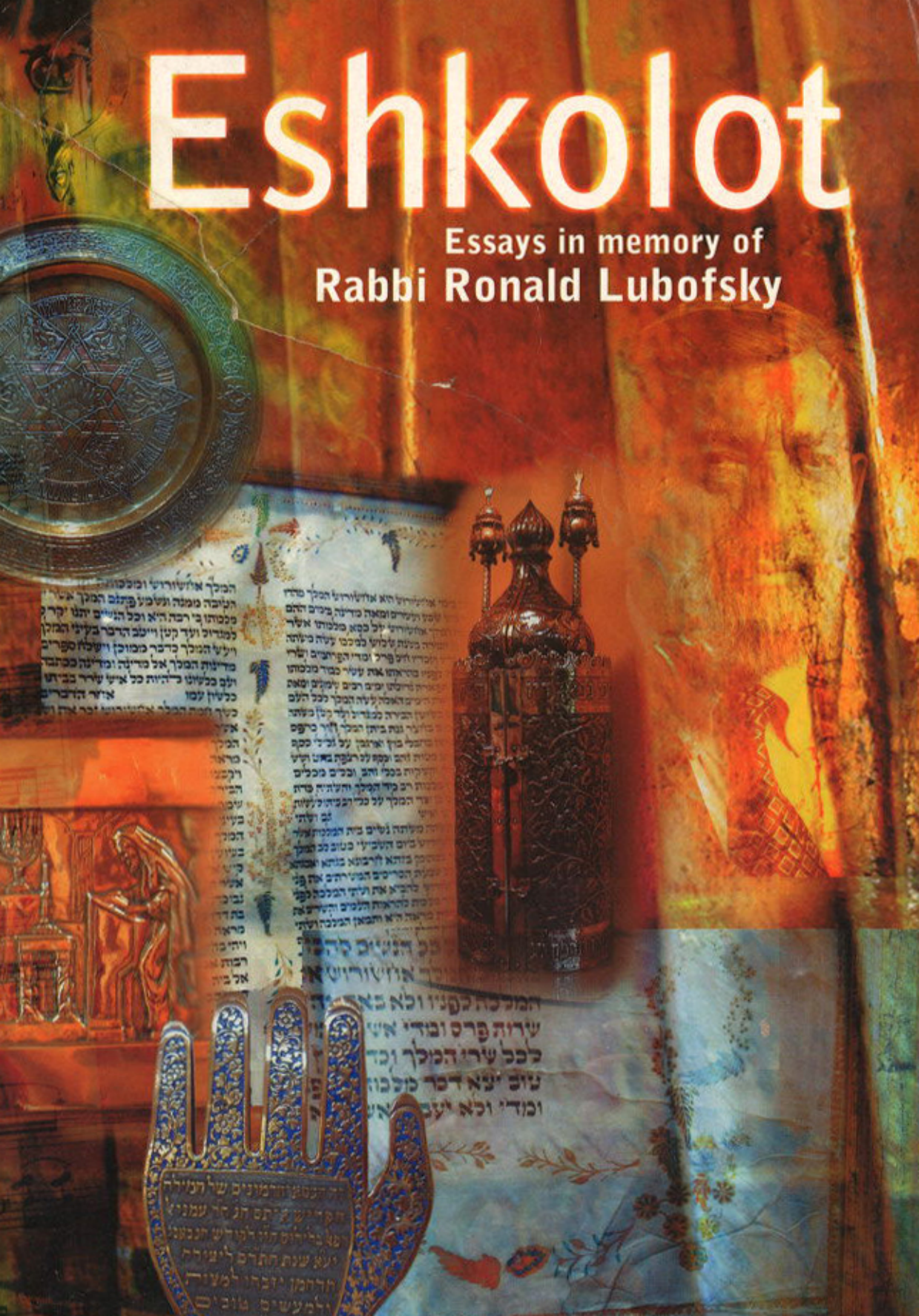
Eshkolot

Essays in memory of Rabbi Ronald Lubofsky



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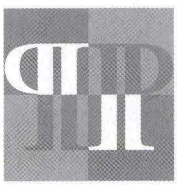

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ESHKOLOT:
ESSAYS IN MEMORY OF RABBI RONALD LUBOFSKY

Rabbi Ronald Lubofsky

The publication of this volume would not have been possible without the generosity of the following people:

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For

Noam, Daniel and Eliana
Grant, Adam and Cameron
Josh and Stacey
With much love

And in honour of Grant's barmitzvah
Parshat Bamidbar
Iyar 29 5762
(11 May 2002)

Foreword

The word, *Eshkolot* (see Devarim [Numbers] 13:23), used in the title of this book, was first mentioned by our son, Jonathan, in his wedding speech a few weeks after his father died. It was then suggested as a possible title for the memorial volume by Rabbi Carl Perkins, his distant cousin in Boston, Massachusetts for which I, and the family, are truly grateful.

An *eshkol*, in this context said to be an abbreviation for *ish shehakol bo*, is a cluster of grapes or other fruit, but the word is used metaphorically to describe a wise, broadly learned man. To my family and those who knew Rabbi Ronald Lubofsky, there could be nothing more appropriate. He was a true *ish eshkolot*, a 'Renaissance man'. Life was always interesting, every day brought the excitement of some new discovery and the next project was always on the drawing board. The scope of his interests and his prodigious knowledge was all encompassing, his enthusiasms, passions and humour, infectious. Even now, two years after his passing, so many people comment 'Lubofsky would have known' when confronted with a Jewish problem.

The idea of a memorial volume was mooted soon after his death by Andrew Strum, who my husband saw grow from boyhood to fatherhood and whose interests and achievements gave him so much pleasure. We are indebted to him not only for initiating this project, but also for his friendship and the beautiful words he spoke at my husband's *shloshim*, which have been reprinted here. Our grateful thanks also go to Isi Leibler for his friendship and generous tribute and to the many others who helped with the production of this book – the donors whose generosity was given so warmly, the contributors, without whom, of course, there would be no book, and the publisher, Louis de Vries, whose understanding of the project, professionalism and personal qualities have made what could have been an onerous task only a pleasant one.

Most of the international scholars who have written for the book were personal friends. A very few were known only by mutual reputation. The essays

span a broad range of fascinating contemporary Jewish issues and topics which reflect Ronald's many interests and would have provided him with hours of absorbing reading, as they will for all who pick up this volume.

The references to him in this book refer mostly to his public persona. His achievements were many and his death has left a void, which sadly, there is nobody to fill. He has been referred to as an unorthodox orthodox Rabbi and this is indeed true. He challenged his pupils or his audience to think for themselves and come to their own conclusions, whether they agreed with him or not. His wit and sense of fun came through everything. He was a proud Jew, demanding of himself, steadfast in his beliefs and he gave wise counsel.

However, the greatest loss is to the Lubofsky family. He was the pivot around which we all revolved; it is as a husband, father, father-in-law and grandfather where the gap he has left is greatest. Our older grandchildren will always remember their loved Zaida, the amazing storyteller, but the younger ones do not remember and unfortunately, he did not live long enough to meet our granddaughter, Eliana in New York. Future grandchildren (hopefully) will only see photographs and hear stories. They have missed out on much but he has missed so much more. He was so delighted with these children and would have gloried in watching them grow to adulthood. They can be proud to carry his name and I hope they will walk in his footsteps.

His memory is truly a blessing.

Shirley Lubofsky

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Rabbi Ronald Lubofsky, AM 1928-2000 An introduction

Isi Leibler

Rabbi Ronald Lubofsky was undoubtedly one of Australian Jewry's most outstanding personalities of the twentieth century. He will be credited with having virtually single-handedly raised the cultural profile of the Australian Jewish community from a warm and lovable *shtetl* to a community with a sophisticated awareness and appreciation of Jewish art in its manifold expressions.

Rabbi Lubofsky's Anglo-Jewish background was based on a synthesis of the best education from Yeshivat Etz Chaim, combined with Jews College and subsequent degrees in Semitic languages and history from London University.

From 1957, when he was appointed assistant minister at the Great Synagogue in Sydney, he lived in a community which was geographically isolated from the great centres of Jewish life and which had yet to discover its cultural values. Although he never undertook formal courses in Judaica, or the Jewish aspects of art, music and antiquarian books, Rabbi Lubofsky nevertheless achieved international standing as a leading authority in all these fields.

He was a teacher in every sense of the word. His love of Judaism and Jewish culture was transmitted at every level of Jewish communal life. He was a prolific writer and a much sought after lecturer in a wide variety of Jewish subjects. He held courses on Judaism for the Council of Adult Education and Monash University, and made frequent appearances on radio and television.

Rabbi Lubofsky also played an important role in public affairs. He was a co-founder of the Council of Christians and Jews, and whilst promoting goodwill between different faiths, he frequently spoke out courageously on the role of

the Church in relation to antisemitism. In 1977 he was appointed a Member of the General Division of the Order of Australia for his service to the Jewish community.

As a Rabbi and spiritual leader, he was one of the lamentably shrinking group of orthodox Rabbis who resisted the fashionable trend towards excessive zeal and fanaticism. To Rabbi Lubofsky, Judaism was a joyful experience which enriched the life of the individual and his family. As a standard bearer for moderation, he strongly disagreed with those Rabbis who defined their piety by attempting to demonstrate that in the application of *Halachah* they were more *machmir* (stringent) than their rabbinical colleagues. Such over-zealousness often created an environment whereby pleasurable ritual observances became a burden.

In contrast, one of Rabbi Lubofsky's most enduring characteristics was his *joie de vivre*, reflected in the manner in which he communicated Jewish values. He was a charismatic personality with exceptional oratorial skills, and an outstanding preacher. He had a presence which magnified his impact at all levels of Jewish communal life. Always willing to keep an open mind towards those who differed from his views, he never shunned an argument – even a bitter debate – if he considered it to be a *milchama leshem shamayim*, as distinct from a personality conflict.

Rabbi Lubofsky's uniqueness lay in the fact that although he was an orthodox Rabbi, he was also a Renaissance man in every true sense of the word. A man to whom *Torah im Derech Eretz* and the synthesis of Torah and *mada* (worldly knowledge) were a logical and natural consequence of his Jewish world outlook.

Rabbi Lubofsky also loved music. His resonant, bass baritone singing voice made him an exceptional *shaliach tzibur*, mesmerising congregants with an appreciation of Jewish liturgical music. His love of music led to one of his last important contributions to Jewish life – the founding of the Melbourne Jewish Male Voice Choir.

He was a bibliophile *par excellence*. His magnificent library reflected a lifetime of exciting acquisitions of primarily but not exclusively Jewish antiquarian books and manuscripts from all over the world. He was also a skilled bookbinder and restorer.

His knowledge and appreciation of Judaica placed him amongst the leading international experts in Jewish ritual objects. He loved to dabble in this area and his greatest joy was to discover a unique Jewish artifact in Australia or elsewhere in the course of his travels throughout the world. His self-taught expertise extended from ritual objects in the home and synagogue to *ketubbot* and all forms of Jewish ceremonial art. A rare book or item of Judaica that Rabbi Lubofsky had discovered often became the central discussion theme of an exciting evening.

The Jewish Museum, which he founded in 1982, is one of the most charming Jewish museums in the world. It would never have been created without Rabbi Lubofsky's drive and enthusiasm which infected so many Australian Jews, including a large number who until then had been detached from any real involvement with Judaism. His taped commentaries on various exhibitions will

continue to serve as models for Jewish museums throughout the world.

On the international scene, Rabbi Lubofsky was highly regarded beyond Australia and Anglo-Jewry. He had a special love for Israel where he is fondly remembered by many people, especially those involved in the arts.

The contents of this *festschrift* encompass Rabbi Lubofsky's multi-faceted Jewish *weltanschaung*, and is a testimony and tribute to his creative involvement in all areas of Jewish religious, cultural, and artistic life.

Without doubt, had Rabbi Lubofsky lived in one of the world's great Jewish centres he would have had a profound impact in the international Jewish arena. But future Jewish historians will without question highlight the fact that his major personal contribution was to transform and raise the cultural life of the Australian Jewish community.

In personal terms, Rabbi Lubofsky was an *osek betzorchei kol hatzibur b'emunah* – a servant and a teacher of the entire community. He was a compassionate man who was always willing to assist those in need and provide advice and help to all who approached him.

He was blessed with a loving wife who shares many of his passions, and a supportive family of children and grandchildren.

He was a unique Rabbi the likes of whom, alas, we now seldom encounter. He loved life and took advantage of every moment. He was ever an optimist about the Jewish future.

The institutions he created will ensure that the seeds he planted will continue to grow and be fruitful. Australian Jewry was profoundly enriched by his presence and contributions to its Jewish cultural identity.

A final personal note. In the course of time, Rabbi Lubofsky became a true friend. In the many years in which I was involved in various leadership positions in the Australian Jewish community, it was my good fortune to consult with him on a wide variety of problems. He was an invaluable resource in helping me to crystallise views and strategies, some of which were to have a considerable impact on Jewish life.

I commend his colleagues who have organised this *festschrift* which encompasses a large portion of the rich components of Rabbi Lubofsky's life.

A home of Jewish culture and civilisation: Rabbi Lubofsky and the Jewish Museum of Australia

Helen Light

> Remember the days of old,
> Try to understand the years long gone;
> Ask your father, he will tell you,
> Your grandfather and he will impart it to you
> – (Deut.35.7)

Rabbi Lubofsky quoted this injunction from Moses at the formal opening of the Jewish Museum of Australia at the Gandel Centre of Judaica in 1995. He interpreted the origin of the museum from when Moshe Rabbenu, in the Sinai Desert, instructed the Children of Israel 'to take this jar of manna, preserve it as a memento that all future generations will remember how you departed from Egypt and journeyed through the desert'.

Rabbi Lubofsky had shouldered this responsibility of remembrance with alacrity. In 1977 he had initiated the Jewish Museum in Melbourne. He saw the mandate of the Museum: 'to make our children and young folk enthralled by their saga, that they implant into their own lives its time-honoured and honourable traditions that they too realise that the long chain of past traditions can only be joined to the future by them. The link is now!'

With inspiring confidence and enthusiasm, Rabbi Lubofsky assembled an army of able cohorts to build a Museum, a Jewish Museum of Australia, dedicated to transferring to future generations a love of and appreciation of our Jewish heritage and history. In his 1995 speech Rabbi acknowledged how the Museum had succeeded in making people more Jewish, and being Jewish 'with a smile on their faces'. He also defined the role of this Museum in the wider

community, as a place that shares the richness of Judaism to the betterment of our multicultural Australia.

He looked back with pride at the fulfilment of his dream and his words were characteristically profound, impressive, evocative and full expansive ideas and important issues. Rabbi outlined his credo, his understanding of the importance of Judaism, of Jewish history, of Australian Jewish history, of this Museum, of its achievements to date and its promise for the future. He acknowledged that he had planted the seed of his dreams in fertile soil and had an army of willing gardeners to tend this plant to maturity.

As much as I loved and was an intimate journeymate/fellow traveller with Rabbi Lubofsky on this wonderful adventure, I will not be able to do justice to the breadth of his vision and his satisfaction with its realisation, as he expressed himself on that memorable day.

The Jewish Museum of Australia has been shaped by and imbued with Rabbi Lubofsky's love of Judaism and his profound appreciation of *hiddur mitzvah,* the beauty of the ritual object, the wonder of the history of our people, and the preciousness of the unique story of the individual Jew as evidenced by a book, a photo, a humble domestic item, a song.

* * *

The idea for the then Jewish Museum of Victoria was first mooted by Rabbi Lubofsky at a B'nai B'rith Project Committee in about 1975 and culminated in August 1977 with the inaugural exhibition, '500 Years of Jewish Books', which was held at the Caulfield Arts Centre. It was the first exhibition presented by the 'Friends of the Jewish Museum of Victoria'. Rabbi Ronald Lubofsky, the Chairman, wrote of this exhibition in the catalogue introduction and defined his vision for a Jewish Museum:

> We hope it that will stimulate interest in our future endeavours eventually to establish, essentially for the Jewish community of Victoria, a home of Jewish culture and civilisation. The reasons for this are not far to seek. Firstly, in Australia we have a brief history which does not go back very far, and which, due to its remoteness, has inherited little of the Jewish cultural treasures of the Old World. Secondly, there is the obvious need to harness our meagre resources and to create the means whereby this can expand over the years to come ...
>
> Bear in mind that with the massacre of six million Jews in the Holocaust, there [was] murdered also a unique European civilisation with its precious public and private libraries. It is, therefore, in their honour that we dedicate this Exhibition and we trust, the future vitality of our ongoing project.

The success of this project encouraged Rabbi Lubofsky to move his idea for a Museum to a second stage and led to the formation of an Ad Hoc Committee in November 1977 and the formalisation of the process of establishing a Jewish Museum. Office bearers were elected. They were: Rabbi Lubofsky, President;

Trevor Cohen, Chairman; David Hampel, Secretary; Anita Sackville, Treasurer; and Sam Lipski (in absentia), Publicity. A name was agreed upon: Melbourne Museum of Jewish History and Art; and fundraising strategies were put into place. A rudimentary acquisition policy was defined (most surely in Rabbi Lubofsky's words) : 'It is envisaged to acquire Classical, Medieval, Renaissance and Modern Objects of Jewish genius.' It was acknowledged that it would take many years to fulfil such an ambitious project.

From these humble beginnings Rabbi Lubofsky's vision slowly grew and flourished. More and more talented, committed people inspired by Rabbi Lubofsky's vision and enthusiasm became involved in this dream. In those early days, they included Martha Ash, Diana Opat, Miriam Opat, Zelda Rosenbaum, June Helmer, Naomi Gross, Shirley Lubofsky, Maryla and Jan Bayer, Dr Percy Zerman, Fred Redlich, Joseph Brown, Ernest Fooks.

Without a physical home, the concept of the Jewish Museum of Australia was launched by the then Chief Rabbi Sir Immanuel Jakobovits at a reception at the Customs House (now the Immigration Museum) on 18 March 1978. To promote the ideas within the community, fundraising and consciousness-raising events were held such as musical evenings at the beautiful homes of David and Atida Levine and Zelda and Maurice Rosenbaum; lectures on art and artifacts by Jan Bayer as well as the Rabbi himself. A second exhibition on Judaica was staged at the Myer Mural Hall in 1979 and proved very popular. A third and most important exhibition about the Holocaust was the result of a strategic collaboration between the Jewish Museum, the Victorian Jewish Board of Deputies and B'nai B'rith. Held in the atmospheric Tramways Building on the corner of Gertrude and Nicholson Streets, Carlton, in 1980, it was the first such exhibition to reach many thousands of school children and to teach them the tragic lessons of the *Shoah*.

Meanwhile the Committee, particularly Douglas Davis, concentrated on the search for a home. Many options were explored including Oberwyl, in St Kilda; Glenfern, the National Trust property in East St Kilda, and a number of significant city buildings. Finally when the Melbourne Hebrew Congregation offered its unused classrooms for the fledgling Museum, at a peppercorn rental, this sensible economical option was gladly accepted. With generous funding from Henry Krongold and David Hendel the three rooms were restored and prepared as exhibition galleries and a small office appointed. Then, in 1982, preparations began in earnest for the establishment of a Jewish Museum.

Rabbi Lubofsky had begun a rudimentary collection of objects for the Museum. He had advertised the new Museum in the *London Jewish Chronicle* and was looking for Judaica. A United Synagogues rabbi responded and led Rabbi Lubofsky, on a visit to the UK, to a cellar full of rotting synagogal textiles, which Rabbi eagerly offered to rescue and immediately shipped home to Melbourne. Zelda Rosenbaum recalls the horror with which these boxes of textiles full of mould and mouse droppings were greeted and the overwhelming stench when they were unpacked. It took a man with the great imagination and knowledge of Rabbi Lubofsky to realise that among these were some most

sumptuous and historically valuable *parohkot* and mantles, which when conserved, would form the basis for an important textile Judaica collection. Later a few items, among them a hanging *Shabbat* lamp and a spice tower, were purchased. These few items formed the basis of a collection that now numbers some 12,000 objects.

The Jewish Museum of Australia had become so named by December 1977, and reflected the ambitious ideas of Rabbi Lubofsky who already envisaged a national institution when the Museum was still embryonic. The Australian content implied in the name was also the result of the commitment of the Chairman, Trevor Cohen, and others, as to the importance of the Museum as a repository of the story of Judaism and Jewish history particularly within our own country.

The Committee at this important juncture included Rabbi Ronald Lubofsky, President; Naomi Landa Gross and Zelda Rosenbaum, Co-Chairmen; Christine Abrahams; Dorothy Abrahams; Helen Alter; Martha Ash; Maryla Bayer; Jan Bayer; Joseph Brown OBE; Trevor Cohen, Hon. Solicitor; June Davis; Gaby Eisen; Dr Ernest Fooks; John Gandel; David Hampel, Hon. Secretary; June Helmer; Atida Levine; Shirley Lubofsky; Doreen Nayman; Miriam Opat; Diana Opat; Fred Redlich, Hon. Treasurer; Anita Sackville; Susan Silberberg and Leonard Yaffe.

In late 1981 work began on researching and planning the inaugural exhibition at the Melbourne Hebrew Congregation, the accompanying catalogue, the audiovisual program and the opening. An article was placed in the *Australian Jewish News* seeking guides for the new Museum, and Rabbi Lubofsky took it upon himself to be responsible for the education and nurturing of the twenty-strong foundation guides.

Zelda Rosenbaum, June Helmer and Naomi Gross worked with exhibition and graphic designers, Sue Allnutt and Peter Rosenfeldt, to create a beautiful, accessible and indeed prize-winning exhibition, *Art and Architecture of the Synagogue*, with which to launch the museum and, I believe, thereby established the professional standard of excellence that has been expected of and has been the hallmark of the Museum ever since. This inaugural exhibition won for the fledgling Jewish Museum a 'Museum of the Year Award' from Museums Australia.

On 17 October 1982, the Hon. Race Matthews, Minister for the Arts in Victoria, officially opened the Museum and launched the exhibition before a large audience in the Toorak Road Synagogue.

Immediately after the launch an advertisement was placed in the *Australian Jewish News* seeking a part-time Administrator and thus I became the Jewish Museum of Australia's first member of staff.

Although it was anticipated that the premises at the Melbourne Hebrew Congregation were to house the Museum temporarily, the Museum remained there for nearly thirteen years. The facilities there were freely given. However, they were tiny: one small office, two 'galleries', a corridor, a theatrette and minimal storage 'cupboards'. But visitors had access to an impressive synagogue.

With these limited facilities in mind, the Museum's policy was shaped. Rather than concentrating on building a collection, because responsible care and conservation were problems, a dynamic changing exhibitions program was developed to do justice to the full spectrum of the Jewish experience; to increase and maintain the public profile of the museum and to ensure that the volunteers who run the museum remained engaged.

During these thirteen years, thirty-nine exhibitions were mounted there, about three a year, dealing with a very broad range of themes, with an emphasis on the Australian Jewish experience, the celebration of the Jewish religion and culture and the commemoration of our turbulent history. Most of the exhibitions were generated at the Museum and researched by committees of volunteers and included members from the community with specific interest in the exhibition themes.

Exhibitions on religious themes included: *Purim & Pesach: Festivals of Freedom* (1983-84); *Jewish Marriage* (1986); *Torah* (1988). Historical exhibitions of note were *The Birth of the Modern Jew: The Jews of Germany 1750-1920; Freud and Friends: the Jews of Vienna; Shtetl Life; Sephardim;* and Australian themes: *The Dunera Experience;* and three exhibitions for Victoria's sesquicentenary about the history of the Jews in this state. We showcased some Jewish artists – Horace Brodsky and Miles Evergood. A few travelling exhibitions were mounted at the Museum: two from Beth Hatefutsoth – *Kafka's Prague* and *The Jews of Ethiopia;* from the Haifa Music Museum – the exquisite *Music in Ancient Israel;* from the National Gallery of Australia the photographs of Roman Vishniac and Margaret Michaelis Sachs. Some exhibitions were shaped around international collections – *Jews of Many Lands* featured exotic costumes from the Israel Museum; *The Ritual Art of Moshe Zabari* included many items from the collection of the Jewish Museum, New York. Other popular exhibitions included: *Blessed be the Fruit of the Earth* and *The Archaeology of Ancient Israel.* The Museum adopted the policy of encouraging the development of contemporary Australian Jewish art and culture which manifested itself in such exhibitions as *Art and Identity* and most imaginatively in *The Golem* exhibition curated by Barrie Kosky. For all exhibitions catalogues and tape-slide programs were produced and public programs presented to expand on the exhibition themes. Quite a few exhibitions travelled nationally to different cities in Australia. These exhibitions were the Museum's public face and through them the Jewish Museum of Australia developed a reputation as an important small museum and the most dynamic culturally specific museum in the country.

Rabbi Lubofsky's wise talents were sought in many of these exhibitions: as Curator; as adviser; as religious and historical consultant; as lender of Judaica from his and his wife, Shirley's, magnificent collection and as the 'talent'. It was his sonorous voice that delivered the many outstanding audio-visual programs created by June Helmer, Naomi Gross and Chaim Mehlman, which complimented our exhibitions. He also advised the curators of the many exhibitions, not only myself, but Gaby Eisen, Sarah Wein, Naomi Gross, and June Helmer, among others. Most importantly he was the fount of many of the

ideas that fuelled the exhibitions. In particular he promoted the idea of the groundbreaking exhibition, *Australian Contemporary Design in Jewish Ceremony*, which encouraged the development of indigenous Judaica crafted by Australia's leading craftspeople, an exhibition which was shown at the Jewish Museum of Australia in 1991 and travelled nationally throughout the following year. This idea of Rabbi's proved so successful that a second such exhibition was mounted in 1999 and travelled through 2000 and 2001.

In these thirteen years, as the reputation of the Museum grew, the Museum as an institution grew exponentially, as did all the activities associated with it and the support systems necessary to underpin it.

More committees were formed: for Functions, for the 'Friends', for Public Relations, for Publications, for Guides, for Schools and Public Programs, etc. etc. and the coordinators of each of these committees became part of the Executive Committee of the Museum.

From the outset the most unique and invigorating characteristic of the Jewish Museum of Australia has been its strong volunteer base. All areas of activity were largely dependent on talented, committed volunteers: the registration and collection care; exhibition research; the publication of the newsletter etc.

As the Jewish Museum of Australia was formed as an independent unaffiliated body, it has been necessary for it to raise its own funds to support its operations, exhibitions and all its other projects and activities. There were from its inception no regular sources of funding and so numerous strategies were adopted in order to finance the Museum: annual luncheons, Purim balls, a Friends organisation, film nights, raffles, and two most successful Art Auctions. The Chairman of the Museum, John Gandel, enabled us to establish an opportunity shop at Chadstone Shopping Centre, in partnership with Visions Australia. Pauline Gandel guided this highly successful venture for ten years during which time well over $1 million was raised for the two organisations. In 1992 Louise Zygier was appointed as Manager to raise ever more funds and develop a sponsorship program for this ever-growing organisation, a task she has shouldered with devotion and dogged determination.

Furthermore, a significant collection was gathered, almost entirely through donations from the community concerned to preserve its material heritage for future generations. This was Rabbi Lubofsky's greatest area of interest. He took an active interest in the acquisitions and encouraged donations to the Museum. He was invaluable in providing religious, historical and technical information about our growing collection, ensuring that the documentation was accurate and the object's story was recorded. The registration, conservation, storage and accession issues related to the responsibility of caring for a collection grew accordingly. A registration team, formed under the leadership of Marie Burritt, week after week catalogued and carefully stored the new acquisitions. Some of the members are still actively working some fifteen years later.

The Museum's major role as an educational body was established, with regular school group visits; special programs were generated by the school curricula about Jewish ritual and belief. A Schools Education Committee, under

the inspired leadership of Lena Martin, tailored visits for the needs of each school group, and prepared work kits for each changing exhibition; presented yearly seminar programs about the Jewish wedding, about barmitzvah and other themes of interest to schools. For some years Chaim Potok's books were prescribed reading for VCE students, so the Museum together with Rabbi Laibl Wolf's Institute for Jewish Civilisation, presented seminars about Judaism, culminating in 1991 with a evening featuring Chaim Potok himself talking to 900 students in the Toorak Road Synagogue.

From its very first exhibition the Museum was recognised by the museum profession as a first-class institution and it has received many industry awards.

During these years Rabbi Lubofsky continued to play a pivotal role in the burgeoning Museum. His enthusiastic commitment to the Museum attracted many supporters and the major donors. He was our visionary, full of inspired ideas for exhibitions, for projects, for expansion – some realisable, some wonderfully fanciful. He was in many instances our public face, charming the media, entertaining our visitors, educating our guides and mentoring and guiding me.

All this took place within the confines of the classrooms of the Melbourne Hebrew Congregation. The Board and Staff of the Synagogue generously accommodated our expanding organisation, and together we worked to educate an evergrowing public about Judaism and to expound the value of tolerance.

After a few years we were bursting at the seams and we began looking seriously for our own premises. Mindful of the size of our community and its capacity to help us support a museum we limited ourselves to the concept of a 'medium-sized museum'. We sought a location near one of Melbourne's historical synagogues, since our experience had taught us that the synagogue is one of our best teaching tools. We wanted to be close to public transport and near the tourist roots; not too buried in Melbourne's ghetto but not far from it. Zelda Rosenbaum, June Helmer, John Gandel and Rabbi Lubofsky searched assiduously and in 1992 Rabbi found a building for sale which overlooked his synagogue, the beautiful St Kilda Hebrew Congregation. This was a 1970s office building, the location of which met all our requirements. It was unfortunately smaller, indeed one-third smaller, than my minimum requirements, but this problem was outweighed by the other advantages.

A building appeal was quietly but successfully mounted under the leadership of Dug Pomeroy. The Gandel family's major contribution was matched by the Federal Government and the State Government, and many generous individuals and families in the community endowed the building and its fitout. Robert Grodsky was the architect and was very sensitive to the ideas of a Building Committee headed by Charles Justin. The move into the new building was ably overseen and driven by Maurice Weiskop. The Museum that was created is warm, welcoming and indefinably but definitely Australian.

At the same time the concept for the permanent exhibitions was being developed. I prepared an original brief which was scrutinised and refined by Rabbi Lubofsky and other members of the Museum's Board of Management

and Executive Committee. It was resolved that there would be four exhibitions: two religious, *Belief and Ritual* and the *Jewish Year*, and two historical, *A Time Line of Jewish History* and *The Australian Jewish History Gallery*. It was decided that we stage the installation of these galleries and open the Museum with the two religious exhibitions in place and then work on the other exhibitions once the Museum was open to the public. The original layout and design for the exhibitions conceived by Jenny Worth was developed and implemented by Tim Hooper of Acumen Design. The text was written by Sarah Wein and myself and checked by Rabbi Lubofsky, Dr Mark Baker and Rabbi Karen Soria. The objects were nearly all from our collection and it was gratifying to be able, after all these years, to share our treasures with the public. Zelda Rosenbaum scripted and oversaw the production of the audiovisual components of these two exhibitions. These were recorded by Rabbi Lubofsky and members of Saltpillar Theatre on one steamy and memorable day.

In planning our permanent exhibitions about the Jewish religion, we strove to work from the traditionally accepted religious core while at the same time to be inclusive of the diversity in religious practice, to acknowledge different interpretations and customs, and to avoid gender specificity. We sought to present a view of Jewish religious belief and practice that sits comfortably with the majority of the community and which is accessible to the wider public.

