lectured in the vernacular.<sup>1</sup> Followers of his school were even more strident in their opposition to the use of the vernacular on the part of rabbinic personalities.<sup>2</sup>

In 1866 a group of twenty-four Orthodox rabbis convened in the town of Mihalowitz, Hungary, in an attempt to enact measures to curb the growth of the Reform movement.

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<sup>1</sup>Vide his explicit declaration, *... ומהלכותם בלשון ארמית*  
*"אין אדם שיש לו חלק בלשון ארמית ויש לו חלק בלשון ארמית"*

Teshuvot Hatam Sofer, Hoshen Mishpat, no. 197.

<sup>2</sup>A.J. Schlesinger, Lev ha-Ivri, pp. 19a - 21b;  
 Hillel Lichtenstein, Teshuvot Bet Hillel (Satmar, 1908),  
 nos. 34, 35 and 39.

Among other rulings these rabbis--and an additional forty-six signators--issued an interdict on the use of the vernacular in sermons. Ezriel Hildesheimer, Ettlinger's disciple, expressed vehement opposition to this move. In an emphatic rebuttal he claimed that the interdict had no halakhic validity whatsoever. His personal opinion, he added, was that a rabbi was duty-bound to preach in the language of the country since this was the only effective method of maintaining Orthodoxy. Pointing in particular to Ettlinger's precedent Hildesheimer declared that he refused to endorse a ruling forbidding a practice followed by so unimpeachable an authority.<sup>1</sup>

The respective positions of Ettlinger and Hatam Sofer on the question of use of the vernacular reflect a fundamental divergence in policy. This difference of opinion was not the result of disagreement regarding ultimate goals but of a totally different understanding of, and reaction to, the secular environment.

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<sup>1</sup>"Die Beschlüsse der Rabbiner-Versammlung zu Mihalowitz," Israelit, 1866, p. 521; Israel Hildesheimer, Gesammelte Aufsätze (Frankfurt-am-Main, 1923), p. 11. Rabbi Moses Schick, Teshuvot Maharam Schick, Orah Hayyim, no. 70, noted that originally he had not forbidden use of the vernacular in the pulpit provided the preacher was a God-fearing individual. However, he had been overruled in this matter by his colleagues and accepted their decision. Cf., also ibid., no. 311.

Hatam Sofer and his followers wished to establish language as a dividing line between traditionalists and non-traditionalists. They were motivated by three major considerations:

1) Secular culture presented a danger to traditional Judaism so potent that no manner of compromise or accommodation might be countenanced. The most effective policy was one of containment and separation. Any deviation from the traditional practice must be clearly noted and immediately abandoned. The struggle with the forces of secularism required constant vigilance. In this struggle language served as a clearly visible (or rather audible) line of demarcation.

2) Language was the key to secular culture. Increased use of the vernacular in oral communication would in all likelihood lead to greater literary proficiency and to an increasing involvement in all aspects of secular culture. As the first significant inroad of secularism this avenue must be completely blocked.

3) One of the greatest threats to traditional Judaism was the possible abandonment of Hebrew. Use of the vernacular by rabbis for sacred purposes<sup>1</sup> must be frowned

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<sup>1</sup>Although Hebrew was their language of written communication the spoken language of rabbis of this school was

upon lest it enhance the status of the vernacular in the minds of the populace and further undermine their tenuous ties to the sacred tongue.

The subtle distinction between the approach of Ettlinger and that of the rabbis of the Hungarian school with regard to this matter finds expression in a communication to Ettlinger from Abraham Benjamin Schreiber (Ketar Sofer), son and successor of Moses Sofer. Following the Conference of Reform Rabbis in Brunswick in 1844, Ettlinger issued a manifesto, written in German, protesting the activity of the Reformers. He circulated the manifesto among his colleagues and solicited their support in the form of the affixing of their own signatures to the document. Ketar Sofer, who was one of the signators of the manifesto, requested Ettlinger to alter its format. His letter to Ettlinger on this subject is most revealing:

My eyes lit up when I received the valued letter in your own hand. I was pleased that the Almighty prompted your pure spirit to gird yourself as a champion to go out before the warriors to wage the war of the Lord among the mighty. . . . You sent me a pamphlet printed in the script and language of the vernacular with the apologia that this was necessary

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not Hebrew but Yiddish. There is thus an element of inconsistency in the application of this line of argument with regard to sermons. It was felt, however, that sermons in the vernacular would undermine the relationship of the masses to the sources of sacred lore.



It need hardly be added that no one construed Ettlinger's endorsement of the vernacular in this instance or on any other occasion as in any manner indicating his own relegation of Hebrew to a secondary status. His commitment to Hebrew, in which language virtually all of his major works were written, and his championship of the cause of the Land of Israel were matters of common knowledge. Obviously Ketab Sofer feared the long-range ramifications of Ettlinger's policy. In his concluding remarks Ketab Sofer points to the sociological difference in the situation of Hungarian and German Jews which may have contributed to the differences in policy between himself and Ettlinger, and notes that use of the vernacular by a rabbi "may possibly not be a failing in your country, but in Hungary and its neighboring countries it is so regarded."<sup>1</sup> In Germany the high degree of acculturation of Orthodox Jewry created a climate in which the German language could be freely used without reflection being cast upon one's religiosity. In Hungary, the situation was not comparable. Particularly in

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<sup>1</sup>Igrot Soferim, loc. cit. Cf., Ketab Sofer's alleged comment regarding Hildesheimer's move from Eisenstadt, Hungary to Berlin, "Here he spoiled, there he will correct." Igrot Soferim, section 3, p. 41, note. With regard to this statement vide also Meir Hildesheimer, "Rabbi Yehuda Assad ve-Rabbi Ezriel Hildesheimer," Sefer Ha-Zikaron le-Rav Weinberg, p. 302, note 72.

the north-eastern part of the country large groups of the Jewish populace had segregated themselves from society at large, and any tendency to adopt the language of the dominant culture was seen by them as a subtle move toward assimilation.<sup>1</sup> The adamancy of Hatam Sofer's school had the effect of perpetuating this isolationist mentality even if it had not created it.

Operating within a totally different context, Ettlinger had no hesitation regarding the use of the vernacular in oral or written form in instances in which he considered such usage to be suitable and effective. Nor did he consider it inappropriate to use the vernacular in addressing synagogue audiences. He considered it to be self-evident that fluency in the vernacular was virtually a necessity for a rabbi in the proper performance of his official functions and facilitated a positive relationship with the civil authorities. He was equally well aware of the fact that in the Germany of his day use of the vernacular was an invaluable asset to a rabbi in communicating with the members of his congregation. In response to the

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<sup>1</sup>Mordecai Eliav, "Mekomo shel ha-Rav Ezriel Hildesheimer be-Ma'avak 'al Demuttah shel Yahadut Hungariyah," Zion, XXVII (1962), 62.

defection of masses to the cause of Reform, a realistic assessment of the situation prompted Ettlinger to sponsor publication of a journal written in German. However, pragmatic considerations alone would not have motivated Ettlinger to adopt this policy had he viewed it as an objectionable one from the religious standpoint.

Use of the vernacular did not present a theological problem to Ettlinger. He envisaged use of the vernacular for the purposes of disseminating the message of Torah as an obvious instance of elevating the profane and utilizing it to enhance the sacred and as a practice that was in no way contraindicated. He did not view sacred and secular culture as constituting an irreconcilable dichotomy and accordingly did not share the negativism and deep-rooted fear of all aspects of the secular world that characterized the school of Hatam Sofer. To Ettlinger sacred culture occupied a position of centrality to which no other culture could compare. He was fearful lest the value system adopted by most individuals in the modern world lead his co-religionists to accord secular studies undue regard. However, he recognized the intrinsic worth of such studies. Ideally, he saw the positive elements of secular culture utilized for the enhancement of the sacred.



Ettlinger's attitude to the place of secular studies within the learning framework is clearly expressed in his Minhat 'Ani, Parshat Naso. He indicates that, to the Jew, Torah study must always occupy the central position in terms of his intellectual endeavors. Secular studies have a limited value, particularly in that they may shed light on aspects of Torah lore. In this analysis, Ettlinger states explicitly that he follows the opinion of Maimonides that secular studies are to be viewed as handmaidens to the Torah which is their mistress. True Torah scholarship is intensive in nature and requires "amal ve-yegi'ah," the "travail" of study. To students of Torah--which all Jews must aspire to be--secular studies are secondary in nature and, accordingly, states Ettlinger, may be pursued "only to the degree and measure which is necessary for the strengthening of Torah."<sup>1</sup>

Ettlinger's somewhat negative attitude in limiting the scope of the secular program and in cautioning students not to become overly involved in secular studies stemmed not so much from a negative approach to the "wisdom of the world" as from his reaction to the prevalent intellectual climate.

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<sup>1</sup>p. 83a. Cf., Hildesheimer's emphasis on the centrality of Torah which wordly sciences serve but to enhance. Eliav, Zion, XXVII, 67.

He notes that in his time social prestige and intellectual comradeship were to be found among secular scholars. The Torah scholar generally was held in low regard and perforce lived a life of intellectual isolation. Ettlinger therefore expresses the fear that students will abandon Torah study for the more socially rewarding pursuit of secular studies. It is the fear of such possible curtailment of Torah studies that disturbs Ettlinger rather than the secular studies per se.<sup>1</sup>

The value Ettlinger placed upon scholarly attainments in general studies is reflected in his endorsement and co-signing of Elijah Gutmacher's Iggeret ha-Kodesh. In this open letter calling for the establishment of institutions of Torah study in the Holy Land it is explicitly stated that the students in such institutions "will be very accomplished in the human sciences in a sacred manner as were our forefathers, the holy ones of the Most High . . . who knew all human sciences. . . ." <sup>2</sup>

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<sup>1</sup>Minhat 'Ani, Tazri'a, p. 52a. Cf., ibid., Korah, p. 98b, where Ettlinger observes that those who abandon Torah study claim that secular studies are more prestigious and accordingly it is not worthwhile to allot time to Torah lore.

<sup>2</sup>Iggeret ha-Kodesh appended to Sukkat Shalom (Jerusalem, 1883), pp. 401-402.

Elsewhere, Ettlinger expresses the opinion that while social rewards are accorded the secular scholar, true intellectual gratification is attained by the Torah scholar alone. Secular studies while intriguing and engaging, ultimately leave the student perplexed and beset by numerous contradictions. However, maintains Ettlinger, underlying all Torah study, the student finds a fundamental harmony emanating from the Divine authorship of Torah.<sup>1</sup>

While Ettlinger viewed secular studies as necessary both for social and commercial intercourse in the modern world and, in a limited sense, as being valuable as an aid in Torah study, nevertheless he did not consider secular studies a necessary means of stemming the tide of religious assimilation. Countering the arguments of those who claimed that worldly studies were necessary in order "to know how to reply to an apostate" (Avot 2:19) Ettlinger pointed out that this dictum is preceded by an admonition to study Torah assiduously. Ettlinger emphasizes that study of Torah must be given primacy and that ability to combat heresy will follow. He cautions that it is erroneous to abandon Torah study for the sake of secular study in anticipation of acquiring polish and sophistication in order to enhance

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<sup>1</sup>Minhat Ani, Naso, p. 84a.

efforts to convince the uncommitted.<sup>1</sup>

Ettlinger was deeply disturbed by the fact that the advances of modern life had brought in their wake a serious challenge to faith. In his commentary on the Scriptural portion, Noah, he describes at great length the plight of religious Jewry in an age of enlightenment. Ettlinger cites the Midrashic comment (Bereshit Rabbah 33:6) "But the dove found no rest for the sole of her foot. . ." (Genesis 8:9). The Midrash relates that this verse epitomizes Israel's fate in the Diaspora. Since the dove found no resting place it was forced to return to the Ark; had it found a refuge, it would not have returned. Similarly, the people of Israel found no haven among the nations--as Scripture records, "She dwells among the nations, she finds no rest" (Lamentations 1:3) and "And among those nations you shall have no repose and there shall be no rest for the sole of your foot" (Deuteronomy 28:65); accordingly, they had no alternative but to return to their Creator Who alone afforded them hope and salvation. The Midrashic parable, Ettlinger claims, finds a curious parallel in the modern situation of the Jew. The Midrash refers to torments, persecutions and expulsions to which the medieval Jew was subjected. This is the

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<sup>1</sup>Ibid., Tazri'a, p. 52b.

reference "And among those nations you shall have no repose." The second reference, "She dwells among the nations" applies to a later time, Ettlinger asserts. Scripture further relates, he points out, that Noah again dispatched the dove and it returned at evening time with an olive leaf in its mouth. (Genesis 8:11). This latter verse, Ettlinger declares, symbolizes a second stage in the exile, a stage the Jews were experiencing in the Germany of his own time:

The olive branch symbolizes peace and the hope of joy . . . and this is an allusion to a second period of the exile which occurs at the conclusion of the sixth millennium in which we now find ourselves. . . and in this time there has been fulfilled unto us that which Jeremiah prophesied, 'she dwells among the nations' . . . that by Divine grace we are dwelling in this evening time in tranquillity and peace in the midst of nations under the shelter of beneficent governments which favor us. But despite this there has been fulfilled unto us 'she finds no rest' for one whose heart is perfectly [attuned] to God and his Torah will find no rest for his soul when he sees that in the measure in which exile is diminished renunciation of religion is increased.<sup>1</sup>

A principal cause for the abandonment of religion on the part of his contemporaries, Ettlinger averred, was their idealization of their newly-found freedom and the notion that implicit in religious belief is a limitation of such freedom. Quoting the prophetic query, "Is Israel a servant?

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<sup>1</sup>Ibid., p. 3b.

Is he a home-born slave?" (Jeremiah 2:14) Ettlinger asserts that religion is no slavish discipline. True religion implies an individual's acceptance, on the basis of his own free choice, of a higher spiritual commitment. Indeed, it is through religion alone, Ettlinger maintains, that an individual, raised above the material and the temporal, is enabled to attain true freedom of the spirit.<sup>1</sup>

Ettlinger welcomed the political developments of the nineteenth century which had brought a greater measure of civil liberty to the Jewish people. He maintained that the new freedom afforded the Orthodox Jew an unprecedented opportunity to lead a full religious life and that in the absence of persecution Jewish social and communal life might thrive.<sup>2</sup> He favored the active participation of Jews in civic affairs "for the welfare of the state and for the welfare of human society" provided such activity not conflict with religious priorities.<sup>3</sup>

Expressions of patriotic sentiment which were characteristic of the Germany of his day were echoed by Ettlinger,

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<sup>1</sup>Abhandlungen und Reden, pp. 60-61.

<sup>2</sup>Minhat Ani, Devarim, p. 113a.

<sup>3</sup>Ibid., Abarei Mct, p. 57a. Cf., "Zions Wiedergeburt," TZW, X, 22.

patriotism and civil obedience being viewed by him from the perspective of religion and ethics. The role and destiny of human government is delineated, Ettlinger points out, in the Scriptural verse "Mercy and truth preserve the king; and his throne is upholden by mercy" (Proverbs 20:28). Were there no civil government anarchy would reign supreme; as representatives of the Divine King earthly monarchs preserve order and peace among mankind. Constant vigilance must be exercised by human government lest the power which it possesses in such great measure be abused. Mortal rulers must be guided by truth and righteousness. These qualities alone serve as the restraint with which excesses of power may be curbed.<sup>1</sup>

In common with his contemporaries, Ettlinger hailed the "sun of the enlightenment which has pierced and banished the dark clouds of religious prejudice and human hatred" and looked with romanticism upon his own time as the threshold of a new era of human progress.<sup>2</sup> However, Ettlinger was

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<sup>1</sup>Rede bei dem Trauergottesdienste wegen Ablebens Seiner Majestät Frederik VI, p. 5.

<sup>2</sup>Das Gotteshaus als Vorhalle zur Ewigkeit, p. 12. Cf., synopsis of an address delivered by Ettlinger on the occasion of the two-hundredth anniversary of the city of Altona, Israelit, Sept. 21, 1864, p. 506.

not overawed by the modern age. In face of social and political advances and an all-encompassing patriotism Ettlinger did not hesitate to express the conviction that political emancipation was not the panacea for spiritual ills and constantly reiterated the belief that the spiritual aspirations of the Jew are inextricably bound up with his religious commitment to the Holy Land and to the belief in a Messianic age which will be ushered in by Divine means alone.

Glorification of the ideals of tolerance, brotherhood and universalism characteristic of the nineteenth-century enlightened intellectual find many parallels in Ettlinger's writings. While Ettlinger repeatedly asserts and emphasizes his commitment to the unique destiny of Israel, he underscores the fact that Jewish particularism does not detract from universal ideals. Jews are to be separated from the nations of the world insofar as may be necessary to ensure preservation of Torah and mitzvot. This religious separation must not be interpreted, Ettlinger explicitly states, as in any way contradicting basic principles of brotherhood. Just as the priests were separated from the other tribes in fulfillment of specific precepts but were obligated to fulfill the commandment of brotherly love in the same manner as were all of Israel so the Jewish people are to be



separated as a kingdom of priests and a holy nation (Exodus 19:6) but "nevertheless unity and love in human society is not destroyed by this . . . and only in this manner and in this respect does there exist a separation of Israel from the nations."<sup>1</sup>

Judaism recognizes the intrinsic worth and spiritual potential of every human being. Divine service is the great equalizer in which "Young and old, rich and poor, high and low, Israelite and non-Israelite recognize each other as children of one father: all united in a common striving . . ."<sup>2</sup>

Just as the various professions within the state each render a specific contribution to the welfare of the body politic, so, Ettlinger asserts, within the universal community of nations there is also a division of functions. In their development of the arts and sciences and in the improvement of society the nations of the world render an enduring spiritual contribution. While they are enjoined to participate in and support the general society Jews, as members of a priestly nation, have been singled out for a unique mission:

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<sup>1</sup>Minhat 'Ani, Bamidbar, p. 80b.

<sup>2</sup>Das Gotteshaus, p. 9. Vide also, Minhat 'Ani, Bamidbar, p. 81a:

לפי דברי חז"ל שכל אדם חייב ללמוד תורה  
 "לפי דברי חז"ל שכל אדם חייב ללמוד תורה"

by word and deed to disseminate the message of religion throughout the world.<sup>1</sup>

Many of the early Reformers rejected both the belief in the restoration of Zion and the belief in a personal Messiah. In place of these doctrines they emphasized the universal mission of Judaism and the coming of a Messianic age of good will and brotherhood. It was Israel's duty, they declared, to lead all the nations to higher standards of morality and ethics and to herald the era of universal peace.<sup>2</sup>

While Ettlinger regarded the belief in the restoration of Zion and the belief in a personal Messiah as fundamental doctrines of Judaism his faith in Israel's particularistic destiny did not preclude his concern for the welfare of mankind in general. His explicit formulation of the universal mission of Israel is found in Minhat Ani, Parshat Bamidbar:

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<sup>1</sup>Abhandlungen und Reden, pp. 24-25. Herder, the acknowledged master of Bernays, expounded the teaching that each nation has its own unique vocation. Both Fichte and Hegel popularized the idea that each individual may best serve mankind by assisting his own nation in the fulfillment of its unique vocation. Cf., Howard I. Levine, Tradition, V (Spring, 1963), 294.

<sup>2</sup>Plaut, Rise, pp. 137-145.

For therefore is the Torah called light for it gradually illuminates little by little . . . for all the inhabitants of the world. And Israel will be the priests of God in whose hands is given the banner of Torah to bear unto all ends of the earth . . . When Israel received the Torah the world lit up . . . Not only for themselves alone did the Torah become a light to illuminate their darkness but rather for the entire world. Therefore Israel gives thanks to the Heavenly Father saying, 'He has delivered me for He delights in me' to bestow the light of my Torah in my hand to illuminate with it the entire world.<sup>1</sup>

Ettlinger's attitude to secular culture and the modern environment afforded him the latitude to exercise his imagination in finding new avenues to propagate Orthodox teachings.

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<sup>1</sup>p. 80a. In expounding the mission theory Hirsch goes far beyond Ettlinger. Cf., Levine's critique, Tradition, V, 290-291. Ettlinger's treatment of the mission theory and of patriotism is more restrained and more firmly rooted in traditional sources.

## CHAPTER VI

### EDUCATION: VIEWS AND ENDEAVORS

In the sphere of education Ettlinger's activities pioneered a new approach. He was one of the first Orthodox leaders to attempt to create institutions of Jewish learning that were attuned to the intellectual climate of Western Europe. As chief rabbi of Altona Ettlinger was responsible for supervision of the elementary education of Jewish children in the city. Shortly after Ettlinger's arrival in Altona, there appears to have been a concerted effort on the part of a small group of individuals to abolish the school for Jewish children, known as the "Talmud Torah," in order that the children might receive their entire education at the side of their non-Jewish peers. Ettlinger was strongly opposed to this proposal. In his efforts to maintain the independent Jewish school he was assisted by Solomon Steinheim, an Altona physician and scholar of note. In a printed circular which was distributed among the Altona congregants, Steinheim presented a spirited defense of the concept of a separate Jewish educational

institution. As a result of these efforts the Talmud Torah was not disbanded. Under Ettlinger's supervision the school was completely reorganized and Samuel J. Enoch was appointed director.<sup>1</sup> With the many changes in curriculum the expenses of the Talmud Torah mounted steadily. Ettlinger was insistent on maintaining the school with its expanded program and prevailed upon the kehillah to augment the Talmud Torah fund yearly with monies from the general communal treasury.<sup>2</sup>

Under Ettlinger's guidance, on January 1, 1839, a private religious all-day school was opened in Altona. The initial enrollment of thirty-seven students rose to seventy-four within a year. At first only boys were admitted; however Ettlinger later added a special class for girls. This class numbered twenty students. Its curriculum was similar to that of the boys with the exception of the substitution of several periods of handicraft arts for a class in Prophets. Ettlinger refused in principle to engage any Jewish teacher who was not Orthodox in commitment and practice. He had no objection, however, to exposing the

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<sup>1</sup>Duckesz, Chachme AHW, pp. 123 and 126; idem, Iwoh, p. 117. Enoch had been a pupil of Abraham Bing and had attended the Universities of Würzburg and Erlangen.

<sup>2</sup>Ha-Maggid, July 3, 1872, p. 302.

students to non-Jewish pedagogues and accordingly he employed several non-Jewish teachers for instruction in secular subjects. The school had a dormitory in which a number of the students resided.

The curriculum appears to have been modeled on that of the Hamburg "Talmud Torah." While the school itself was strictly Orthodox in character, there was an attempt to integrate Jewish and general studies in order to produce a harmonious whole. In comparison to contemporary schools, the Altona program was a rich one. The general studies curriculum included study of the Danish language, Altona being at that time part of the Kingdom of Denmark. Some nine to thirteen hours--approximately thirty percent of the total instruction time--were devoted to Jewish studies. Over the years the school underwent moderate expansion. Its development into a major institution was, however, precluded by the natural limitations of the small Altona community, and by the proximity in Hamburg of the well established "Talmud Torah."<sup>1</sup>

Ettlinger's role in these educational endeavors was far from a haphazard one. The plans were carefully formulated and decisions made upon the basis of principle. He was fully aware of the necessity of offering students a

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<sup>1</sup>Eliav, Ha-Hinukh ha-Yehudi, pp. 234-235.

secular education and was prepared to do so in the institutions under his auspices. He stressed the need to train students in good citizenship, social conduct and deportment. This attitude is reflected in the remarks of Dr. Liebrecht, a member of the educational staff, who noted that the level of education in the school was such that "Never and in no manner need the Jew, as such, fear comparison with members of other religions either in a scholarly, moral or social respect."<sup>1</sup>

Of particular importance is Ettlinger's attitude to the question of religious education of women. As mentioned, Ettlinger insisted on separation of sexes in the classroom but did institute special classes offering girls instruction in both secular and Judaic subjects. It is also interesting to note that Ettlinger did not object to special sermons in honor of a Bat Mitzvah.<sup>2</sup> Education of girls was seen by Ettlinger not as a mere concession to the spirit of the times but as a necessary component of the communal educational system.

Ettlinger's writings indicate his respect for the intellectual, moral and emotional qualities with which he

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<sup>1</sup>Israelit, Nov. 25, 1868, p. 890.

<sup>2</sup>One such sermon delivered by Ettlinger himself appears to have been published. Vide Mordecai Breuer, Ha-Ma'ayan, XII, no. 2, 61, note 25.

considered women to be endowed.<sup>1</sup> In his commentary upon the Scriptural portion Hayyei Sarah, he emphasizes that Sarah was Abraham's equal partner in all respects and that her life was as exemplary and meaningful as was his, each day thereof being devoted to the fulfillment of the Divine commandments. His appreciation for the role of women as full participants in the spiritual and religious life led Ettlinger to advocate their inclusion in the educational program.<sup>2</sup>

Formal religious education of women was certainly an innovation in Orthodox circles. Yet Ettlinger went so far as to find a basis for it in the tradition. In Minhat 'Ani he analyzes the obligation to study Torah as reflected in the laws of the Reading of the Law. Orah Hayyim 137:2 stipulates that each person called to the Reading of the Torah may not read less than three sentences of a Scriptural portion. This number, the Sages say, symbolizes three personalities, Abraham, Isaac, and Jacob, or, according to another interpretation, Moses, Aaron and Miriam through whom the Torah was transmitted. Ettlinger

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<sup>1</sup>Vide, for example, Minhat 'Ani, pp. 7b-8a, 19a-19b, and 137a-137b; and BZH, No. 8. On Ettlinger's view of the role of the mother as pedagogue cf., Emanuel, Ha-Rav Shamshon Raphael Hirsch, Mishnato ve-Shittato, p. 161.

<sup>2</sup>Minhat 'Ani, p. 7b.



interprets the inclusion of Miriam in this triad as indicating her role in teaching women the laws of the Torah. Just as it is found that Miriam led the women in song following the crossing, of the Red Sea while Moses did the same for the males, so, Ettlinger asserts, it may be assumed, although it is nowhere explicitly recorded, that Miriam expounded the Torah on behalf of the women as Moses did for the men.<sup>1</sup>

Once the student was to be exposed to secular studies, Ettlinger preferred these courses to be given under the same auspices as the religious studies in order that there be cohesion and religious direction in all phases of the educational process. Shortly after Ettlinger's demise, when the opportunity arose for the Jewish poor to attend the general city schools (allgemeine Freischulen) free of charge, some members of the community council voted, for financial reasons, to close the Talmud Torah. In its place they wished to establish a "Religionsschule," an evening school offering a few hours of supplementary instruction in Jewish studies. Jonathan Wittkower, a member of the teaching staff and one of Ettlinger's devoted disciples, stated his objections to the proposed change in words which clearly reflect Ettlinger's approach:

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<sup>1</sup>Ibid., Ki Tavo, p. 126b.

For any person who has vision . . . will understand and know that this is the first step in making Torah become forgotten from the hearts of Jews, heaven forbid, as experience has shown in other cities in Germany. For there is no comparison to the case of the entire school being founded on the study of Torah and other subjects are added to it to be bound up with study of Torah; the students will respect their Hebrew teachers as their principal and constant teachers and both teacher and student will see the fruit of their work. This is not the case when students have become satiated first in the general school with various subjects and after they are tired and exhausted come to the religious school for Hebrew studies. The studies will not enter their ears or take root in their hearts for they will be considered to be utterly superfluous; there will be no respect for the Hebrew teachers . . . and they will become as the fifth wheel of a carriage. . . .<sup>1</sup>

Moreover, while incorporating secular studies within the curriculum, Ettlinger remained insistent that all questions pertaining to school policy, staff and curricula be determined in strict conformity with the dictates of Hala-khah and the spirit of tradition. It was not merely coincidence that led to the appointment of Samuel Enoch to head the educational staff. Enoch and Ettlinger were both to spend countless hours in the arduous editorial work involved in the publication of Shomer Zion ha-Ne'eman and the Zionswächter. Both were imbued with the conviction that the survival of Judaism was directly dependent on the success of the education and training of its youth. The cause

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<sup>1</sup> Ha-Maggid, July 3, 1872, p. 303.

of Orthodoxy, they maintained, could not be served by quiescence. Orthodoxy must move beyond rearguard action to constructive endeavors. Communications and writings publicizing Orthodox views were useful and necessary but education was an even more essential area of communal concern. To survive and to succeed, Orthodoxy must fashion educational institutions which would prove viable in modern society.

The double program Ettlinger set up in the Altona schools was, at the time, a remarkable one for an Orthodox community. The "Talmud Torah" in Hamburg was a religious school for the poor established in 1805. Ettlinger's colleague Bernays had instituted many changes in this school and had transformed it into a comparatively modern elementary school offering instruction in general as well as Judaic studies.<sup>1</sup> Similar schools were established in 1853 by Hirsch in Frankfurt-am-Main<sup>2</sup> and in the year 1859 by

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<sup>1</sup>J. Goldschmidt, Geschichte der Talmud Torah Realschule in Hamburg (Hamburg, 1905), pp. 50-52; A. Fürst, "Die jüdische Realschulen Deutschlands," MGWJ, LVIII (1914), 516. Bernays' educational activities evoked the grudging admiration of his sharpest critics. Cf., IdNJ, VI, 318: "Und wenn auch an Herrn Bernays Pädagogie eben so viel auszusetzen sein mag, wie an seiner Theologie; so hat doch die unter seiner Leitung stehende sogenannte Talmud Thora oder Armen-Schule bedeutend gewonnen . . ."

<sup>2</sup>Eliav, Ha-Hinukh ha-Yehudi, pp. 231-232.

Lehmann in Mainz.<sup>1</sup> The school in Frankfort rapidly developed into a major institution. Hirsch sought to educate and train a Jewish child to fulfill his destiny as "Yisroel-Mensch" (man-Israel), a person who attains an ideal merger of the noblest humanistic and Jewish ethical traits. In accordance with his philosophy of Torah im Derekh Eretz (Torah together with worldliness) Hirsch conceived of Hebraic study and general studies as being intrinsically harmonious disciplines and advocated an integrated curriculum in which students would be introduced to "both spheres equally with equal earnestness and equal care."<sup>2</sup> The religious day schools established in Germany, Israel and the United States in the past 100 years were, to a large extent, the heirs of Hirsch's legacy.<sup>3</sup> However, one should bear in mind that the schools under Bernays and Ettlinger which experimented with such curricula years earlier served as models for Hirsch. We have here a concrete manifestation of Ettlinger's foresight as a communal leader and of his creative approach in establishing radically new institutions to perpetuate Orthodox thought.

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<sup>1</sup>Ibid., p. 235.

<sup>2</sup>Hirsch, Judaism Eternal, I, 172.

<sup>3</sup>Eliav, Ha-Hinukh ha-Yehudi, pp. 238-239. Cf., Levine, Tradition, V (Spring, 1963), 295.

One of the most significant contributions of Ettlinger to the cause of an enlightened Orthodoxy was a detailed proposal for a rabbinical seminary--a dream which did not become a reality in his own lifetime. This plan was, however, to serve as a blueprint and model for the institution later headed by Ezriel Hildesheimer, which was destined to have a marked impact on German Jewry. Apart from its theoretical and practical import Ettlinger's proposal is noteworthy for the insight it affords us into his approach as educator and administrator, his view of the scope of rabbinic training and the extent to which he was prepared to seek a mode of accommodation to the modern environment.

For centuries rabbinic training had been available in traditional yeshivot where the entire program of study centered around Talmud and Codes. In the early nineteenth century following the enormous changes in the life of the Jewish community, study in such yeshivot or private instruction by individual rabbis was found by many to be an inadequate method of preparing a rabbi for the services expected of him. A great number of his constituents would have been fitted from advanced secular education and have spent the major portion of their lives in a non-Jewish environment. For the rabbi to communicate with such congregants and to

exercise a measure of religious or moral influence upon them, it was necessary for him to achieve proficiency in areas other than religious lore and Talmudic jurisprudence.

Accordingly, the leaders of the movement for the Science of Judaism began to seek new avenues whereby they would be enabled to train Jewish leaders in both Jewish scholarship and the scientific discipline and to prepare them for participation in the modern world. Abraham Geiger and others wished to establish a faculty of Jewish theology, parallel to those existing for Christian theology, at one of the German universities. This solution to the problem of training rabbis was precluded by the prejudice of university authorities. A second approach which did prove practicable was the founding of seminaries and special institutions for Jewish theology. The oldest of these were those in Metz, founded in 1824 and in Padua, Italy, founded in 1827. In 1854 the Jewish Theological Seminary was founded at Breslau under the leadership of Zacharias Frankel. Other seminaries were established in the 1870s and 1880s in Germany and the United States.<sup>1</sup>

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<sup>1</sup>Geiger, Nachgelassene Schriften, II, 27-31; idem, Wissenschaftliche Zeitschrift für jüdische Theologie, II (1835), 18-21; Max Landsberg, "Rabbi--In Modern Times," Jewish Encyclopedia (New York, 1907), X, 296. The Orthodox did not regard the Breslau seminary as representative of their viewpoint. Vide Plaut, Growth, p. 45.

Orthodox interest in a rabbinical seminary appears to have been first expressed by both Isaac Bernays and Jacob Ettlinger independently of one another. As mentioned, during the early part of the nineteenth century there were some discussions regarding the possibility of initiating courses in Jewish theology in universities. At one time the project of establishing an independent Jewish university appears to have gained currency. While there was yet hope that the proposal might be implemented Hakham Bernays is said to have repeatedly expressed the sentiment that despite the prestige and responsibility of his post as rabbi of Hamburg he would consider himself remiss in his duty as a Jew if he were to turn down a call to such an institution however great might be the personal and financial sacrifice involved in such a step.<sup>1</sup>

One finds mention of a rabbinic seminary in connection with Ettlinger as early as 1829 while he was yet serving as rabbi in Mannheim. In reply to a tentative invitation extended to him by Jacob M. Lehren, prominent lay-leader of the Amsterdam Jewish community, to serve as head of a projected rabbinical seminary in that city, Ettlinger noted

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<sup>1</sup>As related by his son Jacob Bernays. Vide Marcus Brann, Geschichte des jüdisch-Theologischen Seminars (Fraenckel'sche Stiftung) in Breslau (Breslau, 1904), p. 54, note. At the time the Orthodox community regarded rabbinical posts as more prestigious than academic ones. Cf., infra. p. 271.

that the idea of such a seminary was one to which he had already given considered attention. The Duke of Baden had instructed that the local Klaus which Ettlinger headed be converted into a rabbinical seminary and Ettlinger himself had been elected to head the proposed institution and had been charged with the preparation of a tentative curriculum. Responding to Lehren's specific request that he recommend a course of study for a rabbinical seminary in Amsterdam, Ettlinger noted that he could not offer a definitive proposal since any projected program must necessarily take into account local factors such as the proposed number of students, their general and Jewish educational background, the availability of qualified faculty and the financial resources of the institution--matters regarding which he was totally uninformed. He then proceeded to outline the basic subjects which should be included in the curriculum of any rabbinic seminary. The Talmud curriculum should be divided into two separate programs of study. One course should consist of exhaustive analysis of the textual material. Concurrently, the student should engage in a program of study geared to guarantee that he acquire broad familiarity with vast portions of the Talmud. Specified hours should be set aside for the study of Halakhah. Hebrew language, grammar, and Scriptural exegesis should be included in the course of



study. A class in Jewish philosophy should cover works such as the Hovot ha-Levavot, Kuzari, Ikkarim and Moreh Nebukhim. Ettlinger noted the importance of instituting courses in homiletics and the art of public speaking. Noteworthy is his final suggestion that the head of the academy should also assume moderate rabbinic responsibilities. Ettlinger recommended this type of arrangement on the basis of his own experience in Mannheim. He pointed out that the advantages were twofold. Not only did the rabbinic position afford the head of the academy supplementary income and added prestige, it also enabled him to give his students practical experience in application of Halakhah to concrete situations and valuable in-service training in the various rabbinic functions.<sup>1</sup> Ettlinger's inclusion of the formal study of language, exegesis and philosophy as well as his emphasis on the importance of practical internship reveals a remarkably modern approach to curriculum planning. More significant is his acknowledgment that apart from scholarly attainments, a rabbi must acquire additional skills demanded by his new role in modern society. This proposal of Ettlinger is even more remarkable because of its early date preceding the many discussions of rabbinic seminaries and curricula which took place in the 1840s.

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<sup>1</sup>The entire letter is cited in Meijer, Moeder in Israel, pp. 80-81.

A far more ambitious plan was strongly endorsed by Ettlinger some seventeen years later. The lead article of the Zionswächter of July 21, 1846<sup>1</sup> presented a proposal for the establishment of a rabbinical seminary to further Orthodox interests. The article appears without a signature and is obviously an expression of editorial opinion. The introductory remarks delineate the pressing need for the establishment of new institutions of learning: The defections from the ranks of Orthodoxy were a direct result of the extremely low standard of Jewish education. The only remedy for the situation was to be found in a renewal of serious and thorough Biblical and Talmudic study on all levels of the populace. With knowledge and understanding alone would traditional observance be restored and the growth of Reform checked. Unfortunately, however, most rabbis and teachers themselves had a woefully inadequate background in Talmud and Jewish studies. Their pretensions and conceits were born of a broad but superficial knowledge. Burdened with manifold responsibilities and commitments, modern rabbis were unable to devote sufficient time to religious studies. Thus the rabbis of the day were to be described as:

Philosophers, philologists, archaeologists,  
pedagogues, humanists, poets, writers, trans-  
lators, speakers, preachers, in short rather

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<sup>1</sup> II, 241-245.

anything, all more than, just Jewish theologians, Talmudic rabbis. But that which one is not, cannot be, one also does not wish to be-- and that is the true meaning of the deplorable condition of our time.<sup>1</sup>

The writer then proceeds to assert that the only solution to this state of affairs lies in the establishment of educational institutions from which a different type of rabbi would emerge:

As is absolutely demanded by the general position of a contemporary spiritual leader our rabbis may be masters of knowledge insofar as is necessary for their position, as their relationship to the authorities and the government requires, but above all they must be rabbis, Jewish theologians, Talmudists [therefore] . . . we present the statutes of a rabbinical seminary soon to be founded in the interests of Orthodoxy, an institution which, above all, will serve to produce Talmudic rabbis who, to be sure, will also be modern preachers and spiritual leaders.<sup>2</sup>

The significance of the project outlined in the Zionswächter has not been adequately assessed nor has it received due recognition. In his history of Jewish education in Germany, Mordecai Eliav refers in a cursory manner to the projected seminary<sup>3</sup> but fails to underscore the innovative nature and the far-reaching significance of this detailed plan, drawn up at such an early date, and endorsed

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<sup>1</sup>Ibid., p. 242.