This process took three years, during which it was a great challenge for us to keep the vision alive, the concept of the Museum strong in the public eye and in the volunteers' hearts and maintain our own high morale. Rabbi Lubofsky was ever present as advisor on religious matters in particular, and as teacher for the guides in preparation for the new exhibitions. We were closed for more than a year as we concentrated our resources on the fundraising and planning.

The transition from small classrooms to a major public building and consequently greater financial and public accountabilities demanded a restructure and repositioning for the Museum. This was hard and challenging and at times rocky for the leadership; a learning experience where mistakes were made, and generously forgiven. The focus of all concerned was clearly and unshakeably united on the building of a new Museum, a great Jewish Museum and the Jewish Museum of Australia.

This second great chapter, the opening of the Jewish Museum of Australia in the Gandel Centre of Judaica, was launched, again at the Melbourne Hebrew Congregation in front of a capacity audience, on 20 August 1995 by the then Governor-General Bill Hayden. It was a day of great pride for Rabbi Lubofsky and all of us who had dreamed so long of our own home for the Jewish Museum of Australia.

With our own building at 26 Alma Road, St Kilda, the Jewish Museum of Australia has the facility to accommodate all the requisites of a modern museum: permanent and temporary exhibition galleries; collection storage; a library and research area; a shop; lecture room and a few tables for coffee or tea.

The six years in our own home has seen the Jewish Museum of Australia flourish and grow in all areas of our activities, far beyond our wildest dreams.

Our temporary exhibitions, our public and school programs, and our fundraising functions are generally excellent. Our volunteer body has expanded and strengthened, as has our staff, which now numbers the equivalent of eight full-timers. The building is bustling with activities most days from morning till night.

The Board of Governors under the Chairmanship of John Gandel is responsible for the building. The Executive Committee and Committee of Management provide responsible, committed and visionary leadership for the Museum and for its future.

Rabbi Lubofsky retired as President in 1996 and became the Museum's inaugural Life President. Sam Moshinsky became President in his place. Zelda Rosenbaum remained as Chairman until 2000 when she assumed the mantle of President and Sandy Benjamin became the Museum's Chairman. The Jewish Museum of Australia has been blessed in its leadership, again and again achieving new heights, improving, moving forward on a solid footing, with ever more community support. The growing staff works closely with the leadership and with all the volunteers sharing the same commitment to the Museum.

The volunteer body numbers a staggering 300, a veritable army of talented, energetic and devoted women and a few men, who contribute to all areas of the Museum's activities. The largest group is the Guides who benefited most from Rabbi Lubofsky's prodigious knowledge and love of all things Jewish. His frequent lectures provided them with informative, entertaining and sometimes quirky stories to share with visitors, Jewish and non-Jewish alike.

Rabbi Lubofsky gave lectures associated with the exhibitions to the general public as part of our Public Programs. He also addressed Museum sponsors such as the ANZ and National Australia Bank about Judaism, ethics and banking. All were impressed by his eloquence and knowledge.

Once the Museum opened, preparations began on the two permanent historical exhibitions: the *Australian Jewish History Gallery* and the *Time Line of Jewish History*. The *Australian Jewish History Gallery* is the heart of our Museum and must reflect a changing and diverse community. It was therefore planned to be dynamic, ever-changing, and non-exclusive and thus heavily reliant on interactive and multimedia technology. The Gallery is designed to provide the visitor with an understanding of what it means to be an Australian Jew, a Jewish Australian. The opening of this Gallery in October 1998 was timed to coincide with the International Council of Museums Conference in Melbourne.

The *Timeline Gallery of Jewish History* is positioned in the Jewish Museum of Australia so that all visitors must pass through it to reach the other exhibitions. It is the first of the permanent exhibitions to be encountered by our visitors, but the last installed, opening in May 2000. The *Timeline Gallery* is a quiet contemplative space that seeks to reflect and resonate with the ideas, people and culture of Jewish history. The Gallery, designed again by Tim Hooper, is illumined and united by the beautiful and thought-provoking artwork of Heather Ellyard. One traverses our historical journey inscribed on compressed sand in the floor. On the walls are displays centred around ten decisive themes of Jewish

history and heritage, which incorporate iconic objects, texts and maps. But their preeminent feature is a specially produced film on each subject produced by Bob Weis. The visitor can access one story or can pass through the space enveloped in the enduring story of Jewish history. Sadly Rabbi Lubofsky did not live to see the completion of this gallery and with it the completion of the Museum exhibitions as we had envisioned them.

The Temporary Exhibition Program is very much the public face of the Museum, varied thematically and designed to attract different audiences. They include exhibitions on historical, religious and Biblical themes such as *The Moveable Feast*; *People of the Precious Legacy: Australian Jews from Czechoslovakia*; *The Story of a Haven: The Jews in Shanghai*; *Moses*; and the enormously popular and successful *Schmatte Business*. There have been important exhibitions of artists: the opening exhibition, *Chagall and the Bible in Australian Collections* and *Louis Kahan: A Portrait*. There is a policy to include one exhibition per year of contemporary art because the Museum sees as part of its mission to foster and nurture the expression of the contemporary Jewish experience. These include the group show: *The Wandering Jew: Myth and Metaphor*; *Blessed is the Work: Australian Design in Jewish Ceremony* 2, both of which travelled extensively throughout Australia; as well as solo exhibitions by Sue Saxon and Heather Ellyard. The most important of these projects has no doubt been *Lineage: The Architecture of Daniel Libeskind: Jewish Projects*, a project in partnership with the National Gallery of Victoria initiated by us in 2000, bringing the work of this prominent international Jewish architect to Australia for the first time.

From time to time Rabbi Lubofsky and I had healthy differences of opinion about some of these projects. He was somewhat sceptical about contemporary art and its role in the Museum. He was sometimes concerned that it might push boundaries beyond what is expected within the context of a Jewish museum. However, he helped me and grudgingly but good naturedly supported these projects.

His real love was always the Judaica. It was therefore appropriate that he chose to mount an exhibition of his favourite Judaica as a project to mark his retirement as inaugural President in 1995. It took five years until this exhibition was realised, tragically just a few months too late for Rabbi Lubofsky to see it installed. The exhibition, *The Romance of Judaica*, enabled the rabbi to assemble the best and most interesting Judaica in Australia and he chose each object for its unique story. He told each story, sharing with the general public the richness and depth of his knowledge and his infectious love of Jewish lore. This was dictated and included in an 'acoustiguide' so that his commentary could accompany each visitor to his exhibition. Rabbi Lubofsky was deeply involved in the preparation for this exhibition and the catalogue, and they both spoke with his voice. However, the exhibition that was to be a tribute to him, was sadly his eulogy. It was opened on 18 June 2000 by Shirley Lubofsky, some eight weeks after the Rabbi's unexpected death.

In a 1995 speech Rabbi Lubofsky spoke about his vision for the Jewish Museum of Australia in the Gandel Centre of Judaica becoming the centre, the

centrifugal point for a richer Jewish cultural life in our city: for exhibitions, for education, for Jewish activities that will make our community more Jewish and more knowledgeable. This has indeed come to pass and Rabbi Lubofsky's inspiration and leadership was central to this fulfilment.

The Jewish Museum of Australia continues to resonate with Rabbi Lubofsky's mellifluous voice throughout its displays, as he chants the blessings over the bride and groom or eulogises about the beauty of Jerusalem or debates issues of *Halachah*. The Museum is imbued with his spirit and with his love of Judaism.

In the words of Sarah Wein, one of our longest standing and most active volunteers: 'Rabbi Lubofsky was not a fundamentalist thinker. He was at home in many cultures and open to new ideas. He made us proud to be Jewish, to be part of such a turbulent and notable segment of the world's history.'

His memory is a blessing to us and will continue to be so for all the future generations whose knowledge and understanding of Judaism will be enriched by visiting the Jewish Museum of Australia.

And let me finish by quoting Rabbi Lubofsky himself, describing the task of building a Museum: 'It has been fun!'

'The heart-throb rabbi': Rabbi Lubofsky and Sydney Jewry

Suzanne D Rutland

> In Australia, at the geographical fringes of international Jewish life, a community composed disproportionally of Holocaust survivors and refugees has built a centre of Jewish life which is as vibrant as any other Jewish community in the Diaspora.
>
> – Isi Liebler[1]

In 1957 Rabbi Lubofsky arrived in Sydney as assistant minister to the Great Synagogue. At the time of his arrival Sydney Jewry was experiencing a period of rapid change and the arrival of a young, charismatic religious leader had a great impact, particularly on the young people in the community. Rabbi Lubofsky's time in Sydney was comparatively short, and his departure in March 1963 to become the chief rabbi of the St Kilda Hebrew Congregation in Melbourne controversial. Yet, he is someone who left behind strong impressions with vivid memories of his contribution to the development of the religious and social life of Sydney Jewry. This was particularly true for the youth of the city, and not just those associated with the Great Synagogue.

Sydney Jewry of the 1950s was largely a migrant community. Since Hitler's assumption of power in 1933 there had been continual growth. This was in stark contrast with the situation before 1933 when there was an actual decrease in the community's size resulting from the high rate of assimilation. Indeed, in 1945 a Jewish demographer, Joseph Gentilli, wrote an article where he predicted that, by the twenty-first century, there would be almost no Jews living in Australia.

This prediction has proved to be totally false because of the influx of migrants, particularly of survivors after World War II. From 1938 to 1961 Australian Jewry almost trebled in size, and this rapid demographic growth changed every aspect of communal life.

The refugees and survivors who arrived in Sydney between 1938 and 1960 totally transformed the religious structure of the community. Until 1933 Australian Jewry was very assimilated and conservative and tended to be 'more British than the British'. This was reflected in the early 'cathedral' synagogues established in Sydney and Melbourne which maintained a 'high church atmosphere'.[2] Every effort was made by Australian Jewry to minimise outward differences with the majority gentile population, creating an ideology of non-distinctiveness. Most Australian Jews considered themselves Australians of the Jewish religion, and distinctive religious practices, such as the observance of the Jewish dietary laws or the wearing of a skullcap, were poorly maintained. The derivative nature of Australian culture, reflected in the Australian Jewish community, resulted in a limited and conservative response by Australian Jews to the nineteenth century challenges of modernisation. In the period when religious change predominated in North America with the development of Reform and Conservative Judaism, this was not the case in Australia. The various Jewish communities developed a uniform reaction – the Anglo-Jewish form of modern Orthodoxy – and this remained rigid and standardised. All other forms of modern Judaism were either not considered or were rejected.

Religious observance in Australia was also initially very weak. Problems in the early days arose from the paucity of numbers, especially Jewish women, from inadequate religious and educational facilities and, above all, from the isolation of the community. The dilution of Jewish religious observance continued to be a key feature of Australian Jewish life until the 1930s. Religious life was standardised as attempts to introduce Reform Judaism had failed and the more orthodox forms of Judaism and the *Chassidic* way of life of Eastern Europe were virtually unknown. Even more problematic for Orthodox Judaism was that facilities for *kashruth* were inadequate while outside Melbourne there was no *mikvah* for ritual immersion.

All this was to change with the pre- and post-World War II Jewish migration. Liberal Judaism was first established with the creation of Temple Beth Israel in Melbourne in 1931. However, the movement only began to flourish after 1936 with the appointment of Rabbi Dr Herman Sanger, German born and Oxford educated, whose charismatic presence attracted many of the newcomers, as well as those Australian Jews who were disenchanted with traditional Judaism. In 1938 Sanger visited Sydney and established the Temple Emanuel, which also grew rapidly in its first decade under the rabbinical leadership of Rabbi Max Schenk, an American born and trained rabbi. Temple Emanuel attracted many of the German and other Central European refugees who settled in Sydney immediately before the outbreak of war. Haredi Judaism also developed in this period. The Adass Israel was established in both Sydney and Melbourne during the 1940s.

After 1945, the pace of religious change intensified in Sydney. The longer-established congregations, the Great, Central, Bankstown and *Mizrachi* experienced further expansion in the 1950s while there was a rapid growth of suburban synagogues, especially in the eastern suburbs. The largest congregation, the Central Synagogue, developed a new synagogue complex at Bondi Junction, opened in 1960, with seating accommodation for well over a thousand worshippers, as well as having two communal halls and a number of classrooms. This project was long in maturing because of unsettled spiritual leadership and internal disunity, with constant conflict being experienced during the presidency of Felix Freeman.[3] The Great Synagogue also enlarged its facilities with the War Memorial Centre, built underground and opened in 1956 as a social and communal hall with additional classrooms.[4] Newtown Synagogue, built in 1918, continued to serve the people in the area in the 1950s under the leadership of Rev. Skolnik.

Many of the new congregations reflected the different ethnic groups which settled in Sydney. German Jews were instrumental in the growth of the North Shore Synagogue, Kingsford/Maroubra and Cremorne Hebrew Congregations. The Northern Suburbs Hebrew Congregation, which was formed in 1940, experienced rapid growth under the spiritual leadership of pre-war German Jewish refugee, Rev. William Katz.[5] In 1949 a large block of land was purchased in Lindfield and the synagogue was dedicated in 1952, largely due to the 'faith and idealism' of Katz. The new synagogue attracted many Australian Jews as well as the 'thirty-niners' but there were tensions between the two sections. In 1953 Katz appealed to the members of his congregation to:

> close the rift in the community and unite ... let us put an end to the unpleasantness of the past and let us come together – Australians and newcomers. If you are unhappy about foreign accents, I cannot help you; I am afraid you will have to put up with mine to my dying day.[6]

Due to an influx of migrants from Europe, including Dr Siegfried Cohn, the Kingsford-Maroubra congregation was formed in 1948 following the introduction of services in 1946. In 1950 land was purchased for a synagogue and school and the synagogue was built and dedicated in 1954, following which in December 1955 Rabbi Dr Grozinger was appointed full-time minister.[7] The Cremorne and District Hebrew Congregation held its first services in 1955 and in 1956 was formally constituted.[8]

The South Head and District Synagogue in Sydney's Eastern Suburbs was founded by an English Jewish migrant, Emanuel Braham, who started holding services in his Rose Bay North home in 1948 with encouragement from the Great Synagogue. In 1950 Braham decided to form an orthodox congregation. Premises were acquired and, following alterations, a synagogue was opened in 1951.[9] The English Jews who founded the congregation were criticised by the established Australian Jewish leadership for separating themselves from the rest of the community, but this was refuted by Braham, who stressed that there was a need for a synagogue for orthodox Jewish residents of Vaucluse and Dover

Heights. Braham noted that:

> Instead of receiving the wholehearted approval of the community for having taken immediate steps to correct this anomaly, we found communal leaders living in this area giving us no support at all and not even desiring to visit our synagogue, and to add insult to injury, they indulge in criticism.[10]

The English Jews were joined after 1956 by Hungarian escapees, broadening the synagogue's base. In Parramatta post-war English Jewish migrants, including Louis Klein and his cousin, Sidney Sinclair, also were instrumental in the formation of a congregation in 1948. A synagogue was built, largely by members of the congregation as a 'labor of love', but the congregation experienced a struggle because of its geographical isolation and the fact that many of its founders moved away after they attained success in business.[11] Klein later moved to the North Shore, where he became president of the synagogue there, then chairman of the United Israel Appeal, finally serving as president of the Executive Council of Australian Jewry (ECAJ) from 1972-74. Sidney Sinclair, who also moved to the North Shore, became a president of the Australian Jewish Welfare Society.

More orthodox East European Jewish immigrants supported the *Mizrachi* which, under the lay leadership of Max Mann and the spiritual guidance of Rabbi Osher Abramson, expanded and acquired a permanent home in Bondi in 1948.[12] A smaller, strictly orthodox congregation, the *Machzik Hatorah* Congregation was founded in 1955 by Jewish refugees from Hungary, Czechoslovakia and other East European countries and in 1958 acquired a site at Roscoe Street, Bondi, with the building of its synagogue being completed in 1960.[13] The Adass Israel Congregation was reconstructed in 1948 when a new spiritual leader, Rabbi Bernath, arrived. It consisted largely of orthodox Hungarian Jews.

Smaller congregations were formed in some of the outer suburbs of Sydney. The Strathfield Congregation started as a Hebrew School formed by the Board of Jewish Education in August 1949 [14] and by 1954 employed its first minister, Rev. L Goran and later purchased a property where a synagogue was built. Smaller congregations were established in Coogee and Illawarra. In 1952 a Manly/Warringah group was formed but it failed to develop strong roots and eventually merged with the Cremorne Congregation.

In Sydney the first *Sephardi* service was conducted in 1947 and in 1951 the New South Wales Association of *Sephardim* was formed under the leadership of Aaron Aaron, his brother Reuben, and Hugh and Maurice Rassaby. In 1953 the Association of *Sephardim* was reorganised but a schism occurred in 1959 over the question of the trusteeship of land. The breakaway Eastern Jewish Association was formed,[15] and it was not until 1962 that the *Sephardi* Association opened its synagogue and hall.

With this rapid expansion of synagogues during the 1950s, the Great Synagogue was able to maintain its position as the premier congregation of Sydney Jewry. The fact that the Great Synagogue remained the dominant

congregation, despite its geographical location in the city centre, was largely due to the stability and strength of its rabbinic leadership. The first minister of the Great, Rev. A B Davis, served Sydney Jewry from 1860 until his retirement in 1903. He was followed by Rabbi Francis Lyon Cohen who led the community from 1905 until his death in 1934. In 1935 Rabbi Ephraim Levy was appointed to the position, but he was forced to resign in 1938, largely due to his strong support of better observance of the *mitzvot*, especially of *kashruth*, and his strong support of Zionism.

This period of conflict was a short interlude and the exception to the story. Calm was restored in 1940 when Rabbi Dr Israel Porush was appointed Chief Minister of the Great, a position he held until his retirement in 1973.[16] Porush came from a family of leading Jerusalem rabbis, had trained at the Hildesheimer Rabbinical College in Berlin, qualified as a Doctor of Mathematics at Marburg, Germany, in 1931 and then served the Finchley Synagogue in North London from May 1933 until he left for Sydney in June 1940. Rabbi Porush proved to be a strong and diplomatic religious leader, able to work with both the established Australian Jews and the migrants. He and his wife Bertha supported the newcomers with whom he was able to relate as someone who had lived and studied in Germany before the war.

Rabbi Porush played a positive and active role in the rapid expansion of Jewish suburban congregations. A number of the outlying suburban congregations started as Jewish education centres for the New South Wales Board of Jewish Education (BJE), and as president of the BJE Porush played a key role in these developments. This role was acknowledged in the Great Synagogue Annual Report of 1958-59 when it was noted that Porush had officiated as Minister at the consecration services or induction services at Canberra, North Shore, South Head, Bankstown, Parramatta, Strathfield and Newcastle. It was noted that: 'at each of these functions he has taken a major part in arranging the order of service and also preparing addresses'.[17]

The stability of Porush's leadership of Sydney's mother congregation, the Great, in this seminal period of Australian Jewry history played a formative role in the type of Jewish community which emerged in Sydney at this time. It also contributed to the Great being able to maintain its premier position within the community, despite its city location. This is in stark comparison with most of the other states in Australia. In Victoria the Melbourne Hebrew Congregation had already moved from its city location to its present site in Toorak in the 1920s. In Western Australia, the Perth Hebrew Congregation sold its city site and moved to its present location in Mount Lawley under Rabbi Dr Shalom Coleman's leadership in the late 1960s, while in South Australia the Adelaide Hebrew Congregation moved from the city to Glenside in 1990.

Of the larger Jewish communities in Australia, only Sydney has retained an active congregation in the city centre. The Great has continued to be a leader in many different areas of religious endeavour to the present day. As Arthur D Robb, the Great's president in 1958 noted:

> The Great Synagogue occupies a unique and honoured place in Australian Jewry. It is today fresh and vigorous in its outlook. It is stepping out to meet the challenges of the times and I ascribe this happy state to the calibre of the men who form the Ministry and the Board.[18]

There is no doubt that the rabbinical leadership of the Great was a significant contributing factor to its being able to maintain its leading position within Sydney Jewry. This was the case despite the fact that the Central Synagogue had emerged as by far the largest of Sydney's congregations during this period as a result of the influx of pre- and post-war refugees and survivors.

In 1955 the second minister of the Great, Rabbi Lieb Aisack Falk, intimated that he was ready to retire. He had arrived in Sydney in 1923 and by 1955 was not in the best of health and felt he would not be able to continue to officiate. He died two years later, on 6 May 1957, after serving the congregation for 34 years.

It was clear that the Great needed a new, younger minister. The position was advertised in the *Jewish Chronicle* in May 1955 and when Rabbi Porush visited London in August 1955, he strongly recommended Rabbi Warshaw of Cardiff,[19] but Warshaw changed his mind so that another replacement was sought.[20] In 1956 the position was readvertised in the *Jewish Chronicle*. Rabbi Dr Simon Herman of Harrow applied for the position, in December 1956 but withdrew his application in March 1957.[21] At that time Great Synagogue stalwart, Israel Green, was in London and he was requested by the Board to find a suitable replacement. The candidate chosen was Ronald Lubofsky.

Ronald Lubofsky was born in the East End of London on 7 July 1928. When he was a young boy his family moved to Forest Gate, East London. From an early age, he demonstrated an interest in Judaism even though his home background was more 'middle of the road' than orthodox and his father was not a learned man. In 1940 at the height of the Battle of Britain, the synagogue lost all its officials due to evacuation and conscription. Young Lubofsky, aged only twelve at the time, was granted special permission to read from the Torah, as a person under barmitzvah age is usually not permitted to *layn*. His father, who had volunteered his services, sat with him for hours each week to help him learn the weekly *sedra*. At the end of 1941 he left his local grammar school to study at the *Yeshivat Eitz Chayim*, where he was a full-time student for three and a half years during which time his secular education was shelved, except for a little Hebrew grammar and Jewish history. His studies focused on the Torah and Talmud, including *Mishnah*, *Gemara* and *Midrash*.

At the age of seventeen, he decided that he wanted to matriculate and study to be a minister through Jews' College in London. From the point of view of the head of *Eitz Chayim* this was 'the ultimate apostasy' and he refused even to shake Lubofsky's hand to wish him good luck in his future studies. Undeterred, Lubofsky set about to matriculate, studying French and Hebrew at an evening college. He then completed his BA (Hons) at London University in Comparative Semitic languages. Since Latin was compulsory, he taught himself Latin within nine months and graduated with Honours from University College, London.

He then took a minister's diploma with an internal examination, receiving the title 'Reverend' from Jews' College in 1953.

In 1952 Lubofsky accepted his first ministry at Hampstead Synagogue where he served with Rev. Dr Isaac H Levy, who was also a senior chaplain to the forces. Two years later he moved to the Cockfosters and North Southgate Congregation, a new congregation formed in 1944 as a break away from the Palmers Green and Southgate Synagogue which was growing rapidly on the northern extremity of London's suburbs.[22] In 1948 the congregation was admitted into the United Synagogue and it later purchased land in the area from the local council with the foundation stone being laid in September 1953.[23] Rev. Lubofsky was inducted on the same day as the synagogue was consecrated by Chief Rabbi Dr Israel Brodie and he served the congregation for three years from 1954 to 1957. During this period he met his wife-to-be, Shirley Gold, on the *SS Artsa* when they were both returning from a visit to Israel in August 1955. They were married on 24 June 1956. In 1957 he left Cockfosters and taught with the London County Council for some months before accepting the position at the Great Synagogue in Sydney, Australia. In the obituary published in the *Jewish Chronicle* it was argued that he found 'life under the organisational umbrella of the United Synagogue too constricting'.[24]

Rev. Lubofsky and his wife Shirley arrived in Sydney just before the high holydays. On 12 September 1957 he was inducted as minister of the Great by Rabbi Porush who expressed the hope that Rev. Lubofsky 'would be a success and a source of pride to him and an inspiration to the congregation'.[25] He came highly recommended by Chief Rabbi Brodie, Dr Israel, the principal of Jews' College and leading members of London Jewry. The synagogue was particularly attracted by the fact that he was an experienced *Baal Koreh* (reader) and *Baal Tefillah* (leader of prayers) and they felt that his youth would 'ideally fit him for the task he is to undertake'.[26] Writing in his obituary, Rabbi Raymond Apple summed up early impressions in this way: 'His impact on the Sydney community was electric; he was tall, dark and handsome, with a rich baritone voice, penetrating mind and personal charisma'.[27]

The Lubofsky family settled easily into life in Sydney and quickly endeared themselves to the congregation. The Board purchased a home, known as 'Blair', for them at 74 Elizabeth Bay Road, Elizabeth Bay. The couple moved into the flat in February 1958 and later that year the congregation also purchased a car for them. Rev. Lubofsky's abilities as a *Baal Tefillah*, preacher and educator were much appreciated and the synagogue's annual report for 1958 noted that their arrival in Sydney had been the outstanding event of the year.[28] His abilities as a preacher meant that he was invited to speak outside the synagogue. In November 1958 the synagogue approved his going to Melbourne to deliver an address at the Weizmann Commemoration for the Victorian State Zionist Council. In May 1960 he conducted the Martyrs Memorial service at Parramatta Synagogue and he also conducted a barmitzvah service at Bankstown in June 1960. When their son, Stephen Jeremy was born on the last day of *Pesach*, on 11 April 1958, the 'affectionate regard' which the congregation had for the Lubofskys was stressed.[29]

Further pleasure was expressed at the birth of their second son, Anthony David, on 14 June 1959.

On 31 December Lubofsky applied to the congregation for leave to go back to Jews' College to obtain *smichah.* Some concern was expressed and he was requested to give 'an unequivocal assurance that he would return to Sydney at the conclusion of his leave', which he agreed to.[30] The Great was to pay his base salary while he was overseas, but he agreed to pay his and his family's fares. While they were overseas the Synagogue Board was to let his flat.[31] In 1960 it was announced that Rabbi Porush would be going overseas in 1961 for a five month sabbatical after completing twenty years of service to the congregation. It was intimated that Rev. Lubofsky would also be going overseas to obtain his rabbinical diploma.[32] Rabbi Porush started his leave in November 1960, so that Lubofsky could go to London in 1961. The family left in April 1961, after *Pesach,* and they were given a luncheon by the synagogue board before their departure. Their third son, Jonathan, was born on 1 March 1961, shortly before their departure.[33]

Lubofsky was absent for a period of 14 months, until Erev Shavuot, 1962, when he studied at Jews' College, London, under Rabbi Kopul Kahana. Life in London was somewhat of a struggle for the young couple, who had three young sons, all under the age of four. The Great Synagogue only paid Lubofsky's base salary and not the extra entitlements so, to make ends meet, he had to teach religious instruction classes several times a week and officiate at one of the services of the local synagogue on the high holydays. Shirley Lubofsky recalls that they came back to Sydney 'penniless' as £10 assisted British migrants.[34]

At the age of 33, Lubofsky was awarded his *smicha* by Jews' College.[35] He completed his studies within the agreed 12 months, but his examination was delayed by two months because the Chief Rabbi, Dr Brodie, was on a pastoral tour which included Australia.[36] Writing about his experiences in the *Great Synagogue Congregational Journal* in March 1962, he stressed that returning to full-time study after a long break was 'a radical and refreshing change'.[37] He felt that he was very privileged to study with Rabbi Kahana whom he described as 'a legend in his lifetime' with 'the reputation of a legal giant'.[38] Much of his study focused on laws relating to marriage and divorce, as this was a central area of a congregational rabbi's work. He stressed the importance of such study, concluding his article as follows:

> For no one who has drunk of the waters of the Talmud can quench his thirst; for the more learning he inbibes [sic] the greater becomes the hollow in his stomach, for he realises more and more, that he knows less and less. New horizons open, fresh worlds are discovered and gradually the whole panoply of Jewish genius gradually emerges until, having spent a lifetime of study, one has obtained a glimpse of a fragment of the whole fabric.[39]

The synagogue board was elated at the news that he had completed his rabbinical diploma and a special welcome home *kiddush* was tendered to the Lubofskys by the Women's Auxiliary following the Sabbath service on 16 June 1962.

In October 1962 Rabbi Lubofsky was interviewed about the impact of his fourteen months of study. He commented that coming back to the 'battlefield' of communal affairs was not an easy readjustment, and advocated the idea of exchange of pulpits and a greater effort in regard to Jewish education. He noted that the community should not discriminate between ministers with the titles of reverend or rabbi and advocated that while rabbis should be the key people on the Beth Din, there should be no hierarchy in communal endeavours.[40] This interview hinted at his personal unhappiness at what he felt was his increasing lack of independence at the Great Synagogue. He stated that: 'I hope, with the attainment of my Rabbinical qualification there will be more opportunity within my congregation and elsewhere directly to make use of the title as medium to further congregational work'.[41] As was to become clear, he felt he was not being granted those opportunities as assistant rabbi.

During his period at the Great, Rabbi Lubofsy's main contribution was his work with the youth and young marrieds in the congregation in the areas of both formal and informal Jewish education. On his arrival in 1957, Great Synagogue president, Israel Green, announced that Lubofsky's appointment would enable the Board of Management to implement an intensified religious program for Jewish youth, including more frequent youth services and more cultural activities. Lubofsky certainly saw this as his main challenge and stated in his inaugural speech that much of his time would by taken up with working with Jewish youth.[42]

Throughout his time in Sydney, Lubofsky was involved with formal Jewish education, both at the Great Synagogue and with the Board of Jewish Education's right of entry classes, commonly known as 'scripture classes'. In this area, many of the youth he taught at the time have vivid memories of his charismatic appeal. For example, from time to time he would fill in for the regular scripture teacher at Sydney Girls' High School. Reminiscing on those days, one interviewee said:

> Whenever he was the substitute teacher, there were queues outside the classroom on that day. Suddenly, everyone was Jewish. He had such a presence – a good looking, young rabbi. I still remember the excitement that he caused.[43]

Other people interviewed had similar memories of this 'heart-throb rabbi'.

Most important was his work with the Great Synagogue Youth (GSY). Founded in 1944, GSY quickly emerged as a very active youth group with close to 400 members divided into three age groups, each with its own chair and committee. By 1956 it had become one of the premier Jewish youth groups in Sydney. Its activities included holding dances and social functions, as well as holding regular youth services, which started in 1956 after the opening of the Great Synagogue War Memorial. In the annual report of 1958-59, it was noted that GSY was continuing to conduct its regular youth services, which were an important training ground for teaching its members in how to run a service. Tribute was paid to Lubofsky, Marcus and Maxwell Einfeld for organising the services and to Abraham Rothfield for reading the Torah and training the young officiants.[44] Marcus Einfeld also revived the annual GSY Show which, under his

direction in the first couple of years, was a great success. Marcus Einfeld also started its own monthly publication, *GSY News* which was first published in June 1956.[45] In 1959 when David Bennett assumed the editorship of the *News* from Yetta Pinkus, he commented that Marcus Einfeld has 'done more for the Great than all the life members, Synagogue Board members and parents put together'.[46]

During his time in Sydney, Rabbi Lubofsky published a regular column which he called 'GSY MAG'. He covered a range of issues, writing short contributions that sought to translate difficult concepts into simple language that was accessible to young people. This was particularly the case in relation to the festivals. He aimed at explaining the festivals' meaning in an intellectual fashion, at times telling stories to illustrate his point. He wrote on a range of other topics, including moral values of Judaism, such as honouring parents and old people, the importance of Jewish history, and State aid to non-government schools which he felt would be beneficial to Jewish day schools as well.