<sup>2</sup>Loc. cit.

<sup>3</sup>Eliav, Ha-Hinukh ha-Yehudi, p. 238.

by Ettlinger, an authority universally regarded as an exponent of uncompromising Orthodoxy. In order to analyze the influence of this proposal on later institutions, to demonstrate its original features and to illustrate the relationship to secular studies which is clearly indicated therein it is necessary to present the details of the proposal.

The Zionswächter presents the Articles of Association of the projected seminary, outlining in great detail the composition, character and educational structure of the projected institution. The purpose of the rabbinical seminary was stated briefly and succinctly; namely, that it proposed to train rabbis who would be possessed of sufficient general education to assure their ability to carry out all the necessary functions of a rabbinical post, who would at the same time be educated in accordance with the principles and dictates of traditional Judaism, and of whom it could readily be anticipated that they would conduct themselves in their public and private lives as Orthodox rabbis.

A list of admission requirements followed. Applicants for admission were to be between the ages of fifteen to eighteen. They were to present documents attesting to their general and Jewish educational background. In addition, candidates for admission were required to pass the entrance examination of the seminary. This examination was designed

to determine a) the candidate's proficiency in Bible and Commentaries; b) thorough knowledge of Hebrew grammar; c) ability to understand and explain any given section of Gemara with Rashi and Tosafot; d) familiarity with Codes. In addition candidates were to demonstrate fluency in written and oral German and basic knowledge of mathematics, history and geography. Applicants who failed to pass the examination might not repeat the entrance examination until one year had elapsed. Applicants were required to be in good health, to possess a certificate of immunization and a certificate of domicile and were required to present a curriculum vitae and letters of recommendation attesting to their religious and moral conduct.

New entering classes were to be formed bi-annually on Heshvan 1 and the deadline for applications was to be at least one year prior. The course of study was to extend for eight years. An entering student was to be required to commit himself to complete the entire program. He might withdraw only with permission of the Board of Directors. Withdrawal in the absence of such permission was subject to fine in accordance with the number of years of attendance. The first academic class was to consist of no more than twelve students, six of whom were to be on full scholarship. The scholarship students were to receive free tuition, board,

lodging and a small stipend to cover personal needs. In no respect was there to be any difference in status or entrance requirements between the scholarship and the fee-paying students.

The academic curriculum was to be divided into two distinct divisions, a Department of General Studies and a Department of Jewish Religious Studies. The daily schedule was to include six hours of Jewish studies and three hours of General Studies. The major portion of the Jewish Studies curriculum was to be devoted to Talmud study.

There were to be two Talmud lectures daily and one class in Codes. Specified hours were to be set aside for advanced exegesis, hermeneutics, and Jewish philosophy. The general studies department was to consist of German composition and style, general philosophy, mathematics, logic, history and geography. The remaining time was to be devoted in part to private study, review and preparation as well as to physical education. Subject to individual approval, this time might be utilized for the study of languages. Study was to be continuous throughout the year with the exception of Sabbaths and holidays. There were to be no vacations.

The administrative body of the seminary was to consist of an eleven-member board. Three members were to

be assigned responsibility for academic supervision. Three others were to oversee finances and the remaining members were to be rabbis chosen from among non-residents of the community. The members of the Board were to elect a president from among the academic members of the Board. The president's period of tenure was to extend for five years, at the end of which time re-election was permissible. The non-resident rabbis were to enjoy all the privileges and prerogatives accompanying membership on the Board. They were to be expected to make suggestions and recommendations despite the fact that they would be unable to participate in all the deliberations of the Board. They were to receive detailed written reports and it was recommended that they attempt to visit at least once during the year. The Board was to meet once monthly and one of their number was to conduct weekly inspections and prepare written reports. Admission was to be by vote of the entire Board. Examinations were to be prepared and administered only by the academic members. The Articles of Association concluded with the details of a proposal that synagogues as well as private individuals obtain the right to sponsor scholarship students by means of endowments, it being fully understood that such students must meet all the entrance requirements of the institution.

The core of the program outlined with its emphasis on the centrality of Talmud and Codes and the rigorous hours of study resembled the curriculum of the traditional yeshivah. However, the new institution was designed to train "modern preachers and spiritual leaders" and, indeed, there was much that indicated a basic change in orientation. In the Jewish Studies program itself the delineation of exegesis, homiletics and philosophy as formal subjects was unusual. Even the emphasis on practical halakhah was absent in many a traditional yeshivah. Far more innovative was the inclusion of secular studies to which fully a third of the hours of instruction were devoted. In this respect the program did not simply call for instruction in the vernacular which could have been justified on the most elementary pragmatic grounds but was designed to promote a measure of academic proficiency. Thus it included logic, philosophy, literary style, language study and even physical education. Particularly significant are the administrative details, the liberal scholarship policy and the suggestion for endowments--proposals which reveal significant administrative talents. Most interesting is the proposal to include out-of-town members on the Board, a far-sighted move designed to give the projected seminary added prestige, broader backing and a medium for the infusion of new ideas.



The name of Ettlinger himself does not appear in the proposal in the Zionswächter. However, his relationship to that journal and to Enoch was so close that it is self-evident that any major proposal advocated in the Zionswächter had his total and complete approval. Moreover, official representations made to the government authorities specifically included a lengthy document embodying Ettlinger's personal endorsement of the project.<sup>1</sup> The curriculum itself shows a significant resemblance to the skeleton plan Ettlinger had outlined in his letter to Jacob Lehren. An article in Die jüdische Presse of 1872 explicitly asserts that Ettlinger was to have been the President of the Board of Directors.<sup>2</sup>

The proposal in the Zionswächter concluded with a statement that the locale of the new rabbinical seminary and further information would follow in due course. However the pages of the Zionswächter contain few further

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<sup>1</sup>"Betreffend das Gesuch des Oberlehrers Dr. Enoch, ein Rabbinerseminar in Altona errichten zu dürfen," Abt. 19, Lfd, 421, Landesarchiv Schleswig-Holstein. The archival material is extremely difficult to decipher since the handwritten document is covered with erasures, deletions and substitutions. TZW, III, 83, reports that representations had been made to Government authorities, "Die desfalligen Plane und Unterhandlungen bewegen sich jetzt in den Kreisen obrigkeitlicher und Regierungsbehörden. . . ."

<sup>2</sup>P. 344.

references to the projected seminary and these occur in a completely peripheral context.<sup>1</sup> From the details of the Articles of Association it is obvious that the program had been formulated in detail even from the financial standpoint. Moreover, the proposal had been presented to the public as an example of the Orthodox camp's commitment to concrete accomplishment in contrast to the Reform party's penchant for conferences and written and oral pronouncements. Representations to the government for approval of the proposal had actually been made. Nevertheless, for undisclosed reasons, the proposal did not become a reality.

The projected seminary received mention in a contemporary British periodical, the Voice of Jacob. A brief news item in that journal, dated August 14, 1846, commended the Zionswächter for proposing the establishment of a seminary and drawing public attention to the problem of rabbinic training. The English report noted that the plan was presented anonymously and speculated that the project might possibly have been endowed by a pious young scion of the Rothschild family who had expressed interest in a similar proposal.<sup>2</sup> However, no subsequent reports in this periodical

<sup>1</sup>II, 320-321 and III, 83.

<sup>2</sup>v, 186. It is probable that the unidentified philanthropist is the anonymous benefactor of Talmud study mentioned in TZW, II, 2 and III, 83-84 and in SZN, nos. 43 and 127.

give any further information regarding the project and the reasons for its abandonment.

A brief unsigned communication in Die jüdische Presse, written some 26 years later at the time of the founding of the Hildesheimer Seminary in Berlin, sheds light on the fate of the rabbinical seminary projected in the 1840s. The writer notes that the Zionswächter of 1846 had presented a plan for a rabbinical seminary and that the proposal had been no vaguely conceived idea or hazy dream but rather a detailed plan. The writer then proceeds to furnish information that had not been included in the Zionswächter. He asserts that Altona had been chosen as the locale for the seminary, Ettlinger had been appointed President of the Board of Directors, several prominent rabbis had been appointed to membership on the Board, Dr. Enoch had been appointed administrative director and, "What was most important, a prominent Jew, whose benefactions were counted in the hundreds of thousands" was prepared to defray the expenses. The writer then recounts the ultimate fate of the project relating that the times were not propitious. The uprisings of 1848, followed by the Danish-Prussian War and later the sudden death of the wealthy philanthropist upon whose munificence the practical realization of the plan was dependent, all contributed to the abandonment of the project.<sup>1</sup>

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<sup>1</sup>1872, pp. 343-344.

The proposal was not, however, completely stillborn. Ettlinger's educational ideals were to be implemented by his disciple Ezriel Hildesheimer. Following his appointment to the rabbinate of Eisenstadt, Hungary in 1851, Hildesheimer proceeded to found a rabbinical school and to include secular studies in its curriculum. Although the school attracted large numbers of students and received government recognition, Hildesheimer's success was resented both by Reform circles in Eisenstadt and by many of the leaders of Hungarian Orthodoxy who viewed the introduction of secular studies with disfavor.<sup>1</sup> At the Hungarian Jewish Congress held in Budapest in 1869 Hildesheimer was constrained to form his own party whose approach he defined as representing "faithful adherence to traditional teachings combined with an effective effort to keep in touch with the spirit of progress"--<sup>2</sup> a definition which might well have

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<sup>1</sup>Eliav, Zion, XXVII, 62; idem., "Torah im Derekh Eretz be-Hungariyah," Sinai, LI (1961), 131. Cf., I. Grunfeld, ed., Judaism Eternal, I, xl, who records a similar experience of Hirsch. When Hirsch drafted a proposal for the creation of a central ecclesiastical authority to serve the entire Jewish community of Moravia he encountered opposition on the part of both right-wing and left-wing factions. The liberals opposed his strict adherence to Halakhah whereas the rabbis of the old school were apprehensive of his plans for the establishment of secondary schools and seminaries designed to combine Jewish and secular studies.

<sup>2</sup>Cited by Max Schloessinger, "Israel Hildesheimer," Jewish Encyclopedia (New York, 1906), VI, 395.

characterized the educational projects endorsed by Ettlinger.

In 1869 Hildesheimer accepted the call of the Adas Yisrael Congregation in Berlin to serve as its spiritual leader and director of its Bet Midrash. It was here that he sought to fulfill his dream of founding a major institution for the training of Jewish rabbis and scholars, but once more his initial efforts met with opposition. Prior to the official opening of his seminary in Berlin Hildesheimer wrote a series of articles clarifying his aims and goals. He noted that existing rabbinical seminaries had produced neither genuine Talmudic scholars nor traditional rabbis and, as a result, the Orthodox community justifiably viewed all such institutions with distrust. However, he pointed out, in Germany traditional yeshivot belonged to an era that was gone. In the Germany of the day there no longer existed even a single yeshivah of significance. His own enterprise, he claimed, differed in outward form but basically constituted an attempt to realize the goals of the traditional yeshivah. In his opinion, given the religious problems and social realities of German Jewry, a project such as his own was the only viable means of achieving those aims.<sup>1</sup>

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<sup>1</sup>Die jüdische Presse, May 31, 1872, pp. 165-166. Cf., Hildesheimer's earlier formulation of these views in the Israelit, 1862, p. 298. In a letter to Rabbi Aaron David

His protestations notwithstanding, Hildesheimer encountered considerable opposition on the part of various factions of the Orthodox community. The ensuing dispute, echoes of which are to be found in the pages of Die jüdische Presse as well, was long and bitter and degenerated into a personal attack on Hildesheimer. Hildesheimer's supporters argued that his project was not a matter of local importance but had far-reaching implications. To bolster this point of view they pointed to the fact that Jacob Ettlinger had endorsed a similar project a quarter of a century earlier and, at the time, had advocated the establishment of a rabbinical seminary as the only solution to the vexing problems of German Jewry.<sup>1</sup>

Deutsch, Hildesheimer underscores the need for constructive action on the part of the Orthodox camp: "In my opinion it is impossible other than with a seminary and also there is no hope other than with schools in which children study in addition to the principal [subject] of our holy Torah also other studies. . . . And I am also convinced that it is a great danger at all times to say 'No! No!' that is to fight against what others have proposed to them, only rather we must propose what we truly want." Cited in Eliav, Zion, XXVII, 77.

Hirsch was also known to have cherished a dream of establishing a rabbinical seminary. Following Hirsch's resignation as Chief Rabbi of Moravia to accept a call to Frankfort, the Moravian communal leaders, in an attempt to induce Hirsch to remain in Moravia, offered to implement his plan to found a rabbinical seminary. I. Grunfeld, Judaism Eternal, I, xli.

<sup>1</sup>Die jüdische Presse, 1872, pp. 343-344. Ettlinger's endorsement is particularly significant in view of the strong opposition of many Orthodox rabbis. Vide, for example, Igrot Soferim, section 3, no. 27, pp. 39-41 and Teshuvot Maharam Schick, Orah Hayyim, nos. 307-309 and Yoreh De'ah, no. 335.

Indeed, there can be no doubt that Hildesheimer's thinking with regard to a rabbinical seminary was directly influenced by his mentor, Jacob Ettlinger. In Die jüdische Presse of Sept. 6, 1872 Hildesheimer publicized the admissions requirements and projected curriculum of the seminary he was planning to open in the near future.<sup>1</sup> It is instructive to compare the curriculum presented in the Zionswächter proposal with that outlined by Hildesheimer. While the earlier plan placed greater emphasis on the primacy of Talmud in the course of study, in general the similarities between the two projected curricula are striking. Of interest is the listing by Hildesheimer of the study of the Jerusalem and Babylonian Talmuds as separate courses and the inclusion by him of the history of the Jewish people and Jewish literature, pedagogy, and Aramaic grammar as formal subjects. This, of course, constitutes no basic difference but merely reflects the development of Jewish studies in Germany at the time which had led Hildesheimer to include those disciplines which were part of the academic course in the various existing seminaries. The Altona proposal placed emphasis on fluency in written and spoken German, a matter which is not mentioned by Hildesheimer. Again, this reflects

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<sup>1</sup>Cf., Meir Hildesheimer, "Ketavim be-Dvar Yesod Bet ha-Midrash le-Rabbanim be-Berlin," Ha-Ma'ayan, XIV, no. 2 (1974), 18-21.

the changes which had taken place since the 1840s. At that time fluency in the vernacular could not yet be taken for granted as a matter of course.<sup>1</sup> In both proposals the inclusion of secular subjects is presented as a response to the needs of the times and as of secondary importance within the total curriculum. Ettlinger had frequently reiterated the fundamental importance of training rabbinic students in the practical aspects of Halakhah. Hildesheimer's curriculum reflects this preoccupation with, and emphasis on, practical religious law. Indeed, allowing for modifications as a result of time and circumstance, Hildesheimer's seminary may be seen as a realization of the vision of Ettlinger.

The official dedication of Hildesheimer's "Rabbiner-seminar für das Orthodoxe Judentum" took place on October 22, 1873. As head of the seminary, Hildesheimer became the intellectual leader of German Orthodoxy. Hundreds of rabbis and teachers received their education and training at the Berlin seminary. Ettlinger's educational legacy had assured the continuity of traditional Judaism in Germany.

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<sup>1</sup>Cf., the challenge hurled at the Orthodox rabbinate by A. Adler, Die Sieben und siebenzig sogenannten Rabbiner, p. 6.



## CHAPTER VII

DER TREUE ZIONSWÄCHTERAND SHOMER ZION HA-NE'EMAN

Significant in the development of the nineteenth-century German Jewish community was the emergence of a thriving periodical literature. During the eighteenth century several Jewish journals appeared in various European countries. Generally regarded as the first Jewish magazine is Peri Ez Hayyim (1691-1807), a Hebrew periodical containing rabbinical decisions of members of Ez Hayyim, the Sephardic Bet Midrash (House of Study) in Amsterdam.<sup>1</sup> Better known is the publication Kohelet Mussar, of which two issues were published in Germany in 1750 by Moses Mendelssohn and Tobias Back. These limited endeavors aside, the true emergence of a Hebrew press dates from the appearance of Ha-Me'assef, a successful monthly organ which was founded at Mendelssohn's initiative by a group of his

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<sup>1</sup>This honor has also been claimed for Reshit Bikkurei Katzir which was published in Ferrara in 1715. Vide Yitzhak Rafael, Rishonim ve-Ahronim (Tel Aviv, 1957), p. 323, note 3. Rafael draws attention to common errors with regard to the dates of publication of Peri Ez Hayyim which have crept into the literature on this periodical.

disciples in Berlin in 1784 and which appeared for a period of twenty-seven years. Sulamith, a monthly printed and written in the German language and with a pronounced Reform tendency, was founded in 1806 by David Fraenkel and Joseph Wolf. These pioneering enterprises were soon followed by a proliferation of Jewish periodicals. Whereas Kohelet Mussar was written and printed in Hebrew and Ha-Me'assef was written in the Hebrew language but partly printed in German characters the later journals were primarily written in languages other than Hebrew. The majority of the new publications were German-language journals. The fourth decade of the nineteenth century was marked by an intensification of journalistic activity and the fifth decade was characterized by even greater journalistic productivity. During the latter ten years five new Hebrew-language periodicals appeared in Germany and a total of twenty-five new German-language periodicals commenced publication. Seven of these were published outside of Germany.<sup>1</sup>

Periodical literature played an important role in the cultural life of nineteenth-century Jewry. The Hebrew-

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<sup>1</sup>Richard Gottheil and William Popper, "Periodicals," Jewish Encyclopedia, IX (New York, 1906), 602-604. Margaret T. Edelheim-Muesham, "The Jewish Press in Germany," Yearbook, Leo Baeck Institute, I (1956), 163, notes that from the emancipation until 1938 well over two hundred Jewish publications appeared in Germany.

language periodicals had an enormous impact upon the development of Hebrew literature and upon the revival of Hebrew and its transformation into a modern language.<sup>1</sup> The influence of the German-language periodicals may be observed in a variety of areas. Initially, they served to educate the masses in preparation for emancipation and participation in modern society. Subsequently, many periodicals of a scholarly character served as a forum of expression for exponents of the Wissenschaft des Judentums (Science of Judaism) and made a momentous contribution to the advancement of Jewish scholarship. Following the Damascus Affair, the Jewish press played an increasingly significant role in reporting news of political developments on the international scene and in fostering feelings of solidarity and interresponsibility among Jews throughout the world.<sup>2</sup> However, the most striking feature of Jewish periodical literature of the mid-nineteenth century was its strongly religious character and the manner in which it reflected the religious ferment of the times. The majority of journals were published by champions of Reform and only gradually did there emerge a

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<sup>1</sup>Meyer Waxman, A History of Jewish Literature (New York, 1960), III, 333-334.