In May 1959 Lubofsky, together with the GSY executive, wrote a letter to the synagogue's board urging the amalgamation of the *GSY News* and the *Great Synagogue Journal*. The board decided not to approve this proposal, but voted to continue their subsidy of £100 p. a. for the *GSY News*.[47] In August 1959 controversy flared during the visit of famous Jewish opera singer, Jan Peerce. GSY extended an invitation to Peerce to attend their service, but he was then invited by the Synagogue Board and ended up only attending the youth *kiddush* for a very short time. Editor of the *GSY News*, David Bennett, expressed his dissatisfaction and criticised the adult leadership.[48] At the next Board meeting, it was stressed that the problem was 'due solely to their [GSY's] own lack of cooperation with the Synagogue Executive'. The president, Arthur Robb, spoke to both David Bennett and Lubofsky and requested the chairman, Larry Emdur, to exercise 'stricter supervision' in the future.[49]

One area of great debate was the need for GSY to have more cultural functions. The late 1950s was the era of rock'n'roll and when GSY held dances which featured rock'n'roll music they were extremely well attended. Many GSY members of this period still have vivid memories of attending functions like these, as the time when GSY hired a boat on the harbour with Col Joye as the main singer. However, it was much more difficult to attract GSY members to educational or cultural activities. In August 1958 Lubofsky offered to establish a post-barmitzvah study circle for Hebrew and Jewish history and expressed the hope that Jewish youth would recognise the importance of such study,[50] but few youth were attracted. In October 1959 *GSY News* editor David Bennett noted that while adults complained that GSY needed more Jewishness, the problem was that cultural functions did not attract the youth while dances attracted large numbers.[51] In the same issue, Lubofsky wrote in his *Rosh Hashana* (New Year) message that very often people have a blank mind, but:

> Of course this does not apply to all things. It does not, for instance, apply to TV or Rock and Roll or the Beach, but it certainly does apply to Jewish culture and thought. Mention a lecture or discussion

> on a Jewish topic and you will see a glazed expression of complete indifference; mention Col Joye or any other exponent of Rock and Roll and there will be a reaction from every limb.
>
> Lubofsky exhorted the members of GSY to listen to the shofar and to study their Jewish heritage. He stressed that, 'If the Shofar does its job properly, it will put us in a pair of spectacles, correcting our vision so that our world is not entirely composed of beatniks and Rock and Roll. Yet, there will be strong elements of sanity and Jewishness'.[52]

In December 1959 two new GSY cultural groups were established: the Jewish Little Art Theatre and the Junior Choral Society of the Great Synagogue. Lubofsky tried to encourage GSY members to join one of these new clubs. In an article entitled 'Latent Talent' he expressed the hope that many members would join one of the two groups which would include drama, debates, play writing, singing, instrumental music, and dancing.[53] Despite a further appeal for support in August 1960, the two groups did not meet the hoped-for success.

By 1960 GSY appeared to be stagnating and in January 1961 editor Edddie Doolan expressed concerns for GSY's future. Rev. Lubofsky also commented on the problems, stressing the lack of 'togetherness' and loyalty to GSY. He exhorted readers to join the task of rebuilding GSY into a worthwhile organisation.[54] In Doolan's final editorial before handing over to Alan Greene he again pointed out that 'life is not all platter chatter and Rock and Roll'. Doolan expressed the hope that the readers would get involved with contributions and even criticisms so that they should: 'Slap him on the back if you approve – and a little lower down if you don't. Please do not ignore him.'[55]

Within a short period the fortunes of the GSY had been turned around following the election of Israel Green as its president. When Lubofsky returned to Sydney in June 1962, editor Alan Greene commented that he would see 'a great change in GSY with new life and enthusiasm in every aspect of its activities'. Greene stressed that 'a new "high" has been reached in 18 years of ups and downs of GSY'. Greene welcomed Rabbi Lubofsky, stating that he had been missed and that they were happy to have their 'beloved youth minister to inspire it and enthuse it in every conceivable manner'.[56] He ended his welcome to Lubofsky by expressing the hope that Lubofsky would assist in GSY's further growth thanks to his 'acknowledged art in the training and leading of the youth in the realms of religion'.

On 8 July 1962 a combined GSY annual general meeting and welcome to the Rabbi and Mrs Lubofsky was held at the Great Synagogue War Memorial Centre. The event was a great success with more than 160 people, including 100 members of GSY, attending. As the GSY editorial stated:

> For the first time ever in Australia (as far as we know) a Rabbi was elected President! Not just an ordinary Rabbi, but RABBI RONALD LUBOFSKY, a man who, almost miraculously, combines all the vigour and enthusiasm of youth with a remarkable degree of wisdom and understanding ... Truly, the Great Synagogue is

> extremely fortunate in having for its leader a personality with such a personality as Rabbi Lubofsky. Indeed it is no wonder that all G.S.Y. was enraptured by the news of his election.[57]

In a leading article of the synagogue's journal, the adults also expressed their hope that Lubofsky would consolidate the work of Israel Green in ensuring that GSY was once again the leading youth organisation in Sydney. As the new chairman, Lubofsky made it clear that he would ensure that at least one in four functions would be of cultural Jewish interest.[58] When Shirley Lubofsky was interviewed for *GSY News* about her husband's election she noted that she thought it was 'a very wise choice (Mrs Lubofsky smiled slightly) and, no doubt, I shall see less of my husband than I do at the moment'. Mrs Lubofsky also commented that she loved both rock'n'roll and the Twist.[59]

Yet the optimism and excitement which was expressed at Rabbi Lubofsky's election was not to be realised, because he was to leave the Great Synagogue and Sydney within a few months to take up the position of Senior Minister at St Kilda Hebrew Congregation. From the time of his return to Sydney he had felt frustrated because 'his position and influence was downgraded more and more until it became untenable'.[60] Rabbi Lubofsky had first been approached by St Kilda when he was still in London in November 1956, but nothing eventuated at that time. The congregation approached him a second time in Sydney in 1960, but by then the Lubofsky family was committed to returning to London and had undertaken to return to the Great Synagogue for five years. On their return, as Lubofsky became more and more depressed at the situation, one of their close friends in Sydney, Neil Glasser, approached a friend of his in Melbourne, Sydney Benjamin, who apprised the St Kilda Board, and they approached Lubofsky for the third time. In late October 1962 he accepted their offer and wrote to the Great Synagogue Board informing them of the situation.

The Great's president, Israel Green,[61] was going to Melbourne for a barmitzvah in early November and spoke at length to members of the St Kilda Board, including their president, Tony Blashki. They undertook not to employ Lubofsky until he was given complete clearance from the Great Synagogue, and following this, Lubofsky agreed to stay on at the Great. Meetings were organised between the rabbinical leadership and the synagogue investigated buying a larger house for the five members of the Lubofsky family in Clements Street, Rushcutters Bay. However, the tensions continued and on 30 December 1962 Rabbi Lubofsky decided to reapply to the St Kilda Hebrew Congregation. In early January he flew to Melbourne for an interview and, following this, he received a 'call' to the congregation which also agreed to reimburse the Great Synagogue for the costs of his period of study in London.[62] In their call, the St Kilda Board wrote that 'our personal meeting confirms the reports of your abilities and it is felt the traditions and wellbeing of our members will be in safe hands'.[63]

In mid-January 1963 the *Australian Jewish Times* reported that Rabbi Lubofsky had been offered the position at St Kilda following the departure of Rabbi Dr Simon Herman who had served as chief minister for two years[64] following the retirement of Rabbi Jacob Danglow in 1958. When the *Times* confirmed

Lubofsky's appointment in February 1963, it noted that 'no official reason was given for his [Herman's] resignation, though it was believed to have arisen from differences over the Synagogue's policy'.[65]

Faced with what president, Israel Green, called a *fait accomplis*, he recommended that 'nothing we can do now will alter the position and, even if he or we change his mind, that his post as a Rabbi of this Congregation would be untenable'.[66] The *Times* announced that Lubofsky was to take up his new position in June, but in point of fact he left Sydney much more quickly. Following the Board's decision to let Lubofsky go, they issued him with an eviction notice, necessitating an immediate departure from Sydney.[67] In a letter dated 20 February 1963, Rabbi Lubofsky requested permission to stay in the flat at 'Blair' until 15 March 1963 and the Board agreed.[68] An official statement was published in the Jewish press the following week by the Great Synagogue board of management saying that:

> [Lubofsky] had agreed to accept a position as chief minister of the St Kilda Hebrew Congregation, Victoria. Accordingly his engagement with the Great Synagogue under the agreement executed in April 1961, shortly before his departure for England, has now terminated.[69]

He spent his last *Shabbat* in Sydney at the Central Synagogue in Bondi Junction, [70] and his last public appearance was as guest speaker for the annual Moriah appeal dinner, held in the Rabinovitch Hall at the College.

In mid-March Lubofsky joined the St Kilda Hebrew congregation and on 27 March 1963 he was inducted as its minister by Rabbi Dr I Rapaport of the Melbourne Hebrew Congregation. Later, at the reception held in the Samuel Meyers Hall, Rabbi Chaim Gutnick stated that 'a Rabbi is only as great as the respect his congregation gives him. Rabbi Lubofsky is fortunate in having a congregation which gives its rabbi a great deal of respect.'[71] In June 1963 the St Kilda annual report commented on the 'warmth of his personality' and expressed the wish that 'we look forward to many years of happy and fruitful endeavour'.[72] This wish was realised as Rabbi Lubofsky was to lead the congregation for the subsequent quarter of a century, retiring from there in 1988.

There was no discussion in the pages of the Jewish press as to why Rabbi Lubofsky had left the Great Synagogue, breaking the five year contract he signed before his departure to gain his rabbinical diploma in London in 1961. The *Times* commented that St Kilda had let Lubofsky down by announcing his appointment before agreement had been reached with the Great Synagogue and suggested that the announcements should have been made simultaneously.[73] However, the reasons for Lubofsky's departure are fairly clear. As a young, dynamic, charismatic leader he was clearly restricted in his activities at the Great where, as assistant rabbi, he was working in the shadow of its senior minister, Rabbi Porush. St Kilda offered him the position of chief minister where he could develop his abilities to the fullest, something which he felt he could not do as an assistant minister.

Lubosky's contract had a clause which required him to repay the sum of

£2,350 if he did not fulfil his contract. The St Kilda Hebrew Congregation paid these costs in full. It was the decision of the Great Synagogue Board to have a contract and all the clauses in the contract were drawn up by the Board's solicitors. Rabbi Lubofsky himself did not feel that a contract was needed and he did not have one with St Kilda.

For the Lubofsky family, the decision to leave Sydney was a very difficult and stressful one. At the time, Rabbi Lubofsky wrote to the Great Synagogue Board:

> I could have been long suffering but I felt I was of no use the way I was feeling and suffering from a severe sense of depression and not yet able to shake off ... If I could have the last two years again I would avoid my leave. I would give back my *smicha* because I have no wish to incur acrimony.[74]

In the end, this depression was solely due to the ministerial leadership structure, a structure which he did not see changing for many years. In retrospect, Mrs Shirley Lubofsky also stressed how difficult it was for them at the time. They had left their families as young marrieds, 'come half way round the world and had eventually settled down well, made wonderful friends who I have to this day and then had to uproot ourselves and start all over again which was no easy task or one taken lightly by us'.[75]

Lubofsky's breaking his contract and departure from Sydney did leave a residue of bitterness and disappointment. This was reflected most strongly in the *GSY News*. In an editorial entitled 'Go South Young Man, But Not, Forsooth, Too Soon', Alan Greene, commented that Lubofsky's departure was discussed 'ardently at meetings, at functions, at the dinner table ... BUT ALWAYS BEHIND CLOSED DOORS'. He stressed that the youth believed that the matter should be brought out into the open, particularly in terms of stating their point of view on the matter. Greene commented that Australia in general faced a shortage of rabbis, so that congregations should look overseas for a new rabbi rather than Melbourne taking from Sydney which does not enrich Australian Jewry in any way. He continued that:

> One would have thought the Rabbi would have realised this ... but far be it from us to delve into his motivations for leaving.
>
> It is, however, within our scope to state and draw conclusions from the objective facts. Previous to his fourteen month study trip (financed by the Synagogue) he signed a contract to remain with the congregation for a minimum of five years. Now, a rabbi is, by definition, one who teaches and who is excellent in knowledge both secular and religious, which is essential for his ability to teach. One teaches by precept and example – the latter being just as important as the former as an instrument of education. We would therefore expect a rabbi not only to have an abnormal degree of knowledge of ethical principles and rules, but also to be a walking, talking, living, breathing example of the optimum manifestation of those principles and rules.

> Hence, it is an enormous shock for us to find that a man in whom we have placed great respect and whom we were accustomed to address by the title, 'Rabbi', has blatantly and (apparently) shamelessly disregarded an important ethical principle.

These are strong words, representing the idealism of youth.

While the adult leadership of the Great did not make any such public statement, they also felt very disturbed by Lubofsky's departure. In November 1959 Israel Green told his Board that he felt the actions of St Kilda were 'shameful'. Later he stated that although he felt that there was some justification in Lubofsky's concerns, he believed that the rabbi should have coped with them since 'life is not a bed of roses'.[76] Having been the one to find and interview Lubofsky in London, he felt very disappointed in his decision to leave and was not able to forgive him.[77] Green's predecessor, Arthur Robb, was even harsher in his criticism of Lubofsky.[78]

Rabbi Lubofsky's departure from Sydney illustrates the fact that rabbinical leadership is human, with all the human frailties. When faced with the choice of remaining in a position where he felt constrained or of accepting a position where he could fulfil his potential to the fullest, Rabbi Lubofsky chose the latter course, even though it meant breaking his contract with the Great Synagogue. As his future career was to show, it was a wise choice from his personal point of view and both St Kilda and Melbourne Jewry benefited from it. However, there is no doubt that Melbourne's gain was Sydney's loss, which the youth really felt. They had lost their 'heartthrob rabbi'.

Notes

1 Isi Leibler, President's Report, Executive Council of Australian Jewry, Annual Report, 1989, p. 20.
2 Daniel Elazar & Peter Medding, *Jewish Communities in Frontier Societies: Argentina, Australia and South Africa*, New York: Holmes and Meier, 1983, p. 10
3 See for example *SJN*, 12 May & 4 August 1950, 6 April 1951, 27 November 1953, 23 April 1954, and 20 May 1955.
4 *ibid.*, 24 September 1954. There was a debate on this issue but the proposal was approved and in February 1955 the foundation stone laid.
5 *ibid.*, 12 September 1952. For a detailed history of the North Shore Synagogue see W. Katz, *And the Ark Rested: The Story of a Jewish Community Born During the Holocaust in Europe*, Sydney, 1966.
6 *SJN*, 10 July 1953.
7 Dorothea Littauer, 'History of Kingsford Maroubra Hebrew Congregation', *AJHS Journal*, vol. 9, Pt 8 (1985), pp. 556-66.
8 *SJN*, 30 September 1955 and 27 January 1956.
9 Hans Kimmel (Joseph Staedter), *Sydney's Jewish Community: Materials for a Post-War (II) History, 1951-1953*, vol. 2, Sydney 1954, pp. 69-72.
10 *SJN*, 4 December 1953.
11 Interview with a founding member of Parramatta synagogue (name withheld on request).
12 *SJN*, 27 August 1948. The property was at 214 Old South Head Road, Bondi.
13 Report by president, Samuel Garfunkel, 1960, correspondence files, Conference

on Jewish Material Claims against Germany, Box G6, Archive of Australian Judaica, University of Sydney.

14 *SJN*, 19 August 1949. This began as a Jewish education centre when a two storey building was purchased in Florence Street, Strathfield.
15 Aaron Aaron, *The Sephardim in Australia & New Zealand*, Sydney, 1971, p. 67.
16 Porush, op. cit., pp. 150-2.
17 Great Synagogue 82nd Annual Report, 1958-1959.
18 *ibid.*
19 Israel Porush, *House of Israel* 1977.
20 Great Synagogue Minutes, 17 August 1955. In December 1955 Rabbi Warshaw withdrew his application.
21 *ibid.*, 6 December 1956 and 6 March 1957. Herman was later to accept the position at St Kilda in Melbourne, but left after two years as will be discussed later.
22 Whilst Cockfosters was the last station on the Piccadily line, the synagogue was closer to Southgate, the third last station on the line. The word 'North' was added to Cockfosters and Southgate to differentiate the congregation from the Palmers Green and Southgate Synagogue. Information supplied by Mrs Shirley Lubofsky.
23 *Jewish Chronicle*, 17 February 19
24 *ibid.*, 19 May 2000
25 *Great Synagogue Journal*, vol. 14, no. 1, September 1957.
26 *ibid.*
27 Raymond Apple, 'Ronald Lubofsky', Obituary, *AJHS Journal*, vol. XV, Part 2, June 2000, pp. 299-300
28 Great Synagogue 83rd Annual Report, 1958.
29 *Great Synagogue Congregational Journal*, May 1958, p. 8.
30 Great Synagogue Minutes, 4 February and 3 March 1960.
31 The congregation experienced problems letting the flat and it was let to Tony Robb and his wife. Information supplied by Mrs Shirley Lubofsky.
32 *Australian Jewish Times* (*AJT*), 3 June 1960.
33 The Lubofskys' fourth son, Andrew, was born in Melbourne on 26 November 1964.
34 Information supplied by Mrs Shirley Lubofsky.
35 His Board of Examiners were: the president of Jews College, the Chief Rabbi, Dr Israel Brodie, the Haham, Rabbi Solomon Gaon, Director of Studies, Rabbi H J Zimmels, his theological tutor, Rabbi Kopul Kahana, and Member of the Beth Din, Dayan Dr Myer Lew.
36 The Great Synagogue Board even considered sending him to Israel, to expedite his return to Sydney. Apparently Brodie spent time in Israel as part of his pastoral tour. Great Synagogue Minutes, 31 January 1962.
37 *The Great Synagogue Journal*, March 1962, pp 4.
38 *ibid.*
39 *ibid.*, p. 7.
40 *AJT*, 19 October 1962.
41 *ibid.*
42 *AJT*, 27 September 1957.
43 Interviewee, 23 September 2001 (name withheld by request). Others with similar memories included Susan Bures, Helen Bersten and Denise Lvov.
44 Great Synagogue Annual Report, 1958-59.
45 Marcus Einfeld was followed by Yetta Pinkus, 1957-58, David Bennett, 1959-60, Edwin M. Doolan, 1960-61,and Alan Greene, 1961-62.

46 *GSY News*, vol. 4, no. 4, July 1959.
47 Great Synagogue Minutes, 6 July 1959. The letter was dated 26 May 1959.
48 *GSY News*, vol. 4, no. 6. September 1959.
49 Great Synagogue Minutes, 2 September 1959.
50 *GSY News*, vol. 3, no. 4, August 1958.
51 *GSY News*, vol. 4, no. 7, October 1959.
52 *ibid.*, p. 4.
53 *ibid.*, vol. 4, no. 9, December 1959.
54 *ibid.*, vol. 5, no. 11, January 1961.
55 *ibid.*, vol. 5, no. 12, February 1961.
56 *ibid.*, vol. 6, no. 15, June 1962.
57 *ibid.*, vol. 7, no. 1, August 1962.
58 *The Great Synagogue Congregational Journal*, vol. 18, no. 7, July-August 1962.
59 *GSY News*, vol. 7, no. 2, September 1962.
60 Personal recollections of Mrs Shirley Lubofsky.
61 Israel Green first served as president of the Great from 1948 to 1953 and he served a second term from 1961 to 1964; Arthur Robb was president from 1959 to 1961.
62 The full amount as set out in the contract was £2350. The Great Synagogue Board also asked Lubofsky to repay all monies they had advanced to him for his expenses and to return the car. There were a number of meetings with legal counsel to resolve these matters, and some acrimonious correspondence between the two congregations. St Kilda paid the full amount in the contract and the Board Minutes of 1 May 1963 noted that the matter was finished.
63 St Kilda Hebrew Congregation to the Rabbi Ronald Lubofsky, 8 January 1963, copy in Great Synagogue correspondence file, number (j).
64 *AJT*, 11 January 1963.
65 *ibid.*, 15 February 1963.
66 Presidential Address to Board of Management, Great Synagogue Minutes, 30 January 1963.
67 Information supplied by Mrs Shirley Lubofsky.
68 Great Syangogue Minutes, 20 February 1963.
69 *ibid.*, 22 February 1963.
70 *AJT*, 1 March 1963, p. 1. Headline 'Lubofsky at Central'.
71 *Australian Jewish News (AJN)*, 5 April 1963.
72 St Kilda Hebrew Congregation Annual Report and Balance Sheet, for year ending 30 June 1963.
73 *AJT*, 22 February 1963.
74 Lubofsky to Great Synagogue Board, 13 February 1963, in Correspondence File at Great Synagogue.
75 Personal recollections of Mrs Shirley Lubofsky, email letter, 1 October 2001.
76 Great Synagogue correspondence file.
77 Personal recollections of Mrs Shirley Lubofsky, email letter, 1 October 2001.
78 Memo from Arthur Robb about the matter, Great Synagogue correspondence file.

Chalk and cheese – Rav Gurewicz et Amicorum

Sam Lipski

Edited text of an address to a meeting of the Australian Jewish Historical Society by Rabbi Ronald Lubofsky.

Introduction By Dr Howard Freeman, President of the AHJS

Rabbi Lubofsky is a provocateur and an initiator of significant projects. Tonight Rabbi Lubofsky's topic is 'Chalk and Cheese – Rav Gurewicz et Amicorum'.

Please welcome Rabbi Lubofsky.

Rabbi Lubofsky

Thank you Howard.

Normally, when one faces members of the Historical Society, the address is precise, clinical and more or less humorous. But in the years I have studied this topic, the heart has completely avulsed the brain. So I speak with emotion and passion tonight about a most extraordinary man, who has been marginalised in the history of Melbourne and Australian Jewry. I will try to explain the reasons for this shortly. But at the outset I want to say that Rabbi Joseph Lippman Gurewicz may well be the greatest rabbi to have graced Australia's shores.

Rabbi Gurewicz was born in Vilna, on March 24, 1885. He arrived in Australia on June 4, 1930 for the first time, and some two years later became the rabbi of the Carlton Hebrew Congregation in Palmerston Street, Carlton. In the years that followed he became the spiritual head of the United Congregations of Carlton, which in addition to the Carlton synagogue, included the East Melbourne Hebrew Congregation, the Wolf Davis Chevra Kadisha, and the

Hascolah Talmud Torah. Despite the blindness and ill-health which dogged his last years, Rabbi Gurewicz was a towering figure in Melbourne Jewry's religious, educational and congregational life until his death.

Yet in the way our communal history has been written, and therefore in our collective awareness of the past, Rabbi Gurewicz' contribution to that history has not received its just recognition. This is an attempt to restore the balance and, at the same, to question some of the assumptions which have governed the historiography of Melbourne's Jewish community.

Let me begin with a *midrash*. In the Torah, Moshe Rabeinu instructs twelve men, 'the spies', to research the promised land of Israel. By a significant majority of ten to two, they return with an adverse report, substantiated by the evidence. Except for one rather surprising comment, for which they offer no evidence. They refer to 'the land that consumes its inhabitants'. In explaining why they used this phrase, the *midrash* says that during the forty days and forty nights they were in the promised land, the spies stopped for one day outside a place where they saw processions entering and leaving. They asked: 'What sort of a people and land is this?' So they described it as 'the land that consumes its inhabitants'. But in their report they failed to mention the context. They had encamped next to a cemetery.

Now I raise the issue of context because anybody who writes history relies first and foremost on the source material. But we must always be cautious in assessing that material because, clearly, there are other items of evidence, as well as an understanding of relevant facts and events that are simply not available. So the historian must always assess the available material in relative, not absolute terms; he must consider the context; and in arriving at any conclusion he must submit that material to constant and rigorous questioning.

In the case of Melbourne Jewry's history, most of it has been written from the viewpoint of the 'establishment' side of the Yarra, that is, the south side. If occasionally a writer has 'travelled north', particularly to Carlton, it has been a nostalgic journey, not a solid historical analysis. This is understandable because the source material is scarce. So writers, and Sam Lipski is here tonight, have tended to rely on personal memory and oral history to recreate an atmosphere and build up a picture of Carlton. But it can only be a superficial picture because memory is fallible, the details become confused, and personal perspectives are limited.

It is time, therefore, to move beyond nostalgia to an awareness of a communal history that assigns due significance to Melbourne's own 'North Shore', especially in the 1930s and 40s. I propose to contribute to that process tonight by offering you a taste of the documents in the Gurewicz archives, predominantly his correspondence files, which the surviving members of the Gurewicz family presented to me in the early 1990s.

Some twenty years earlier I had become the very proud owner of Rabbi Gurewicz' library, an impressive collection of '*seforim*', that came to me in a sorry state. Infested with bookworm to such a degree that they threatened to self-destruct, the many shelves of volumes had to be fumigated and restored.

They were stored in my office at St Kilda Synagogue until some three years ago, when they were integrated with the rest of my library in the new house my wife and I built. I regard those *seforim* as part of my sanctum sanctorum, my *kodesh kodashim*.

When I acquired the archives I also learnt how Rabbi Gurewicz acquired his library. It did not originally belong to him, but to his wife, Zipporah, whom he married in Vilna and who became the rebbetzin. She was a widow when she remarried, and coming from a long line of rabbis herself she brought the library as part of her dowry. It was a library of rabbinical literature in which her husband, patently a great scholar and real *talmid chacham*, was completely at home, as borne out by the hundreds of files of his correspondence.

Before dipping into that correspondence, I shall try to offer a sketch of this remarkable man, whom I shall henceforth call 'Rav Gurewicz', in accordance with his Hebrew title and how he was known by his congregants. Although little is known of his life before coming to Australia, and we should note he was in his late forties when he took up his rabbinical post, Rav Gurewicz was a graduate of the Rumainisher Yeshivah in Vilna, an old-established yeshivah dating back to the early nineteenth century. He was clearly a scholarly luminary, deeply versed in Talmud and the commentators.

At the end of the twentieth century it takes an enormous effort of the historical imagination to try to understand the world of the Lithuanian *yeshivot* at the beginning of the twentieth century. Lithuania was a small land with many towns – Mir, Slobodka, Volozhin – simply crowded with *yeshivot*. And in those days if you went to yeshivah, you had a brain. You didn't go to yeshivah because it was fashionable. And you didn't go to a *kollel* just because your in-laws could afford it. If you went to a *kollel* of standing, you were an *illui*, a genius. Many of these young yeshivah *bochrim*, Yosef Lippman Gurewicz among them, were in that category. And it was in that atmosphere that he grew and matured.

Anecdotally, those who recall him from the Carlton days remember him as an imposing figure with a Herzlean black beard that turned grey, an elegantly coated man erect in bearing who walked slowly because of his failing sight. Yet he always appeared taller than his 5 feet 6 inches. He was a kindly man who could be determined on matters of principle, and a strong speaker from the pulpit in Yiddish and, later, in his accented but fluent English. He led the congregation with a clear Litvak pronunciation of Hebrew and in the Vilna *nusach* in the special prayers on festivals and the High Holydays. But the man himself remains elusive and it has not been easy to gain insights that would help me build a three-dimensional picture of his personality.

Yet as a scholar and rabbinical leader he leaps out from the pages of his archives as a formidable figure. The 'Vilna Rov' may not have been all that well known to, or understood by, the Melbourne Jewish communal and rabbinical establishment, but he was highly regarded by the great rabbis of Eastern Europe. His mentor and colleague from his former yeshivah, Rabbi Chayim Ozer Grodzenksi, Rabbi Elchonon Wasserman of Baranovich, and Rabbi Dovid Kahana, the Chief Rabbi of Warsaw, to name three of the 'giants' of the East,

addressed Rav Gurewicz as *Harav Hagaon Hagadol Av Rosh Beth Din* ('The rabbi, the great luminary, the father of the Beth Din'). To these exemplars of Torah Judaism, Melbourne *was* Rav Gurewicz.

So among my tasks tonight is to try to move everybody away from the Jewish Historical Society's traditional stance of overwhelming interest in the Melbourne Hebrew Congregation, the Melbourne Beth Din, St Kilda Hebrew Congregation, Chief Rabbi Adler, the Reverend Blaubaum and the Reverend Danglow. This was the Melbourne that looked to London and the Chief Rabbi. Instead, we need to move into Rav Gurewicz's world and recognise that he looked to Vilna and, as we shall see, to Jerusalem. For this world the historian needs to understand Hebrew and Yiddish, the languages of much of the archive, as well as English. But that cannot be an excuse for neglecting this other world, so different from the now familiar one of the 'south side' of the Yarra.

Just how different was it? I do not mean to criticise Rabbi John Levi, who is here tonight, because his work on Rabbi Jacob Danglow, the long-serving rabbi of St Kilda Hebrew Congregation whose time overlapped with that of Rav Gurewicz, has been really tremendous. But I want to draw on it for contrast. One small, but instructive example: I would say 'By their books ye shall know them.'

Rabbi Danglow came to St Kilda as Reverend Danglow, with a qualification from Jews College, London. But his rabbinical library consisted only of a small set of Talmud and the *Shulhan Aruch* (the guide to Jewish law compiled by Rabbi Joseph Karo). Rav Gurewicz's library, spanning the whole vast canvas of rabbinical literature over the centuries, numbered in the thousands of volumes.

In 1932, Rabbi Israel Brodie, then the rabbi at the Melbourne Hebrew Congregation and later to become Chief Rabbi of the British Commonwealth, invited Rav Gurewicz to sit on the Melbourne Beth Din. One can only speculate what a culture shock it must have been to the Vilna Rov to sit on a Beth Din where nobody really had *smichah* (rabbinical ordination), where the language was English, which he barely understood, and where the levels of learning and knowledge of *Halachah* among 'the collars' were abysmally low. Rabbi Brodie himself could learn a little and had received *smichah* at the same time as Rabbi Solomon Mestel of East Melbourne Congregation, someone I came to know years later in London. So Rabbi Brodie quickly realised the Vilna Rov's scholarship by travelling to Carlton once a week to learn with Rav Gurewicz. It not only kept his own learning alive, but deepened it, something he acknowledged after he became Chief Rabbi in London.

As for Rav Gurewicz's role on the Melbourne Beth Din, it was quite extraordinary. To cite one example: he opposed the Chevra Kadisha's burial of ashes from a cremation (in contravention of *Halachah*) and was adamant that the Beth Din had wrongly accepted a precedent. When he had such cases he would set out his judgment, quote his sources, and send copies to the great rabbis of Eastern Europe, his own 'virtual' Beth Din, and seek their agreement. He never just put the issue to them, or simply asked for a response, because he was confidently knowledgeable about the sources. Rather, he would make up

his own mind, state his conclusion, and call for comment. Invariably, as far as all the correspondence shows, the great rabbis agreed. Hardly 'yes men', they found his learning and research were always impeccable and they never faulted him. While he was clear and definite when he had to insist on a point of *Halachah*, his tendency was to be a *meikil*, that is, a lenient judge, rather than a *machmir*, a stringent one.

A turning point for Rav Gurewicz and the Beth Din came in 1937 when, for the first time, Australian beef was exported to Palestine. The controversy that followed became a 'cause célèbre' and the file on it in the Gurewicz archives runs to hundreds of pages. The controversy's origins lay in the plans by the Smorgon family, then in the meat business with a kosher butcher shop in Carlton, to begin exporting meat to Palestine. They turned to the one rabbi whose certificate of *kashruth* supervision they knew would count in Jerusalem, and he duly certified the frozen shipment. But then, amidst an outcry from the kosher meat trade in Palestine, the Chief Rabbi of Palestine, Rabbi Avraham Isaac Hakohen Kook, ruled it was forbidden to import meat into Eretz Yisrael.

Rav Kook's argument to Rav Gurewicz was not about *kashruth*, but economics. He explained there was an embargo against imported meat to ensure the viability of Palestine's Jewish butchers, the *schochtim* (ritual slaughterers), and the meat trade generally. Any imports would lead to unemployment. The imported meat might be cheaper, it might even be better than the local product, but Rav Kook made his position clear. It was protectionism, but it was also a pragmatic position dating back to the medieval Jewish community. It ensured, for example, that a community of 500 living in the Judengasse, could prevent someone new becoming a shoemaker if there were, say, already two shoemakers, and a third would threaten their livelihood.

So Rav Gurewicz immediately ordered an end to the meat exports. For him, Rav Kook's word was law. But the matter didn't end there. Despite Rav Gurewicz's views, the Melbourne *Kashruth* authority decided to continue to export meat to Eretz Yisrael. Rav Gurewicz reacted by writing to Palestine and saying: 'I doubt very much the religious qualifications of the people involved'. At that point the famous, or infamous, poster was promulgated in Jerusalem's Me'ah She'arim and elsewhere, which referred to 'the Reverend Dungloff' (Reverend Danglow) as someone who was simply ignorant of all matters pertaining to *kashruth*. Rav Gurewicz had written that he had never seen him in a slaughterhouse, which was perfectly true.

In itself this may not seem critical. After all, many Orthodox rabbis, myself included, have never been in a slaughterhouse. But it was important to Rav Gurewicz, because as he saw it, the supervising rabbi had to present himself to the *shochet*, the *shochet* had to present his knives to the rabbi for inspection, and the Rav had to resolve any problems on the spot, particularly if the shochet raised any concerns. Rabbi Danglow had no direct experience of *shechitah*, and no real interest in gaining it. He was satisfied that the *shochtim* were reliable, that the meat was good, and that the prices were 'digestible'.

As a consequence of this controversy Rav Gurewicz left the Beth Din, but not

before he wrote Rabbi Danglow a letter. In the letter he quoted chapter and verse to show that he (Danglow) was totally disqualified from sitting on the Beth Din. Rav Gurewicz cited all the relevant sources from the Rambam, starting with the Talmud Tractate Sanhedrin. Moreover, Rav Gurewicz claimed, the terms of reference under which Reverend Danglow had eventually been granted the title 'Rabbi' *honoris causa* by the Chief Rabbi Dr Hertz, required that he should not sit on a Beth Din.

But while it may never have been Rav Gurewicz's intention to go on the attack, he certainly wrote what he wrote, and he never withdrew it. In response, there were fulminations from the Melbourne Hebrew Congregation, and the St Kilda Hebrew Congregation, that they would cut him off, and that they would never recognise him. But he never backed down. He might not have been very diplomatic, but he did want the rabbinical authorities in Palestine to know that this particular rabbinical imprimatur on this particular issue was extremely dubious. Rav Gurewicz then established his own Beth Din and this is the one addressed by outlying congregations in Australia, correspondents from Poland, Russia and Lithuania, and rabbis from Palestine, who wrote to him.

Again, let me make a brief diversion about 'Litvaks' to explain the context in which Rav Gurewicz became the focus for so much correspondence from all over the Jewish world. Lithuanian Jews had a special way of learning Torah and Talmud. It was called the 'Brest-Litovsk method of learning' and it had been developed by the great Soloveitchik rabbinical family. It was a special methodology: cerebral, logical, and it avoided *pilpul* (polemic). It was very clear thinking and it was very precise. It avoided all the nonsense.

If you had a text, and you wanted to explain its meaning without ornament, it was called *pshat*. On the other hand, if you were unsure what the *'pshat'* was, and you had to stretch your interpretation, then you might have to embroider certain elements, and this was called a *pshetel*. In the main, Chassidic rabbis and teachers used *pshetlach*. They used *pshetlach* because they were less concerned with the strict factual and historical meaning, and so they were more likely to introduce a little miracle here and there.

The *pshetel* did not exist in Lithuania. Because their approach to learning was rigorous and intellectual, the Litvaks, that is, all those who followed that method, also read non-Talmudic and non-rabbinical literature which earned them the name of *maskilim* (the enlightened), a word derived from *Haskalah* (the Enlightenment), the name given to the movement which began in the mid-nineteenth century as part of the modernisation of Jewish life and included a renaissance of the Hebrew language.

A vast literature began to emerge from the *maskilim* and they began to read important works from the outside world, translated into Hebrew. The symbiotic relationship which developed between the Litvak yeshivah *bocher* and the *Haskalah*, led many Jews from Poland, Galicia and Hungary to suspect that the Litvaks were halfway to heresy. So the Polish and Galician Jews called them by the derogatory Yiddish name of *tseilemkop*, literally a 'crucifix head'. Only partly in jest, apostasy was seen to be the ultimate result of the Litvak intellectuals. But

however you view the differences between the *yeshivot* of Eastern Europe, Chassidic and non-Chassidic, let's remember that the Litvak culture of learning created a highly academic and scholarly world.

So this is the environment in which Rav Gurewicz studied and developed as a rabbi. Imagine, therefore, how he must have found the Melbourne of the 1930s. Yet precisely because of who he was, and where he came from, as the hundreds of letters through the mid-thirties to the early forties from many communities attest, he was the only Rav in Australia known to the Jews of eastern Europe. And here we refer to communities that totalled millions of Jews, with hundreds of *yeshivot* and thousands of learned rabbis. We do not speak of the couple of hundred thousand Jews in England, or the Chief Rabbinate of the British Commonwealth, or London's Great Synagogue or Bevis Marks. For the bulk of the Jewish people at this time, not only quantitatively, but also qualitatively, Eastern Europe was the great religious reservoir for all of the *rabbonim*, *chazonim*, and *schochtim*.

As I remember only too well. In my *shule* in London some sixty years ago in the late thirties, we advertised for a Rav and we were flooded with applications from eastern Europe. They had come to London as refugees, and we had so many applicants that the *shule* could allocate a *Shabbat* for each of them to present for a trial for a whole year. Every *Shabbat* a fresh rabbi would pour out his heart and soul, hoping to get this position in Forest Gate *Shule*, where I was brought up. I can remember one Rav who gave a *drashah* about one of the *Arba Parashot*, the four special *Shabbatot* that precede Pesach, and I can repeat the *drashah* to you almost verbatim today because it was outstanding. I was a boy, but I was staggered by this man's learning. He was head and shoulders above the others, but the *shule* rejected him because he had a foreign accent.

Ours was an 'English' *shule*. Even if one generation earlier the congregants had had foreign accents, they no longer did. Which is how Cockney Hebrew came from England to Australia. When I arrived at St Kilda *Shule* thirty-five years ago on the first *Shabbat* morning, they had all the *aliyot* ready. At St Kilda you never did anything by chance, and so you never called anyone up by happenstance. Everything had to be prearranged. But it was the Cockney Hebrew which struck me. We called up a 'co-hayne', and then a 'laivy', pronunciations imported from London. A small matter, perhaps, but here again it helps me to understand how Rav Gurewicz's Litvak pronunciation of Hebrew at the Carlton *Shule*, reflected not only a different accent, but a different *shule* culture.

I would now like to consider some of the files in greater detail. Specifically the files on *gittin*, divorce, of which there are about 120 separate entries. Some report no outcome. Some were disputed. Many of them involved lawyers and barristers and I've decided not to deal with any of them here, because the parties mentioned might be related to the audience tonight. But there's one case I'd like to discuss briefly.

Jewish law tells us that both parties to a divorce, the husband and the wife, must have a *chazakah*, that is, they both must have standing in *Halachah* and obviously they must both be in possession of their senses, and aware of what

they are doing. Now this particular couple were married in Carlton *Shule*, and a year or two after the marriage it became clear that the woman was becoming insane. She was placed in an institution, and within two or three years her illness was deemed irreversible. The husband wanted to remarry and start a family, but how do you divorce somebody when she has no awareness and therefore does not have the power for her hand to accept a *Get*, the bill of divorce, from her husband?

Now there is a provision whereby in such an unfortunate case 100 rabbis can give consent, unilaterally, as it were, on behalf of the woman and on behalf of the man, and he is then divorced and is permitted to remarry. Now where could you find 100 rabbis in Australia in the 1940s? So in 1945 Rav Gurewicz wrote to his friend Chief Rabbi Kook, in Palestine. He explained the situation, but he did not ask for advice. He did, however, send five pounds to cover the expenses of rounding up the signatures which he assumed would be done. But who would sign it first? That was critical. Which is why he wrote to Rav Kook. Because once Rav Kook's signature was at the top of the letter, and it was, the others would fall right into place. And they did.

So we have this rather extraordinary Australian communication.

Now I mention 'Australian' in this context for the first time because, as you will know, Australian Judaica is very thin on the ground. Certainly there are some artefacts, and the first Australian *Ketubbah* (marriage contract), for example, was sold at public auction a year or so ago. It fetched $12,000–$14,000 from a non-Jewish book dealer in Sydney. And so this document from Rav Gurewicz to Rav Kook is very, very precious. And as far as I know, it is a unique document.

Now my wife says to me from time to time, 'You romanticise'. She says I see things that other people don't see. Perhaps. But I do see in this document something very, very significant. This document has only one point of origin. Melbourne, Australia and Rav Gurewicz. I don't believe it could have happened anywhere else. Not even in Vilna. Now the timing was significant. Immediately after the war in 1945, *Eretz Yisrael* was home to the hundreds of rabbis that had managed to escape from the Holocaust. And they were all badly off, barely managing to feed themselves and their families. Which brings me to another part of this incredible archive – the hundreds of letters which flooded into Melbourne and into Carlton. Maybe some of them were also sent south of the Yarra, but that I don't know. Here we have letters from rabbis, institutions, *yeshivot*, *schochtim*, looking for work and a new home. All of them invariably in impeccable Hebrew, and some of them so respectful as to be sycophantic. The way they address Rav Gurewicz, and the way they seem to know of him, make it clear that he never ceased to be the Vilna Rov. He lived in Carlton. He had to deal with his community there, and the institutions that were in Carlton. But he transcended geography.

Let me digress for a moment to some family history. Rav Gurewicz was married to Zippora, nee Bendit. Her family name from her first marriage, in which she had three children, was Marshalkovitch, and the children, a daughter and two younger sons. The sons came with her to Australia and later shortened

their name to Marshall. The Bendit family was acknowledged to be very wealthy. In the archive there are six full-scale architectural drawings of buildings which they owned in Vilna and which may have passed to Rebbetzin Zippora in a *yerushah*, an inheritance, but that's not clear. But I do know that in 1929, when Rav Gurewicz was in South Africa for a year and a quarter, raising funds for the *Va'ad Hayeshivot* in Poland, he was introduced to an audience, as Rav Hanadiv, that is, a benefactor. So he didn't just come as a *schnorer*, a fund-raiser, he was also a donor. And there is evidence that he gave to every single cause that he promulgated within the community, particularly before, during and after World War II. The needs were such, and their description was so cogent, that it tears your heart to shreds to read of them. Indeed, when I first sat down with the archive I was completely transported emotionally. Not only did I lose track of time, reading for hours and hours, but I found myself sobbing. It was as though somebody had plucked me up and immersed me right in the middle of the Holocaust. I could feel the pain and the suffering of those who were writing to Rav Gurewicz, because they'd seen his name in the Yiddish newspapers of Eastern Europe where he began contributing from 1936-37 onwards or because somebody had passed it on.

The archive echoes with questions of life and death. How to write an application to enter Australia. How to contact the rabbi in Melbourne. How to contact the British Consul in Warsaw, who handled Australian matters at that time. So they knew of this Rav and the letters flooded in to him. And I have these letters in Yiddish and in Hebrew. The *rabbonim* and *schochtim* wrote in Hebrew. Others used to write in Yiddish and sometimes in Polish. Occasionally there were one or two in Russian, but very few.

And so Rav Gurewicz brought out his family to Australia. He had three ready-made children, and then there were two born in Poland of his marriage to Zipporah. These were Leon and Ben Zion, or Benny Gurewicz, whom many of you would have known. Subsequently members of his own family joined him, among them his brothers, one of whom eventually changed his name to Gray.

It was while he was on his fund-raising tour that the Carlton *Shule* invited him to become its Rav. But he never came to Australia with the intention of finding a position. He obviously was a person of means, and in a volume published about the descendants of the Vilna Gaon, the Bendits are mentioned. The marriage of Zippora to Yosef Lippman is noted and also that his family was involved in industry.

When he first came to Melbourne he lived in Arnold Street, Princes Hill, but he later moved to the house in Rathdowne Street, North Carlton, closer to the *shule*, which he occupied for the rest of his life. That house, incidentally, had belonged to the Stone family and it had a *mikvah*.

In an application for his Australian passport Rav Gurewicz wrote:

> The nationality of my father was Russian, his name was Sholom. The nationality of my mother was Russian. I arrived in Australia from Cape Town, South Africa, on the 4th day of June in the year 1930, on a Danish cargo steamer and disembarked in the port of

Fremantle.

Since my arrival in Australia, I have resided in Perth, 1 month; Melbourne, 3 months; Sydney, 2 months; Melbourne, 4 years and 2 months; left Melbourne 4th December 1938 for Palestine, 1 month; England, 2 months; Paris, 2 months; Poland, 7 months [and that's when he was collecting funds]; Denmark and Sweden, 2 months; UK, 8 months; Holland, 2 months; Poland, $^1/_2$ of a week; then back to Australia via Holland and Hong Kong. Left UK 3rd September, 1942, on the *SS Otranto*, and arrived in Australia 1942.

Now back to the Bendit family. We have a handwritten letter from Rav Kook, the Chief Rabbi of *Eretz Yisrael*, to Rav Hayyim Grodzenski in 1926. It deals with a piece of land in Chadera, which belonged to the Bendit family, and there is a problem with regard to the orchards and the tenancies and so on and so forth. And the Bendit family have asked Rav Hayyim Ozer Grodzenski to resolve the matter of this dispute of their land in Eretz Israel and he writes to Chief Rabbi Kook, who sends him this handwritten note. And I hardly need to tell you that such a letter is a very, very precious thing.

All the members of the family came to Australia except the rebbetzin's daughter, Deborah. She was a doctor. Among the correspondence there is a five-page typed letter from her from Vilnius, dated November 22, 1939. Remember that the Germans had bombed Warsaw in September. And World War II is now some two months old. She writes:

I thought on my arrival here I would repeatedly cable you or send you an airmail letter. I arrived at midnight on 21st October. Yesterday was a holiday; so today I went to make enquiries regarding the postal services. I was informed that a word to Melbourne cost 6.25 lidva or 12.3 zloty and that there is no airmail. But the only thing left for me was to write this letter. It is of the greatest importance to me that you receive this news as soon as possible in order that you may do something to help me, I believe that you've received a letter which I sent to you a few days before the mobilisation.

Since the mobilisation there was no further post and events happened after with much speed and in such a hellish form, that it seemed to me as if it were a wild nightmare. About the siege of Warsaw and its bitter end caused by the war, I suppose you know quite well from the newspapers. And therefore I will not elaborate. On September 6th, when the government and all its institutions left the city in a panic, many of my friends and especially the menfolk trudged away from Warsaw. I say trudged away because there were no trains.

They told me also to leave, but I decided to remain in the city. Shortly afterwards they began to bring to the hospital many wounded refugees from Warsaw and surrounding towns. They reported great numbers of corpses lining all the roads and the thoroughfares. The German pilots had mown them down with machine guns. I certainly

had no pleasure from my stay in Warsaw.

I worked the whole time in the hospital and I hardly ever left it. Firstly because I was on night duty every second night. Secondly, it was dangerous to walk in the streets and thirdly, I received food at the hospital, whilst famine reigned in the city. The description of the hospital and my work there I shall relate at a later date.

Now Deborah tried to get from there back to Vilna and five pages tell this hair-raising story. It's quite an incredible document. She didn't make it to Australia, even though she did have a landing permit. But it was stolen from her. In this letter, at the end, she asks for another and I don't believe it ever reached her. It is unclear whether she perished in the Holocaust, or survived and died shortly after the war.

Now just a brief extract from another letter, dated 1936, which illustrates another aspect of Rav Gurewicz's involvements.

In support of an application which I have made to enable a permit to allow my brother, Simon Gurewicz, and his son, Wolf, residing in Berlin, Germany, to settle in Australia, I would like to point out a few facts. My brother, for a period of 15 years and until 2 years ago, was the financial manager of a large timber trading company by the name of Shalit & Co, which had a branch in Berlin. On account of the discrimination against Jews, the firm stopped trading in Germany and he lost his position. Although a subject of Latvia, he has been unable to find the possibility of securing a position or doing business in Berlin, and his means are exhausted, both he and his son, and he is a widower, and they have absolutely no prospects in Germany at present. The boy's schooling has had to be discontinued, also because of discrimination against Jewish children. I had to send my brother money to keep him going. I'm sure that if the government could see its way to granting him permission to settle ...

And Rav Gurewicz received permission for his brother to come to Australia.

I must add here, not so much a footnote, but really a whole chapter in one line. There were many, many letters written to Rav Gurewicz, where his correspondents had already contacted the consuls in Warsaw and where the process had already begun. But sometimes they were seeking his advice on how to initiate the process, all of these letters from parts of Russia and Poland, where death and doom were so imminent.

Then, in the same file, you can find applications for entry permits and a short notice from the Australian authorities to say that they had considered the application, and it was being declined. It was a death sentence. And at that point I didn't so much become emotional, as I became absolutely furious, at the thought of how many people could have been saved. Saved merely by a tick, instead of a cross.

I felt so angry and the feelings of anger don't die. It's fifty or sixty years ago, and as I read these letters it was as if I had just seen bureaucracy at work. Various

authors have written extensively on this subject in the *Journal of the Jewish Historical Society* and elsewhere, but this was a tragedy which I just can't forgive.

Another letter, this time from Rav Shimon Schop, a *gaon hador*, a 'genius of his time'. In our yeshivah we talked about these great *gaonim* with fear and trembling and shaking in awe. I'm not exaggerating. Rav Schop was known as 'the sharp minded one', and in his letter he asked Rav Gurewicz to try and help somebody on his way to Australia. Rav Gurewicz replied he would do everything in his power. And be sure that he did.

Vilna at this stage in the 1930s, and Poland too, were experiencing a renaissance in learning. The amount of material published was extraordinary. Rabbinic material, learning material, archival material: in Polish, if it was historical and secular, and in Hebrew and in Yiddish. Virtually everyone in Eastern Europe who published a book, a monograph, or an essay on a Talmudic or *Halachic* subject contacted Rav Gurewicz in Australia to seek his comment, and, hopefully, his commendation. They would never be so indelicate as to ask for the price of the book, usually the equivalent of three to five shillings in Australia. But invariably he would send them a handsome sum.

Rav Gurewicz seemed to know all the rabbis of Eastern Europe and they all seemed to know him. When he was addressed by his many titles and honourifics, the writers meant what they said. Thus if you wrote to a *gaon*, a great scholar, you would distinguish between a *Gaon* with a big *'gimmel'* (G) and one with a small *gimmel*. In those days if a *gaon* wrote to a *gaon*, he really meant it, particularly if he was 'Gaon Rosh Av Beth Din b'Melbourne'.

Among the correspondence files is one from the *Romainish Yeshivah*, established at the beginning of the nineteenth century. They wrote to Rav Gurewicz regularly and he would send them a considerable sum, anywhere from five to twenty pounds. It was a lot of money and it could go a long way in Eastern Europe. In one letter there was also a personal note from Reb Hayyim Ozer Grodzenski, telling him that he had published a new volume of his commentaries on the Talmud and that Rav Gurewicz would be receiving his copy in due course. In all, there are some thirty letters from Reb Hayyim Ozer in his own handwriting, and this is like having thirty letters written by Shakespeare, or by Milton. In short, these letters are of the greatest significance.

And I have an English letter from Reb Hayyim Ozer. This is from Vilna 1940, right in the middle of the darkest days.

> I wrote to you several times but got no answer. Then I received your cable on the matter of *yeshivot*. To that I replied yesterday in the following cable: Number of students in all yeshivahs 2,300, studying for the rabbinate, hundreds. Letter following, which I now confirm. When the *yeshivot*, of which I am the warden, owing to spiritual and material circumstances, such as the Bolshevists not allowing to conduct yeshivah, and destroying the existence of all the great and small *yeshivot* of our country and all of the districts of our country which are now occupied by the Germans. And they all came to Vilna. So our city has become a great Torah centre, and

> there are now a number of rabbis, about 52, more prominent of our generation among them the Great Rabbi of Brest, the Brisker rov, and Lomzher rov. There are some 50 young men who are preparing for rabbinic examination. A great number of young men and they're now preparing to depart, or they departed for smaller towns in Lithuania. For there the atmosphere is more propitious for Torah study. Moreover in the committee for refugees there is a tendency to send the refugees away from Vilna and generally from the big centres. You will understand that the costs are very great and we welcome the American Joint ...

Another file deals with the Yiddish press in Eastern Europe and its impact on immigration to Australia. This is quite fascinating because part of this information and this material, as far as I am aware, is completely unknown to historians of this period. For example, in *Der Moment*, 10 February 1937, a short but important article from Rav Gurewicz about immigration to Australia.

The file on the Hascolah Talmud Torah, the *cheder* (Hebrew school) in North Carlton which was established in the 1930s, includes more than a hundred leaflets, pamphlets and annual reports. I just want to read one. Dated April 1936, it begins: 'Reverend and Dear Sir ...

> I am directed by the President, Mr A Michaels, to inform you that at last night's meeting (of) the Education Committee, (consisting of Mr Halperin, Mr Winikof, Mr Pahoff, and Mr Marks) ... were elected to work and to profit under your guidance and leadership and the committee will hold its first meeting next Monday evening, 4th May, under your leadership, and I will ring you at 6.30 this evening to ascertain whether next Monday evening will be suitable to you.

Again, I can only present an extract, but I'm emphasising something that these remarkable files reveal for the first time. *That the real Jewish Carlton has not yet been discovered, or rediscovered.* But all the information that would form the basis for such a study is in the Gurewicz archive.

Now, I'm really coming to the end of my remarks and while I've left out some extraordinary letters there is one I must share with you.

It's from Rav Ruch, the head of the Lomzher Yeshivah, and he is introducing a young man who wants to come out to Australia, one Solomon Rudzki. This is a letter from the Commonwealth of Australia in 1937 to Rav Gurewicz. 'In reference to your letter of 15th November, relative to the application of S Rudzki for permission to enter the Commonwealth of Australia with his wife, I desire to inform you that on receipt of the sum of one pound, that this Department will issue and forward to him a landing permit which will enable him and his wife to enter Australia. And the conditions are that he has to be in receipt of some financial help and the holder of a valid Polish passport, a valid certificate of identity and Mr Rudzki must be in possession of at least 200 pounds, Australian currency, on arrival.' (Solomon Rudzki later became the principal of the Talmud Torah Hascolah in Carlton in the late forties and fifties and subsequently the foundation rabbi of the South Caulfield Hebrew Congregation – Editor's note.)

Rav Gurewicz's role in *dinnei Torah* – rabbinical courts – was also fascinating. In one, a *shochet* who worked some two to three years overtime for a butcher claimed payment. But he was dismissed. In his claim he stated the butcher owed him 98 pounds, but the butcher refused to pay, counter-claiming that he hadn't asked the *shochet* for compensation for all the damage he did. Rav Gurewicz handled this diplomatically, by deciding effectively to split the difference, and so he awarded 50 pounds to the *shochet*.

In a letter in Yiddish from Adelaide in May 1945, Rabbi Berman wrote that he was under great pressure from his board not to call up more than three people to the Torah reading on *Shabbat* morning in synagogue. The predictable answer from Rav Gurewicz, in hospital at the time, was unyielding. It must be seven, and the Haftorah, the portion from the Prophets, must always be read.

There was another interesting letter from Adelaide with a personal meaning for me because as a rabbi, and as the past president of the Association of Rabbis of Australia and New Zealand, I broke my heart over one issue, that of forming a Federation of Orthodox Synagogues. And the letter reads: 'I'm directed by my executive ...' wrote the secretary of the Adelaide Hebrew Congregation to Rav Gurewicz, 'to invite your congregation, Carlton, to send a delegate or to appoint a proxy to act in your stead, to attend a meeting of representatives of all Australian congregations in Adelaide on 17th November 1936, at 3pm, for the purpose of inaugurating a Council of Australian Synagogues. I would be pleased to hear by the first week in November of your intentions in this matter.' Of course, the meeting never materialised. But I could never understand why the synagogues didn't see this as a matter of self-respect and why they never formed an Australian Association of Synagogues.

Let me bring this presentation to an end by exploring one of Rav Gurewicz' outstanding qualities: he loved Jews. Consider the case of the Royal Australian Air Force. At the beginning of World War II he realised there was a small number of Jewish RAAF personnel who had been overlooked by the chaplaincy service. So he became a full chaplain to the RAAF. And in correspondence with their commanding officers he made sure that each of them knew, right on time, when it was Pesach, Rosh Hashanah, and Yom Kippur. He sent invitations to every Jew in the RAAF to come to Carlton *shule* and to eat at his table.

Sadly, although Rav Gurewicz initiated the contact with the RAAF, Rabbi Danglow, the then senior army chaplain, subsequently used his official connections to take over the RAAF chaplaincy and the Australian government dropped Rav Gurewicz. I think Rav Gurewicz would have been heartbroken. After all, he had served his fellow Jews in a totally voluntary sense. Typically he had been his own mover and shaker. Indeed, I can't tell you how many things he moved and how many things he shook. For that I would need another lecture.

But he was a factory. He was a production. He was an extraordinary rabbi, who turned his hand in many directions. Believe me, when you read the correspondence that he had with numerous members of the RAAF, you would realise that they treasured his visits there. The *tallesim*, the *siddurim*, the *machzorim*, the *shofarot*, everything that he sent was deeply appreciated.

In the same way, he was the Rav of the orthodox section of the camp at Hay and Tatura for the Dunera Boys.

Now I've only sketched part of the picture, and associated this great Rav and through him Carlton, with the Jewish life of Eastern Europe. It was Rav Gurewicz who was known in the great centres of Jewish life and it was their rabbinical leaders with whom he dealt. Just as the Jews who lived south of the Yarra would turn to London.

But when I look at this period very dispassionately, and when I consider the impact Rav Gurewicz had on the history of Melbourne Jewry, it's clear to me that the differences between north and south of the Yarra were 'chalk and cheese'.

Note

Sam Lipski writes:

> 'As someone who was born and grew up in Carlton, lived next door to the Carlton Synagogue, and studied with Rabbi Gurewicz and his sons Leon and Ben-Zion Gurewicz, it was a special privilege to be present when Rabbi Lubofsky presented his memorable paper to the Australian Jewish Historical Society. I had also had the privilege of hearing Rabbi Lubofsky speak on many occasions, and had attended *shiurim* in his home. So editing the transcript of Rabbi Lubofsky's talk has been a deeply moving and rewarding experience.
>
> 'I consider myself fortunate indeed to have had such teachers, and to have participated in bringing Rabbi Lubofsky's own tribute to Rabbi Gurewicz to a wider audience. Although I have taken some liberties as an editor and, for reasons of style, rearranged parts of the presentation, the text is substantially as spoken by Rabbi Lubofsky. Certainly the research, scholarship, and passionate devotion to his subject are all Rabbi Lubofsky's.'

Monday – the rabbi slept in!

John Levi

Rabbi Ronald Lubofsky (z"l) would, I think, have enjoyed this historical excursion. In the first place it concerns the pulpit and he was a master of the spoken word. Secondly, it involves communal politics and the all too familiar tug of war between a rabbi and his flock. This surprising insight into Melbourne's Jewish congregational history would have fascinated him and I am sorry that he cannot cast a critical eye on the material before it appears in print. The story concerns an incident from Melbourne's first decades and more than qualifies the adjective 'antique'. Rabbi Lubofsky was fascinated by the history and artefacts of his people. Finally, this essay concerns a cooperative effort between a Christian minister and his Jewish colleague. Ron Lubofsky thoroughly enjoyed the friendships he built up within the Council of Christians and Jews in Melbourne. The Council was a pioneer venture in interfaith work in Australia but, as we shall learn, the bridges he helped to build had venerable colonial foundations.

I am very grateful to the Rev. Dr Coralie Jenkin of the Uniting Church in Australia who discovered, and generously sent me both the manuscript of the Rev. Alexander Morison's sermon and her forthcoming biography of 'Alexander Morison – Independent'. Miss Pamela Morison, the great-granddaughter of the Rev. Mr Morison, was able to supply me with the final missing pages of the sermon. Dr Howard Freeman was able to supply me with information, hitherto unpublished, about the early years of the East Melbourne Hebrew Congregation.

– Rabbi John Levi AM, DD.

On a Melbourne Monday morning in early 1857 the Rev. Moses Rintel of the Bourke Street Hebrew Congregation slept in. The reverend gentleman was simply not in the habit of attending the early morning weekday prayers in his synagogue even though arrangements had been made for a young woman to attend the service and give thanks for the birth of a son and for having survived the perils of childbirth. The prayers were far more than a formality. Rintel's

salary had just been reduced while the number of his offspring was multiplying. As he asserted, rather grumpily, his contract stated that he was only paid by the congregation to be in attendance at Sabbath and Festival services. In addition, Rintel had not been feeling well and this may have influenced his decision to miss the morning service in the synagogue which was next door to his very humble home.

It is at this point that I must reveal a personal interest in the proceedings. The baby was my great-uncle. Joseph Levi was the first born child of my great-grandparents Nathaniel and Sara Levi. My great-grandmother was a rather frail woman and the birth had been difficult. Indeed Sara Levi died six years later at the age of 27, leaving behind two motherless children: my great-uncle Joseph and John, who was my grandfather. (Another baby boy, Simeon, was born in 1863 and lived for just a single day.) My 27-year-old great-grandfather Nathaniel Levi (Sara was his second cousin) was a rambunctious young man with a sense of destiny. In 1859 he unsuccessfully contested a seat in the Legislative Assembly of Victoria and in 1860 he became the Member for Maryborough following a boisterous (and violent) colonial campaign. Nathaniel Levi also took his Judaism very seriously indeed.

We can imagine how disconcerted the new father felt when the Minister's seat next the Holy Ark was empty on that Monday morning when Sara Levi came to synagogue to give thanks for her survival and for the birth of her first-born son. Perhaps 'furious' would be the better description.

A special meeting of the Melbourne Hebrew Congregation was convened. Rintel had already been in trouble for having had the temerity to hire a hearse for the infant child of poverty stricken parents without obtaining prior formal approval from the congregation. This act of mercy could be forgiven. The second miscalculation, or dereliction of duty, was far more serious. The meeting resolved 'that having heard the charge made by Mr N Levi and the Rev. Mr Rintel's defence thereto: Consider that the Minister committed a dereliction of his duty in being absent from Divine Service on the occasion referred, and the Committee regret (sic) that the Reverend gentleman should have laid himself open to animadversion in this respect. And they cannot pass over this circumstance without expressing their entire disapprobation of the view taken by the minister in respect to the duties appertaining to his office'.