<sup>2</sup>Baruch Mevorah, "Ikvoteha shel 'Alilat Demesek be-Hitpathutah shel ha-'Ittonut ha-Yehudit ba-Shanim 1840-1846," Zion, XXIII-XXIV (1958-59), 46-65.

press of a moderate and later also of a traditional orientation.

In the early 1840's several successful Reform periodicals appeared in Germany. Included in this genre were Sulamith,<sup>1</sup> Geiger's Wissenschaftliche Zeitschrift für Jüdische Theologie (1835-1844 and 1847), the Allgemeines Archiv des Judenthums (1839-43), Jost's Israelitische Annalen (1839-41), Der Israelit des Neunzehnten Jahrhunderts (1839-1848), Ziyyon (1841-42), Sinai (1846), Fürst's Der Orient (1840-1851), with its literary supplement the notable Literaturblatt, and the most influential Reform journal of the time, Die Allgemeine Zeitung des Judentums, founded in 1873 by Ludwig Philippson. The Allgemeine Zeitung was edited by Philippson for fifty-three years until his death in 1889 and continued to be published until 1921. This journal came closest of all of these periodicals to being a newspaper in the modern sense of the term. Appearing with regularity at first three times and later once a week, it served as a steady source of news and information. Under the editorship of Philippson it developed into a powerful tool of the Reform movement. Publications such as the Orient and the Sabbathblatt were far more conservative in orientation than journals such as

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<sup>1</sup>Discontinued in 1848. Vide Edelheim-Muesham, Year-book, Leo Baeck Institute, I, 165.

the Israelit des Neunzehnten Jahrhunderts or the Allgemeine Zeitung. In 1844 Zacharias Frankel founded the Zeitschrift fur die Religiösen Interessen des Judenthums (1844-46), an important journal representing the cause of moderate Reform. Common to all these periodicals was the fact that they represented viewpoints totally at variance with the interests and ideology of the Orthodox.

This, then, was the nature of the periodical literature of the day at the time when Ettlinger founded Der treue Zionswächter in 1845.<sup>1</sup> The first issue of the journal appeared on July 3, 1845, and it continued to be published as a weekly from that date until June 28, 1850.<sup>2</sup> After a

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<sup>1</sup> Gottheil and Popper, Jewish Encyclopedia, IX, 604 and 638, note the brief appearance in 1845 of another Orthodox publication, a Hebrew-language periodical, Ha-Yareah. I have been unable to locate either the periodical or further references to this publication.

<sup>2</sup> The immediate reason for suspension of publication appears to have been the editor's earnest request to be relieved of the burdens of editorial responsibility. In a closing statement, TZW, VI, 208, the editorial committee observed that they viewed their primary objective as having been accomplished:

"Die Interessen des orthodoxen Judenthums, deren Wahrung diese Blätter einzig und allein ihre Begründung verdanken, erscheinen gegenwärtig der Art gesichert, dass eine Gefährdung derselben, seitens der Reform oder Amsturzpartei in Judenthums nicht zu befürchten. . . . Unsere Aufgabe indess kann für's Erste ihre Ende erreicht haben. . . . Freunden und Feinden aber die Versicherung, dass der Tag, der in Interesse des orthodoxen Judenthums sein Wiederscheinen erheischte, den Wächter kampfgerüstet und muthig wie je, auf dem

hiatus of a year, the Zionswächter resumed publication and appeared again, now as a bi-monthly, from July 4, 1851<sup>1</sup> until December 29, 1854. The first issue of the Hebrew supplement, Shomer Zion ha-Ne'eman, appeared on July 1, 1846. The journal was published bi-monthly thereafter until March 28, 1856, with an interruption of one year (July 5, 1850 to July 11, 1851). In all, two hundred and twenty-two editions of the Hebrew supplement were published.

As editor of these periodicals Ettlinger engaged the services of Rabbi Dr. S. Enoch who, at the time, served as director of the Altona "Talmud Torah" and played a prominent role in communal and charitable activities. In 1856 Enoch was called to the rabbinate of Fulda. Apparently

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Kampfplatz bereit finden wird."

Many attributed the cessation of publication to the aftermath of the uprisings and strife in Germany. Cf., SZN, no. 105, editorial note:

הנה כי אנו לא משהי'נו להוציא  
 אלא כי אנחנו חסדכם  
 מאלוהי הנהיג, ואלוהי  
 בארץכם הנהיג, ואלוהי  
 בארץכם הנהיג, ואלוהי

<sup>8</sup>Editions of TWZ and SZN now appeared on alternate Fridays. Vide TZW, VII, 1-2. In the second phase of its publication issues of TZW numbered only four pages in contrast to the original eight-page edition. The later issues of the magazine contain less original material and many articles that had appeared in the first volumes were reprinted. Apparently, in response to popular demand, Enoch resumed the editorship however other commitments curtailed the time he was able to devote to editorial duties.

this is the reason that the Hebrew periodical Shomer Zion ha-Ne'eman ceased publication that year.

The prospectus to the Zionswächter, signed by Enoch, illustrates clearly that the journal was born of the Reform-Orthodox conflict and that its founders viewed its primary purpose as being an instrument through which the Reform movement might be contained. Enoch observes that the Orthodox voice could not find proper expression in existing partisan journals and that a vibrant Orthodox press was the need of the hour:

The circumstances of the times urgently demanded resistance, required for it the full vigor of the sincere and fearless word . . . finally, following the well-known protest of the 116 rabbis, the opposition was opened and it was candidly declared that the time had come for an independent organ whose candid and open intention would be solely to defend the interests of Orthodox Talmudic Judaism . . .<sup>1</sup>

While it would never permit polemic to sink to the level of personal invective the new journal, Enoch declared, would not shy away from honest debate and would endeavor to confront the manifold challenges arising with regard to Jewish religious life. The journal would attempt to provide its readership with guidance rooted in the Jewish tradition and with authoritative answers based upon the

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<sup>1</sup>"Prospectus eines neu erscheinenden Organs zur Wahrung der Interessen des orthodoxen Judenthums" (Hamburg and Altona, 1845), p. 1. Cf., TZW, II, 98.

responses of competent rabbinic scholars. Enoch pledged that careful attention would be directed to Jewish education and to the pivotal role of the school in the development of religious commitment and responsible citizenship. The journal would also seek to include news items of interest to the religious community, particularly information that would serve to bolster and strengthen Orthodoxy since one of the major aims of the journal was to give a new measure of confidence to the Orthodox and to demonstrate to all that Orthodoxy could achieve "the respect of the world."<sup>1</sup>

Throughout the duration of its publication the journal served first and foremost as an apologia for Orthodoxy. Countless articles were devoted to discussions of the role of religion in the modern world.<sup>2</sup> Particular attention was focused on the changing role of the rabbinate, on the selection of rabbinical candidates and on the new functions of the various communal institutions.<sup>3</sup> Several

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<sup>1</sup>"Prospectus," p. 2.

<sup>2</sup>Typical examples are "Orthodoxes Judenthum und Gegenwart," III, 53, 59, 65-66 and 70; "Ein Wort über Gegenwart," VIII, 96-98 and 103-104; and "Zeitgeist," VIII, 98-100.

<sup>3</sup>III, 97-101, 105-108 and 193-195; IV, 57-58, 67-68, 73-75, 81-82, 289-290, 297-298, 329-330, 338-339, 345-346, 369-370, and 377-378; VI, 9-13 and 27-30; IX, 41-43; and X, 97-99 and 101-102.



authors sought to analyze the changing relationship of the home to the community and one writer touched upon the emancipation of women.<sup>1</sup> Orthodox response to the challenge of political emancipation and a defense of the patriotism of the Orthodox community were recurring themes.<sup>2</sup>

As had been promised from the very inception, considerable space was devoted to matters pertaining to education. An attempt was made to analyze the effect of political developments on the evolution of the German school and to examine the merits of separation of church and school.<sup>3</sup> Elementary and high schools, seminaries for the training of teachers and rabbis and yeshivot and adult education were all discussed in numerous contributions appearing over the years. Several articles discussed the role of parent and teacher in the learning process, teaching techniques, methods of teaching religious values and text books.<sup>4</sup> Of

<sup>1</sup>III, 65-68.

<sup>2</sup>III, 73-75 and 91-92; IV, 137-139, 147-149, 154-157, 165-166, 172-173, 241-243, 251-252, 278, 361-363 and 372-373; V, 187-188, 209-212, 264-265, and 385-387; VI, 65-68, 93-96 and 97-99; VIII, 3, 6, 14, 18-19, 22-23, 25-26, 30, 33-34, 37-38, and 47.

<sup>3</sup>IV, 265-268, 274-275, 284-285, 294, 315-318, 324-326, 333-334 and 339-341; and VI, 193-194.

<sup>4</sup>III, 4, 11-20, 28, 34-37, 41-44, 109-110, 117-119, 227-228, 301-302, 317-318, 363-365, 374-375, 381-382; V, 65-66, 92-93, 115-116, 137-138, 145-146, 155-156, 169-172, 212-214, 243-245; 319, 325-326, 329-331, 405-406 and 411-412; VI, 52-53, 57-59, 73-77, 77-79, 85-87, 102-104, 131-134, 170-173, 177-181 and 194-197; VIII, 17-18 and 21-22; IV, 5-6 and 81-83; and X, 81-82 and 85-86.

interest are descriptions of religious schools in Halberstadt and Moisling and of the yeshivah in Pressburg.<sup>1</sup>

In response to the writings of exponents of Reform, the Zionswächter published numerous articles devoted to an explication of traditional beliefs and a defense of the Orthodox approach to sacred texts.<sup>2</sup> The very first issue of the journal contained an open letter addressed by Benjamin Z. Auerbach to S.J. Rapoport of Prague urging Rapoport to add his signature to the formal protest against the Brunswick Conference. In a similar vein many polemics published in early editions of the journal were attempts to discredit the Reform rabbinic conferences.<sup>3</sup> Editorials in the Zionswächter also vehemently opposed participation in the Conference of Theologians convened by Zacharias Frankel.<sup>4</sup>

Considerable space was devoted to discussion of the major halakhic controversies of the time. The controversy with regard to circumcision and the question of metzitzah, in particular, were discussed at length.<sup>5</sup> Halakhic problems

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<sup>1</sup> III, 131-132, 140, 203 and 211-212; and V, 169-172.

<sup>2</sup> E.g., III, 273-274, 281-282, 289-290 and 306; VI, 33-34; VII, 5, 7, and 11; and IX, 2, 3, 6 and 8.

<sup>3</sup> III, 201-203, 209-210 and 217-218.

<sup>4</sup> III, 81-83.

<sup>5</sup> II, 285-290, 333-334, 377-378, 393-399, 400-404, and 409-410; and III, 371-375, 378-380, 387-388, 403-404, 411-412 and 417-419.

stemming from the proliferation of civil marriage were the subject of several articles appearing over the years.<sup>1</sup>

While at times echoes of the bitter conflicts between Reform and Orthodox factions reverberated in the pages of the journal, Enoch strove to maintain the discussion on a dignified level and lapses into invective and strident partisanship were rare.<sup>2</sup> Particularly sharp responses were, however, evoked by criticisms of the Zionswächter in contemporary Reform periodicals.<sup>3</sup>

Most of the journals of the time differed from modern newspapers in their concentration upon subjects of religious and academic interest rather than upon topical events. Similarly, news items in the Zionswächter assumed secondary importance although considerable space was given to reports of events of significance to the religious community, to intra-communal struggles of Reform and Orthodox groups and to developments in the Holy Land. As an increasing number of Jewish periodicals were founded in many different locales, the network of periodicals developed a reciprocal system tantamount to an international news service by means of

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<sup>1</sup>III, 129-130; V, 57-58, 66-68 and 75-77; VI, 207; and VIII, 26-27 and 30.

<sup>a</sup> <sup>2</sup>Vide, for example, III, 23 and 61; and V, 373.

<sup>3</sup>III, 21; and IV, 46-47, 103, 338 and 392.

which various journals supplied one another with news of their specific local community.<sup>1</sup> During this period the Zionswächter served several journals as a source of news with regard to developments within the German Orthodox community.<sup>2</sup>

The Zionswächter serves as a unique source for the historical study of the development of German Orthodoxy. At that date few detailed news reports of Orthodox communal functions appeared elsewhere in the press. Many brief news items record the Orthodox view of the background of clashes between Orthodox and Reform groups in specified cities. More significant is the chronicle of the reactions of the Orthodox community to the political upheavals of the years 1847-1848.<sup>3</sup> The journal is an important source for information regarding the leading personalities of German Orthodoxy. Of particular interest are the lengthy articles describing the ceremonials in Hamburg attendant upon the twenty-fifth anniversary of Bernays' service in the rabbinate of Hamburg.<sup>4</sup> Noteworthy are descriptions of services

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<sup>1</sup> Mevorah, Zion, XXIII-XXIV, 58-61.

<sup>2</sup> Vide, for example, ibid., p. 59, note 62; and Voice of Jacob, 1845, p. 245; 1846, pp. 11-12 and 1847, p. 200.

<sup>3</sup> III, 175, 181, 308-310 and 316; IV, 314-315 and 319; and V, 1-5, 11-14, 17-21 and 172-173.

<sup>4</sup> II, 362-364, 373-376 and 391.

arranged by Ettlinger in commemoration of special events and the texts of German and Hebrew prayers composed by him for these occasions.<sup>1</sup> The early career of Samson Raphael Hirsch may be followed in a series of new items depicting his departure from Emden, his accomplishments in Moravia and his move to Frankfort.<sup>2</sup> The journal also contains reports of the activities of Ezriel Hildesheimer in Eisenstadt.<sup>3</sup>

The mid-nineteenth century was a period in which the sermonic style of both Protestant and Jewish clergymen underwent a marked change. The Zionswächter serves as an interesting historical source illuminating this change in style as it developed in Orthodox Jewry. Particularly noteworthy are a few brief selections from sermons by Ketab Sofer,<sup>4</sup> the many sermons of S. Cohn and J. Schwarz<sup>5</sup> and the numerous contributions of Jacob Ettlinger.<sup>6</sup>

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<sup>1</sup>III, 327-328; IV, 70-71, 79, and 172-173.

<sup>2</sup>III, 23, 46, 189, 239-240 and 253-254; IV, 109-111, 117-119, 158-159, 181, 199, 261, 278, 365-366 and 372-373; VII, 4 and 19; and IX, 15.

<sup>3</sup>IX, 8 and 75; and X, 99-100.

<sup>4</sup>III, 130-131, 149-150, 234-235 and 257-259.

<sup>5</sup>For example, V, 257-264 and 273-276.

<sup>6</sup>I, 117-118, and 125-127; II, 309-313; III, 1-3, 9-11, 153-154, 169-170 and 305-309; V, 161-168, 201-205, 353-355 and 363-365; VI, 46-47, 68-71, 163-165, and 169-170; VII, 9-11; VIII, 45-46, 49-50 and 73-75; and X, 17-18, 23-24, 57-58, 61-63, 73-74 and 77-78.

Poetic translations as well as original verse were a regular feature of the magazine. Numerous editions contained selections from Scripture and the liturgy rendered into German verse. J. Schwarz was a frequent contributor of poems on Biblical and religious themes.<sup>1</sup>

There were few significant academic contributions published in the Zionswächter; serious scholarship was reserved for the Hebrew journal. However, the magazine published brief articles on Jewish history written on a popular level and short biographies of personalities such as Saadia, Ibn Ezra, Maimonides and Abarbanel.<sup>2</sup> While comparatively few articles appearing in the Zionswächter were of serious scholarly consequence, the journal did play an important role in fostering Jewish scholarship among its readership by publicizing scholarly works, acclaiming societies devoted to Torah study and calling for higher academic standards in religious and educational institutions. In addition to editorials emphasizing the importance of enhanced Talmud study, the journal included several articles promoting adult education, discussion of the importance of general

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<sup>1</sup>Vide his lengthy "Assaf und Tirza," V, 108-110, 117-118, 122-124, 133-134, 147, 156-157, 173 and 188-189.

<sup>2</sup>III, 4, 156, 157, 396-398 and 419-422; V, 23, 71-72, 324-325, 331-334, 347-349, and 394-398; VII, 16-17, 21-22, 26-27, 30-31, 34 and 38-39; and IX, 26-27, 30-31, 34-35 and 91-92.

studies and a call for the study of Jewish history.<sup>1</sup> Indeed, the Zionswächter itself came to play a vibrant part in the social and religious life of the Orthodox community. Noteworthy is an attempt by the editor to use the journal as a means of aiding Sabbath observers in their efforts to obtain employment.<sup>2</sup> A major contribution was the magazine's role in promoting charitable endeavors and centralizing charitable collections.<sup>3</sup> Within the Orthodox community the journal was received with eager acclaim, no small part of which stemmed from the realization that the periodical had brought an added measure of self-confidence and prestige to Orthodoxy.<sup>4</sup>

The favorable reception accorded the German journal encouraged Ettlinger and Enoch to found a Hebrew magazine as well. A lengthy editorial in the Zionswächter<sup>4</sup> heralding the new publication pointed out that the Hebrew supplement was designed to fill a void in the intellectual life of the Orthodox community. Its primary objective was to be the furtherance and advancement of genuine Jewish scholarship.

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<sup>1</sup>II, 2 and 241-245; III, 83-84, 301-302, and 317-318; and IV, 145-147 and 213-214.

<sup>2</sup>III, 200.

<sup>3</sup>Vide, for example, III, 344 and IX, 88.

<sup>4</sup>II, 98-99; III, 350 and 392. Cf., also VII, 13 and 18-19 and SZN, no. 105, editorial note, "El ha-Kore."

<sup>5</sup>"An das Publikum," II, 97-99.

It was anticipated that the new publication would serve as a forum of expression for rabbinic authorities who would focus their attention upon contemporary religious problems. Upon common study and deliberation these authorities would formulate responses to the novel questions of Jewish law and ethics which had arisen in the modern age. Their writings, publicized in the Hebrew journal, would serve as a guide for the entire Orthodox community. The editors expressed the hope that the new magazine, written in the Hebrew language and aspiring to the highest academic standards, would foster an atmosphere of study and scholarship and awaken within the Jewish community "a more enthusiastic endeavor . . . to cultivate religious studies and to be concerned for their growth and development."<sup>1</sup>

The goals of the new magazine, Shomer Zion ha-Ne'eman, were inscribed on its masthead in succinct phrases: "To raise the prestige of Torah and tradition and to remove stumbling block[s] from the path of faith." The masthead proclaimed that the journal was sponsored by a "society of rabbis and scholars who stand in the breach safeguarding the holy charge." The editorial functions were performed by Enoch in close collaboration with Ettlinger. Material appearing in the journal was subdivided into four categories:

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<sup>1</sup>II, 99.



(1) analytic queries; (2) novellae and commentaries; (3) responsa; (4) parables and belles lettres.

Many scholars endorsed the new literary undertaking and the periodical soon boasted an impressive roster of contributors. Articles were authored by prominent rabbis residing in Germany, Hungary, France, Poland and Palestine. The foremost contributor was Jacob Ettlinger himself whose numerous articles appeared in a hundred and fifty issues of the journal and who maintained a lively exchange with many of the writers. There were several contributions authored by Ettlinger's father, Rabbi Aaron Ettlinger of Carlsruhe, and many articles written by his brother, Rabbi Leib Ettlinger of Mannheim. Frequent contributors were Rabbis Moses Schick of St. Georgien and Jacob Koppel ha-Levi Bamberger of Worms. Other noted rabbinic scholars whose writings were published in the journal include Gabriel Adler of Oberdorf, S.B. Bamberger of Wurzburg, O. Bodenheimer of Korfeld, J. Dembitzer of Cracau, Wolf Hamburger of Furth, Ezriel Hildesheimer then of Halberstadt, S. Horowitz of Tarnopol, J.H. Mecklenburg of Konigsberg, B. Oppenheim of Eibeschutz, J. Pollack of Trebitsch, A. Reizes and P. Schiffer of Lemberg, G. Schlesinger of Hamburg, S. Schreiber of Mattersdorf, A. Sutro of Munster, Z.L. Schick of Pressburg and Abraham Wechsler of Schwabach. Ettlinger graced the journal with

scholarly communications addressed to him by Akiba Eger and Abraham Bing.<sup>1</sup> Responsa written by Hatam Sofer were contributed by two of his former disciples.<sup>2</sup> In all, the journal represented the finest Talmudic scholarship of rabbis of the old school.

Shomer Zion ha-Ne'eman succeeded in generating a lively interchange of ideas among the various contributors. Frequently, discussion on a particular topic would continue for several issues with different authorities presenting their own views with regard to the specific problems raised. In many editions Ettlinger's articles consisted of a series of responses to questions addressed to him via the forum of the magazine. The scholarly debate encouraged by the publication was one of its most valuable achievements and served to enhance the prestige of Talmudic study.

Of the numerous halakhic responsa published in the journal a large number pertained to problems of the modern world. Noteworthy are several discussions regarding the permissibility of travel by train on the Sabbath.<sup>3</sup> Several responsa on halakhic controversies related to innovations introduced by the Reform movement were first

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<sup>1</sup>Nos. 31, 77, 78 and 100.

<sup>2</sup>Nos. 48, 95 and 154.

<sup>3</sup>Nos. 23, 24 and 154.

published in the pages of Shomer Zion ha-Ne'eman. These included discussions of the mode of performance of metzitzah<sup>1</sup> and peri'ah<sup>2</sup> recitation of kaddish<sup>3</sup> and observance of the Second Days of the Festivals.<sup>4</sup> Most significant are a series of contributions by Rabbi Abraham Sutro of Munster dealing with halakhic ramifications of Reform innovations in the synagogue and discussing the specific questions of use of an organ, harmonious recitation of prayers, mixed choirs, cantillation, calling individuals to the Reading of the Law by name, the language of prayer and Confirmation ceremonies.<sup>5</sup> Of interest in this context is the publication in the journal of a letter written by Rabbi Meinsten of Brunswick to Israel Jacobson in 1808 in which the writer discusses his reasons for declining to accept Jacobson's invitation to participate in the newly organized Consistorium.<sup>6</sup>

Remarkable in a rabbinic journal of this genre was

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<sup>1</sup>Nos. 5, 12, 20, 21 and 93-98.

<sup>2</sup>No. 218.

<sup>3</sup>No. 167.

<sup>4</sup>Nos. 176-177 and 180-182.

<sup>5</sup>Nos. 144, 153, 154, 175, 214, 215 and 217.

<sup>6</sup>No. 6.

its orientation toward modern critical scholarship. As has been noted,<sup>1</sup> Jacob Ettlinger was keenly interested in the scientific study of texts. This concern is reflected in the material included in Shomer Zion ha-Ne'eman. Of interest are an article by Ettlinger determining the authenticity of a volume of responsa attributed to Rashi<sup>2</sup> and the scholarly contributions of Jacob Koppel ha-Levi Bamberger of Worms including historical analyses and his study of Targum Jonathan on Pentateuch.<sup>3</sup> The latter scholar prepared manuscripts of prayers composed by Rabbi Shmshon Bachrach for publication in the journal.<sup>4</sup> One of the most valuable features of Shomer Zion ha-Ne'eman were the many manuscripts of early-day scholars published in the magazine. Most notable of these were responsa of Sherira Gaon and Hai Gaon copied from manuscripts in the British Museum,<sup>5</sup> correspondence of Maimonides' son Abraham,<sup>6</sup> responsa of Rabbi Asher (Rosh) and his son Rabbi Judah<sup>7</sup> and the writings of

<sup>1</sup>Supra, pp. 71-75.

<sup>2</sup>Nos. 1-9. This was later reprinted in BZH, no. 60.

<sup>3</sup>Nos. 11-15, 56, 58, 61, 63, 68, 70, 71, 80, 81, 83, 87, 89 and 105.

<sup>4</sup>Nos. 54, 55, 59, 60, 66, 69, 74, 76, and 78.

<sup>5</sup>Nos. 106-109 and 111-117.

<sup>6</sup>Nos. 111-118.

<sup>7</sup>Nos. 16-17.

Ravon.<sup>1</sup> It is interesting to note that selections of an important contemporary Biblical commentary first appeared in this journal. J.H. Mecklenberg published addenda to his Ha-Ketav voha-Kabbalah in several issues of Shomer Zion ha-Ne'eman.<sup>2</sup> This material was later included in the second edition of his work (Königsberg, 1852).

Considerable material in the journal was devoted to liturgical topics. A brief item appeared pertaining to the laws of prayer<sup>3</sup> as well as several articles containing glosses to Jacob of Lissa's Derekh ha-Hayyim Prayerbook.<sup>4</sup> In what may be viewed as the second period in the journal's publication, following a one-year interruption, the magazine featured regular publication of manuscripts found in the Hamburg library under the title "Hamburg Treasures." These included numerous liturgical poems and commentaries on the prayers written by early-day scholars. Particularly noteworthy were the publication of prayers authored by Rabbi Bahya<sup>5</sup> and Rabbi Kalonymos<sup>6</sup> and liturgical poems for the

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<sup>1</sup>Nos. 128-129 and 190-193.

<sup>2</sup>Nos. 17-21.

<sup>3</sup>No. 41.

<sup>4</sup>Nos. 26-28 and 125.

<sup>5</sup>Nos. 145-147.

<sup>6</sup>Nos. 195-196.



From the purely literary viewpoint it is noteworthy that the magazine featured numerous poetic contributions on a wide variety of subjects. Of interest are a lengthy narrative poem entitled Ne'emanai Eretz,<sup>1</sup> several poems authored by S. Schreiber,<sup>2</sup> the many contributions of M. Landau<sup>3</sup> and a tribute to an anonymous patron of Torah study in Altona.<sup>4</sup> Several writers also contributed scholarly riddles and epigrams. Occasionally sermons were included in the journal<sup>5</sup> as well as eulogies such as a memorial address in tribute to Shlomo Eger<sup>6</sup> and a dirge on the occasion of the death of Zevi Hirsch Lehren.<sup>7</sup>

The magazine also published a wide variety of articles attacking the Reform movement. These ranged from brief exhortatory letters to more lengthy and detailed statements of Orthodox views.<sup>8</sup> Noteworthy is a lengthy article in

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<sup>1</sup>Nos. 14-19.

<sup>2</sup>Nos. 143-144.

<sup>3</sup>Nos. 164, 169-170, 173-174, 194 and 212.

<sup>4</sup>No. 43. Cf., TZW, II, 2 and III, 83-84.

<sup>5</sup>Nos. 119-120, 175-178 and 191-193.

<sup>6</sup>Nos. 121-123.

<sup>7</sup>No. 170.

<sup>8</sup>Vide, for example, E. Lipman, "Moda'ah Rabbah le-Orayyta," nos. 1-5; S.Z. Klein, "Ma'aneh Rakh 'al Hazut Kasheh," nos. 10-11 and 13-14; and I. Budak, "Al D'var Mitnagdei ha-Rambam Zal be-Dorenu," nos. 28-30.

defense of traditionalism which appeared in a number of issues in the novel form of a dialogue between a father and son.<sup>1</sup> Many articles and letters indicate that the journal came to serve as a rallying point for the Orthodox.<sup>2</sup> J.H. Mecklenberg commended the editors for combatting the lethargy of the Orthodox and hailed the "guardians of Zion" who had "girded themselves to awaken those who sleep and to arouse those who slumber lest they be ensnared in the traps of the enemies of the Lord."<sup>3</sup> Abraham Sutro paid special tribute to Jacob Ettlinger for his yeoman efforts as "chief of the guardians."<sup>4</sup>

Ettlinger's own evaluation of the signal contribution of the Altona periodicals is included in his introductory remarks to 'Arukh la-Ner on Sukkah. He emphasizes the significance of the Zionswächter as a means of combatting Reform tendencies but indicates clearly that the Hebrew journal was intended "for another objective, to serve as a literary link for scholars from distant countries to make known to one another novellae and commentaries, laws and

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<sup>1</sup>"Siḥah beyn Av u-Ben 'al Odot Poḥazim Dovrei Etek 'al Kadmonim Zal," nos. 35-37, 39-42, 44 and 46-50.

<sup>2</sup>Nos. 32-33, 44, 105, 110, 113, 126, 137 and 162.

<sup>3</sup>No. 17.

<sup>4</sup>No. 175. Vide also Sutro's remarks in no. 17.



queries with regard to matters of value and also to send one another responsa, to sift and clarify laws . . ." Thus, from the very outset, the German journal was focused on defense of Orthodoxy and negation of Reform whereas its Hebrew supplement, while equally devoted to these goals, was more positive in orientation. It is not surprising that, as a result, the German journal contains but few contributions which have withstood the test of time. However, the Hebrew journal is replete with articles of enduring value as evidenced by its republication in New York, 1963.

Neither Shomer Zion ha-Ne'eman nor the Zionswächter have received adequate treatment in histories of the Jewish press in Germany. Several standard reference works err in reporting the appearance of only a few issues of these publications.<sup>1</sup> Several writers note that they were unable personally to examine a copy of the Zionswächter.<sup>2</sup> While the neglect

<sup>1</sup>Cf., Rafael, p. 328. M. Edelheim-Muesham, Yearbook, Leo Baeck Institute, I, 165, erroneously reports that TZW appeared for only two years, 1854-1855. Even M. Eliav, a scholar who has written extensively on topics relating to the history of German Orthodoxy, lists TZW as having appeared from 1845-1848. Vide Ha-Hinukh ha-Yehudi, p. 349 and Igrot Rabbi Ezriel Hildesheimer, German section, p. 63.

<sup>2</sup>Vide, for example, Mevorah, Zion, XXIII-XXIV, 50, note 20. Copies of TZW are difficult to obtain. A complete set including all editions of the periodical may be found in the library of Hebrew Union College in Cincinnati. Volumes I and II are available in the library of the Leo Baeck Institute, New York, volumes II and V in the Royal Library in Copenhagen and volumes I-III and parts of volumes V and VIII in the Jewish National and University Library, Jerusalem. As early as 1874, Ben Zion Ettlinger, BZH, introduction, remarked that copies of SZN were difficult to obtain and often damaged and incomplete. As noted, SZN has now been republished in a bound offset edition.

of Shomer Zion ha-Ne'eman in general studies of Jewish periodical literature has been partially alleviated by an evaluation authored by Yitzhak Rafael,<sup>1</sup> the Zionswächter has been relegated to almost total oblivion. There has been only one brief article in which this journal is discussed, a cursory study in Hebrew by Moshe Zinovitz<sup>2</sup> which pinpoints the unique role of the Zionswächter and discusses the content of but a few issues of the journal.

These two periodicals were of marked importance in the development of German Orthodoxy and the failure of modern scholars to assess their contribution constitutes a serious lapse particularly since over a period of decades the battle for or against Reform was fought in the periodical literature.<sup>3</sup> Numerous scholarly works were authored by the celebrated leaders of the Wissenschaft des Judentums. But learned tomes were not the appropriate means for dissemination of new ideas amongst the masses. Newspapers and journals with their lighter style, briefer articles and periodic exposure, provided an ideal media for publicizing and popularizing religious innovations. To a great number

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<sup>1</sup>Rishonim ve-Ahronim, pp. 327-335.

<sup>2</sup>"Ha-Itton ha-Mesoratti ha-Rishon," Ba-Mishor, I (1940), No. 7, pp. 8-10; no. 8, pp. 9-10; and no. 10, pp. 10-11.

<sup>3</sup>Plaut, Rise, pp. 10-26.

of readers the periodicals were of interest primarily as a source of information, diversion and entertainment and only secondarily for their theological content. Yet precisely because the influence was subtle and indirect its effect was all the more pronounced. Thus, for example, the Allgemeine Zeitung enjoyed unusual success on the popular level and consequently was one of the most powerful instruments for advancing Reform interests. Until the appearance of the traditionalist publications fostered by Ettlinger such media were closed to the Orthodox. Der treue Zionswächter and Shomer Zion ha-Ne'eman were significant not so much for the fact that they presented a response to Reform views as that they provided the Orthodox public with alternative reading material. They were effective primarily not as a means of spreading Orthodoxy among those who were leaving the fold, but for their role in the struggle of the Orthodox for containment of the Reform movement.

An additional observation should be made. Assessment of the degree of success of the Zionswächter depends upon one's vantage point. To the more sophisticated columnists of the Orient and the Allgemeine Zeitung, the Zionswächter appeared to be a second-rate journalistic endeavor, not quite attaining the standards of literary competence which the former set for themselves and hence they tended to react

to it with a measure of disdain. Yet, on a very fundamental level, this Orthodox journal did indeed meet the challenge of the Reform publications: it was written in fluent German and its table of contents included belles lettres, poetry, and scholarly essays. It is generally known that Orthodoxy under the leadership of Hirsch and Hildesheimer was able to make a successful accommodation to the modern world. It is important to emphasize that the first step in this direction was taken at an earlier date by Jacob Ettlinger. The fact that a man of his ilk, a halakhist and Talmudist who was every inch a representative of the old school, had chosen to foster a "modern" magazine constituted a significant breakthrough in Orthodoxy's adaptation to a changing world.

The pioneering work of Ettlinger and Enoch convinced the Orthodox of the crucial role played by communications media in the modern world. The journalistic tradition of the Orthodox press initiated in Altona was continued in several publications founded in the latter half of the nineteenth century. Four months before the Zionswächter ceased to exist, Samson Raphael Hirsch announced his intent to found a new Orthodox journal devoted to "the furtherance of Jewish spirit and Jewish life in home, community and school."<sup>1</sup>

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<sup>1</sup>"Prospectus," September, 1854.

This periodical, a monthly called Jeschurun, was published from October 1854 to September 1870. Jeschurun served as a forum for publicization of Hirsch's own articles as well as of other articles and news of general interest to the Orthodox community. A publication which was destined to have a greater impact on the wider community was the Israelit, an Orthodox weekly which first appeared on May 15, 1860 under the editorship of Marcus Lehmann. The Israelit was published uninterruptedly until 1939 and exerted considerable influence on the development of German Orthodoxy.

A more direct line of influence may be traced from the Altona periodicals to another important journalistic venture. In June, 1870, at Ezriel Hildesheimer's initiative, an Orthodox weekly, Die jüdische Presse, was founded in Berlin. The first editors of the journal were Samuel Enoch, Gustav Karpeles and Jacob Hollander. Karpeles, a noted writer and scholar, was a graduate of the Breslau Rabbinical Seminary and apparently his association with the Hildesheimer faction was not without its difficulties. Accordingly, he relinquished his editorial responsibilities after only a few months in October, 1870. Jacob Hollander, a native of Altona and a disciple of Ettlinger, had come to Berlin to continue his studies under Hildesheimer and was subsequently called to the rabbinate of Hanover in 1871. Since

Enoch lived in Fulda, at an even greater distance from Berlin, Hollander served as principal editor of Die judische Presse until 1873. From 1873 to 1875 Enoch edited Die jüdische Presse in Fulda. Following Enoch's demise, from 1876 to 1882, the editorship of the paper was assumed by Seligmann Meyer. From 1883 until his death in 1910 Hirsch Hildesheimer, Ezriel Hildesheimer's son, edited the journal. Die judische Presse continued to appear until 1923. In its final years of publication it was the official organ of the Mizrachi (Religious Zionist) party.<sup>1</sup>

The close connection between Die jüdische Presse and the Zionswächter is readily manifest in the fact that both the first principal editors of Die jüdische Presse had an intimate relationship with Ettlinger. Jacob Hollander had been one of Ettlinger's outstanding students. Jacob's father, Rabbi Isaiah Hollander, had been a prominent Altona dayyan who for decades had served the Altona community in close association with Ettlinger.<sup>2</sup> The productive collaborative venture of Enoch and Ettlinger has already been noted. With both these men at the helm of his new periodical, Hildesheimer was certainly justified in noting,

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<sup>1</sup>Eliav, "Ha-Jüdische Presse," Sinai, LXV (1969), 222-223.

<sup>2</sup>Duckesz, Chachme AHW, pp. 128-129.

as he did in an article appearing in its second edition,<sup>1</sup> that Die jüdische Presse was the spiritual heir of the Zionswächter. In the spirit of its predecessor, the Zionswächter, Hildesheimer declared, Die jüdische Presse would be dedicated to the interests of "true Judaism" and would endeavor to serve as a "guardian of Zion."

One of the most striking resemblances in the editorial policy of these two periodicals was the positive manner in which both these journals addressed themselves to questions relating to the Land of Israel. Die jüdische Presse has been regarded as the most "Zionistic" in orientation of the many periodicals that appeared in Germany before the emergence of political Zionism.<sup>2</sup> In respect to its advocacy of the cause of the settlement of the Land of Israel, Die jüdische Presse was continuing a tradition which, as shall be noted,<sup>3</sup> characterized both the Zionswächter and Shomer Zion he-Ne'eman.

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<sup>1</sup>June 24, 1870. Cited in Eliav, Sinai, LXV, 223.

<sup>2</sup>Ibid., pp. 222-223.

<sup>3</sup>Vide, infra, pp. 332-341.