Rabbi L M Goldman recalls in his book *The Jews in Victoria in the Nineteenth Century* that the resolution caused uproar within the congregation. A second special meeting of members was called in order to erase the resolution from the Minutes of the Melbourne Hebrew Congregation but, after a stormy debate, the censure of the minister was upheld 35 votes to 31. Nathaniel Levi had been vindicated. However, as a consequence, on April Fools' Day 1857, Rintel resigned from his post and immediately set about organising his own synagogue which came to be called *Mickvoh Yisroel* – The Hope of Israel – the East Melbourne Hebrew Congregation. I must confess that I never pass by the façade of the East Melbourne *Shule* in Albert Street without feeling a sense of ownership – if only by default.

Moses Rintel was ill prepared to defy Melbourne's official synagogue. The Melbourne Hebrew Congregation (with the emphasis on its definite article) stood in Bourke Street, near Queens Street, beside St Patrick's Hall where the first Victorian parliamentary sessions were held. Rintel had been born in Edinburgh in 1826 where his scholarly father had served as the 'minister' and general congregational factotum to a tiny isolated Jewish community. The young Rintel was only nineteen years old when he arrived in Sydney in 1844 and he battled to establish the Sydney Hebrew Academy of which he was the principal. He worked as the community's *shochet*, *mohel* and as the teacher of Hebrew at the school of Sydney's York Street Synagogue. Rintel arrived in Melbourne on 29 January 1849 to become the first permanent minister of the Melbourne Hebrew Congregation and in August of that same year married Elvina, the daughter of John Hart. By 1857 the young couple had four children and it must have been a struggle to make ends meet although his father-in-law would provide the family with an allowance which would eventually give the Rintels a measure of financial independence.

At this point in our story we need to meet Melbourne's pioneer Congregational minister, the remarkable Rev. Alexander 'Alex' Morison. Born in Ireland in 1813, Morison emigrated to Van Diemen's Land in 1830. After entering the Congregational Church he returned to Ireland to begin his studies for the ministry. In Dublin he was able to finance his four years of theological studies by working as the principal of a small school. When he left Ireland to return to Van Diemen's Land, a testimonial paid tribute to Morison as a man who had 'set Christ before the children as the only hope of the sinner' which, as we shall soon see, produced a remarkable theological paradox.

Morison was ordained in Van Diemen's Land in 1839. The ceremony was probably the earliest ordination of a Congregational minister in Australia. With his ordination, Morison became a tireless itinerant minister who sometimes preached three times a day in three different, distant locations. On 12 July 1843 Morison arrived in Melbourne as a temporary replacement minister and that evening preached his first sermon at the Collins Street Independent Church (now St Michael's). Melbourne in 1843 was an eight-year-old village and the church was barely viable. Morison would change this dramatically. He worked as minister of the congregation for twenty-one years until he broke ranks with his denomination on the issue of State aid to religion. Morison has been described as the archetypical 'non-conforming Non Conformist' and could see no reason why a free church should not accept help from the secular authority. He worked for some years as a very unhappy country minister in the Presbyterian Church and then, in 1880, he returned to his spiritual home in his own Church to become the Professor of Hebrew and Church History at the Congregational College of Victoria. In fact, he was professor of just about everything. He was the College's very busy honourary librarian. He taught exegesis, apologetics, ecclesiastical history and philosophy. He was proficient in a dozen languages and firmly declared that Hebrew was his favourite. He wrote prolifically. He was an essayist,

translator, poet and author. He argued vehemently that the literal interpretation of the word of God was to be found in the Scriptures. Rintel died in 1880. Morison died in Melbourne in 1887. Both men had eight children and each had fought many a battle on behalf of their faith.

Both Rintel and Morison were in Melbourne before the Gold Rush began. In other words, they were part of a very small community of pioneers. For some years Morison was the only Congregational minister in the colony and would have sympathised with Rintel's equally lonely role as Melbourne's only Jewish minister. By chance, in 1858, both men had four very young children. In the fullness of time both men would have eight children. Morison's fascination with Hebrew, Aramaic and Syriac may well have brought the two men together. It is entirely possible that Rintel's Scottish youth and Morison's Protestant Irish background would have also formed a common bond. They would certainly have spoken English with the same delightful burr.

Morison was no stranger to congregational politics. The Congregationalists were almost as unruly as the Jews and, indeed, their congregationally based procedures of governance were remarkably similar.

By 1858 Moses Rintel was in a pickle. At the time the Melbourne Jewish community numbered 1320 souls and was hardly enough to sustain two rival congregations. The Bourke Street *shule* had been consecrated in March 1855 leaving the community deeply in debt. The marble columns of its impressive portico are still to be seen facing Bourke Street and speak of a status that could not be overlooked. Rintel's breakaway group of about thirty followers moved uptown to a most insalubrious part of Melbourne where grog shops and brothels abounded. The ideological stance of Rintel's break-away group was determined by those congregants who were dissatisfied by the status quo. They were the 'foreign Jews' who had come to Australia directly from Europe and not via 'the Mother Country' or 'Home'. The Bourke Street *shule* was respectable but at East Melbourne the president of the congregation could be a pawnbroker and a money lender.

The new congregation found its first home at 257 Spring Street (opposite the present site of the Royal College of Surgeons) and were tenants of Mr Chalmer's Free Church School, while their landlord was the Rev. W M Miller of the John Knox Free Church. From April to September 1857 they battled to pay their landlord £13 a month. Following the High Holydays they were forced to go 'down market' and move round the corner to hold services in a room above a bootmaker's shop two doors west of the Black Eagle Inn in Greater Lonsdale Street. The Melbourne Hebrew Congregation had promptly hired a new minister, the Rev. Emanuel M Myers, who declared that he had 'been trained from [his] youth to officiate at Divine Service' and had prior experience in the 'practice of ceremonies connected with our Holy Faith'. The pressure upon Rintel to be able to 'perform' and deliver an appropriate discourse must have been great.

Moses Rintel obviously confided in the Rev. Mr Morison about his problem. Rintel had attended no theological training school. His father had taught him Hebrew and the traditional Rabbinic texts. A Dr Sulzberger of London had taught

him about the practicalities demanded in slaughtering and preparing kosher meat and the simple medical procedures to be followed at the circumcision of an eight-day-old boy. He may hardly ever have sat in a congregation and heard a sermon preached. For Morison the preparation of an appropriate sermon was second nature. The focus of his ministry was the pulpit. He was a scholar who knew his Bible. Rintel must have told him the text explaining that between the Jewish New Year and the Day of Atonement the prophetic reading was taken from Hosea. It seems likely that he did not elaborate which text for, had he done so, he would have explained that the reading begins with the words 'Return O Israel to thy God' (Hosea 14:2). Unaware of this detail, Morison began the sermon with words from Hosea 12:4, 'In the womb he took his brother by the heel, and by his strength he strove with a god-like being. So he strove with an angel and prevailed. He wept and made supplication unto him.' Extraordinarily, Morison clearly enjoyed the challenge of writing a Jewish sermon and managed to avoid any hint of Christian theology.

On 6 September 1858 Moses Rintel of Victoria Parade, Melbourne received a letter and a ten-page hand-written sermon. The letter makes it clear that Rintel had expressed his need for help.

'Dear Sir, I leave the enclosed hoping it will suit your purpose and meet the exigency. I am, Yours faithfully, yours Alex Morison.' Morison noted on his own draft of the sermon 'Rough copy of a sermon written for Revd Mr. Rintel then reader of the Jewish synagogue, Melbourne to be used on the occasion of the New Year's feast September 8 ... prepared at his, to me, singular request'.

For centuries there had been only two Sabbaths in the Jewish year in which a sermon was preached. The Sabbath before Passover the congregation was reminded of the preparations required for the proper observance of the Festival and, on the Sabbath before Yom Kippur, the theme was repentance (*teshuvah*). In his sermon Morison describes the background to the Biblical verses and concluded his introduction by suggesting that Jacob, whose name became Israel, set an example that 'we should follow ... through penitence, prayer and charity'. A Jewish audience would immediately recognise the reference to the great High Holyday prayer *Un'tanneh Tokef*'. Morison developed his theme by referring to the story of Jonah which is read in the afternoon of *Yom Kippur*.

> All sorrows and sufferings arise from sin ... This deep consciousness of guilt must so penetrate our heart as to produce prostration before God, and profound abasement of our souls in feeling and acknowledging that we have thought, and felt, and acted vilely. In the face of dangers, when the judgements of God are upon us, when he hides his face and the storm of wrath rages, as around the ship of the disobedient Jonah, to be asleep, and insensible in impenitency, and to refuse to say we have fallen by our iniquities, shows terrible hardness of heart. Such was not Jacob. He saw his danger from the anger of his brother. He knew his danger was incurred by his sin. He therefore wept in penitence before Him who alone could deliver him. He was accepted and God was better to him than all his fears.

Morison developed his theme of atonement in detail, quoting at length from the Hebrew Bible and he constantly used the pronouns 'we' and 'us' and 'our', indicating that it is a Jewish sermon. 'Hosea pleaded with our fathers in the name of the Lord and from dependence on Himself the Rock of their salvation'. 'We may not say 'He is an open (any) God therefore I may presume upon Him, but He is mine: and because he is mine I will be afraid to forfeit Him'. 'If we suffered nothing but judgement we should be given over to despair. And so there is not one evil which some sweet promise of God does not provide a remedy to His Penitent People.'

Morison continued:

> While we weep, we must also supplicate. In order to do this we must prepare our hearts to seek the Lord. In all our approaches to His presence we put off our shoes from our feet for the Lord God is holy. We need to look to our prayers for He is jealous. He expects us to prepare our persons by purity of life, when we come to Him in prayer, to prepare our services by considering what we ask, and in what manner we address Him; and to prepare our hearts with love to Him and desire for His glory in all that we ask. Prayer thus regulated is most seasonable and sovereign duties in times of trouble, the key which opens a door of mercy, the bulwark that keeps out a flood of judgements. Jacob (Israel) wrestled and obtained a blessing. Amos prayed and removed a curse. Jonah prayed in the belly of the fish and his prayers opened the doors of the Leviathan. Prayer is all powerful with God. It has loosened iron chains, it has opened iron gates, it unlocked the windows of heaven. It has broken the bars of death. The malice of Haman sinks under the prayer of Esther ...
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> In seeking any other blessing and mercy for ourselves individually and for our nation we must plead that covenant, of which the sign is on our flesh, the mercy sworn to Abraham, confirmed in Moses and established in David. Now, as God is a covenant keeping God, and the glory of His Holy name is concerned in His regard to it; He has promised to hear us that we may glorify Him as He has told us to pour out our hearts because God is a refuge for us. In prayer we are to plead with and move God by a reference to His glory as concerned in granting our desires. Thus Moses prayed that Israel might be pardoned lest God's name should be blasphemed. So Joshua prayed when Israel turned their backs before their enemies – 'What will thou do unto Thy great name?' So Solomon prayed at the dedication of the Temple: 'Hear Thou in heaven, Thy dwelling place and do according to all that the stranger calleth to Thee for all the people on this earth may know Thy name.'
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> We must pray in entire submission to the will of the Lord our God. However importunate, our petitions may be for such good things as we knew, our God will answer us according to His wisdom and the love He hath toward us. He knows what things we want better

> than we do ourselves; and He will bestow upon us such mercies, as though not asked, are suited to our own need ...
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> If our souls are closed against the sympathies for our afflicted brethren, if these who are our flesh and blood are exposed and naked and cold and wanting bread and we shut up our compassions from them (then) how can we love God? Will not all our profession of love to Him be a mockery of His holy character when we have, walked by the poor and needy that are in our path and shown them no mercy? How can we ask for blessing if we refuse to communicate of the good already abundantly bestowed upon us? Our hearts are forgetful of these claims too often and our hand is restrained too often by the foolish thought of how much we have given when it is still in the power of our hand to give far more largely, to help far more effectually ...We must speak the words of fraternal love, pour the balm of kindness into their lacerated bosoms and cheer their depressed hearts with the language of comfort and hope. This is our duty. It is also a privilege and high prerogative conferred upon us ...We are admonished – therefore because Jacob our father was thus successful, therefore turn *thou, thou* a *son* of Jacob wherever thou art, turn thou to thy God, keep mercy and judgement and wait on thy God *continually* wait on Him with tears of penitence; wait on him in deeds of mercy and liberality and so surely as the Lord liveth and as thy soul liveth, thou also shalt have power with God and shall prevail.'

We know that when the Rev. Morison delivered a sermon it was accompanied by high drama, a very loud voice and frequent slaps on the pulpit with a heavy hand designed to waken the sleeping and stir the faint-hearted. Whether Moses Rintel was able to emulate the author of this powerful sermon on the theme of atonement we will never know. But Rintel's congregation did survive. And 'The Hope of Israel' was eventually able to leave its upper room in Lonsdale Street and build its own synagogue in Albert Street, East Melbourne, where it stands to this day, while the Rev. Alex Morison's sermon must constitute the first example of Christian Jewish religious cooperation in Australia's history.

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Reminiscences of St Kilda Hebrew Congregation

Zelman Cowen

I was very pleased to be invited to contribute to this tribute to Rabbi Lubofsky. I met him on many occasions; we shared platforms, and we spoke together. I think that it may be appropriate to recall an event, a visit which I made to the St Kilda Synagogue on 29 May 1982 when, as Governor-General, I attended the Sabbath Service, and was welcomed by him as Chief Minister of the Congregation. In response to that welcome, I addressed the Congregation.

I set down what I said on that occasion.

My memories of this Synagogue – this place of worship – go back almost to its beginnings. In 1927, my parents moved house from Brighton Road to Lambeth Place, close by here, and we lived there until 1935. Soon after that move, I began to attend services in what was then a very new synagogue. Newman Rosenthal in his history of the Congregation, *Look Back with Pride*, tells that the Synagogue was consecrated in March 1927, and I think we moved to the vicinity not long afterwards. I was pretty new myself; I had turned eight in October 1926. I remember attending services in the old synagogue across the road, though unless I came with my father before the new building was completed, that must have been on visits to overflow services on High Holydays. For years, I was a regular visitor to the old building, which became the Philip Harrison Hall, for Sunday morning assemblies of the St Kilda Hebrew School, which I attended for some years, starting in the late twenties and ending in the year in which I left school, in 1935. I took Hebrew as a public examination subject at three successive levels, and I presented myself for what was then called the Leaving Honours Examination at the end of 1935.

My memories of the Hebrew School assemblies in the Hall go back to the days of Joel, or as we knew him 'Cocky' Fredman, as Headmaster. Those

assemblies were a happy mixture of the sacred and the profane, but not too profane. We regularly sang Psalm 121 – *Eso Ainai* – I shall lift up mine eyes unto the hills, and then, rather more heartily, 'There ain't no sense, sitting on a fence, all by yourself in the moonlight'. To an eight-, nine- and ten-year-old of those innocent days, the reason wasn't altogether clear, but it was a cheerful curtain raiser to the Sunday morning classes. I remember Mr Fredman coming around with a small bag to collect the weekly fees for attendance at the School. They were bargain basement prices, though at the time a shilling had some clout. I suppose some will ask – what was a shilling? My sister and I were both members of those classes, and I think we paid a family rate of 1/3d.

I remember my teachers, who included Mr Fredman's sister. As I advanced in learning my teacher was Trevor Rapke, and I shall say more about him later. I remember successive headmasters: L M Goldman who taught me my *parsha* and *haphtorah* for my barmitzvah on the first day Succoth 1932, and the kindly Reverend Kowadlo who, I am sure, will be well remembered here.

In those early years, there was another well remembered association with 'Cocky' Fredman. He had many duties, and he was choirmaster of the synagogue choir. Newman Rosenthal wrote of the 1929 Boys' Choir which, he said, 'included three members destined for future greatness'. He referred to the late Sam Cohen, the late Baron Snider and me. I suppose that we were the three who had public careers; the photograph of that choir, however, shows others who had had good careers in the professions and in business. Of the three named by Newman Rosenthal, I am, alas, the only survivor. Sam and Baron died long before their times. I counted them both as friends; Sam Cohen specially so, from early years in the choir and elsewhere, through University of Melbourne days, and in later years. He died suddenly on 7 October, 1969, and I have a special memory of that because it was my fiftieth birthday. We were far away from here in Armidale, New South Wales, when late that evening, I heard on radio that he had suffered a heart attack. I always remember that, as my birthdays come around. He was then Deputy Leader of the Opposition in the Senate, and very well regarded. Had he lived, he would surely have been a senior minister in the Whitlam Government. He was also a superior boy soprano, and accounted the best of us. Cocky Fredman aberrationally used to put me up with him for duets from time to time; that was an act of generosity, but poor judgment. The choir of young people was augmented by some girls, and one in particular, I admired greatly, but secretly, at that time. Which one? It doesn't matter now.

I remember some vocally distinguished members of the adult choir. There were Felix and Oscar Behrend, tenor and bass respectively; there was a splendid lady, Mrs Josephs, Dulcie Josephs I think, who sang as soprano soloist, and looked and sounded very well.

That choir box above the altar was an *Alsatia* for the likes of me; a sanctuary from the stern eye of Rabbi Danglow as we boys chattered about the mixed fortunes of the St Kilda Football Club, and other matters of comparable concern, and as I, and I think other unholy children, read what were then called penny dreadfuls.

As my voice degenerated from mediocrity to cacophony, I went downstairs, and I attended services regularly on Friday nights, Sabbath mornings, and Festivals and Holydays. I had some immaculate attendances; I have prizes or at least a prize for Friday night attendance. Synagogue attendance was an important part of my life. In later years, when my knowledge of classical Hebrew was better, at each Sabbath service I worked through and translated the Torah portion and the *haphtorah*, and that certainly helped in the preparation for the 'unseen' paper in the Leaving Honours examination. During these years, I was deeply conscious of the presence, the style and the authority of Rabbi Danglow. He seemed to me quite the most important of men; a man of undoubted, indeed overwhelming authority and dignity. His impact on a young boy was tremendous; then, and as I grew older, I took pride in the fact that a man of such presence, dignity and authority should lead his own community, and should be a leading representative of his people in the wider community of Melbourne and Australia. As he sat in his chair beside the pulpit, there was a table of books on Biblical and associated themes alongside, which the young might take to read. I went to that table many times, and those books were read and re-read by me.

Rabbi Danglow played a special role in my life in what, at the time, was a very important event. I was awarded a scholarship to Geelong Grammar School at the end of 1931, and I passionately wanted to go. A hitch developed; it was discovered (not that there had been any concealment) that I was a Jewish boy, and my parents were informed that the rules required that I should attend chapel. My parents would not allow that; Rabbi Danglow was asked to intervene, and he talked with Mr J R Darling who was then in the early stages of his great headmastership. There was no reconciliation of points of view, and so all the Geelong Grammar clothes went back to Buckley's, and I went to Scotch. At the time it broke my heart, but I survived. Years later, when I was elected a Rhodes Scholar, one of the first letters to come to me was from J R Darling. He recalled the events, then almost a decade in the past, and said, 'I think we were right and you were right'. I was the meat in the sandwich, but I think that the outcome was right from many points of view. Sir James Darling, now in his vigorous eighties, and a great citizen, and I are long-time friends. Only a few weeks ago, he and I talked in Canberra when he and Lady Darling visited us, and we recalled that distant yet unforgotten event now more than fifty years in the past. He and I were both, in different generations, Oriel men at Oxford, and he is pleased, I think, that I am going to be Provost of *our* College.

There are many other remembrances of those boyhood years in this Congregation. As I read Newman Rosenthal's history, faces fitted names in my memory. There were the silk-hatted and formally dressed officers of the Congregation: Myer Zeltner, Reuben Hallenstein, S J Slutzkin, I D Boas and Archie Michaelis. I came to know Sir Archie quite well, particularly after I returned to Melbourne as a Professor of Law in 1951. I have spoken of Cocky Fredman, who performed many functions for the Congregation. I remember the Reader, Reverend Falk. I have, I think, a clear picture of him, white bearded

and kindly. Then there was L M Goldman, an interesting and, in some ways, a combative character. I must have been one of the few boys not to have been given barmitzvah instruction by Hetty Feuerman, a lady admired and beloved by many generations of St Kilda boys, including me. L M Goldman, however, taught me. I enjoyed that: he was a good teacher, and good to me. Not long before my barmitzvah, he transferred to the Melbourne Hebrew Congregation where Rabbi Brodie was Chief Minister. It happened soon after that my parents transferred membership from St Kilda to that Congregation, so that when a desperately anxious barmitzvah boy, feeling like one awaiting execution, came to the bima, it was his own teacher who, as reader, guided him through his parsha at the Toorak Road Synagogue. That, too, was long ago.

I spoke of Trevor Rapke. I seem to remember Trevor first in a Wesley cap. Certainly I remember him as a young man, active in the affairs of the Congregation, the Synagogue, active in scouting. Newman Rosenthal's account of his early years is interesting. Trevor taught me when I was a senior student in the Hebrew School; as I advanced to the most senior year, I was his only student and we covered a great range of work. It was a demanding examination, especially the unseen paper, and he helped me greatly to acquit myself reasonably well. When I was a law student, and he was a young barrister, I would go to his Chambers from time to time in the old Selborne Chambers. Then in the war we both found ourselves in the navy, and, indeed, in the same trench in Darwin on 19 February 1942, when the Japanese launched their first heavy raids. He went off from Darwin soon thereafter to HMAS *Australia*, and I did not see him again for some years. In due course he became a judge, and he spoke out strongly on a range of issues. He retained his naval links as Judge Advocate of the Fleet, and enjoyed them; we met from time to time, and I enjoyed that.

When good things happened to me, he wrote warmly and generously, and particularly when my appointment as Governor-General was announced. He was then desperately ill, and not far from death. I went to see him in his Melbourne home, where he was abed with much medical support. I think he was pleased that I had come, and we talked warmly of things and times remembered. He died not long afterwards, and the name of Trevor Rapke evokes many memories of this Synagogue and this Congregation.

Let me come back to Rabbi Danglow. He always retains a special place in my mind and memory. In an age in which it is under insistent challenge, it may not be quite in fashion to speak too well of authority, but he remains clear in a memory which stretches back over more than fifty years as the pre-eminent figure of authority in my life. It was awe, reverence, rather than fear. I came to know him better and more easily when I was an adult member of the community, and I met him in various places. He was then a somewhat different man who had accommodated himself comfortably, and I think with pride, to the existence and achievements of Israel. Across the barriers of years and the accumulated awe of earlier time, I came to speak freely, and with great enjoyment and stimulus to him. He remained always an impressive man, and as I go into the Montefiore Homes to visit my mother, for whom it has been home for almost nine years, I

see pictured on the wall that strong, well remembered face of Rabbi Danglow.

I think it was his distinctive achievement to lead his Congregation with great perception. He established himself unquestionably as a leader, and he read his Congregation's needs and its religious feelings, attitudes and aspirations very well indeed. It was in many ways a distinctive Congregation. I think that Newman Rosenthal's appreciation of him is well expressed. Let me recall some of his words:

> With the passing of Rabbi Jacob Danglow an epoch in the life of the Australian Jewish Community came to an end. He had served one and the same congregation as its spiritual leader for over fifty years: he had played a dominating role in its development and direction. People not only respected him – they trusted him. To Danglow, religion was not a way of looking at certain things, but a certain way of looking at all things. He was the community's 'elder statesman' not only in its religious life, but in its common problems of every day.

It is a long time since I was a regular, a very regular, attender at services in this Synagogue. I remember well, however, how important it was to me in those years, and that it was a source of happiness, stability and assurance. I remember the *Lecha Dodi* of the Friday night service, the familiar *trop* of the Torah reading, the acceptable tunes of *Adon Olam*. It is all there in the web of my life.

It is all a long time ago, and I have been here very infrequently over many years. Both families, my wife's and my own, had links in times past with this Congregation and this Synagogue, and it is good to have this opportunity to recall them. I recently read an essay on *The Texture of Jewish History* in which the writer speaks of:

> ... the story of a people of immense vitality whose life (in the diaspora) ... is a triumph of will, a life bursting with talent, adventure, intellect and aspiration. Against a background of often hideous persecution we see the Jews moving through history as an anomaly, yet woven deeply into the story of man.

In this country, Jews have long enjoyed a good life. Of the six Australians to have occupied the Office which I now hold, two, so far, have been Jews. I quote that passage, however, to say that a significant element in my consciousness of being Jewish came from a long association with this Synagogue and this Congregation, at an important time in my life. Though it is long ago, it remains clear and happy in memory, and I think that it has contributed to making me such as I am.

Dispatches from Down Under: Communications from Australia to the newspaper *Ha-Magid* in the nineteenth century[1]

Jonathan Sheink

It was with a feeling of great sadness and loss that I accepted the gracious offer to participate in this memorial volume in memory of Rabbi Ron Lubofsky *z"l*.

To me he was more than a dear friend. He was also a stimulating mentor whose urging and encouragement motivated me to expand my modest collection of nineteenth century Palestiniana. My library now includes several annual volumes of *Ha-Magid*, so in a real sense, this essay is due to Ron's inspiration and enthusiasm.

I sorely miss his perceptive insight and advice which would have enhanced both the translation as well as my comments. No less do I miss the odd smile and chuckle that we no doubt would have shared in reading some of the episodes recorded in these pages.

חבל על דאבדין ולא משתכחין

* * *

Ha-Magid, meaning 'The Reporter', the first Hebrew newspaper ever published, began to appear in 1856 under the editorship of Eliezer Lipmann Silbermann, the first of three editors. It appeared regularly as a weekly until it ceased publication in 1903. Until 1890 it was published in Lyck, eastern Prussia, then in Berlin, and from 1892 in Cracow. Although Silbermann's writing talents were limited, he was a genuine pioneer of Hebrew journalism. Considering the adverse conditions which prevailed during much of this period, those forty-eight years

of uninterrupted publishing activity must be regarded as a most impressive achievement.

Ha-Magid served as a key means of communication between the scattered communities of the Diaspora. More importantly, in accordance with its avowed aim,[2] it played a major role in the development of Hebrew as a modern spoken language.

In an 1855 pre-publication prospectus, *Hamevaser* ('The Herald'), Silbermann listed among his aims the provision of information concerning 'events from all parts of the globe, Europe, Asia Africa, America and Australia, news concerning our Jewish brethren in particular and the nations of the world in general ...'

The ambitious promise to provide news from the five continents was nominally fulfilled, but the Australian news appeared spasmodically, no doubt because of the dearth of suitable correspondents. The paper lacked professional journalists and relied on news being provided by voluntary local correspondents.[3] Unlike the larger communities of Europe and America where Hebrew writers were available, it must have been difficult to find suitable volunteers in Australia. As a result the articles not only appeared infrequently, but they reflected a narrow picture of Australian Jewry, restricted to those cities where the writers happened to reside and to issues which they regarded as important.

But despite their partial and biased coverage, these bulletins, almost fifty in total during the course of that half century, were the sole source of information about Australia available to most European Jews to whom the London *Jewish Chronicle* was not available or understandable. The reports in *Ha-Magid* are therefore an accurate reflection of European Jews' perception of their brethren in the antipodes.

The unique aspect of *Ha-Magid* was that all its articles were written in Hebrew.

The following selection of extracts which I have translated from these dispatches should give readers a sense of their varied nature and contents.

Synagogue life

The synagogue served as the focus of communal life and of the individual's Jewish identity, so that many of the dispatches were devoted to synagogue activities. Thus in April 1874 Newman F Spielvogel,[4] by far the most prolific and informative Australian correspondent wrote:

> There has already appeared in the pages of *Ha-Magid* the news of the magnificent synagogue built two years ago by the congregation in the city of St Kilda near Melbourne.
>
> They sent to Germany a highly respected member[5] of the congregation who took upon himself the task of selecting a suitable honourable person to act as teacher, rabbi and preacher. Thank G-d they achieved their purpose and last Chanuka an excellent scholar, Rabbi Elias Blaubaum arrived safe and sound to Melbourne. The leaders of the St Kilda Congregation together with the Melbourne rabbis welcomed him with great honour aboard the steamer on

> which he had travelled and then escorted him to the magnificent home which they had prepared for him. In a short space of time all those who saw or heard him thought most highly of him even though he preached in German as he did not yet know English. Nevertheless they are very hopeful that being young he will master the language in a short time. He follows Orthodox practice.

Blaubaum went on to become proficient in the English language, both spoken and written, and he continued to faithfully serve the St Kilda congregation until his death in April 1904.

Polish born Rabbi Moses Rintel was appointed in 1849 Reader to the Melbourne Hebrew Congregation, a position he held until he resigned in 1857. From that time on he served as the Minister to the East Melbourne Congregation known as 'Mikveh Yisrael Melbourne Synagogue' until his death in July 1880, an event which Spielvogel reported sadly to *Ha-Magid*:

> The great rabbi, renowned sage, rabbi of the congregation 'Mikveh Yisrael' in Melbourne, Av Bet Din of Australia, Rabbi Moshe the son of Meir Hacohen Rintel, is no more. G-d has taken him.[6] On the 25th of Iyar 'Moshe was called on High' and was buried the following day. He was accorded great honour at his funeral, by Jews and non Jews alike ...

Relationship with non-Jewish community

The early Jewish settlers were loyal citizens, proud of the achievements of Imperial England and their own involvement in the civic and business life of the surrounding non-Jewish society, yet at the same time self-confident in their Jewish faith.

The best known example of Jewish Christian cooperation was the meeting in the Melbourne Mechanics Institute in 1861 to promote the fund-raising activities of the Jerusalem emissary Rabbi Schneerson. The meeting was addressed by Schneerson, who spoke in Hebrew, and by several prominent Christian clergymen. This was reported in great detail by *Ha-Magid* as well as by the Australian press. This was not the only instance of such joint endeavours. The following is part of a dispatch sent from Melbourne in 1863:

> I will write a few words to inform our Jewish brethren, readers of *Ha-Magid*, about the situation of the Jews in this country, and the love and brotherly affection between them and the rest of the inhabitants.
>
> Recently the community made the customary annual dinner for the benefit of the Benevolent Society. Governor Barkly kindly consented to be the main speaker. On his right was seated Rabbi Moshe Rintel, the Treasurer of the Society. Next to him sat the head of the Christian clergy as well as senior and esteemed Ministers of the Crown, together with leading parliamentarians, judges and the Chancellor of the University.
>
> After the Rabbi recited the blessing over bread, all the guests, 140 in number, ate and drank and enjoyed themselves ...[7]

Most of the Jewish population retained a strong sense of affinity with their brethren overseas and in the Holy Land, which expressed itself in their generous support for charitable causes in these countries. In 1881 Moshe Aharon Rapkin, the 'Treasurer of the Congregation' Sydney, reported charitable endeavours for the benefit of Russian Jews:

> I am glad to inform you that here in Australia as well, our brethren are moved by compassion to support the wretched Jews in Southern Russia who are left destitute after the destruction and violence perpetrated against them. Immediately upon hearing of the terrible sufferings of our people, a large meeting took place of prominent people, Jews and Christians alike, to discuss how best to assist the unfortunate victims ...

Religious issues

A disturbing problem during the era of mass migration from Europe in the nineteenth century was caused by the phenomenon of husbands abandoning their families in Europe without means of support and without giving a *get* (divorce) to the wife who would remain an *agunah* (chained woman), unable to remarry according to Jewish law.[8]

In October 1881 Spielvogel responded to an advertisement in *Ha-Magid* seeking the whereabouts of a 'deserting husband':

> In regard to Nissan Tsvi Marina known as 'Berghoff' named in an advertisement in a recent issue of *Ha-Magid*, I have exerted much effort to fulfil this important mitzvah of locating him and I found that indeed he had been staying in the house of F. Opitz in Melbourne but he left three years ago and his current whereabouts are unknown.[9]

In August 1871, Rabbi Rintel was faced with the frustrating problem of arranging a *get* from a husband living in Melbourne who had deserted his wife 'seven or eight years previously'. The husband was willing to grant the Get but the Melbourne Beth Din was authorised to arrange it only if it obtained the consent of Rabbi Dr Nathan Adler, 'The Chief Rabbi of the Jews in the British Empire', whose authoritarian writ was coextensive with the territories of Her Majesty's colonies stretching to the distant shores of Australia.