## CHAPTER VIII

## SETTLEMENT OF ISRAEL

As the nineteenth century unfolded two radically different trends of thought began to emerge with regard to the Holy Land. The extreme polarization which characterized the Jewish community became particularly evident in its response to the question of Jewish nationalism. Two diametrically opposed approaches to the historical and religious commitment to the Land of Israel became evident in sharp contrast to one another. While many Reform leaders were openly disavowing the Messianic hope for the restoration of Zion a number of individuals were beginning to propose the establishment of a vibrant Jewish settlement in the Holy Land. No longer excluded from the surrounding society, some Jews hastened to eschew any evidences of particularistic national aspirations in the hope of dispelling any lingering doubts their non-Jewish neighbors might harbor with regard to the patriotism and loyalty of their Jewish fellow countrymen. At the same time, others began to abandon the traditional Jewish stance of political quiescence and passivity, seeing in enlightenment and the new tolerance a unique opportunity to gain the sanction and cooperation of the nations of the world in realizing the age-old dream of the reestablishment



of a Jewish state. While Geiger was declaring that the Jew had no national aspirations whatsoever and that Jerusalem "is for us an entirely indifferent city. It is nothing more than a veritable ruin, a decayed knight's castle . . . ,"<sup>1</sup> Zevi Hirsch Kalischer was proposing that the faithful "go now to Zion, go up to Jerusalem, seek the peace of Jerusalem, free the Holy Land; raise up its desolate places, rebuild its ruins. . . . Do awaken now to regiment yourselves on behalf of the settlement of the Land of Israel."<sup>2</sup>

What position did Ettlinger espouse at this turning-point in history? Sentiment, religious fervor, and national consciousness inspired his active involvement in projects that had a bearing on the future of the Palestinian Jewish community. In these activities for Palestine, Ettlinger saw the privilege of enabling individuals to fulfill the specific Divine Commandment (mitzvah) of settlement in the Land of Israel. Furthermore, he envisioned the rebuilding of Jerusalem and the expansion of its Jewish community as

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<sup>1</sup>"Etwas über Glauben und Beten. Zu Schutz und Trutz," Jüdische Zeitschrift für Wissenschaft und Leben, VII (Breslau, 1869), 53. Cited in Petuchowski, Prayerbook Reform, p. 280.

<sup>2</sup>Shalom Yerushalayim, included in Derishat Zion, ed. Israel Klausner (Jerusalem, 1964), p. 207. Subsequent references are to this edition.

redounding to the greater glory of the people of Israel.<sup>1</sup>

Moreover, Ettlinger viewed constructive endeavors for the rebuilding of Jerusalem as the most effective and direct answer to what he viewed as one of Reform Judaism's most dangerous assaults on Jewish national and religious consciousness. A characteristic appeal signed by Ettlinger urging support of a building project in Jerusalem called on Jews to rejoice in the fact that constructive achievements had been effected in the Holy City at the very time that Reform leaders elsewhere sought to eradicate all memory of Zion.<sup>2</sup> Ettlinger considered the belief in the restoration of Zion to be at the heart of a Jew's faith. The anticipation of Israel's spiritual rebirth as foreseen by the Prophets was the hope and dream that had sustained Israel throughout the centuries. Any attempt to eradicate this belief would deal a mortal blow to Jewry. In his anti-Reform polemics Ettlinger emphasized that rejection of the belief in the restoration of Zion was the symbol of the final parting of the ways. The very choice of the name "Faithful Guardian of Zion" for both his German and Hebrew publications indicated that he deemed belief in Zion to be an issue of

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<sup>1</sup>Israelit, 1868, p. 542; Ha-Maggid, 1871, p. 339.

<sup>2</sup>Ha-Maggid, 1870, p. 43.

central importance. It was here that the ramparts must be manned. As Ettlinger himself declared:

The belief in Israel's future rebirth in splendor and glory [and] the erection of an altar in Zion . . . stands in the forefront of our wishes and hopes and constitutes the principal content of the prayers which we daily direct heavenward. . . . her enemies notwithstanding, we shall place the hope of a future return [to Jerusalem] at the summit of our wishes. Let us, as faithful guardians of Zion, guard God's royal residence against any attack on its honor and great significance.<sup>1</sup>

Love of Zion was one of the central motivating forces of Ettlinger's life. From his earliest youth he sought to give concrete expression to this sentiment and was eager to assist in any endeavor to improve conditions in the Holy Land. It is related that whenever the names of Zion and Jerusalem were called to his lips, Ettlinger would shed tears.<sup>2</sup> In his last will and testament he bemoaned the fact that "I was not privileged, as was my most ardent desire, to be buried in the Holy Land."<sup>3</sup>

Ettlinger shared with his co-religionists what he termed the "reverence which the very name of the Divine City inspires in every Israelite and which is so intimately

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<sup>1</sup>"Zions Wiedergeburt," TZW, X (1854), 17-18.

<sup>2</sup>H. Kottek, Geschichte der Juden (Frankfort-am-Main, 1915), p. 443; Willy Aron, The Jewish Forum, XXXV, 110.

<sup>3</sup>Joseph Unna, Ha-Ma'ayan, XII, no. 2, 39.

interwoven in all his religious expressions and prayers."<sup>1</sup>

However, he viewed Jerusalem as more than the symbol of the glory of the past or of the destiny of the future. Ettlinger believed that Jerusalem even in the present day is to be regarded as the most sacred spot on earth:

And the manifestation of the light of holiness is greater there than in any other locale, for the Temple site is opposite the gate of heaven which is never closed, and there, opposite it, shines constantly the light of holiness with the greatest of strength and the greatest of power. Hence, Rambam properly wrote that 'the Divine Presence is not abrogated.' For the light of holiness which sanctified the Temple was not abrogated, and will not be abrogated. For regarding this it is said, 'The Divine Presence has never departed from the Western Wall.'<sup>2</sup>

While Ettlinger plumbed the depths of the religious as well as the emotional implications of the Jewish commitment to Zion, he did not have the almost prophetic foresight of those rare individuals who already at that early date conceived of the possibility of re-establishing a Jewish state in Palestine. Nonetheless, Ettlinger rendered a significant contribution to the cause of Jewish settlement in the Holy Land both in terms of the publications he fostered which continually brought the concerns of Palestinian Jewry to the attention of the public and in terms of the specific

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<sup>1</sup>TZW, X (1854), 17.

<sup>2</sup>BZ, no. 2.

practical charitable projects on behalf of which he labored tirelessly.

The small group of Jews who then resided in Palestine were prepared to suffer all manner of privation in order to enjoy the privilege of dwelling on holy ground. For centuries the Jews of the Diaspora considered it their sacred religious obligation to support those of their brethren who lived in the Holy Land. Diaspora Jews looked upon their devout and pious co-religionists in Palestine as the representatives of the entire people of Israel, representatives upon whom since they resided in the "courtyard of the Heavenly King" there devolved the holy task of praying for the peace and welfare of their fellow Jews throughout the world. Funds for the Jews of Palestine were collected by Palestinian emissaries to the Diaspora. The great majority of the "old yishuv" (early 19th century Palestinian settlers) had no other source of sustenance than this halukkah (distribution of charity) solicited from abroad. Only very gradually toward the latter part of the century did a trend toward engaging in productive pursuits begin to come to the fore. Since Diaspora communities often evinced particular concern for the welfare of their own countrymen who had settled in Palestine immigrants from various countries organized themselves into their own communities--kolelim--the members

of which usually all originated from one country or district. The members of each kolel received allocations from funds collected primarily from Jewish communities in their countries of origin. Immigrants from Germany banded together in 1837 to form the kolel originally called "Congregation Jeschurun, natives of Germany and Holland" (Deutsch-Holländische Gemeinde) and subsequently known as "Kolel Hod" (Holland-Deutschland), and also established their own synagogue called "Ahavat Zion."<sup>1</sup>

In order to minimize the heavy expenses of the Palestinian emissaries and to resolve inequities in the distribution of halukkah funds, several philanthropists--Zevi Hirsch Lehren, the noted Dutch banker and communal leader, A. Prins and S. Rubens--strove to concentrate the collection of monies throughout the whole of Europe under the aegis of one society, the "Pekidim and Amarkalim of the Holy Land." The Pekidim and Amarkalim proceeded to organize the collection of funds in the Diaspora for

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<sup>1</sup>Mordecai Eliav, Ahavat Zion ve-Anshei Hod: Yehudei Germaniyah ve-Yishuv Eretz-Yisrael be-Me'ah ha-Yod-Tet (Tel Aviv, 1970), p. 241. This work is a most significant source for the contributions of German Jewry to the settlement of Palestine.

distribution among the indigent in Palestine.<sup>1</sup> From the year 1824 on, this society was recognized by leaders of the Jerusalem community as the exclusive agency supervising collections on their behalf.

For a period of time Ettlinger served as the local representative (gabbai) of the Pekidim and Amarkalim.<sup>2</sup> In his activities for the Holy Land Ettlinger was closely allied to that society. His cordial relationship with the Lehren family who stood at the helm of the Pekidim and Amarkalim dated to his years in Mannheim.<sup>3</sup> When the authority of the Pekidim and Amarkalim was challenged by some members of the Frankfort community, Ettlinger expressed his strong disapproval of their action and disassociated himself from that dispute.<sup>4</sup> As shall be noted, when he became active in promoting a specific project initiated by Kolel Hod, his

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<sup>1</sup>Jaap Meijer, Erffenis der Emancipatie: Het Nederlandse Jodendom in de eerste Helft van de 19e Eeuw (Haarlem, 1963), pp. 21-29; idem., Moeder in Israel, pp. 74-83.

<sup>2</sup>Eliav, Ahavat Zion, p. 121 and p. 125, note 11.

<sup>3</sup>Meijer, Moeder in Israel, p. 80. Vide also BZ, nos. 94 and 123.

<sup>4</sup>Eliav, Ahavat Zion, p. 63.

wholehearted endorsement was given only after this project met with the approval of the Pekidim and Amarkalim.<sup>1</sup>

Ettlinger's volumes of responsa reflect his deep interest in the Land of Israel. Characteristically, he opened his responsa collection with an analysis of the question of the re-institution of the sacrificial order in Jerusalem and followed this discussion with three additional responsa dealing with matters relating to the sanctity of Jerusalem and the Temple. Several responsa evidence Ettlinger's close contact with the Jerusalem community. When a controversy brewed in Jerusalem with regard to the religious status of a candidate for conversion who had undergone the circumcision ritual but had not yet performed the rite of immersion, Ettlinger was consulted on the matter by a Jerusalem rabbi (BZ, no. 91). On another occasion, members of the Jerusalem community turned to Ettlinger for his opinion with regard to problems attendant upon the establishment of paternity and the penalization of an alleged seducer (BZ, no. 158). Binyan Zion ha-Hadashot includes some of Ettlinger's extensive correspondence with Jerusalem scholars. Responsa addressed to Yitzchak Prague and Mordecai Chaim Mayuchas deal with theoretical Talmudic questions (BZH, nos. 124 and 161).

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<sup>1</sup>Infra, p. 356.



Another responsum (BZH, no. 173), also addressed to Yitzchak Prague, constitutes the clarification of a previously enunciated position (BZ, no. 167) with regard to the saving of human life. Other responsa illustrate Ettlinger's involvement in the charitable collections for the Holy Land. Ettlinger was asked whether it was permissible to accept monies which were contributed by non-Jews as a result of a general public appeal on behalf of the poor and needy in Palestine. Yoreh De'ah 254: 1-2 spells out the circumstances under which Jewish law permits the acceptance of charity from non-Jews, and the instances in which it forbids the acceptance of such charity. Offering a novel rationale for some of those provisions Ettlinger concluded that under the circumstances in question it was permissible to accept the charitable donations (BZ, no. 85).<sup>1</sup> In another instance, the Pekidim and Amarkalim of Amsterdam requested Ettlinger to rule on the eligibility of a certain individual to participate in the division of funds raised for the support of Kolel Hod (BZ, no. 163).

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<sup>1</sup>The funds raised from non-Jewish sources were at times considerable. Eliav, Ahavat Zion, p. 282, note 46, relates that in a letter, dated June 27, 1864, Zelig Hausdorff, an emissary of Kolel Hod, reported that during his eighteen-month European trip he had amassed the sum of 1800 Reichsthaler from Christian donors.

Ettlinger's deep commitment to the Land of Israel found expression in the pages of Shomer Zion Ha-Ne'eman and the Zionswächter. In both journals matters relating to the welfare of the Holy Land were featured prominently. These publications played an all-important role in establishing the needs of the yishuv as a matter of priority and vital concern to Diaspora Jewry.

Articles concerning Palestine publicized in the Zionswächter fall into three categories: news items, descriptions of conditions in the country and appeals for funds. Brief news reports appearing in every second or third issue of the journal underscored the problems faced by the settlers and their economic difficulties. Constant mention of the Holy Land served to heighten the reader's sense of identification with Palestinian Jewry.<sup>1</sup> Occasionally, a longer article featured a description of a journey to Palestine or of conditions in the various Palestinian

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<sup>1</sup>Cf., a report in TZW, IV (1848), 280 regarding Ettlinger's eulogy in memory of the Palestinian Sephardic Chief Rabbi Gagin in which the writer observes that the gathering demonstrated the essential unity of the Jewish people: "Ein zahlreiches Publikum gab abermals den Beweis wie . . . die Gesamtheit Israels sich als ein ganzes betrachtet, miteinander fühlt, miteinander leidet, aber auch hofft, Söhne eines Volkes, Kinder eines Gottes." Vide also Jonathan Wittkower, "Shir Mispeid le-Zekher Olam," SZN, no. 57.

communities. One report, dated 1846, describes the Jerusalem settlement as numbering 2000 Sephardic and 300 Ashkenazic families.<sup>1</sup> The majority of these individuals had come to Jerusalem for purposes of prayer and study. Their livelihood was meager and accordingly they were dependent upon contributions from the Diaspora. The economic situation was bleak: the drought of the previous year had brought in its wake inflationary prices and the scarcity of water had resulted in the outbreak of an epidemic. Another article, addressing itself to prospective settlers warned them that they must be "prepared to suffer."<sup>2</sup> Noteworthy is a survey of life in Jerusalem written by Benjamin Lilienthal of Kolel Hod.<sup>3</sup> In an interesting aside, this writer claimed that the Karaite community of Jerusalem numbered only nine individuals and was accordingly unable to meet the specified requirements of a quorum of ten for purposes of prayer. The development and growth of the Jerusalem community and

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<sup>1</sup>II, 87-88. The figure for the population of Jerusalem in 1845 has been set at 15,000 individuals, of whom it is estimated 7100 were Jews. Vide Walter Pinhas Pick, "The Development of Jerusalem 1840-1917," Encyclopedia Judaica (Jerusalem, 1971), IX, 1455.

<sup>2</sup>II, 196.

<sup>3</sup>"Skizze aus Jerusalem," III, 324-325, 332-333, 341-342, 347-348 and 354-355.

conditions in Hebron and Safed were described in various articles included in the Zionswächter over the years.<sup>1</sup>

The journal was of major importance in attempts to raise funds for the Holy Land. The year 1846 was a time of famine and exceptional hardship for inhabitants of Palestine. The Zionswächter gave extensive coverage to the plight of the yishuv during this period. An appeal for funds signed by the Rishon le-Zion (Sephardic Chief Rabbi), Rabbi Chaim Abraham Gagin, depicts the desperation of "the precious sons of Zion . . . their tongue cleaves to their palate for a piece of dry bread."<sup>2</sup> Subsequent issues publicized appeals signed by the Pekidim and Amarkalim of Amsterdam, the Sephardic rabbinate of Tiberias and Safed and the Kolel Perushim of Jerusalem.<sup>3</sup> Ettlinger and the communal leaders of Altona issued a special appeal designating the Pekidim and Amarkalim as the central agency supervising the forwarding and distribution of these funds.<sup>4</sup>

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<sup>1</sup>III, 366-367 and 405-406; VI, 7 and 30; VII, 3-4, 7-8, 11-12 and 24; X, 20 and 24.

<sup>2</sup>II, 88.

<sup>3</sup>II, 273-276 and 306-307.

<sup>4</sup>II, 347-348. Vide also III, 94 and IV, 30. Ettlinger's efforts were noted by The Voice of Jacob, Nov. 20, 1846, p. 37.

In the following years the Zionswächter continued to underscore the financial straits of the communities in the Holy Land.<sup>1</sup> In the year 1854 the yishuv was again faced with an emergency. A plea for assistance signed by the Jerusalem rabbinate was published in the Shomer Zion Ha-Ne'eman, no. 180, with the addition of a personal appeal signed by Ettlinger. Concurrently, an eloquent appeal by Ettlinger was also published in German in the Zionswächter.<sup>2</sup> Subsequent issues of the journal included reports of collections undertaken in various communities and news regarding conditions in Palestine.<sup>3</sup> The very last issue of the Zionswächter, dated Dec. 29, 1854, contains a report of monies collected for Palestine in Lübeck.<sup>4</sup> A large part of these funds was sent directly to the Holy Land by Jacob Ettlinger himself. It is noted that a Palestinian emissary, Eliezer Bergmann, had encouraged the women to make a special contribution to the Holy Land at the time of the baking of hallot (Sabbath loaves) and that this had become a widespread

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<sup>1</sup>Vide, for example, VII, 51-52 and VIII, 91-92.

<sup>2</sup>X, 49.

<sup>3</sup>X, 51, 64, 71-72 and 91-92.

<sup>4</sup>X, 104.

practice among women in the Altona vicinity.<sup>1</sup> The report concludes with the observation that the generous response to these appeals on the part of German Jewry testifies to the enduring nature of Israel's national character and to the vitality of its commitment to the Holy Land.

In 1851 the Sephardic Rabbis and the Kolelim of Jerusalem bestowed upon Ettlinger the honorific title of "Nesi Eretz Yisrael" (Prince of the Land of Israel), in recognition of his efforts on their behalf and of his single-minded striving "for the purposes of the settlement of the Land of Israel, for the sake of Heaven, with no ulterior motive whatsoever." A copy of the certificate of investiture was included in the Zionswächter.<sup>2</sup> A brief introductory comment noted that Ettlinger's manifold activities had been crowned with success in the past and that hopefully the new office would serve to enhance his efforts to stimulate the interest of his co-religionists in the life and work of the Palestinian community.<sup>3</sup>

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<sup>1</sup>Cf., remarks of the Palestinian emissary Moses Sachs, Ha-Maggid, 1862, p. 83. Vide also M. Eliav, Mas'otav shel R. Mosheh Sachs bi-Shlihut 'Batei Mahaseh', Sinai, LXII (1968), 179, note 35.

<sup>2</sup>VII, unnumbered page following p. 44. A facsimile of the document is found in the Haggadah shel Pesah, Minhat Ani, unnumbered pages, no. 7.

<sup>3</sup>VII, 44.

Several appeals for funds for the support of the yishuv publicized in the Shomer Zion Ha-Ne'eman further illustrate the role Ettlinger played in collecting funds for the Holy Land. A communication from leaders of the Congregation Jeschurun of Jerusalem entitled "Dimat he-'Ashukim" (the Cry of the Oppressed), appearing in no. 175 of the journal, described the poverty and destitution of the Jerusalem community:

At this moment the condition of all the inhabitants has deteriorated greatly [and has regressed] ten steps backwards. It is a year of famine and inflation of all foodstuffs. . . . The entire populace wail in their misfortune, they all cry, all loins are atremble, young and old alike, calling out for bread. Know you that like unto this year there has never been.