Rintel regarded the situation as urgent 'for there is no doubt that if we do not expedite this matter the wife will remain an agunah all her life'. Rintel requested in an open letter to the editor of *Ha-Magid* that he, the editor, try to persuade the Rabbi of Vidova (the home town of the agunah) to in turn prevail upon the Chief Rabbi that he give the Beth Din the necessary authority.

Rintel found it necessary to use this circuitous public route in his valiant effort to prevail upon the Chief Rabbi to assist him in this act of kindness and in a *mitzvah* of such importance. Although divorce cases were often problematic and jurisdiction over them was of necessity restricted,[10] the reluctance of the Chief Rabbi in this instance seems unconscionable.

Australian Jews as a whole, somewhat lax in their religious observance, were content to leave problems of religious practice to their rabbis. A notable exception was Spielvogel who sought advice through the columns of *Ha-Magid* on two important questions which arose because of Australia's unique geographic location. In his 1874 dispatch he wrote:

> It is an Australian custom not to recite in the Amidah prayer either 'You cause the wind to blow and the rain to fall' or 'Bestow dew and rain for a blessing.'[11]
>
> The reason given for the omission of these prayers is that the summer season in Australia situated in the Southern Hemisphere is the time of winter in the Northern Hemisphere. This reasoning seems wrong to me on two counts.
>
> Firstly, people outside the Land of Israel, wherever they may be, pray for the Land of Israel.
>
> Secondly rain is very much needed in Australia in the summer when it is a true blessing.'

The other question which Spielvogel raised was of a much more serious nature:

> I was extremely happy to read in your esteemed Ha-Magid the important question asked by the distinguished Rabbi Slonimsky: 'How and when does a person crossing the Pacific Ocean observe the Sabbath?' In 1864 I myself asked the same question in a letter to the *London Jewish Chronicle*. In that year I travelled from Melbourne to Liverpool on the steamship Great Victoria via the Pacific Ocean, South America Cape Horn and the Atlantic Ocean.
>
> When we had reached 180 degrees from Greenwich the captain determined that two days were to become one. He reckoned Tuesday and Wednesday, 12th and 13th of January as one day, in accordance with the practice on British boats. I could not accept this calculation because I knew that we had crossed only half the globe and gained only 12 hours and not one full day. I therefore decided not to change the date until we reached settled land.
>
> However I remained unsure whether I had acted correctly and so I asked the question, assuming that the esteemed rabbis of England would answer me, for the benefit of all our brethren who travel across the globe.
>
> But I received no answer.
>
> I was therefore extremely pleased when Rabbi Isaiah Shapira a distinguished scholar from Galicia, the country of my birth, responded to the challenge and answered the question posed by Slonimsky.
>
> But my happiness was short lived. Soon afterwards his opinion was contradicted by another rabbi and a bitter controversy ensued leaving the question unresolved.

Travellers' tales

The problem connected with crossing the Date Line raised by Spielvogel in his dispatch was of great consequence and deserves special consideration.

In pre-modern times when Jewish communities were situated in the same time zones and travel was restricted, the 'Date Line Problem' was never a practical issue, so, understandably, there was little discussion of this topic in the traditional literature. Although the phenomenon of time changes in different parts of the world was mentioned as long ago as the twelfth century by R Yehudah Halevi in *The Kuzari*, the discussion there and in other early works was not directed to determining normative *Halachah*. Scholars became aware of the 'Circumnavigator's Paradox', the addition or loss of one day, only after the circumnavigation of the world in the sixteenth century.

It started to become a practical *Halachic* issue only in the nineteenth century with the growing incidence of travel to Australia and Asia. The long sea journey inevitably confronted the traveller with the need to adapt to the changing dates in different locations. The question of fixing the proper date for the observance of *Shabbat* and festivals was particularly serious.

The first among several peripatetic rabbis who experienced the date line problem at first hand, seems to have been Rabbi Jacob Sapir, a notable nineteenth century Jerusalem emissary and writer who travelled widely to Jewish communities in distant lands, including Egypt, Yemen, India, Java, Australia and New Zealand. In his comprehensive diary of his travels, he records his experience in 1863, on his journey home from Australia to Palestine:[12]

> After travelling for twenty-five days and having passed the Equator[13] the captain said to me: 'You should know that as we have gained an additional day, we have postponed our Sabbath (Sunday) to the next day and you should act similarly in regard to your Sabbath.' I replied: 'That may well be, but as for me, I shall continue to count six days, and observe the seventh day as the Sabbath; when I come to a city where Jews reside, I will observe the Sabbath with them.'

Although well aware of the complex nature of the problem he preferred to avoid the issue and instead had to resort to the familiar formula – 'There is much to be said on this subject, but here is not the appropriate place.'

Although some rabbinic scholars had already deliberated on the problem, Spielvogel in his 1864 letter to the Jewish Chronicle (quoted earlier) was one of the first to publicly call for immediate attention to be given to the issue which he rightly felt had been neglected.

However, his appeal for guidance was ignored and, as far as can be ascertained, there was no authoritative ruling issued by any member of the English rabbinate. In the March 1889 issue of *The Jewish Standard* of London, there appeared a lengthy article by a Joseph Levy entitled 'The Circumnavigator's Sabbath'. He pointed out that by that time it was no longer a rare event to circumnavigate the globe, considering the frequency of pleasure cruises, such

as those run by the P & O Lines, which cost a mere £70 (second class!), lasted six months, and took passengers as far east as Singapore, Hong Kong and Tokyo. He decried the lack of rabbinical guidance and concluded, 'I beg to ask my readers, in case they should be tempted to circumnavigate the world, to submit the problem to the ecclesiastical authorities.'

Another seafaring rabbi was the scholarly Rabbi Avraham Eber Hirshovits, a colourful, albeit temporary addition to the Melbourne rabbinate. His adventurous spirit had led him in turn from his birth place in Vilna to England, Australia, America and finally to Palestine where he died in 1924 aged 86. After a mere four years in Melbourne he left for San Francisco in 1894. In his book of responsa *Beit Avraham*,[14] he described how he encountered on his journey a predicament similar to that experienced by Sapir.

He resolved the conflict between the starting Sydney date and the new date as fixed at the International Date Line, by keeping *Shabbat* on both days. By this time there was growing acceptance in the international community of the recommendation of the International Meridian Conference in 1884, that the 180 degrees meridian be the International Date Line. It is significant that Hirshovits recognised this demarcation line as being *halachically* relevant.

In 1896 he made another journey across the Pacific from America to Japan. Although by now he was experienced in the mysteries of Pacific travel, he described in *Beit Avraham*, with good humoured candour and a personal note rare in such literature, his visit to Honolulu on his return journey:

> After reading the Megillah on board ship I drank a little spirits to 'gladden my heart' in honour of the festival of Purim. I then disembarked and strolled through the city streets. Upon meeting some fellow Jews I greeted them with 'A Happy Purim' to which they replied: 'But today is the Fast of Esther'!

After this sobering experience he sought the opinion of rabbinic authorities in Europe and he printed their answers in *Beit Avraham*.

Rabbinic responses

In his 1874 dispatch to *Ha-Magid*, Spielvogel expressed his disappointment that Rabbi Shapira's initial ruling had become so entangled with rabbinic debate. He was referring to a fascinating sharp exchange of articles published in *Ha-Magid* in 1872-73, between Rabbi Shapira and a certain Rabbi Ze'ev Weiller, which extended to thirty instalments of argument, counter-argument, rebuttal and reply.

In his memorandum Rabbi Shapira went far beyond Slonimsky's initial question, which was restricted only to the problem of travelling across the Date Line. He also ruled that the correct day for the observance of *Shabbat* by the Jews of Australia was Sunday and not as hitherto, Saturday. Not surprisingly, Weiller objected strongly to this astonishing ruling and urged other rabbis to express their opinions.[15]

Spielvogel himself made no comment on the substance of the arguments, but he clearly approved of Shapira's pronouncement and expressed regret at

Weiller's interference. Is it too fanciful to suggest that Spielvogel preferred Shapira's ruling because it would make *Shabbat* observance easier? It would mean that Jews could operate their businesses on Saturday and observe *Shabbat* on Sunday, thus removing the main obstacle to *Shabbat* observance.

Despite the radical nature of this decision, it is not entirely without merit. A similar ruling in regard to Japan was suggested in 1941 by none other than the leading authority, 'The Hazon Ish' (Rabbi A Y Karelitz). At that time a group of Yeshivah students, fleeing from Europe, was stranded in Japan and sought a ruling in regard to the correct date to observe *Shabbat* and Yom Kippur.

A vigorous debate ensued, with conflicting opinions being expressed by the majority led by Rav Yechiel M Tukazinsky of Jerusalem and the Hazon Ish. In the end, Rav Tukazinsky's more practical common sense view prevailed, and it is now accepted practice that in Asia and Australia *Shabbat* is to be observed on the locally recognised Saturday, and not the local Sunday as advocated by the Hazon Ish and other like-minded rabbis. The 'Date Line' problems have since been dealt with by various authorities. Many questions peculiar to Australia, were examined by Rav Bezalel Stern, Rabbi of Adass Yisrael Congregation Melbourne, in his *Responsa 'Be'Tsel Hachochma'*. They reflect particularly the complexity of situations which can arise in the era of aeroplane travel.

Today we are far removed from the pace and mode of transport experienced by the intrepid travellers to Australia in the nineteenth century, but we may truly look upon them as being in the vanguard of *halachic* enquiry in this important field. Indeed, in some of their innovative suggestions, they foreshadowed arguments raised in the *Responsa* of the later authorities.

Australia the amazing

While the regular correspondents wrote serious and reliable reports, *Ha-Magid* published two articles which are complete fabrications. The first, with the byline 'Illawara' appeared in September 1860. It described in the most dramatic terms a cataclysmic flood at a gold mining settlement called Bells Creek, killing in its wake 30,000 people and destroying not only the town but also the surrounding countryside. The writer, who 'witnessed' the terrible scene of destruction, was so overcome that 'my pen trembles and my soul shudders when I recall these terrible events.'

This article is pure fiction. No such disaster ever occurred in Australia. There is no evidence that a mining town called Bells Creek really existed.

The next story, no less fanciful, was reported in 1866:

> The Australian natives living in the State of New Zealand, called 'Maoris', always fight very fiercely against the British invaders. These natives are extremely cruel and kill any prisoners they take.
>
> In April this year a number of English soldiers, with their platoon officer, were captured by Maoris who took them to the interior of the island. Here the cruel natives undressed all their captives, naked as the day they were born, skewered them on metal spits and roasted

> them alive. They treated all the prisoners in this terrible manner until the fateful turn of the officer arrived. While they were removing his clothes they saw his *tsitsit* [ritual fringes] on his *tallit* katan.[16] They were amazed at this sight and after some thought, they informed him that he was free to return home. The officer had suffered so severely from the traumatic experience that he fell ill and was unable to leave. He was obliged to remain for several weeks until he recuperated. During this whole period the Maoris attended to him with the utmost devotion[17] and affection providing for his every need.
>
> After the officer [who was Jewish][18] recovered he returned to Melbourne where he related his experiences and a lot more information in regard to the indigenous natives. He reported that they pray in the Hebrew language and that most of their customs are similar to those of the ancient Hebrews and in general their facial features indicate that they are of Jewish descent. People in Melbourne believe that the Maoris are descended from the lost Ten Tribes.[19]
>
> Signed – Ztg. des. Judentums

Not surprisingly Silbermann was anxious to obtain interesting items for his paper. In 1874 a correspondent wrote the following picturesque description of early Melbourne:

> I received your valued letter and please God I shall inquire as requested and shall investigate the natural species, customs and language of the Australian natives. The number of blacks in Victoria is small so I shall not be able to properly investigate their language ... The city of Melbourne, founded in 1837, now has a population of over two hundred thousand – today beautiful mansions stand in the place where kangaroos once played and danced with their young ...

The revival of Hebrew

The most significant feature of the *Ha-Magid* dispatches of course is that they were written in Hebrew by correspondents living in Australia. This is indicative of the presence in the community of people who had been influenced by the Haskalah movement and participated in its drive for the rebirth of the Hebrew language. An unusual incident reported from Melbourne in June 1868 by the Melbourne Hebrew teacher M Myers, is testament to the devotion of a nameless Jewish poet to the Hebrew language:

> Prince Alfred, the second son of the Queen of England is currently visiting this country. Wherever he goes he is welcomed with great honour and boundless joy and each day has been an occasion of feasting joy and light. The following illuminated verses[20] written in Hebrew appeared on a Jewish man's house. What a wondrous sight.

אתית נשיא נכבד ונברכך כלנו

לויתן ימי ענגלאנד בבואך שמחתנו

פינו מלא תודות לברך חלדך

רכב על גפי מרומי ההצלחה

עלה מעלה בעוז והרוחה

דיצה ונועם תשבע וישג אחריתך

The following is my translation. I cannot match the rhyming skills of the original poet but I have succeeded in composing an equivalent English acronym.

Arrived you have, honourable prince and we all bless you,

Leviathan of the seas of England you have brought us joy with your coming

Filled are our mouths with thanks to bless your span of life

Ride, we bid you, on the heights of success

Ever higher and yet higher advance in strength and tranquillity

Doubly blessed with abundance of happiness and pleasantness, may your future prosper.

While this little poem is no literary masterpiece, it is significant in that not only does it illustrate the use of Hebrew by the author of the verses, but its public display presupposes that there were others who could understand it.

At this time the development of modern Hebrew was still in its formative stage. The Australian correspondents, in common with other contemporary Hebrew writers, were obliged to adapt for daily use the language of the traditional religious texts. As a result, their style is often stilted, their vocabulary restricted and their meaning ambiguous.

An exception to the generally mediocre standard of writing is a number of superior articles written in 1875 and 1877. One article, signed 'B', is particularly noteworthy, with its fulsome praise of the revival of the Hebrew language and culture, couched in the florid style of the Haskalah:

> Behold the Hebrew who truly loves his people and language. When he passes over the furrowed fields of Hebrew literature of the nineteenth century, how greatly does he rejoice upon seeing the

> land which was but recently a desolate wilderness, now turned into a blessed land as the garden of G-d as the land of Egypt.[21] A multitude of roses and flowers of the mind will grow upon it and their goodly fragrance, gladdening the heart of men, shall be renowned from afar.

'B' incorporated the appropriate poetic Biblical phrase even when reporting on prosaic matters. In 1874 he wrote:

> As is known to all students of Nature, at the time when the sun sets in Europe, it rises in Australia and in the month of Kislev, which brings cold and snow to Europe, the sun brings its healing rays to Australia[22] and it is summer here in the lower part of the globe. The time of singing has arrived[23] in the city of Melbourne and the voice of the new rabbi preacher, Rabbi Blaubaum is heard in the St Kilda Synagogue.

Another sophisticated contributor was the Reverend Isidore Myers, who had acted as minister to a variety of smaller communities until he departed from Australia in 1890. The dispatches that he wrote reveal him to have been a most competent Hebrew scholar.[24] In 1875 he provided a realistic assessment of the state of Jewish observance and education.

> The truth must be told, that Thank G-d ..., there are people in our community who faithfully observe the tenets of Judaism. They are honest and G-d fearing and observe the Sabbath. But the number of such people is few and in general Sabbath observance is lax ... Every boy on attaining the age of thirteen reads a parsha in the synagogue on the Sabbath. Most parents are satisfied if their sons can read the prayers and the parsha in Hebrew even without understanding their meaning. Therefore many boys who attend the Jewish school do not remain there for long. And even while attending the school they study [Hebrew] only one hour per day. Those boys who go to other schools study Hebrew at home two or three times a week. It is therefore not surprising that only a small number can read our Holy Torah in Hebrew.

* * *

Before I began this essay I had read only a few of the dispatches from Australia and was unsure where my searches would lead me. I trust that the reader will concur that the effort was worthwhile. Indeed, the fragile yellowing pages of Ha-Magid contain a fascinating treasure of information which can contribute much to our appreciation of the formative years of the Australian community and add a human dimension to the dry facts of history. There remains a substantial amount of material deserving further study.

Endnotes

1 I am unaware of any major reference to *Ha-Magid* in relation to Australian Jewish history other than the annotated translation of four letters by the late Rabbi Dr I Porush ['The Australian Jewish Historical Society', Journal of Proceedings Volume V Part V]. In addition to the communications from Australia *Ha-Magid* contains other material of importance to Australian Jewish History. Thus in 1863 the Sefardi Chief Rabbi of Jerusalem wrote in *Ha-Magid* a lengthy letter addressed to the Jews of Australia regarding the mission of Rabbi Shneerson, an emissary collecting funds for Jerusalem alm houses.

2 The mast head of each issue declared its aim to provide information 'for the benefit of every man of Israel and the advancement of the beautiful Hebrew language'.

3 I have no definite information on this point. However from the infrequent spasmodic appearance of the Australian dispatches and the number of writers involved it seems reasonable to assume that they were unpaid volunteers.

4 He signed his letters with his full Hebrew name and place of birth in Gailicia – נחמן פריעדעל שפיל פאגל הלוי יליד קאלאמעא בגאליציען
Spielvogel displays a good knowledge of Hebrew and the classical texts and had an inquisitive mind. Rabbi Jacob Saphir wrote a flattering description in his diary 1862: Here [in Ballarat] I found my friend scholar and writer, Newman Freidel Spielvogel, whom I had known when he lived in India. [For more details about Spielvogel see Newman Rosenthal, *Formula for Survival.*]

5 The gentleman in question was Isaac Hallenstein, then in Europe, who was given the task of selecting the candidate. [Newman Rosenthal, *Look Back With Pride*, Nelson 1971, page 14.]

6 Genesis 5:24. 'Enoch walked with G-d; then he was no more, for G-d took him.'

7 Rintel maintained excellent relations with the non-Jewish population on various levels as is evidenced by a letter to the London Jewish Chronicle of 2 September 1864 from one Thomas Bryne of Melbourne, with the heading 'Humanity of a Jewish Rabbi Towards a Christian Child'. Bryne wrote how at his urgent request Rintel agreed to carry out a complicated operation on Bryne's son. The medical men who were present 'expressed their delight and astonishment' at his superior skill. Bryne concluded – 'My wife and I know not in what way to thank this kind-hearted and liberal rabbi'.

8 Since Talmudic times the rabbis have been sensitive to the suffering of *agunot*, seeking ways to release them from the bonds of marriage to allow them to remarry. After World War II, Chief Rabbis Herzog and Goren devoted much effort and innovative thinking to solving problems of *agunot*.

9 The high incidence of deserted wives and their tragic plight is reflected in the pathetic advertisements inserted by *agunot*, which appeared frequently in the Hebrew Press of the day. In this case of 'Berghoff', the advertisement was inserted by the wife's father five years after the husband had absconded. The husband is described in a vague manner which could hardly have assisted the search: 'Average height. Blond hair. Thin Face. Long Nose. Approximately thirty years old'.

10 There was also a self-imposed reluctance on the part of even the most qualified rabbis. Rabbi Hirshovits, whose rabbinic qualifications were impeccable, had been warned by his teacher to refrain from dealing with divorce proceedings:

לחכם אמיתי ויר'א כמוהו ראוי להתרחק מהוראה בעניני
גיטין וסדורם בארצות האלו כי לפי השערתי המכשול
בעניינים אלו בארצות הרחוקות מצוי מאד אף לרב גדול בתו'
מכמה וכמה טעמים אשר בלתי אפשר לפורטם כי רבים הם
["בית אברהם" עמ.13]

11 This question was already raised in 1848 in a letter to Chief Rabbi Dr Nathan Marcus Adler from A H Hart president of the Melbourne Hebrew Congregation. Rabbi Avraham Eber Hirshovits included in his book *Beit Avraham* responsa from five rabbis whom he had consulted in regard to this problem. A similar question was asked in the nineteenth century by the Jews of Brazil. For an interesting discussion regarding the practice of the Jews of Yemen see:

הרב יוסף קאפח "כתבים" ירושלים תשמט עמ'33-38

12 אבן ספיר page 52. For a full account of his journey to Australia see *Rabbi Jacob Levi and his Voyage to Australia* by Rabbi Raymond Apple, *Australian Jewish Historical Society Journal and Proceedings* vol. VI, p. 195-215.

13 The reference to the Equator [קו המשוה] is an obvious error. He no doubt meant the International Date Line.

14 For a fuller discussion of Hirshovits and his *Responsa* see the article by Rabbi Raymond Apple Australian Jewish Historical Society Journal of Proceedings vol. IX Part 6 pp. 434-43.

15 והנני משביע את הרבנים הגדולים המשכילים כי לא עוד
יחשו ויחוו דעתם בזה כי מהנחוץ לידע בכל ארץ אוסטרליען
איזה היום ישבותו השבת

16 Worn by Jewish men, it is an undergarment with the tsitsit [ritual fringes] attached to each of its four corners.

17 The Hebrew rendering הפכו המארים את משכבו בחליו, is based on the verse in Psalms 41:4 כל משכבו הפכת בחליו. Its use here attests to the innovative skill of the writer in adapting a rather obscure Biblical text.

18 By this stage of the story the reader must have realised that the officer was Jewish! However, this is where it appears in the original Hebrew version.

19 This theory is no more fantastic than many other 'Lost Ten Tribes' theories propounded over the centuries. It is remarkably similar to the story related by the Marrano traveller Antonio Montezinos in 1644, of meeting in the West Indies an Indian tribe who established their credentials by reciting Shema Yisrael in Hebrew, and whom he identified as descendants of the tribe of Reuben. Rabbi Menassah ben Israel accepted this identification and incorporated it in his book 'The Hope of Israel'. (Litman Library, OUP, 1987.)

20 'Illuminated verses: I have assumed that this was the writer's intention when he wrote:

(!) ... נראה גם על בית איש יהודי פה טורים כתובים באש ... היה כתוב במאורי האש
The original Hebrew version demonstrates the difficulties of adapting traditional Hebrew to modern situations. The *havdala* prayer is the obvious inspiration for this sentence.

21 Genesis 13:10. 'Lot looked about him and saw how well watered was the whole plain of the Jordan ... like the garden of the Lord, like the land of Egypt.'
22 Malachi 3:20. 'But for you who revere My name the sun of righteousness shall arise bringing healing in its wings.'
23 Song of Songs 2:12. 'The blossoms have appeared in the land, the time of singing (or 'of the nightingale') has come.'
24 His 1877 communication concludes with his full signature:

טוביה המכונה איזידור ישראל מאייערס

He signed off his other dispatches with the felicitous acronym ישראל טובים.
He seems to have embraced the aims of the Haskalah, and like many Hebrew writers of the time who translated world literary classics, he himself composed a Hebrew translation of Longfellow's 'A Psalm of Life'. His writings in *Ha-Magid* and elsewhere confirm Malcolm Turnbull's positive assessment of Myers' talents ['Australian Jewish Historical Society Journal' vol. XIV Part 3 p. 524] – 'From the point of view of Australian Jewish history, he deserves wider recognition as one of the more noteworthy 'intellectual products' of the nineteenth century community'.

The voice of the deserted Jewish woman, 1867-70

Mark Baker

From the moment Eliezer Lipmann Silbermann announced that he was dedicating the back page of his Hebrew periodical, *Ha-Magid* (The Herald), to the search for truant husbands, his desk was inundated with correspondence. 'This *Magid* comes out once a week, but even if it came out daily,' he lamented in 1869, 'it could not contain all the messages from deserted women for they are too numerous.'[1] The lament was echoed by correspondents throughout the Russian empire, one of whom remarked from his vantage point in Lithuania that 'all the newspapers together would not have enough space if every deserted woman would request to write an advertisement.'[2] Despite this alarming rhetoric, Silbermann's weekly, *Ha-Magid* – published from 1856 in eastern Prussia on the Russo-Polish border – had to suffice, or, more precisely, its back page was all that was allocated to his campaign.[3] For although it was estimated that a mere 1 per cent of women were publicising their personal sorrow, they had to share the limited space reserved for their common plight with other advertisements.[4] Commercial considerations could not be totally shunted aside: there was too much advertising revenue to be lost in overly virtuous behaviour, revenue which was necessary to sustain a newspaper whose worn copies were often handed from one reader to another.[5] When the notices on behalf of deserted women finally did appear in their neatly boxed columns, they were jostling for attention alongside other items advertising anything from Hebrew books, lottery tickets, the services of an unemployed cantor, to an assortment of cheeses, salted fish and kosher wines.[6]

Although not for sale, the deserted women nonetheless shared something in common with the other products laid out across the same page of typeface. They were, in a sense, commodities, owned not by manufacturers but by

husbands, who were the legal possessors of their freedom. To be sure, the *halachic* legal system accorded fundamental rights and freedoms to wives, a status augmented by the creation of a marriage document (the *ketubbah*) based on Pentateuchal law which ensured financial relief in the case of death or divorce.[7] When it came to divorce, however, women could reject it and even initiate it, but were precluded from unilaterally executing it.[8] Hence the absence of the husband or his deliberate refusal to deliver the Jewish bill of divorce, known as a *get*, prohibited the possibility of dissolving the marriage.

While many men did not perhaps intend to desert their wives (such as those who simply never came home, either as a consequence of war or some other ill-fated accident), not all were innocent of such intent.[9] Many did not so much disappear as wilfully neglect their contractual duties, leaving home under the pretext of seeking economic opportunity, or lured by the possibilities of adventure or the enticement of a reputable Talmudic academy.[10] In the absence of any reliable witnesses who could verify the death of her spouse, the wife was compelled by Jewish law to continue to live as a wife, that is a wife who awaited a husband who was unlikely to return. Under Talmudic law she was known as an *agunah*, a grass widow, anchored to a marriage which, in reality, no longer existed. Condemned to the double humiliation of bearing the status of wife and widow, the *agunah* was prevented by Jewish law from remarrying, although the husband remained unaffected by this status since the law afforded him the possibility of receiving a *heter nissuin* – 'permission to contract an additional marriage'.[11]

The voice of these abandoned women has typically been confined to rabbinic literature, a genre which over the centuries presented thousands of case studies of marital desertion in an effort to alleviate the suffering of *agunot*.[12] In this form of Responsa literature, the deserted woman never speaks, although the facts of her situation are briefly mentioned as a prelude to a discourse on jurisprudential reasoning. Indeed, the history of *agunot* until the nineteenth century can only be read from the perspective of male rabbinic documents and legal decisions executed in a *Beit Din*, a Jewish court of law. The female voice is never presented, but only represented as an abstract legal construct. This is not to suggest that the suffering of women was of no consequence for the rabbis, many of whom left whole tractates of religious rulings on the theme of *takanat agunot*, the attempt to find a legal means of releasing women from the bonds tying them to absentee husbands. However, in all of these writings, the anchored wife is objectified as a *halachic* category; her subjectivity is ignored even though she is the main protagonist of the texts that yield the only path to the possibility of remarriage.

The insertion of a female voice into the history of marital desertion is only made possible once the issue of abandonment extends beyond *halachic* rulings into other literary or institutional spheres that allow women to present their own perspectives. One of the earliest campaigns to aid deserted women was conducted in the pages of *Ha-Magid* from the 1860s on. As a tool of mass communication, the Hebrew press provides the reader with one of the few direct sources of women's private emotions, even though their expression may well

have been constrained by conventions imposed by rabbinic authorities. To be sure, Jewish women rarely, if ever, contributed to the modern Hebrew periodical press, although they appeared as its subjects in articles which paid tribute to their philanthropic and maternal efforts.[13] Nor did male writers, frequently championing the cause of Jewish women, appear to be perturbed by the virtual exclusion of a female voice from their newspapers. Nevertheless, it is instructive to examine the earliest stages of the campaign spearheaded by *Ha-Magid* as an example of the interplay between traditional approaches to the problem of marital desertion and the emergence of extra-rabbinic perspectives, including a female one.