Shortly thereafter another petition of the Palestinian rabbis was published under the title "Kol Nehi mi-Zion" (The Voice of Wailing in Zion) emphasizing the critical situation and urging that contributions be sent to Ettlinger or to the Pekidim and Amarkalim of Amsterdam either of whom would forward the monies to Palestine. To this appeal Ettlinger appended his own personal plea. Signing himself "one who pleads on behalf of the impoverished holy flock," Ettlinger urged his co-religionists, "Have pity and mercy on the thousands of souls of your unfortunate brothers and sisters who faint with hunger on the holy ground. . . . Do multiply

your contributions. . . ."<sup>1</sup> These communications were followed by a further appeal signed by the Pekidim and Amarkalim of Amsterdam.<sup>2</sup>

Shomer Zion Ha-Ne'eman featured several articles describing life in Palestine. Noteworthy is Ettlinger's publication<sup>3</sup> of a letter sent by Rabbi Isaiah Horowitz (author of Shelah--Shnei Luhot ha-Berit) to his children in which this authority depicts his arrival in the Holy Land. More topical were contemporary descriptions of conditions in Palestine authored by Zelig Hausdorff<sup>4</sup> and Ya'akov Sapir.<sup>5</sup> Hausdorff's article on the "Great Synagogue, Beth El, in Jerusalem" describes the customs of this Sephardic congregation of scholars and mystics who devoted days and nights to study and prayer. Of interest are two additional communications from Jerusalem. Issue no. 170 of the journal includes a tribute in memory of Zevi Hirsch Lehren. An earlier issue<sup>6</sup> contains the text of a prayer of thanksgiving

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<sup>1</sup>No. 180.

<sup>2</sup>No. 183.

<sup>3</sup>Nos. 141-142.

<sup>4</sup>Nos. 165-166.

<sup>5</sup>Nos. 178-179.

<sup>6</sup>No. 152.



composed by the "Kolei Ashkenazim who live in Jerusalem under the protection of the Austrian government" on the occasion of the deliverance of the Emperor Franz Josef of Austria from an assassination attempt.

The Jerusalem rabbis joined in Ettlinger's opposition to the Reform movement. They hailed the Shomer Zion Ha-Ne'eman as the symbol of authentic Judaism and the guardian of tradition.<sup>1</sup> The very first communication from the Holy Land included in the Shomer Zion Ha-Ne'eman is in the form of a letter from Rabbi Gagin and his colleagues in response to the manifesto "Shelomei Emunei Yisrael." The letter conveys the emphatic agreement of the Sephardic rabbinate with this manifesto and emphasizes the need for cooperative efforts to uphold traditional Judaism: "You from there and we from here, we shall stand on our guard to strengthen our Torah, the religion of Moses and Israel."<sup>2</sup> Of particular interest is the halakhic responsum ruling against Reform views with regard to the abrogation of the Second Days of the festivals contributed by the Sephardic rabbis of the Holy Land.<sup>3</sup>

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<sup>1</sup>No. 137.

<sup>2</sup>No. 10.

<sup>3</sup>Nos. 176-177.

Many editions of the journal featured learned contributions offered by Jerusalem scholars and rabbis. Rabbi Yitzchak Prague of Jerusalem, a disciple of Hatam Sofer, was a very frequent contributor.<sup>1</sup> Several articles by Shimon Deutsch, also a former disciple of Hatam Sofer, were published during the years 1852-53.<sup>2</sup> The journal also published novellae and responsa by Jerusalem rabbis Shlomo Zalman,<sup>3</sup> Shmuel,<sup>4</sup> Judah Eliezer Halevi,<sup>5</sup> Mordecai Chaim Meyuchas,<sup>6</sup> Asher Lemel,<sup>7</sup> and Shlomo Ashkenazi.<sup>8</sup> Of particular interest are the scholarly articles by Nachman Nathan Koronel,

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<sup>1</sup>Nos. 135, 140, 144, 148, 149, 154, 161, 166, 169, 170, 176, 179, 186, 192 and 216. Notes by Ettlinger are included in Prague's article in No. 144 and are reprinted in BZH, no. 173. Ettlinger's response to Prague's queries in SZN, no. 154, appears in SZN, no. 155 and is reprinted in BZH, no. 124. For biographical information on Prague vide Eliav, Ahavat Zion, pp. 250-251.

<sup>2</sup>Nos. 137, 143, 149, 150 and 154.

<sup>3</sup>No. 143.

<sup>4</sup>No. 218.

<sup>5</sup>Nos. 185-188.

<sup>6</sup>No. 207. A response by Ettlinger appears in no. 209 and is reprinted in BZH, no. 161.

<sup>7</sup>Nos. 154-158. Ettlinger's responsum dealing with this matter appears in SZN, no. 158 and is reprinted in BZ, no. 91.

<sup>8</sup>Nos. 177 and 187.

a native of Holland who settled in Israel in 1834 and became one of the founders of Kolel Hod.<sup>1</sup> Koronel contributed his notations of variant Talmudic textual readings found in old manuscripts that had come into his possession.<sup>2</sup> He also contributed an unpublished scholarly note on the commentary of Ibn Ezra<sup>3</sup> and a manuscript of a concise halakhic treatise authored by an early-day Talmudic commentator, R. Eli'ezer Bar Nathan (Ravan).<sup>4</sup>

It may thus be seen that during the period of over 10 years in which it was published, Shomer Zion Ha-Ne'eman was instrumental in forging links between members of the scholarly community in the Holy Land and their colleagues in Europe. The importance of both this Hebrew journal and its German-language counterpart in strengthening the bonds between the Jews of Palestine and the Diaspora should not be underestimated.<sup>5</sup>

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<sup>1</sup>Vide Eliav, Ahavat Zion, pp. 149-150.

<sup>2</sup>Nos. 134, 139, 147 and 164.

<sup>3</sup>No. 155.

<sup>4</sup>Nos. 190-193. Ettlinger's meticulousness in the preparation of this manuscript for publication is noteworthy.

<sup>5</sup>For a similar contribution to the cause of settlement of the Holy Land rendered by Die jüdische Presse, the periodical sponsored by Hildesheimer, vide Mordecai Eliav, "Ha-'jüdische Presse'--Ittono shel Ha-Rav Ezriel Hildesheimer," Sinai, LXV (1969), 221-233.

Ettlinger's involvement in matters relating to the Land of Israel brought him into the orbit of the precursors of the Zionist movement. While he did not necessarily endorse all their practical projects, his sympathy and interest was aroused when proposals pertaining to Palestine were under discussion. Nathan Friedland played an important role in the movement for the settlement of Israel and as a writer and speaker was a foremost publicist of its ideals.<sup>1</sup> In his Yosef Hein Friedland numbers Ettlinger among the religious leaders of the day who were most responsive to the cause of the Holy Land.<sup>2</sup>

The relationship between Jacob Ettlinger and Zevi Hirsch Kalischer was a significant one. Kalischer devoted his life to propagation of the idea of colonization of the Holy Land and may undoubtedly be considered one of the most important precursors of modern Zionism. He envisioned the settlement of large numbers of Jews in Palestine as an immediate solution to the problems of numerous of his impoverished co-religionists. In order to guarantee the future and viability of the colony he proposed to transform the Jewish

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<sup>1</sup>Israel Klausner, "Me-Arkhiono shel R. Zevi Hirsch Kalischer," Sinai, IV (1939), 615, note 2.

<sup>2</sup>Warsaw, 1878, p. 166.

settlers in Palestine into a useful agricultural population. These natural efforts, Kalischer maintained, would precipitate the Divine Redemption. In his Derishat Zion (Lyck, 1862), Kalischer presented these views to the scholarly public advocating (1) ultimate salvation following from human initiative, (2) full-scale colonization of Palestine and (3) reinstitution of the sacrificial order as a means of bringing closer the Messianic era.

Despite the fact that Ettlinger was openly opposed to Kalischer's proposal with regard to sacrifices, the two scholars maintained a cordial relationship. Both were imbued with an ardent love for the Holy Land and cooperated in fostering activities for the benefit of its settlers. Their association dated to Ettlinger's earliest campaigns against the Reform movement to which common cause Kalischer had rallied. Anti-Reform polemics authored by Kalischer were published in the Zionswächter.<sup>1</sup>

With regard to the reinstitution of sacrifices Ettlinger took issue with Kalischer's proposal on technical halakhic grounds. Ettlinger's first discussion of this question had taken place in a totally different context not related to Kalischer and his ideas. In the year 1847

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<sup>1</sup>"Das Leben Israels und das Rabbinismus," II, 57-60 and "Zur Sabbath Frage," III, 121-123.

Ettlinger recorded his opinion on this matter in the form of a rejoinder<sup>1</sup> to remarks on this topic authored by Rabbi Jacob Koppel ha-Levi Bamberger of Worms.<sup>2</sup> At the time the issue was purely theoretical and neither writer had any practical proposal in mind. When Kalischer became interested in the practical implementation of the sacrificial order, he wrote to several halakhic authorities among whom he included Ettlinger, and sought their endorsement of this proposal. In responding to Kalischer's communication, in 1862, Ettlinger reiterated his earlier arguments in ruling "that it is forbidden to sacrifice . . . until a prophet shall come and command with regard to this."<sup>3</sup> There is no personal censure whatsoever in Ettlinger's responsum to Kalischer. Kalischer's rejoinder is more pointed but nonetheless deferential in the personal aspect of his critique: "From the beginning I was astonished at a sage and saint such as he that he would not renounce his opinion before [that] of the great men I have mentioned . . . seeing that his opinion is his only."<sup>4</sup>

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<sup>1</sup>Hakirah be-<sup>4</sup>Inyan Makravin af 'al pi she-ein Bayit," SZN, no. 16.

<sup>2</sup>Remarks at the conclusion of "Bi'ur Teshuvah Yeshanah," SZN, no. 15. The discussion is continued by both scholars in SZN, no. 36.

<sup>3</sup>BZ, no. 1.

<sup>4</sup>Kuntres Shivat Zion, included in Derishat Zion, p. 192.

The opinions of other scholars with regard to the question of sacrifices differed fundamentally from Kalischer's views but he found himself able to interpret them as constituting total endorsement.<sup>1</sup> Ettlinger's writings were too explicit to be construed as other than directly opposed to Kalischer's proposal and Kalischer therefore felt constrained to author specific rebuttals. Wishing to refute Ettlinger's opinion in the most forceful manner possible, Kalischer urged another scholar, Elijah Gutmacher of Graetz to join in repudiation of Ettlinger's position. Gutmacher was sympathetic in general to Kalischer's proposal, and, acceding to this specific request, authored Mikhtav me-Eliyahu (1866), a brief monograph in rebuttal of Ettlinger's ruling regarding sacrifices. In his personal correspondence with Gutmacher regarding this matter, Kalischer was deferential in

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<sup>1</sup>Cf., supra, p.65, note 1. Vide also Ya'akov Katz, "Demutto he-Historit shel ha-Rav Zevi Hirsch Kalischer," Shivat Zion, II-III (1951), 29, note 11, who observes that Kalischer's subjectivity led him to interpret the partial agreement of R. Akiva Eger and Hatam Sofer as total endorsement and, at times, to present his own counterargument to specific points raised by these authorities and then to continue the discussion with the assumption that these arguments had been accepted by them as conclusive. Moreover, Katz points out, Kalischer was wont to refer to Hatam Sofer and R. Akiva Eger as authorities who endorsed his entire program whereas their communications to him had been restricted to the specific halakhic question of the reinstitution of sacrifices.

references to Ettlinger.<sup>1</sup> The question of whether the specific rebuttals should be printed was carefully weighed.<sup>2</sup> When Kalischer did publish the rejoinders, he carefully noted at the conclusion of his remarks that the controversy was by no means to be construed as a personal one: "Before concluding I ask forgiveness of the great sage, Rabbi Jacob Ettlinger. If perhaps I wrote something against him, he should not blame me for in my thoughts burns Divine zeal for the love of holiness."<sup>3</sup>

It was apparent to Kalischer that Ettlinger's opposition was grounded in his interpretation of the technical halakhic questions and not in pragmatic considerations. He knew of Ettlinger's concern for the welfare of the Jews of Palestine and recognized that Ettlinger's attachment to the Holy Land was rooted in intense religious piety. This religious commitment was the common tradition of the pious scholars of Germany, among whose select number Kalischer

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<sup>1</sup>Yitzhak Werfel [Rafael], "Igrot ha-Rav Zevi Hirsch Kalischer," Azkarah, V(1937), 416-417 and 422.

<sup>2</sup>Vide letter to Simchah Fürst, ibid., p. 416: "Please write to our friend the sage of Graetz . . . with regard to the writings against the sage of Altona. During the holiday he will surely have time to peruse them and after the holiday to inform me whether or not I should publish those against him. I have funds for printing available here in the account."

<sup>3</sup>Derishat Zion, p. 207.



included himself. In a letter to an Eastern European rabbinic scholar Kalischer noted:

There are those who say that one should not believe that the scholars of Germany will firmly support the pillar of Torah in the Land of Israel . . . and this is utterly false. . . .the irreligious in Germany do not at all desire that which is holy for they say here we have a homeland and the inheritance of our fathers, to our great sin, is but a shame and disgrace to them. But that remnant in the land of Germany which is God-fearing and zealous for the word of the Lord and the love of the holy burns in their hearts, they are almost [to be considered] more pious than the pious of Russia. . . .The love of Torah is very strong in their hearts, as the sage, the Chief Rabbi of Wurzburg, author of 'Melekheth Shamayim' and other works, and the sage, the Chief Rabbi of Altona, author of 'Bikkurei Ya'akov' on Sukkah and Yevamot and other works and the sage and saint of Graetz and the sage and Chief Rabbi of Eisenstadt . . . and also my humble self. . . .<sup>1</sup>

The story of Ettlinger's encounter with another precursor of the Zionist movement, Judah Alkalai, is a curious one. Alkalai (1798-1878) was a Sephardic scholar noted for his propaganda in favor of the restoration of the Jews to Palestine. In writings such as Goral la-Shem (Vienna, 1857), Alkalai moved beyond a discussion of Messianic aspirations and advocated practical projects as for example, the formation of a joint stock company--a steamship or railroad trust--in the hope that the Sultan would

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<sup>1</sup>Letter to Elijah Katringer cited in Klausner, Sinai, IV, 617.

be induced to cede Palestine to the Jews as a tributary country. Both from the practical and the theoretical standpoint, Alkalai may be viewed as the Sephardic counterpart of Kalischer. Both men cooperated in practical efforts on behalf of the resettlement of Palestine. Yet while they advocated an active program of colonization, both Kalischer and Alkalai approached the entire question on the basis of their commitment to tradition.<sup>1</sup>

Alkalai came into contact with Ettlinger in the course of a trip to Europe which he undertook in an attempt to gain support for his plans. Alkalai traveled to Bucharest in 1851 and thence in 1852 to Leipzig, Berlin, Hamburg (and Altona) and London.<sup>2</sup> While in Leipzig, Alkalai printed a 16-page pamphlet entitled Kol Mevasar<sup>3</sup> incorporating some of his views regarding the restoration of Zion and elaborating on his theory that the year 1840 signified the beginning of the redemption. He prophesied that the European rulers would not be sympathetic to Jewish national aspirations but that

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<sup>1</sup>Ya'akov Katz, "Meshihyut u'Le'umiyut be-Mishnatto shel ha-Rav Yehudah Alkalai," Shivat Zion, IV (1955), 9.

<sup>2</sup>Ibid., p. 25.

<sup>3</sup>This pamphlet is extremely rare. It was republished by I. Klausner, "'Kol Mevasar' le-Rabbi Yehudah Alkalai," Shivat Zion, II (1951), 42-62.

the redemption would, however, be brought about by a modern-day Cyrus, the Turkish Sultan, Abdul Magid.<sup>1</sup>

Alkalai's radical schemes and involved argumentation had not been received favorably in the past.<sup>2</sup> This new pamphlet, written in an abstruse and allusive style, did not serve to enhance his cause. Particularly extravagant were the references to Abdul Magid "for he is the king raised on high, the anointed of the God of Jacob, the great and pious king, sustainer and saviour. Sultan Abdul Magid, may his kingdom be elevated. He is our King, and he shall save and redeem us a second time . . . he will make Israel hearken and will gather them in . . ."<sup>3</sup>

These remarks, and the ambiguity in which the text of the pamphlet was couched, led Ettlinger to view Alkalai with suspicion and to the strange conclusion that Alkalai was in reality an Islamic missionary. Despite Alkalai's protestations that he had been misunderstood, Ettlinger

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<sup>1</sup>Ibid., p. 57: "למלך המשיח עבד אלמגיד" (Handwritten: "למלך המשיח עבד אלמגיד")

<sup>2</sup>Abraham Ben-Jacob, "Three Sephardic Leaders," Jewish Leaders, ed. Leo Jung (New York, 1964), p. 507; A.M. Haberman, "Kitrug al ha-Rav Alkalai," Jerusalem, II-V (1955), 333.

<sup>3</sup>Klausner, Shivat Zion, II-III, 55. Vide also ibid., pp. 57-58.

expressed his apprehension in public and warned the Jewish community to beware of the "dangerous missionary." A news article in the Zionswächter dated May 7, 1852, reported on the strange views of Alkalai and on Ettlinger's reaction to them and warned the London community whither Alkalai was headed to reject his appeals for assistance and have no traffic with him.<sup>1</sup>

Shortly thereafter Judah Alkalai addressed a letter to the editor of the London Jewish Chronicle<sup>2</sup> in which he sought to defend himself against the accusations printed in the Zionswächter. Alkalai explained that the word "messiah" used in reference to Sultan Abdul Magid was intended as a title of distinction and pointed out that his conviction that the kings and rulers of the nations would bring about the beginning of the Redemption, was a point of view expressed by many rabbinic scholars. He maintained that, ironically, rather than having an adverse effect the "derision" and "harsh conduct" of the Altona community had attracted the attention of influential men to his mission. These claims notwithstanding, Alkalai appears to have mustered little support for his cause among the members of the British community.

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<sup>1</sup>VIII, 38-39.

<sup>2</sup>June 4, 1852, pp. 278-279.

Copies of the original edition of Kol Mevasser are extremely rare. It has been suggested that Alkalai may have suppressed the pamphlet because of its unfavorable reception.<sup>1</sup> In any event, Alkalai's European trip was not a successful one and in all probability his cause was harmed by the furor in Altona and Hamburg.

Although Elijah Gutmacher and Ettlinger disagreed with one another with regard to the halakhic intricacies of Kalischer's proposal, they had earlier engaged in a common endeavor designed to propagate Torah study in Palestine. Gutmacher's activities on behalf of the Holy Land centered on the establishment of educational institutions. In 1859 Rabbi Jacob Mordecai Hirschenson of Safed solicited Gutmacher's assistance in supporting societies known as Sukkat Shalom and Ma'or Ya'akov designated to further the study of Torah in the Holy Land. Gutmacher assumed financial responsibility for this project.<sup>2</sup> In an open letter entitled Iggeret ha-Kodesh Gutmacher called upon his co-religionists to stimulate

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<sup>1</sup>Haberman, Jerusalem, p. 335. Katz, Shivat Zion, IV, 26, note 124, observes that an error has crept into works on Alkalai which state that Ettlinger wrote a letter of approbation to Alkalai's Goral la-Shem. The letter in question is signed by J.J. Oettinger of Berlin. Ben-Jacob, Jewish Leaders, p. 510, note, repeats this error.