There was nothing particularly auspicious about *Ha-Magid's* circumstances. Although it could – and did – lay claim to being the first modern Hebrew newspaper, this was a rather grandiose boast for a journal written in a somewhat pedestrian and pedantic style, and published in a small town which could count only ninety souls among its Jewish residents.[14] The town of Lyck was hardly comparable to the cosmopolitan cities of Warsaw, Vilna and Odessa, where (following *Ha-Magid's* lead) Hebrew newspapers appeared from the 1860s.[15] Lyck's Hebrew printer, publisher and editor was also the town's *shohet* (ritual slaughterer), an indefatigable activist who was prone to sing his own praises and provoke the ire – or perhaps jealousy – of journalists further to the East.[16] But Lyck did have some advantages. Located in east Prussia on the Russo-Polish border, it was a unique observation point into the heartland of European Jewry known as the Pale of Settlement, an area in which more than three million Jews lived.[17] In a town bordering what was widely recognised as the boundary between the East and West, Silbermann was also ideally placed to provide a channel of communication between Jews in the impoverished communities of the Pale of Settlement and those set on a migratory path westward. What was required for his campaign to locate missing husbands was an army of trackers, which could be drawn from his diffuse readership, and 'eyes' which could search far and wide; this, at least metaphorically speaking, was one of the attributes of *Ha-Magid*. 'Nothing is hidden from the eyes of *Ha-Magid*,' one admirer noted, an accolade which spurred Silbermann's commitment to considering the Jewish situation from a global perspective.[18]

The campaign to aid deserted women

The campaign to aid deserted women began in earnest after the outbreak of a severe famine in 1867. The areas affected most drastically were Lithuania and Poland, in which the lives of one million Jews in cities like Kovno, Vilna, Grodno and Warsaw were endangered.[19] By 1869, after two successive crop failures, it was estimated that more than three hundred thousand people were dying of hunger and typhus.[20] Although not the first to launch a rescue operation, Silbermann was one of the most visible campaigners offering relief to the starving victims of famine. From his small editorial offices, he established a welfare society, *Hevrat tomchei dalim le-yehudei rusiya ve-polin* (The Society to Support the Poor of Russia and Poland), whose main task was to distribute money and bread to

hunger-stricken communities across the border. As the famine worsened, appeals for support poured in. 'One cannot really measure nor tell nor describe nor explain that people are actually dying of hunger and famine,' one writer from Sluck in Lithuania lamented. 'The sound of the babies' crying, holy sheep, of children and of those who have been weaned of milk, can be heard in most of the houses of Israel in our country.'[21] Other observers predicted an impending *shoah*, a catastrophe, which threatened the future existence of Jews in Russia and Poland.[22] Faced with poverty and now starvation, a small but not insignificant migratory movement of refugees from the famine-stricken regions of Russia and Poland began to pour into cities on the eastern edges of Prussia. In February 1869, it was reported that famine and typhus were crossing the border every day, unleashing a flow of new refugees into Koenigsberg, Memel and other eastern Prussian towns.[23] According to a report from the Kovno region, Jews were dying of hunger as they made their way westward, from town to town, in search of food.[24]

Immediately, a series of advertisements was placed in *Ha-Magid* by the leaders of the Koenigsberg Jewish community, warning the poor and sick of Russia and Poland not to come empty-handed: 'They will end up homeless and wandering on the outskirts of the towns and eventually die through lack and hunger without anyone having compassion and mercy over them.'[25] Most problematic of all, however, were the women who wandered helplessly across the border in search of food and their lost husbands. As Silbermann reported:

> The tender and deserted one who has never set foot outside the walls of her town either wanders from town to town seeking her husband or stays at home bereaved and desolate, grieving over the husband of her youth. If you pay heed to the large number of such escapees your hair will stand on end. And what do they do when they reach foreign soil? What is the end and purpose of their deed? Alas! Alas! Alas! You have all heard and know this. Go and observe the achievements of these runaways; how they fling away all of God's commandments to go after the nations, and scorn their father's customs. Go and see how many of them seek protection by the inciters in London and in many other towns, who sell their birthright for lentil-stew.[26]

Most of the abandoned women, however, did not venture beyond their city gates; they simply remained at home, their loneliness and vulnerability further aggravated by the hunger and endemic poverty. 'Beseech him,' a woman appealed to readers of *Ha-Magid*, 'maybe he will have mercy on me and on his children and on his only son and no longer harden his heart, handing us over as victims to the terrible famine prevalent in this country ... What fault has he found in us that he has left us?'[27]

Despite Silbermann's repeated warnings to remain sedentary, the refugees – among whom were counted the deserted wives – continued to flow into Prussia.[28] There was nothing triumphant or heroic about their journey; it was aimless,

pitiful and bereft of any real purpose. Silbermann repeatedly expounded upon this point to the readers of his newspaper:

> Many women come to us [in Lyck] either alone or surrounded by a horde of boys and girls and ask for guidance. If we ask one:
>
> 'Where are you headed?' she answers: 'I seek my husband.'
>
> 'Where is your husband?'
>
> 'I have read it rumoured that he is in America,' but she imagines Southern America or Australia.
>
> 'Can you afford such a long journey?'
>
> 'No sir, your handmaid has nothing except for the children whom God has granted me.'
>
> 'Did you know that America is a vast land with many towns? Where has your husband gone that you might find him, and where will your help come from?' [cf. Psalms 121:1]
>
> But she responds: 'Never mind, we have a God who will help ... Therefore I go, come what may.'[29]

Although the campaign to locate wandering husbands and fathers had preceded the famine, the hunger merely fuelled their wives' desperation for some meaningful form of salvation. Messages flowed into Silbermann's editorial offices. The gratis advertisements were composed according to a stylised format, often with the imprimatur of a town rabbi, and written either by a male member of the family or by the grass-widow herself: 'B seeks A who left home X number of years ago.' Notwithstanding these limitations, each textual fragment possessed an individual female voice written in a subjective manner, speaking of sorrow, anxiety and concern for the fatherless children. The narrator's story was presented beneath various headings, including *kol isha agunah* – 'The Voice of the Grass-Widow'. Although rabbinic law places limitations on the expression of the voice of women in a communal sphere, in these advertisements the female voice was used publicly to address its feelings in a tragic attempt to seduce a truant husband.[30]

Through these narratives, the reader encountered a host of wayfaring Jewish husbands. There was the man from Minsk, a toymaker, who told his wife he was travelling to Bobroisk to earn a higher wage but had not returned after six months away.[31] Nehemia, the son of Jacob, more familiarly known as Nehemtsia, was disfigured by a scar,[32] while another, aged sixty-five, had a right hand and leg shorter than his left.[33] Other, perhaps bolder, husbands travelled beyond the European landscape as far as New Orleans and Melbourne; some, according to their wives, deliberately wandered from country to country to evade pursuing families.[34] These more distant husbands were harder to trace. Berman Lebel from Moldavia resurfaced in London as Bertrand.[35] Another, aged thirty, had left a wife and five children in a Hungarian town. Apparently consumed by greed, which prompted the family to lure him home with the promise of a paternal inheritance, his appearance was described as 'fat, the left side of his face seem[ing]

higher and larger than the right, a learned man.'[36] Distinctive marks were underscored in ever more desperate bids at identification. 'On each half of his hands over the position of the first bone from the palm there are scars of stitched tears in his skin,'[37] one woman wrote, while another offered a clue in the 'bent fingers of the right hand'.[38]

The following advertisement was typical of the way abandoned women presented their narrative:

> I cry out to you, noble sons of Israel, who are in Melbourne: it has now been fifteen years since my husband Joseph Awinsky has left me to wander the breadth of the globe, and I have not known his whereabouts. But until four years ago I have been receiving letters from him stating that he has settled in the town of Melbourne, the capital of Australia, that he has grown in stature and acquired a large fortune, and he beseeched me to come to him, having deposited the money for my expenses in various banks along the way. But I, for reasons of my health which was poor then, could not fulfil his wish and put myself through the trials of such a long journey through the great abyss. Other considerations also led me astray into not determining to cross the seas. When he realised that he had wasted his pleasant words and has toiled for nothing, he thought that I had rejected his words maliciously and he was angry with me. He withheld his mercy and did not respond to my questions and beseeching from then onward. Now I am left desolate and grieving over the husband of my youth. Our only daughter has also now reached marriageable age, soon ready to enter into marriage, but I cannot afford to supply her with a dowry, as is the custom, so that like me, she suffers the burden of affliction and grief. Therefore, you noble sons of Israel, please awaken his heart to have mercy on us, that he might send us aid from the town of Melbourne, and support and sustain us wholeheartedly. Further, if he still desires me to come to him, may he tell me as I will fulfil his wish willingly.[39]

This was only the first chapter in the unfolding saga of the Awinsky family. It was followed by an advertisement published four weeks later, in which the language of the bereaved *agunah* was far less conciliatory:

> I am a deserted and saddened woman. Fourteen years ago the husband of my youth whose name is Yoseph Aryeh Awinsky from Bialystok left me, placing my daughter, a little girl called Mushka in my arms, faint and without support. For seven years we received his letters from the city of Melbourne in the land of Australia, asking that we join him. For various reasons we were prevented during those years from fulfilling our wishes, and we exchanged many letters to and from the address below. For four years we have had no sign from him [lit. visions of him were scarce, cf. 1 Samuel 3:1] although we sent him many unstamped letters as he had

> commanded us to do, they were not returned to us, meaning that he still lives there. And now my wretched daughter's time has come to marry and I am bound with the bonds of desertion and poverty together. Who among you, Rabbis of Melbourne, is God fearing and intelligent, that he may listen to the groan of a mourner recounting how we have been deprived! May he inquire about him in the post-office mentioned below and send a message about my husband to the *Magid*, which is like a watchman sent by God to the house of Israel. And you shall be like ambassadors sent from above, since your actions will bring about the deliverance of a woman afflicted, lashed by storms. [cf. Isaiah 54:11].
>
> Beila Gishe, the daughter of Rab Noah, and her daughter Mushka.
>
> The address to which I always sent my letters was Mr. Joseph Awinsky, 108 Lensdale (*sic*) St East Melbourne, Victoria Austrnlia (*sic*).[40]

Seen in context, the former letter unveiled deeper complexities in the motives of the protagonists than the ensuing letter implied. The reader can observe how the elements of the story shifted subtly. In the former account, Mrs Awinsky confessed that she felt partially responsible for the separation from her husband. The silence between them was presented as a terrible misunderstanding on the part of a husband wounded by a distant wife's refusal to come to him. The wife did not seek an end to her status as *agunah* through a divorce writ, but wished to join him or to share in the fortune of which he apparently boasted in his early epistles from Australia. In the second instalment, these personal elements were removed; there was no reference to a guilt-ridden woman, or to the banks in which her husband's finances were deposited. Beila Gishe's narrative had been shorn of its emotional intensity, as she presented herself as a bereaved *agunah* according to the routine formula which could be found in other pages of the newspaper. The final chapter of this episode is not written in *Ha-Magid*, but the reader is left wondering about a string of unanswered questions which stimulate the imagination: did Beila Gishe, her health restored, travel across the abyss to Australia? Did Mushka, the young daughter, eventually marry, and did she manage to obtain a dowry sufficient to elevate her social status in Russia? Did Joseph Awinsky ignore his wife's appeal, or did his pride and anger toward her subside? Or had the rabbis – those 'noble sons of Israel' – perhaps consecrated his marriage to another woman in Australia? After all, Joseph Awinsky might simply have been known to them as the eligible bachelor from Bialystok who attempted to establish a synagogue for refugees near his home in Bourke Street, a central artery running through Melbourne's city district.[41]

Although the landscape was dotted with these itinerant husbands who were introduced to the reader as subjects of their wives' narratives, the stories were carved out of the pain of loneliness and hunger, aggravated by the status of grass-widow conferred upon the women by Jewish law. The real protagonists of these advertisements were the narrators, wives who awaited their husbands' return and were compelled, in the interim, to display their humiliation before

an entranced public and powerless rabbinate. A confessional voice communicated the pain and sorrow of the *agunah*, whose life was numbed by the absence of her recalcitrant husband. Only his return or the discovery of his dead body could free these abandoned women. 'Perhaps he is no longer alive,' wives would often meditate in their pleas, fearful of the fate of never locating their husbands either alive or dead.

Even an anonymous brother-in-law whose whereabouts were unknown was capable of binding a woman to the status of *agunah*. This was the case of the *yevamah*, the levirate widow who under Biblical law was compelled to marry her brother-in-law in the event of a childless marriage ended by the death of her spouse. Release could only come through the ceremony of *halitsa*, which involved the location and cooperation of the *levir*, that is, of the brother of the deceased. Without such a ceremony, or if the brother-in-law is known to exist but cannot be found, the woman is anchored to him as if he were her husband.[42]

> The woman, Mrs. Gittel, daughter of the deceased, Mr. Israel, may his memory be blessed, came to me in tears over the husband of her youth who died two years ago without leaving her with enduring seed. But he had a brother in his town of Pitshery in the district of Nemirov in Russia whose name is unknown to her. Her husband's name was Chaim Israel son of Abraham Baer, may his memory be blessed, from the town of Pitshery. The aforementioned woman came here with her father after travelling to and from Russia, seeking the aforementioned brother, but a few weeks ago her father died and she has remained stripped of all and destitute, tied in the bonds of desertion from her man. She requires release (*halitsa*) but the way is too far for her and it is almost impossible for her to travel there. Therefore, brethren sons of Israel, be gracious towards this miserable woman, especially those of you living in the vicinity of the aforementioned town. Seek there and ask if perhaps his brother may be found, and let me know either by letter or through *Ha-Magid*. Most of all, I beseech the Rabbi, the head of the rabbinic court of the Holy Community of Nemirov, to strive to investigate and clarify this matter.[43]

The letter was signed by Asher Anschel, the 'butcher and examiner of meats for Israel' in the town of Ismail in Bessarabia, who pleaded with readers of *Ha-Magid* to find the missing brother-in-law 'for the sake of the holy commandment of setting desertion aright'.[44] Sometimes the sponsors of these advertisements were the sons of the *agunot*, who set out to end the sorrow of their mothers. In one advertisement, a son embarked on a journey in search of his missing father: 'I had previously not set foot outside the border of Zelechow,' he told readers of *Ha-Magid*, 'and being quite attached to my mother, I wept as I journeyed.'[45] Through his tears, he offered an unusual insight into the private sentiments of one of the innumerable truant husbands:

> This is a message to say that a long time ago, about forty years, when clouds of weariness and the darkness of folly covered the

> skies of Poland, when there was a man who said to wisdom: 'You are my sister' [cf. *Proverbs* 7.4], and could read many languages, that a cloud was his garment and fog enveloped him, he spent his time with sinners and his disgrace was carved with an iron stylus upon a sheet as large as the heavens. In such a way did my father, bowed, carry the yoke of his grief for some years until he could no longer remain silent and control his grief, he had no strength left and without telling anyone that he was leaving, he afflicted his relations and his wife, who is my mother, and ran off to England and settled in London town, where he obtained all the desires of his heart and soul and enjoyed them.[46]

Occasionally, the tragedy of the story climaxed in a triumphant fairy-tale ending. The reader was forced to wait in suspense for another instalment of the text, which appeared in its neat columns, bordered boldly in black, in an issue published sometimes months, even years later. A more sober evolution of the plot in the pages of the newspaper might conclude with the discovery of a husband, ferreted out in Baghdad, and a promise to end a wife's sorrow by sending a divorce writ.[47] In an inverted version of the narrative, it was the widowed wife who abandoned her young children and stole their possessions in the still of night, her only identifying feature being 'a wart on the right of the nose'.[48] In another incident, a husband sent an advertisement into *Ha-Magid* addressed to his parents-in-law in Siedlce after they had raised a public protest against his prospective return home:

> I have listened to the outcry which you have uttered concerning your eldest daughter Mrs. Devorah Gittel, that I have caused her great harm in sending her away. My loved ones, I ask you one thing! Do you not remember what I said to you while I was still staying with you, mainly that I love my wife and son, I have not found any indecency in her and I will not send her away? You would all reply as one: 'No, for we will not let you go until you give her a document of divorce!' I did not wish to do this because I love my wife dearly, and she also loves me greatly. The Almighty God knows how much! So in my misery I imploringly told you: 'I am going to Israel, where I will live for a year or two until I have learned one of those skills which enable its possessor to make a living for himself. Then I will return to my native country, to the wife of my youth whom I have betrothed to me for ever.' But you did not believe me, you thought that I was running away to a distant land to make a fortune in America, where I would change my name and remain for ever, never again to see my native country, just as your countrymen are wont to do. But I gave your daughter all that I have, the books and money which both you and my mother had given me on my wedding day, I even gave her a document of divorce in accordance with the stipulations of the Law and then I sent her away. So now if you regret that I am not running away and that I have spoken truly: What am I that you condemn me? Your condemnation falls not on

> me, but falls back on yourselves! ... I do not need to remain here forever, in a foreign country, for I have done nothing wrong in my homeland for which I could not return there – which you as well as all the legal advisers in your city know. If that is not the case, prove it to me – so if your daughter wishes to stay with you a few more days until I have reached my destination, then when I have returned to my native country I will not ignore my flesh and blood, but come to take her and take her under my wing and she will be mine as before.[49]

Signed, Moses Aaron Ehrlich and dated the 12th of Sivan, 1870, the letter contained a plot worthy of the best Elizabethan drama. On the other hand, its economy of words, combined with its intensity, allowed it to communicate a tale which probably would not have been improved by the expanded narration of a Romantic playwright. In a single, though substantial, paragraph, the writer transmitted a tale possessed of the kind of character and plot development that would normally have required a series of chapters or acts. In this respect, the advertisement embraces the form of both traditional and modern narrative strategies. In its autobiographical voice and self-conscious longing for passionate love, it is like a modern romance novel. In its brevity and Biblical idiom, however, it is more like a *midrash*, a sacred interpretation of a religious proof text.[50]

The critique of Jewish family life

As read by the male contributors to *Ha-Magid*, these advertisements provided anecdotal evidence of the alleged breakdown of the Jewish family. Husbands and wives were aimlessly wandering the European landscape, searching for a cure which they could not find in their broken homes. 'The famine among many of our brethren in Russia and Poland has lasted about two years now,' wrote Silbermann,

> and there is still no ploughing or harvesting. Legions of people torn, worn and barefooted come to us from there every single day. Men, women, children crying out of the bitterness of their souls: 'Give us food to eat, or we will die before your very eyes.' We see crowds of men who have forsaken their wives and children and, travelling to other lands to seek their livelihood, they ask us for aid for their journeys. We see crowds of young men and even women who have run away from home and are going – but where do they go? They are fleeing like a beast trapped in a valley, not knowing where they are headed! We see crowds of people diseased and disfigured, blind, lame and having all sorts of illnesses the likes of which have not been seen among other human beings. These travel to seek healing and cures from the healers of Germany, but have nothing, not even for a single day.[51]

The problem was compounded by the loss of moral direction, not only in the home, but beyond its private domain. 'Their shepherds have abandoned them,' wrote Silbermann, 'and who can bring them healing?'[52] If there was one thing

all the writers agreed upon, it was that Jews in the Pale suffered from a crisis of leadership which began in the home and ended in the synagogues. It was not the children who were to blame, but the parents who had neglected the 'holy' duty to teach their children a language, a trade, and about the ways of the world: 'The fathers travel for trade and are far from their children and home most of the year, and even when they are home their many anxieties and concerns do not give them rest to care for their children.'[53] The critique of women was particularly harsh and was taken up by other writers. Both wealthy and poor women, one writer commented,

> besides reading *Tsena u-rena* (a popular women's manual) and the *tchines* (penitential prayers) for the purpose of awakening morals among Jews in the ghettos, what knowledge do they have? ... Even the daughters of the wealthy who learn to play piano or can understand French, do they know anything about our religion? What could such mothers later on teach their children?[54]

As if to reinforce the Talmudic dictum that 'whoever teaches a woman scripture teaches them vanity', Silbermann mocked those women who had acquired a foreign language, even though the negative rabbinic view on female education did not apply to these linguistic pursuits. 'As for the female,' he writes, 'she chirps in French and in the other seventy languages. Woman constitute an intelligent species,' he concluded, 'who have not been of much use.'[55]

Corruption, poverty, and ignorance thus started in the home and was transmitted like a disease from parent to child. For Silbermann, the structure of family life had to be challenged from its core. This involved nothing less than a thorough critique of marriage customs, which were seen by many to be the source of social decay. Here is Silbermann's diagnosis of the aetiology of poverty which gave rise to the broken Jewish home:

> Before the youth has learned to abhor evil and choose the good, his father leads him as a sheep to the slaughter, and under the canopy fetters him to a girl as foolish as himself, and this tie (a spider's web) is called a 'marriage' ... And the lost sheep go to the pasture which their fathers have prepared for them, ignorant of the mortal risk they are taking. This 'couple' eats and drinks and does not live as civilised human beings, but increases and multiplies as though it were the elite. On every occasion there is always a feast, and the sound of *Mazal Tov* (congratulations) can be heard in the house. Sometimes such couples live in one of the fathers' houses: They heap all their needs on the father, who toils all his life by the sweat of his brow to procure food for the whole of that large group. The father will exhaust himself and toil for nothing, for the youth gets drunk, the open Talmud lying always on his table, or he reads books of rhetoric and poetry, or the books of Schiller or Heine which he does not understand ... Sooner or later through the money which they still have left over (if it had not already been taken from them by an adjutant or had been lost in some other bad affair) he will

> start to provide food to his household through trade and property dealings, which the man has not learned and about which he knows nothing – while the wife also manages the household concerns without order or routine. Soon their eyes open and they realise that their eldest daughter is of marriageable age as she is over fourteen years old and the match-makers – those who trade in lives – will not let them alone but knock on their doors daily and incessantly, and in a little while one hears the sound of happiness and jubilation, the voice of the bridegroom and that of the bride in that house also – *Tenaim* (the engagement contract and dowry) – *Mazal Tov* – a wedding – *Mazal Tov* – gifts as is customary among princes – men will dance like deer and clap their hands – *Mazal Tov, Mazal Tov.* But when he wakes up he realises that the cup is empty and poverty has made its home in his house.[56]

The institution of early marriages had come under fire well before Silbermann launched his campaign against its debilitating effects. A series of government edicts, beginning in the late eighteenth century, prohibited the practice of early marriages in an attempt to control the growth of the Jewish population and to compel young boys to enter more productive professions before assuming the burdens of marriage.[57] Ironically, these decrees produced the opposite of the desired effect as rumours of their promulgation led to a panicked rush among parents to marry their children, particularly during the nineteenth century when early marriages protected adolescents from conscription to the tsarist army.[58] The propaganda by *maskilim* against early marriages was even more strident, many of them attributing the failure of their own marriages (and even remarriages) to the tender age at which they were betrothed to an unknown woman by their parents.[59] In the West, from which Silbermann derived many of his values, a bourgeois behavioural model and economic pressures were forcing marriages to be delayed to allow for the acquisition of a profession. The traditional ideal of Talmudic study was rapidly eroding in favour of the new image of the Jewish professional or productive master craftsman. Not only in the large cities of Central and Western Europe, but also in the small towns and villages, Jews were marrying at a later age and producing fewer children.[60] If Eastern Europe was to follow the pattern of Western European embourgeoisement, then it would have to begin by limiting the age at which children would be placed under the marriage canopy. This was as true for the growing class of Russified Jews, as it was for the young students of the emerging Lithuanian *yeshivot* in Mir, Telz and Slobodka whose rabbis discouraged them from marrying prior to a period of immersion in an isolated Talmudic academy.[61]

The negative effects of early marriages on the prospective bride and groom were seen to be not only sociological, but physical as well. Jacob Emden, an eighteenth century rabbi (1697-1776), polemicised against early marriages on medical grounds, a view which he probably received from contemporaneous medical manuals and which was repeated by Rabbi Naphtali Zvi Berlin (1817-93), the head of the Volozhin *Yeshiva* in Lithuania.[62] David Gordon, the deputy

editor of *Ha-Magid*, similarly advised that the custom of early marriages:

> causes a great evil. It increases and spreads poverty among them while weakening and destroying their physical well-being, causing definite damage. That this is so, is unanimously agreed by that group of people who are knowledgeable in medicine in every generation.[63]

Even if the youngsters physically survive, Gordon added, the marriage itself would not:

> When the child has matured he realises that his wife is a millstone around his neck [cf. *Babylonian Talmud*, Kiddushin 29a] and being incapable of maintaining himself and his household, he deserts his wife and escapes to America. And now what do the wise fathers do in all their wisdom? They place a notice in *Ha-Magid* saying: 'Capture him and force him to issue a writ of divorce to his wife.'[64]

This was precisely Silbermann's point. Early marriages were the source of poverty and poverty in turn was the source of the broken home: 'You lead your sons and daughters under the canopy with joy and singing, drums and dancing, without thinking that in a little while the joy will turn to grief and the sound of the violin to that of weeping.'[65] The cure, according to Silbermann, was found in the wisdom of the Torah: 'To build a house first and then to marry.' Otherwise, the Jewish family and home would not survive the onslaught of economic pressure and widespread poverty.[66]

If the cure to the crisis of the *agunah* was to begin with a thorough critique of domestic and marital customs, it could not entirely ignore the role of the rabbinate. As custodians of the law, only they were empowered to alleviate the suffering of women. 'Rabbis should be able to influence children,' Silbermann argued, 'and to reproach fathers to lead their sons and daughters on the good and straight path in the eyes of God and man.'[67] Instead, the rabbis had neglected their duties and abandoned their role as shepherds of the starved Jewish flock:

> All these people [who travel from place to place] bring written certificates from the rabbis and chiefs of their towns, documents as long and lengthy as their bitter exile. They send away their foolish flock to graze in another's field like cattle, and do not attend to the fact that they are misleading them into pathless wastes. Yet how much more aggrieved we are to see that there are also multitudes of rabbis, cantors, ritual slaughterers and sextons travelling and passing through here thinking that they will find a treasure waiting for them. One intercedes for the poor of his town, and thinks to first make supplication, another wanders around for his own benefit. One has travelled to ask the advice of healers, another to escape from the groaning of starved men! Woe to those who witness all this! It is a horrid, terrifying and agonising sight! The watchmen of the walls [cf. Song of Songs 5:7] are leaving their watch, the commanders are forsaking their camps and flags – the city is

> breached and the soldiers cannot protect their own lives nor the lives of their children.[68]

As a traditional Jew who rejected the perceived excesses of the Enlightenment program, Silbermann's proposals for the reform of Jewish marriage customs were limited by an a priori commitment to Jewish law. Only an expert familiar with Jewish 'traits and customs' was qualified to preside over the desired program of change, he told a conference of European Jewish delegates who had gathered in Berlin in 1869 to discuss the future of Russian Jewry. For it was 'customs' (*minhagim*) in the literal sense that Silbermann wished to alter. An assimilated Jew, or proponent of religious Reform, could not be entrusted with this task, for it required a sensitivity to the distinction between eternal Jewish law and dispensable customs. Abandoning Jewish law would not solve the problem of abandoned women, he warned: 'Do not seek to change customs concerning things of God and His heaven, because if you do that, they will reply as the man replied to the bee: 'Neither your honey nor your sting.'[69]

In fact, Silbermann had no solution to the plight of abandoned women. The situation, in his view, could only be remedied through the traditional rabbinate, but Silbermann was the first to recognise how elusive this path to reform actually was. When he had first opened up the pages of *Ha-Magid* to *agunot* in search of their truant husbands, he had received an advertisement from two young boys which proved to be based on false evidence. In order to avoid further embarrassments, Silbermann sought the cooperation of local rabbis to act as co-signatories to individual advertisements. Only four rabbis, including the official Crown Rabbi of Minsk – Solomon Zalkind Minor – cooperated, while another, according to Silbermann's account, was branded a heretic (*apikorus*) for associating himself with a *maskilic* newspaper like *Ha-Magid*.[70] The rest procrastinated, as Silbermann despairingly described:

> And he [the rabbi] in his great righteousness, shook his head from side to side, blinked, whistled and spoke in a small, still voice: 'The *Magid* – *Magid* – deserted women – it is best for a man like me to remain silent this time. Our fathers and their fathers before them knew nothing of such – *Heralds*, and the world continues on its merry way with God's help – *Magid* – *Magid* – how can such a thing deliver us – no good will ever come out of it, with the serpent surely coiled around its heel – he who values his own life should distance himself from it – Heaven forbid that my honour be lost and my name defiled in their community as a result of this.' With a great sigh he rests one hand on the other and grows silent.[71]

The accusation of indifference was levelled at one of the renowned rabbis and Talmudists of the times, Rabbi Joseph Dov Ber Soloveitchik (1820-92) who during the famine years had set up his own organisation to distribute funds to the needy.[72] In the view of Jacob Halevi Lifshitz, a Lithuanian critic of the *Haskalah*, *Ha-Magid* was committing a grave injustice to all rabbis, but in particular to Soloveitchik, by portraying them in these caricatured forms.[73] Making matters

worse, according to Lifshitz, was that Silbermann's words were treated as holy writ by readers who had been misled into worshipping him as a result of his populist tactics during the famine years.[74] Lifshitz's frantic perusal of the complete run of *Ha-Magid* since its inception in 1856, however, unearthed the names of forty-seven rabbis who had attached their imprimatur to the campaign on behalf of *agunot*. Silbermann, he concluded, was fabricating his own version of a 'blood libel' and betraying his earlier commitment to provide a conservative forum for his traditional readership. Lifshitz immediately set about righting the wrong: he penned an article entitled *Hashevat Aveda* ('The Return of a Lost Object'); according to his memoirs, a friend dissuaded him from submitting it to *Ha-Magid* and in the end an abbreviated report on the matter appeared in *Ha-Levanon*.[75] Much to Lifshitz's chagrin, it did not elicit a response from Silbermann.

Silbermann, no doubt, was too busy to attend to every letter of complaint that arrived at his office. The Hebrew editor, he revealed in a moment of public frustration, must read many letters daily, and woe to him if he dares to reject the account of one as opposed to another ... Everyone demands a reply for his letter without delay and without taking into account the editor's heavy workload ...'[76] It is not difficult to sympathise with Silbermann's dilemma: the production of a newspaper must have been burden enough without the added pressure of trying to marshal forces to sustain the kind of charitable activities administered from his office in Lyck. Silbermann has been perceived as a clumsy practitioner of the flowery rhetoric of the revived Hebrew tongue, a journalist whose newspaper was only salvaged by the more lucid and sophisticated style of his deputy editor (and later successor) David Gordon.[77] But Silbermann's critics, among whom was counted the Hebrew writer, Moses Leib Lilienblum, were misguided in accusing him of being more given to passive contemplation than active deeds.[78] If Silbermann can be credited with any distinction, it is surely as an activist, a duty which he took so seriously that it doubtless left little time to attend to the daily tasks expected of a newspaper editor. Perched between the vast Russian Empire and Prussia, Silbermann used his Hebrew journal to mediate between the two worlds of Eastern and Western European Jewry. He turned westward firstly for funds, but then for political support to negotiate a program of cultural and social reform for Jews in the impoverished Pale. To the east, he found a community not only of paying subscribers but also a dense population which remained anchored in the same religious traditions promoted by his newspaper.

Different though the two worlds may have been, his campaign to relieve deserted wives of their loneliness and pain highlighted the interconnectedness of Jews throughout the world. Husbands and wives were growing apart, within the home and beyond its sacrosanct walls, dispersed across the globe. As surely as God had once promised Jews that the condition of exile would one day be ended, Silbermann assured his readers that husbands would ultimately be returned from their dispersion to their wives. If rabbis could not achieve this through *halachic* interpretations, then Silbermann – the editor and activist – believed he could fulfil the same aim through the pages of his newspaper. While

his success in this area was not as great as his ambition, it was a strategy later adopted by other periodicals in Europe and the New World. The issue of abandoned women was no longer merely a rabbinic matter; as the pace of migration intensified, it was paralleled by more expansive efforts to institutionalise aid for deserted women. By the turn of the twentieth century, the voice of Jewish women was resisting centuries of imposed silence: it could be heard from the congresses organised by the *National Council of Jewish Women*, from the trade-union movements of Europe and the United States, from the 'Bintel Brief' section of the *New York Daily Forward* and, by 1911, from the massive flood of relief petitions submitted by the growing number of *agunot* to the newly-established arm of the United Hebrew Charities – *the National Desertion Bureau*.[79]

Notes

1 Minutes of the Berlin Conference, *Ha-Magid* 13 (42/3 November 1869).
2 T H Dinow, 'Havu metunim ba-din', *Ha-Magid* 13 (16/28 April 1869).
3 On *Ha-Magid* see Sh. L Tsitron, 'Reshimot le-toldot ha-itonut ha-ivrit [Notes toward the History of the Hebrew Press] *Ha-olam* 6 (1912); Yosef Salmon, 'David Gordon ve-iton *Ha-Magid*: hilufei 'emdot le-'umiyot ha-yehudit, 1860-1882,' *Zion* 47 (1982); I Zinberg, *A History of Jewish Literature*, translated by B Martin, 13 vols. (New York, 1978) 12:10-14; *Encyclopedia Judaica* [from hereon, *EJ*] 16 vols. (Jerusalem, 1972) 7: 794-5; M Baker, 'Death Disease and the Birth of a Nation: Representations of the Jewish Body in *Ha-Magid*, A Hebrew Newspaper, 1860-1881,' diss. Oxford U, 1994.
4 T H Dinow, 'Havu metunim ba-din', *Ha-Magid* 13 (16/28 April 1869) where he estimates that 'only one in a hundred are mentioned'.
5 Zinberg points out that subscription rates are not a correct measure of a newspaper's distribution: 'At that time, when reading a Hebrew journal was considered by the orthodox masses as the greatest heresy that must be severely punished, the issue of a journal was circulated in utmost secrecy as terrible contraband.' I Zinberg, *A History of Jewish Literature*, 12: 20.
6 A typical advertisement for kosher wines can be found in *Ha-Magid* 13(3/20 January 1869); An advertisement for kosher chocolates from Prussia appears in *Ha-Magid* 12 (13/25 March 1868). An advertisement for a kosher restaurant in Hamburg appears in *Ha-Magid* 12 (24/17 June 1868).
7 See, for example, the chapter on property rights in D Amram, *The Jewish Law of Divorce* (London, 1897), 111-31.
8 T H Dinow, 'Havu metunim ba-din,' *Ha-Magid* 13 (16/28 April 1869).
9 T H Dinow, 'Havu metunim ba-din,' *Ha-Magid* 13 (16/28 April 1869).
10 *Babylonian Talmud*, Tractate Kiddushin 29a, in resolving the dilemma of whether to marry first or study Talmud, records how scholars would leave their wives for a considerable period to study in Palestine.
11 The laws relating to the *agunah* can be found in the Babylonian tractates of Gittin (divorce) and Yevamoth (laws dealing with Levirate marriages). For a general description of the status of the *agunah* see, *EJ*, 2:429-33; R Biale, *Women and Jewish Law*, 102-113.
12 T H Dinow, 'Havu metunim ba-din', *Ha-Magid* 13 (16/28 April 1869).
13 T H Dinow, 'Havu metunim ba-din', *Ha-Magid* 13 (16/28 April 1869).
14 In 1845, Lyck's Jewish community numbered a meagre 90 souls, a number which increased to 250 out of a total population of 8,000 by the year 1880. *EJ*, 11: 618-9.