<sup>2</sup>Throughout his life Gutmacher bore the financial responsibility for the House of Study directed by Hirschenson

Torah study in the Holy Land by supporting its Torah scholars and founding additional Houses of Study. Hirschenson travelled from town to town in an effort to gain patrons for this cause. He met with a most favorable response on the part of Ettlinger who co-signed the Iggeret ha-Kodesh.<sup>1</sup>

Iggeret ha-Kodesh extolled the particular merit attached to the study of Torah in the Holy Land and suggested that Diaspora Jews pledge specific funds for the regular support of Palestinian Torah scholars. The transformation of the Land of Israel into a cultural center where numerous Jewish youths would pursue Torah studies--a development which has indeed taken place in the modern-day State of Israel--was foreseen by Gutmacher and Ettlinger over a hundred years ago:

And time will tell that with the passage of time it may well be that any father and mother who will desire their sons to develop in study of Torah and sincere fear of God and human wisdom . . . will send them to the Holy Land. Even now there is no great difficulty. In one and a half weeks it is possible to arrive there . . . It was more difficult in years

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in Safed and later in Jerusalem. In 1870 the institution was re-named Sh'not Eliyahu in tribute to its illustrious sponsor. The history of the institution is recounted in Yitzhak Rafael, "Shnot Eliyahu bi-Yerushalayim," Sinai, LII (1958), 145-152.

<sup>1</sup>Vide Elijah Gutmacher, Iggeret ha-Kodesh, appended to Sukkat Shalom (Jerusalem, 1883), p. 395, editorial note.

gone by to send to the great yeshivot in Prague and Furth whither they used to send from our country . . . . Although it may seem far-fetched to mortal eyes the Redeemer of Israel and its Holy One for His sake He shall make the distant become close and nothing at all is beyond Him.<sup>1</sup>

The major enterprise on behalf of the settlement of Palestine with which Ettlinger was associated was the erection in Jerusalem of dwellings for Jewish pilgrims and poor people. This building project was the first organized attempt on the part of the old yishuv to acquire ground and erect housing.<sup>2</sup> The homes became known as the Batei Mahaseh (Houses of Shelter) and constituted one of the most beautiful and spacious housing developments within the walls of the Old City.

As a consequence of increased immigration to Palestine by the mid-nineteenth century there was a scarcity of apartments available for rent and Jerusalemites, in particular, were experiencing great financial strain in securing adequate lodging. This situation prompted leaders of Kolem Hod--Zelig Hausdorff, Moses Sachs, Meir Schonbaum and Yochanan Zevi Schlank<sup>3</sup>--to take the initiative in developing their own

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<sup>1</sup>Ibid., p. 402.

<sup>2</sup>M. Eliav, "Le-Toldot 'Batei Mahaseh' bi-Yerushalayim ha-Atikah," Sinai, LXI (1967), 299 and 308, note 35.

<sup>3</sup>Ibid., p. 300. Hausdorff and Schonbaum contributed to SZN in nos. 165-166 and 170 respectively.

housing. The project originated in the year 1856 when the opportunity arose for the kolel to acquire a large plot of land in the southwest of the Jewish quarter of Jerusalem near Mount Zion. The kolel bought the property despite the initial hesitation of the Pekidim and Amarkalim. In 1858 Hausdorff travelled to Europe in order to gain support for the project and succeeded in reaching a compromise with the Pekidim and Amarkalim, in securing a firm commitment of assistance from Ezriel Hildesheimer, in establishing a network of local committees on behalf of the project and in collecting a considerable sum of money. On January 23, 1862, the first eight buildings were completed.<sup>1</sup> The following year the project was transferred by the Pekidim and Amarkalim to different auspices, known as the "Central Committee for the Building of Homes for the Poor and Pilgrims," comprised of three individuals, Ezriel Hildesheimer, the presiding officer, Jacob Ettlinger, and Josef Hirsch of Halberstadt. The Central Committee was responsible for the collection of funds as well as for the supervision of practical administration. The Central Committee directed the project in accordance with the stipulations of detailed statutes, prepared in 1863,

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<sup>1</sup>Eliav, Sinai, LXI, 306.



but first publicized in 1865.<sup>1</sup> Within a twenty-five year period 72 apartments were built, providing lodging for the indigent at a nominal cost, and the enterprise served as a model for other building projects beyond the walls of the Old City.<sup>2</sup> The Batei Mahaseh were the pride of the Jerusalem community until their destruction during the War of Liberation in 1948.

Ettlinger's first endorsement of this project is recorded in the official account book (pinkas) of Moses Sachs. Following Hausdorff's successful journey, Kolel Hod dispatched another emissary, Moses Sachs, to continue to organize support for the building project. Sachs came to Altona on December 17, 1861, and was impressed by Ettlinger's helpfulness

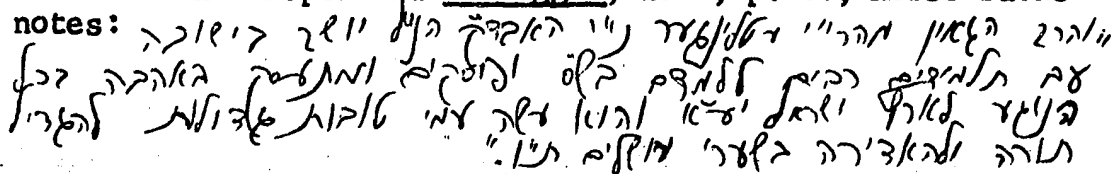
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<sup>1</sup>Ibid., p. 307. The statutes, "Statuten für die israelitischen Armen Wohnungen und das Pilgerhaus in Jerusalem," were published in pamphlet form by the Central Committee and were also publicized in the Israelit, 1865, no. 17, special supplement and in Jeschurun, 1865, pp. 237-239 and 286-298.

<sup>2</sup>The method of distribution of apartments among members of the various kolelim provoked bitter strife. Hildesheimer strove to resolve this problem but only in 1899 were new statutes adopted establishing an equitable distribution policy. Vide Eliav, Sinai, LXI, 307, note 23 and 314-315. The success of the Jerusalem project prompted the Central Committee to consider a proposal to build a home for pilgrims in Hebron as well but this plan did not materialize. Vide Ha-Maggid, 1871, inside cover of the table of contents and Eliav, Ahavat Zion, p. 273.

and the generous response of the Altona congregants.<sup>1</sup> Ettlinger agreed to sponsor the Batei Mahaseh project but stipulated that (1) the collection of funds must not detract from the halukkah, (2) distribution of funds must be made by individuals who had no personal involvement in the matter and (3) this endorsement was valid only for a one-year period.<sup>2</sup> Subsequently the Pekidim and Amarkalim signified their full approval of the project and Ettlinger deferred to Hildesheimer's request that he join the Central Committee. For the remainder of his life Ettlinger served on this committee with selfless dedication.<sup>3</sup> His valuable contribution to the success of the project is extolled in numerous memorial tributes expressed by his colleagues and by the members of the Jerusalem Kolelim.<sup>4</sup>

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<sup>1</sup>In a report in Ha-Maggid, 1862, p. 83, Moses Sachs notes: 

<sup>2</sup>As recorded in Sachs' account book. Vide, Eliav, Sinai, LXII, 179 and idem, Ahavat Zion, pp. 63 and 221.

<sup>3</sup>Ha-Maggid, 1872, pp. 95-96. Vide also Ha-Maggid, 1870, p. 299, for an interesting report of an address by Ettlinger urging financial support of the yishuv.

<sup>4</sup>Israelit, 1872, p. 12; ibid., p. 22, the tribute signed "Hundert aus den verschiedensten Kollelim"; and "Kol Bakhot," a tribute reprinted by M. Hildesheimer, Ha-Ma'ayan, XII, no. 3, 47-48. Hildesheimer cites Nogah ha-Yerah, I, no. 3 (Lemberg, 1872), as the original source

Following Ettlinger's demise, a group of his students and admirers sought to perpetuate his memory by endowing a specific charitable project in the Holy Land: "Where could we erect a more worthy memorial for the departed than in that place to which all his teachings and aspirations were directed, than in the land for which he lived and strived until the last breath of his consecrated life?"<sup>1</sup> They collected funds for the building of one house in the project and named it Bet Ya'akov in honor of Ettlinger. The house incorporated two apartments each of which was made available for the use of the family of an indigent scholar. The Bet Ya'akov was part of the Batei Mahaseh complex but in addition was administered according to its own individual

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and was apparently unaware of the fact that this tribute also appeared in the Jerusalem journal Ha-Havatzelet II (1872), 118. In a eulogy in memory of both Ketab Sofer and Ettlinger, "Nehi Mispeid," ibid., pp. 179-180, Shimon Bachrach extolled their contributions to Palestine:

...א"כ ככה א"מ א"מ  
 ו"מ א"מ א"מ א"מ  
 ס"פ א"מ א"מ א"מ  
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<sup>1</sup>Israelit, 1872, p. 13. Vide also ibid., p. 49 and Ha-Maggid, 1872, pp. 48, 96, and 102.

statutes.<sup>1</sup> In addition to the administration of the Batei Mahaseh the Bet-Ya'akov was also under the supervision of a committee comprised of three residents of Altona and two residents of Hamburg. The statutes provided that the residents of Bet Ya'akov were to study Talmud daily for the merit of the soul of Ettlinger thereby fulfilling Ettlinger's request in his last testament. On the anniversary of the memorial of the death of Ettlinger a Talmudic discourse was to be delivered by one of the residents based on the works of Ettlinger. The first residents of Bet Ya'akov were Rabbi Zarazohn, formerly of Peiser, and Rabbi Avraham Zwadner, formerly of Kobersdorf.<sup>2</sup> For several years the renowned Rabbi Yosef Chaim Zonenfeld lived in one of the apartments and followed the stipulations of the Bet Ya'akov statute scrupulously. Thereafter, the Jerusalem scholar, Rabbi Chanoch Zundel Grossberg, lived in the Bet Ya'akov and continued the tradition of lecturing on Ettlinger's

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<sup>1</sup>The statutes are reprinted in "Takanon le'Bet Ya'akov' be-'Batei Mahaseh' Yerushalayim," Ha-Ma'ayan, XII, no. 2 (1972), 36.

<sup>2</sup>Duckesz, Iwoh, p. 122.

works until the conquest of the Old City of Jerusalem and the destruction of the Batei Mahaseh.<sup>1</sup>

Ettlinger had imbued Hildesheimer with the spirit of devotion to the Land of Israel and had encouraged his disciple in all endeavors on behalf of the yishuv. In a letter addressed to Hildesheimer in June 1854 regarding funds collected for Palestine Ettlinger wrote, "It was pleasing to my soul to see that you are concerned for Zion and that the poverty of our brethren in the Holy Land has moved your pure spirit to rise to their assistance."<sup>2</sup> While yet in Eisenstadt Hildesheimer was able to remit to Kolel Hod a very considerable annual subsidy.<sup>3</sup> For fifty years his was the central address to which the Palestinian community directed all their pleas for assistance, and he was active in virtually every significant practical project on behalf of residents of the Holy Land.<sup>4</sup>

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<sup>1</sup>Chanoch Zundel Grossberg, "'Bet Ya'akov' be-'Batei Mahaseh' bi-Yerushalayim," Ha-Ma'ayan, XII, no. 3 (1972), 71. On the floor above the Bet Ya'akov the family of Rabbi Meir Frankel of Frankfurt erected a synagogue, "Bet Meir ve-Ohel Yitzhak," and two additional apartments. Eliav, Ahavat Zion, p. 275 and p. 284, note 80.

<sup>2</sup>M. Hildesheimer, Ha-Ma'ayan, XII, no. 3, and Eliav, Ahavat Zion, p. 388.

<sup>3</sup>Ibid., p. 110, note 5.

<sup>4</sup>Vide ibid., pp. 92-109, for Hildesheimer's extensive activities on behalf of the yishuv.

In his activities on behalf of the settlement of Palestine, Ettlinger had reacted to immediate problems with which he was confronted, expressing his love and concern for the Holy Land in a practical manner and seeking to alleviate and assuage existing difficulties and hardships. He did not share the breadth of vision which motivated the precursors of the Zionist movement, religious visionaries who conceived bold all-encompassing plans which were destined to revolutionize the future of the Jewish people. To an individual such as Kalischer who foresaw the transformation of the Holy Land from a tiny impoverished colony into a productive modern state projects such as the Batei Mahaseh were but instances of "private charity" and bore no comparison to his own schemes for the benefit of the total community.<sup>1</sup>

The narrow scope of Ettlinger's activities was somewhat broadened by Hildesheimer. While Hildesheimer's response to the needs of Palestinian Jewry was also grounded in the traditional concept of the merit of charity on behalf of the poor of the Holy Land, he became increasingly concerned with establishing the community on a more sound economic basis and gradually turned his attention to constructive

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<sup>1</sup>Katz, Shivat Zion, II-III, 38 and 38, note 61.

projects of an ever-widening scope in an attempt to free the yishuv from its total dependence on halukkah.<sup>1</sup>

The movement for the settlement of the Land of Israel raised the delicate question of dual loyalties, the subtleties of which problem were not fully appreciated by some of those who advocated an active program of colonization.<sup>2</sup> Many of the earliest Reformers were moved to reject the belief in the restoration of Zion because such an aspiration appeared to conflict with their commitment as citizens. In their initial response to this position, Orthodox authorities such as Hatam Sofer,<sup>3</sup> Akiva Eger<sup>4</sup> and Mordecai Benet<sup>5</sup> emphasized the religious and spiritual nature of the Jewish commitment to Zion. They claimed that hopes for the restoration of Zion were not an expression of aspirations for political autonomy or improved economic conditions but for the restoration of Israel's spiritual kingdom and the privilege of fulfilling the religious laws indigenous to the soil of the Holy Land.

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<sup>1</sup>Eliav, Ahavat Zion, 106-108.

<sup>2</sup>Katz, Shivat Zion, II-III, 39-40.

<sup>3</sup>Eleh Divrei ha-Berit, p. 9.

<sup>4</sup>Ibid., p. 28.

<sup>5</sup>Ibid., p. 13.

In a similar vein are remarks of an anonymous correspondent to the Zionswächter emphasizing that the commitment to Zion was a purely spiritual one and did not come into conflict with the notion of loyalty to temporal authorities:

Our present belongs entirely to our present fatherland whose true and loyal sons we are unquestionably justified to call ourselves. Our past is rooted in that place where stood the cradle of mankind, the physical as well as the spiritual. Our future longs for a fatherland upon which the good and blessing of all mankind is dependent . . . the material embodiment of this fatherland is called Zion, the Zion of the past, the Zion of the future. This future may not, however, so it is ordained, be striven for, brought about or induced in a bodily form, on our part; it may only be longed for in faith, solicited in religious prayer.<sup>1</sup>

An attitude similar to this is what prompted Samson Raphael Hirsch to react in a negative manner to Kalischer's practical proposals and to declare that "that which they consider to be a great mitzvah is in my eyes no mean transgression."<sup>2</sup> Ettlinger and Hildesheimer instinctively

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<sup>1</sup>III, 253. Cf., also S. Cohn, "Das Gebet der Juden um Wiederherstellung des Davidischen Thrones und die Liebe der Juden zu ihrem Vaterlande," TZW, VI, 137-140 and Ettlinger, "Zions Wiedergeburt," TZW, X, 22.

<sup>2</sup>Cited in Ya'akov ha-Levi Lifschitz, Mahazikei ha-Dat (Pietrokov, 1903), p. 36. Cf., also Howard I. Levine's critique of Hirsch's approach in this regard, Tradition, V, 290 and 296 and the remarks of Shelomoh Eliezer Danziger, Tradition, VI, 154-155.



reacted in a more receptive manner.<sup>1</sup> Hildesheimer in particular was keenly interested in Kalischer's plans for colonization. He maintained a close relationship with Kalischer even in later years when he had become so absorbed in work for his rabbinical seminary and involved in specific projects of his own for Palestine that he no longer played an active role in fostering Kalischer's projects. However, while he was prepared to cooperate with Kalischer in practical programs for the settlement of the land, Hildesheimer was not motivated by Kalischer's consuming fervor for he did not subscribe to the view that these projects were the means of precipitating the final redemption.<sup>2</sup>

It is from within the narrower framework to which their activities were confined that the contributions of Ettlinger and Hildesheimer on behalf of the Holy Land must be assessed and appreciated. Primarily their activities must be recognized as a response to a deep religious commitment. In joint appeals for the Batei Mahaseh Ettlinger

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<sup>1</sup>Katz, Shivat Zion, II-III, 27-28 and 28, note 8.

<sup>2</sup>Ibid., pp. 36-37 and p. 37, note 50.

and Hildesheimer themselves gave expression to the sentiments which motivated their endeavors:

Consider how meritorious according to our tradition is the settlement of the Holy Land and the rebuilding of the ruins of Jerusalem. Consider what immortal fame you will acquire when, through our efforts, this solitary visible memory of our most ancient history will come ever more into our possession and will be settled by us. . . . The importance of the objective deserves our hundred-fold efforts. . . .<sup>1</sup>

In our yearnings we hope that the Almighty will assist us and we will be privileged to bring about the mitzvah of settlement of the Land of Israel, as we have merited until now, until there will come to pass the word of God and we will go up to Zion in joy.<sup>2</sup>

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<sup>1</sup>Israelit, 1868, 542.

<sup>2</sup>Ha-Maggid, 1871, 339.

## AFTERWORD

Jacob Ettlinger's contributions as scholar and rabbinic leader are many-faceted. Quite apart from his prolific literary activity, he was instrumental in organizing Orthodox response to the Reform movement and in creating new institutions for the perpetuation of Orthodox thought. Perhaps of even greater significance than his influence upon his contemporaries was his impact upon subsequent generations. For, following in the tradition of total commitment to the halakhic discipline, his two outstanding students, Ezriel Hildesheimer and Samson Raphael Hirsch, became the foremost leaders of modern Orthodoxy in Germany. As has been demonstrated, the communal activities of both Hildesheimer and Hirsch and in particular the educational institutions and publications which they fostered may be seen as the fruition and fulfillment of Ettlinger's plans and hopes. To a great extent David Zevi Hoffmann succeeded to Ettlinger's position as foremost arbiter of Halakhah for German Jewry. Although Hoffmann had not come into close contact with Ettlinger, he was profoundly influenced by Hildesheimer under whom he had studied in Eisenstadt.<sup>1</sup>

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<sup>1</sup> Alexander Marx, Essays in Jewish Biography

The major portion of Ettlinger's literary legacy consists of his Talmudic writings. At the time of their compilation Ettlinger anticipated that such writings would in all probability appeal to only a very limited audience. At the same time, he asserted his conviction that "Israel is not bereft" and that Talmudic scholarship would always remain alive.<sup>1</sup> It is remarkable that there are today thousands of Talmudic students who utilize Ettlinger's Talmudic writings as standard texts. A new edition of the entire series of 'Arukh la-Ner was published in Jerusalem in 1965. At numerous yeshivot and academies of higher learning where Talmudic studies continue unabated students delve into the intricacies of Ettlinger's novellae. To most of these students Ettlinger's proper name is unknown and they recognize him by no other title than that of 'Arukh la-Ner. While the dust of time settles on the polemical writings of Reform and Orthodox alike, it is in these Talmudic academies that one may find the greatest vindication of Ettlinger's life and thought.

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(Philadelphia, 1947), p. 187. Cf., Yeshayahu Wolfsberg, "David Hoffmann," Guardians of our Heritage, p. 403.

<sup>1</sup>'Arukh la-Ner, Yevamot, Introduction.

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