15 On the Reform Era Jewish press see Alexander Orbach, *New Voices of Russian Jewry: A Study of the Russian-Jewish Press of Odessa in the Era of Great Reforms, 1860-1871* (Leiden, 1980), 54-59; Zinberg 12: 3-69, 173-203; Meyer Waxman, *A History of Jewish Literature*, 4 vols. (New York, 1945) 3: 333-347; Yehudah Slutsky, *Ha-'itonut ha-yehudit-rusit be-me'ah ha-teshah'esreh* [The Russian-Jewish Press in the Nineteenth Century] (Jerusalem, 1970); Zipperstein, *The Jews of Odessa: A Cultural History, 1794-1881* (Stanford, 1985), 76-83; Chone Shmeruk, *Sifrut yidish: perakim le-toledotehah* [Chapters in the history of Yiddish literature] (Tel Aviv, 1978), 261-193; Alexander Guterman, 'Tsemihat ha-zeramim ha-h'adashim be-h'evrah ha-yehudit be-polin kefi she-hi mishtakephet be-kitvei-ha-'et ha-yehudiyim (ba-polanit, yidish, ve-'ivrit) bein ha-shanim 1861-1881,' diss. Hebrew U, 1983; Marian Fuks, 'Prasa Hebrajska w Warszawie,' *Biuletyn Zydowskiego Instytutu Historycznego* 94 (1975): 3-24.

16 Stanislawski comments that not even David Gordon could rescue *Ha-Magid* from this image which placed him and Silbermann 'on the outer edge of the Enlightenment movement.' *For Whom Do I Toil? Judah Leib Gordon and the Crisis of Russian Jewry* (Oxford, 1988), 148-9. On Silbermann, see *EJ*, 11: 618-9.

17 T H Dinow, 'Havu metunim ba-din,' *Ha-Magid* 13 (16/28 April 1869).

18 *Ha-Magid* 12 (51/30 December 1868).

19 Pines estimated that more than one-fifth of all Hebrew residents would die of starvation if charitable aid were to be stopped. Y. M. Pines, 'Tikkun matsav aheinu bnei yisrael be-rusiya [The Reform of the Situation of our Jewish brethren in Russia]' *Ha-Magid* 13 (13/7 April 1869).

20 *Ha-Magid* 12 (20/20 May 1868), Supplement.

21 T H Dinow, 'Havu metunim ba-din,' *Ha-Magid* 13 (16/28 April 1869).

22 The warning that the situation could degenerate into a *shoah* was issued by Y. M. Pines, 'Tikkun matsav aheinu,' *op.cit.*

23 'Al dvar hevratenu,' *Ha-Magid* 13 (5/3 February 1869); 13(8/24 February 1869).

24 'Al dvar hevratenu,' *Ha-Magid* 13 (5/3 February 1869).

25 'Azhara,' [Warning],' *Ha-Magid* 13 (24/23 June 1869). The formal warning from Koenigsberg was repeated in *Ha-Magid* 13 (28/21 July 1869). Koenigsberg was a centre of Haskalah activities from the end of the eighteenth century: the first Enlightenment periodical, *Ha-Meassef*, was published there and the city's Jewish luminaries included David Friedlander, Mendelssohn's most well known disciple.

26 'Hegyonei Ha-Magid,' *Ha-Magid* 11 (47/4 December 1867).

27 'Bakasha [A Plea],' *Ha-Magid* 12 (36/9 September 1868).

28 Wertheimer has recognised this as the beginnings of the emigration movement to the West which exploded after 1881: 'No contemporary could have anticipated that the Russian refugees of 1868-69 represented the vanguard of a Jewish mass migration from the East that would transform the course of modern Jewish history.' J. Wertheimer, *Unwelcome Strangers: East European Jews in Imperial Germany* (Oxford, 1987), 11. See also, S W Baron: 'The turning point came during the great Russian famine and epidemic of 1868-69, from which Jews suffered along with their neighbours. Baron,'*The Russian Jew Under Tsars and Soviets* (New York, 1976), 70, 72. As Wertheimer points out, however, the historian Simon Dubnow dates the beginnings of the migratory movement to the 1881 pogroms. See, S Dubnow,'*History of the Jews in Russia and Poland*, trans. I Friedlander, (Philadelphia, 1916-20) 2: 373. Y Lestschinsky, dates it even earlier to the first half of the nineteenth century in a series of essays in his, *Di on-hoyben fun der emigratsie un kolonizatsie bei yidn in 19-yohrhundert* [The Beginnings of Emigration and Colonisation among Jews in the

Nineteenth Century] (Berlin, 1929).

29 'Hegyonei Ha-Magid,' *Ha-Magid* 13 (27/14 July 1869).

30 See, for example, 'Kol Isha Agunah' [The Voice of an Agunah], *Ha-Magid* 12 (22/3 June 1868). The Talmudic category of *kol be-isha 'ervah'* – a woman's voice as a source of sexual stimulation is discussed in A Weiss, *Women at Prayer: A Halachic Analysis of Women's Prayer Groups* (New York, 1990), 70. The expression grass-widow was translated in the Hebrew press as *almanot hayot*, meaning 'live widows.' See, for example, 'Hegyonei Ha-Magid,' *Ha-Magid* 13 (24/23 June 1869).

31 *Ha-Magid* 13 (2/13 Jan 1869).

32 'Et ba'ali ani mevakesh [I am seeking my husband],' *Ha-Magid* 13 (11/11 March 1869).

33 *Ha-Magid* 13 (15/21 April 1869).

34 'Kol Isha Agunah', *op.cit.*

35 *Ha-Magid* 13 (3/20 January 1869). The story of Issachar ben Akter was told in three advertisements over a number of weeks beginning, *Ha-Magid* 12 (14/1 April 1868); He was then sighted in Sighet, Hungary by a reporter in 'Besora [Tidings],' 12 (19/13 May 1868) after which a final report came in claiming that the missing husband had been mistakenly identified and had already changed his name. *Ha-Magid* 12 (22/3 June 1868).

36 *Ha-Magid* 13 (2/13 January 1869).

37 Nehama Zubak, 'Kol kor'ei [An Appeal],' *Ha-Magid* 12 (20/20 May 1868).

38 'Kol Isha agunah,' *op.cit.*

39 *Ha-Magid* 13 (19/19 May 1869).

40 *Ha-Magid* 13 (28/21 July 1869). The address in the former advertisement was 108 Great Boksdale St. East Melbourne, in contrast to the latter address in Lensdale Street. Both are incorrect, for the true street name was Lonsdale St.

41 Awinsky was a respected personality in the public life of Melbourne Jewry during the 1860s, where he participated in the administration of a synagogue committee. At one point, he offered his services as a *shohet* (a ritual slaughterer), but appears to have made his livelihood as a jeweller. This information about Awinsky's activities in Australia would not have been known to readers of *Ha-Magid* but can be found in L Goldman, *The Jews in Victoria in the Nineteenth Century* (Melbourne, 1954), 135, 143, 155, 162, 247, 280, 318 and H Rubinstein, *The Jews in Australia: A Thematic History, 1788-1945* (Melbourne, 1991) I: 238. No reference in either book is made to his marital status.

42 *Deuteronomy* 25:5-6; *EJ*, 11: 121.

43 *Ha-Magid* 13 (15/21 1869).

44 *ibid.*

45 *Ha-Magid* 13 (24/23 June 1869).

46 *ibid.*

47 'Besorah tovah,' [Good Tidings] *ibid.*, 13 January 1869. In *ibid.*, 30 December 1868, a husband is reported to be living in Illinois in response to an earlier appeal by the abandoned wife in Galicia (in *ibid.*, 11 November 1868. The discovery of the truant husband is made by F. Schaffner from 'Attika,' Illinois, who called on the',*a* to obtain a divorce writ by either travelling to America or sending a representative according to Jewish legal requirements.

48 'Hatishkah isha olah?' [Can you forget a young girl?] *ibid.*, 13 January 1869. The word'*olah* can also be read as *ivla*, which would translate as a 'female wrong-doer.'

49 'Anochi mah, ki talinu alai,' [What Am I that you Murmur Against Me] *ibid.*, 22

June 1870.'

50 'The quality of midrash as a presence at the borders of literature is perhaps what makes its sensibility appear so close to our own,' write D Stern and M Mirsky in'*Rabbinic Fantasies: Imaginative Narratives from Classical Hebrew Literature* (Philadelphia, 1990), 8.

51 'Hegyonei Ha-Magid,' *Ha-Magid,* 30 June 1869.

52 *ibid.*

53 *ibid.*

54 J Levinsohn, 'Mitau,' *ibid.*, 24 February 1869.

55 'Hegyonei Ha-Magid,' ibid,. 9 June 1869. It is interesting that the acquisition of a foreign language was seen as a redeeming feature for women in the seventeenth century memoir of Gluckel of Hameln. An episode Gluckel relates tells how a woman's knowledge of French saved her family from being swindled. *Gluckel of Hameln,* 20.

56 'Hegyonei Ha-Magid,' *Ha-Magid,* 9 June 1869.

57 I Halpern, 'Nisu'ei behala be-mizrah eiropa ['The Rush' into Early Marriages in Eastern Europe],' *Zion* 27 (1982): 36-58; J. Goldberg, 'Nisu'ei ha-yehudim be-polin ha-yeshana be-da'at ha-kahal shel tekufat ha-haskalah' [Jewish Marriages in Old Poland in Public Opinion During the Period of Enlightenment], *Gal-Ed* 4-5 (1978): 25-33.

58 Halpern, *passim.*

59 D Biale, 'Childhood, Marriage and the Family in the Eastern European Jewish Enlightenment,' S Cohen and P Hyman (eds.), *The Jewish Family,* 48.

60 See A Goldstein's study of Altdorf, a small village in Southwest Germany, *Determinants of Change and Response Among Jews and Catholics in a Nineteenth Century Village* (New York, 1984) p. 24; in a similar study conducted by Goldstein of the town of Nonnenweier in the Southwest of Germany, the author concludes that the average age of marriage at mid-century was 30.8 for men and 25.7 for women. A. Goldstein, 'Some Demographic Characteristics of Village Jews in Germany: Nonnenweier, 1800-1931,' *Modern Jewish Fertility,* p. 123..

61 S Stampfer, 'Shelosha Yeshivot'; I Etkes, 'Marriage and Torah Study among the *Lomdim* in Lithuania in the Nineteenth Century,' *The Jewish Family: Metaphor and Memory,* edited by D Kraemer (Oxford, 1989), 153-79.

62 Biale, 53.

63 D Gordon, 'Darkei Ha-refu'ah [The Ways of Medicine],' *Ha-Magid* 12 (11/11 March 1868).

64 'Darkei Ha-refu'ah,' *op.cit.*

65 'Hegyonei Ha-Magid,' *Ha-Magid* 11 (47/4 December 1867).

66 'Hegyonei Ha-Magid,' *Ha-Magid* 13 (22/9 June 1869).

67 'Hegyonei Ha-Magid,' *Ha-Magid* 13 (23/16 June 1869).

68 'Hegyonei Ha-Magid,' *Ha-Magid* 13 (25/30 June 1869).

69 Silbermann, Berlin Conference, *Ha-Magid* 13 (42/3 November 1869). This same metaphor was repeated in 'Al dvar ha-hevra le-'ezrat aheinu,' *Ha-Magid* 14 (2/12 January 1870).

70 'Hegyonei Ha-Magid,' *Ha-Magid* 13 (24/23 June 1869).

71 *ibid.*

72 Joseph Dov Soloveichik shared the position in 1849 of *Rosh Yeshiva* (head of the Talmudic academy) of Volozhin with Naphtali Zvi Judah Berlin. See, *EJ,* 15: 131.

73 Jacob Halevi Lifshitz, *Zichron Ya'akov* [Memorial to Jacob] 3 vols. (Kovno-Slobodka, 1924-30), 77.

74 *ibid.*, p. 75.

75 The report which listed the names of the 47 rabbis was written by Lifshitz's friend, Rabbi Isaac Margaliot, in *Ha-Levanon* 7 (Nr. 12). *Zichron Ya'akov,* p. 77.

76 'Hegyonei Ha-Magid le-ahrit ha-shanah [*Ha-Magid* Meditations for the Year's End],' *Ha-Magid* 13 (49/22 December 1869).

77 Getsel Kressel, *Leksiqon ha-sifrut ha-'ivrit ba-dorot ha-aharonim,* 2 vols. (Tel Aviv, 1965-67) 1: 444-45; *EJ* 7: 794-795. C. Diament, 'Polemics of Rebirth: David Gordon and Proto-Zionism, 1858-1886,' diss. Yeshiva U, 1983.

78 Lilienblum's article appeared in *Ha-Karmel* 8 (Nr 14) 1869 under the title, 'Ha-'iyun ve-ha-ma'aseh [The contemplation and the action].

79 R. Friedman, 'Send Me My Husband Who Is In New York City': Husband Desertion in the American Jewish Immigrant Community 1900-1926,' *Jewish Social Studies* 44 (1982): 1-18. For a sample of letters sent to the *Jewish Daily Forward* see *A Bintel Brief: Sixty Years of Letters from the Lower East Side to the Jewish Daily Forward,* edited and introduced by I Metzker (New York, 1971), 83-4. For a general description of the changing role of women within American society, see the documents in *The Jewish Woman in America: Two Female Immigrant Generations 1820-1929,* 2 vols. (New York, 1976); P Hyman, 'Culture and Gender: Women in the Immigrant Jewish Community,' D Berger (ed.), *The Legacy of Jewish Migration* (New York, 1983), 157-69.

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Models of community in the ancient Jewish world

Lawrence H Schiffman

It is impossible to discuss the nature of Jewish communal structures and their function in any period without some set of definitions and principles regarding the nature of 'community', its characteristics and purpose in the context of religious groups in general, and Jews and Judaism in particular.[1] While the setting forth of such criteria might theoretically be of use in dealing with other periods, our purpose is more limited. We seek to provide a framework for understanding the Jewish 'communal' experience in a particular period – Antiquity and Late Antiquity. These modern scholarly chronological constructs are roughly equivalent in Judaic terms to the Biblical, Second Temple, and Rabbinic periods. But such terminology in this particular study would, by definition, limit our inquiry to the Jewish, or internal, context. The use of terms such as 'Greco-Roman' would, in turn, limit us geographically, giving undue emphasis to institutions of the Diaspora and de-emphasising the experience of the Jews in their land.

More daunting is the need to define 'community' for purposes of this study. Certainly, images of community drawn from the modern, or even contemporary experience may be useful for comparison, but the use of such assumptions in our study would be grossly anachronistic. Definitions of community must emerge organically from the material concerning the institutions to be studied, not from a priori assumptions.

Notwithstanding, some theoretical assumptions will be helpful in framing our discussion. The term 'community', as used in 'Jewish' parlance, is to some degree in conflict with current scholarly usage in religious studies.[2] This term usually denotes a simple structure, while 'society' is the term used to denote a set of complex relations among groups and institutions, such as that prevalent

in Judaism in every era. Accordingly, the term 'community' is here in fact being used as an equivalent of 'society'. When we turn to the actual evidence for Antiquity and Late Antiquity we will see that in whatever guise Judaism appears, its adherents are affiliated with a variety of groups or institutions in 'communities' which intersect and overlap in constituting the basis for the self-definition of the individual, his or her affiliation with the Jewish people, and practice of whatever form of Judaism. What we seek to understand here are the various components of that wider Jewish society and how each of them is organised and structured in each of the periods under consideration.[3]

For this reason, we will avoid the usual and expected rehearsal of ancient Jewish history punctuated with scattered observations on well known communal institutions. Rather, we will look at the evidence of our chronological period as a whole, setting forth the variety of avenues to community, their interaction and their organic character, while remaining aware that all these avenues did indeed intersect in ancient times. It is our hope that this analysis, placing issues of Jewish community and interaction squarely at the forefront of Jewish history, will be a fitting memorial to friend, colleague and teacher, Rabbi Ronald Lubofsky. His entire life was dedicated to creating and fostering the sense of community, both within the Jewish and general societies, and to showing that a strong sense of Jewish community was the basis for good relations with all of our neighbours.

Jews and non-Jews – the people of Israel

It is axiomatic that a fundamental characteristic of Jewish society is that it defines itself over and against the wider world of the non-Jews. This notion is present already in the earliest strata of the Genesis narrative. The Table of Nations (Gen. 10) and detailed pedigrees of the Patriarchs (Gen. 11) are designed to situate Israel as a separate, divinely chosen people. During the Biblical period, certain specific nations were forbidden in marriage by the Torah, and by the early Second Temple period, this list had been considerably widened, and the prohibition of intermarriage had been specified.[4] God's covenant with Israel had formalized a special relationship, and to be an Israelite was to belong to what has been termed a 'covenantal community.'[5]

To be sure, some Israelites, including *gerim* (resident aliens), had not participated in that covenant or instead simply had little concern for it. But such people were part of an ethnically composed Israel which still was separated from its neighbours, even it they were of related Semitic groups.

This basic fact of Jewish self-definition provided the wider societal context in which the various sub-communities functioned. In Second Temple times it functioned to differentiate Jews from pagans, and later from Christians in the Land of Israel and the Hellenistic Diaspora. It seems that this basic sense of peoplehood had survived the transition from a land-based, Israel-centred society to a portable identity suitable to Babylonian or Greco-Roman ambience, thus laying the groundwork for the most fundamental of all Jewish communal constructs – the Jewish people.

Before leaving this aspect, we should note that the development in Second Temple times of the institutions of proselytism and its spelling out in Rabbinic *Halachah*,[6] created a doorway through which this community could be entered, even as extremes of Hellenisation, assimilation, or apostasy made possible exit from this most fundamental of Jewish communal structures.

Governmental structure

Jewish nationhood – the most extended aspect of the Jewish community – was expressed not only by the Jewish / non-Jewish dichotomy, with its various ethnic and religious overtones, but also in the political arena. Put simply, for much of Antiquity and Late Antiquity the main avenue of affiliation with the Jewish community – better 'society' – was the Jewish polity. After all, most Jews lived in the Land of Israel under Jewish governments for much of our period, and even in the lands of the Diaspora, various quasi-governmental Jewish political structures were in place.[7]

In the earliest period of Israelite settlement in Canaan, up until the founding of the monarchy, the largest formal political unit was the tribe. The loose confederation of tribes, however, provided a sense of national identity as a people to the various clans that formed the people of Israel.[8]

But once the monarchy was formed (c. 1020 BCE), and even after it split into the Northern and Southern Kingdoms (922 BCE), the existence of an Israelite governmental bureaucracy meant that the daily affairs of the nation were administered by Jewish central government, and this government, like any other overarching political entity, provided a defining structure for Israelite (and later Judean and Israelite) communal identity.[9]

With the destruction of the North in 722 BCE and later the South in 586 BCE, there was no Jewish government until the Persian period. Beginning after the conquest of the Babylonian Empire by Cyrus the Great in 540 BCE and the rise of the Persian Empire, those Jews living in the Land of Israel, mostly returnees from the Babylonian Empire, lived under a new form of government, theocracy. By 'theocracy' we refer to a government where priests administer not only religious affairs but also what we would call secular functions. This system effectively functioned to provide a modicum of Jewish self-government, and hence national communal identity in the Persian[10] and Hellenistic periods,[11] until it was transformed into an independent national government under the Hasmoneans.[12]

When the Hasmonean government ground to a screeching halt after the struggle for supremacy of the two brothers, Hyrcanus and Aristobulos, leading to the Roman conquest in 63 BCE,[13] this form of Jewish polity was replaced by the Roman administration,[14] and the Jews lost their sense of national autonomy. But it was not long until, under the rule of Herod the Great, the semblance of Jewish rule, albeit by a non-Jewish (half-Jewish) Roman client king, was reestablished.[15]

The problematic nature of Herodian rule (37-4 BCE), including such things as the building of the Temple on the one hand, and the murder of his children

on the other, certainly gave pause to many in terms of communal identification. To many Jews this period was just a continuation of procuratorial rule, but to others it was a time of national revival. Some truly saw Herod as 'King of the Jews'.[16]

After Herod's death, procuratorial rule continued[17] until the debacle of the Great Revolt of 66-73 CE.[18] To be sure, the revolt itself strengthened the communal identity of those who supported it for religious/political reasons. But at the same time, the disunity of the various revolutionary groups and the opposition to them in some circles demonstrated that society was indeed divided into multiple communities.[19]

But when the Romans placed the Pharisaic/Rabbinic sages into power over internal matters in the aftermath of the revolt,[20] the sages became the focus of community leadership and of the judiciary, another institution that helped greatly to foster Jewish community in Late Antiquity.[21]

Ancient Jewish jurisprudence had proceeded along two parallel lines. Centrally organised courts existed in the period of the monarchy,[22] and, no doubt, in the period of the return under Persian rule. At the same time, the remnants of the ancient system of adjudication by local elders or ad hoc courts continued alongside the official courts. Where a Jewish independent government reigned, as in the Hasmonean period, judicial institutions did little to constitute avenues of communal affiliation beyond those afforded by governmental institutions generally.

However, the situation was markedly different in the Diaspora, and in the Land of Israel under Roman procuratorial rule. In these situations, the existence of Jewish courts, following whatever form of mixture of Jewish and non-Jewish legal norms, was a major element of communal and religious identity, especially since the legal systems of the Jews were perceived as following from the Torah.

The existence of Jewish courts in the Greco-Roman Diaspora is well documented.[23] They served to judge cases, for the most part including only Jews, but in some places, they judged non-Jews in cases involving Jews. By making it possible for Jews to live under some specific form of Jewish law, they created a boundary, separating Jews from their neighbours and, hence, fostering a sense of community.

Jewish, that is, Rabbinic courts in the Land of Israel in Roman and Byzantine times (until the disbanding of the Patriarchate in ca. 425 CE) provided the Jews with a similar focus. Their officials were recognised by the Roman authorities. These courts may have been overridden on occasion by Roman law, as is clear from the legal documents from the Bar-Kochba caves,[24] but they were a dominant form of legal authority for many Jews nonetheless. Here, however, together with the Patriarchate[25] and other institutions of Jewish self-government, they provided a quasi- or pseudo-government to which the Jews could look as the symbol of their ancient and venerable community.

The same was the case in Babylonia where, under Parthians and Sassanians, parallel Jewish judicial institutions developed.[26] Here, there were competing systems of courts appointed by the exilarchs in some areas and the Talmudic

academies in others. Evidence from Talmudic narratives certainly shows that these parallel systems competed at times for power, sometimes came into serious conflict, and often ruled differently on specific questions. But all in all, like the conflict between provincial and local authority common throughout the ancient world, these conflicts and overlapping jurisdictions did little to weaken the relationship of the Jew to his court and his law, as distinct from those of the non-Jews. In this manner, court systems accentuated and encouraged Jewish identity and community.

The tribal and family unit

Each member of the people of Israel was also a member of various subgroups. In Biblical times, these included the tribe, clan, and extended family.[27] These divisions also corresponded originally to geographical divisions in the land. Those in the tribe of Levi had particular cultic functions, with the Aaronides taking the leading role.[28] But every Israelite saw him or herself as a member of such familial groups, and the relationships which the early narratives portray between different sons of Israel, as well as the stories in Judges, reflect the manner in which these tribes and sub-divisions functioned. Within this context an additional factor to be mentioned is regionalism. North and South were rallying points and, in fact, political entities even before the kingdom split under Solomon, and this regionalism was portrayed in terms of tribal relationships.

According to the Biblical historical narrative, the Northern tribes were partially exiled in 722 BCE.[29] Apart from creating the first Diaspora Jewish community, this action resulted in the disappearance of tribal identity for all these tribes. This same process was repeated in the Southern destruction of 586 BCE, greatly expanding the Mesopotamian Diaspora.[30] From this point on, tribal divisions existed only for the Levites. Passages in the Dead Sea Scrolls, writing as if there were twelve (or thirteen) tribes extant, must be read as idealised, not as a reflection of any present reality.[31]

With the end of the Biblical period, the last vestiges of the clan disappeared, and the use of the term *mishpachah* for wider extended families seems to have gone out of use, even though such kinship groups must be assumed to exist in every society. For several of the Jewish subgroups of which we know, the status of women was primarily determined through the family unit. For the female member of the Jewish community, the family served as a primary focus while for men, participation in wider religious, political, and economic spheres provided additional foci for community.

In Second Temple and Rabbinic times, the three-fold division of priests, Levites, and Israelites, as is in use today, became the norm, except that for the Qumranites, the category of proselyte existed as well.[32] Family structure in Rabbinic texts is predicated on the nuclear family, indicating that local or 'sectarian' affiliations seemed to have replaced the clans and extended families of the days of the conquest and monarchy.

Cultic and religious sites

A major aspect of Jewish community is centred in cultic and religious sites. The earliest mode of communal Jewish worship was the central worship site of the desert Tabernacle as portrayed in Leviticus and Numbers.[33] Even if this religious structure reflects a later historical reality than the *Sitz-im-Leben* in which it has been placed, or even if it is idealised, it provided a model for Jewish religious communal structures of later times.

Here we have a central shrine around which the entire people of Israel were grouped in tribal manner, with tribal relations reflected in the pattern of settlement. Priests and Levites were at the centre (Num. 10:17). All this gives forth a clear message. Religion and the service of God – indeed, the Divine Presence itself – were at the centre of the people of Israel in its primitive, ideal era.

But this allegedly unified religious communal structure was not in force in the early days after the conquest and the early monarchic period. The Bible sees the Tabernacle as venerated by local tribes before it was brought to Jerusalem. Indeed, the Bible recounts the existence of local shrines all over the Land of Israel.[34] This means that the religious community was local and not national. Individual high places and shrines and the local priesthood were the centre of smaller, more variegated religious communities, some of which no doubt blurred the distinctions between the religion of Israel (as described in 'official' sources) and that of its non-Israelite neighbours.[35]

With the rise of the central sanctuary under David, when the Tabernacle came to rest in Jerusalem, and Solomon, who constructed the Temple, religious community was theoretically re-centralised. But in reality the persistence of local places of worship shows popular resistance to the elimination of the local religious communities. With the break-up into North and South after the death of Solomon, the erection of 'central' Northern cult-sites was an attempt to substitute a regional religious community for the national.[36] This attempt was only partly successful, especially in view of the perspectives of local religious communities. We do not mean to assume that religious 'belonging' was exclusive. One was part of a national (or regional) religious community while also taking part in the local shrine or shrines – and these shrines did not all reflect exactly the same rituals, beliefs, or structures. But all taken together, these overlapping religious experiences produced the Israelite religious community.

With the centralisation of worship, theoretically the concept of a unified Jewish religious community was fully revived.[37] This is so even if full centralisation was never achieved, despite the reforms of Hezekiah (2 Kgs. 18:1-7) and Josiah (2 Kgs. 23:1-27).[38] But there is no question that sacrifice outside of the central shrine of Jerusalem, with the minor exceptions of Elephantine[39] and Leontopolis,[40] was never practised after the destruction of the First Temple.

We have no idea about how the Jews worshipped in the Babylonian exile. The notion that the synagogue was created as an institution during the exile is conjecture as there is no solid information.[41]

Our earliest references to this new version of the localised religious community come, ironically, from the Second Temple period when once again Jerusalem was the ritual centre of Jewish life. In Egypt, by the third century CE, local Jewish religious communities and houses of worship are known.[42] The earliest evidence for synagogues in the Land of Israel and Babylonia are first-century CE.[43]

Clearly, the central Jerusalem Temple never regained its exclusive position as the centre of the Jewish religious community, and the synagogue played the role of the local shrines of old – even in Jerusalem in the shadow of the Temple. When the Temple was destroyed by the Romans in 70 CE, it is no wonder that Judaism was again localised, even in the Land of Israel as it had long been in the Diaspora, and the synagogues became the local centres of Jewish religious activity, a role they retain to the present.[44]

Sects and movements

Another focus of community among Jews was allegiance to a particular 'sect' or movement. It has long been observed that the term 'sect' is used in the study of early Judaism in a way not usual in religious studies. Usually it connotes a mainstream, and we use it to connote one of a number of groups with their specific approach to Judaism. In any case, such groups existed at various times.[45]

In Biblical times we have a few glimpses of such groups. One example is the 'sons of the prophets', a religious guild of students of the seers and prophets (2 Kgs. 2:3). These people pursued the experience of prophecy.[46]

Another group is the Rechabites (Jer. 35), who for the sake of piety foreswore wine and urban life, seeking a purer bucolic existence.[47] No doubt a variety of such groups existed. What typified these groups is that their members came together to attain a higher level of religious life than that available in the wider Jewish society.

By the time we begin to get the reports of the books of the Maccabees and Josephus for the Second Temple period, a variety of such groups or sects, such as the 'holy congregation of Jerusalem',[48] were in existence. Even before the revolt, the *Hassidim*, a loose confederation of like-minded pietists,[49] had banded together for a life of greater piety. From Rabbinic sources we get the impression that a variety of such groups existed.[50] Apparently, however, the major groups were the Pharisees, Sadducees, and Essenes and / or Dead Sea sect.[51] In all these groups, community was emphasised by means of specific initiation rites, sectarian or priestly administrative officials, specific ritual purity requirements, and shared meals of pure food. In the case of the Sadducean priests, the group was based around the Temple and its worship, while for the others Temple-like purity in a non-sacral environment was the guiding principle. Of course, each group emphasised specific views on a variety of central religious issues of Jewish theology and practice that, in effect, further distinguished each of these sectarian communities one from another. For these groups, we can note that some were celibate while others welcomed female members only as part of a male-headed family unit. Such communities were not limited to the Land of Israel, as

evidenced by Philo's description of the Therapeutae.[52] Such religious communities, resembling in some ways Hellenistic fellowships,[53] set off their members from the wider Jewish and general societies.

Alongside these groups there also existed bands of rebels against Roman rule such as the Zealots and Sicarii, termed the fourth philosophy by Josephus.[54] For these often apocalyptic political activists, community was formed around their specific religio-political agendas.

With the disappearance of all these groups as a result of the destruction of the Second Temple and the emergence of the Rabbinic consensus, some rabbis and their families and followers retained close connections with teachers, fellow students, and tannaitic schools. Yet for most Jews, community was now organised along the lines of family, locale, and synagogue. The sectarian distinctions were no longer relevant.

Charitable institutions

One of the most characteristic aspects of Jewish communal identity, from earliest times, was the set of charity obligations and, later, charitable institutions that grew up among Jews in ancient times.[55] While charitable obligations – helping the poor, weak, and unfortunate – were often expressed as individual obligations, they were organised in a variety of institutional frameworks as well. Not only were these obligations and institutions typical of the Jews and atypical of their neighbours in the pre-Christian and non-Christian environments, but for the most part these efforts were directed only towards fellow Jews. The obligation of members of the Jewish community to help one another, therefore, served not only to aid the unfortunate, but also helped to connect the bonds of Jewish society.

Biblical commands in this respect involved charitable behaviour on several planes. In the agricultural sphere, it was required that corners of fields and crops accidentally passed over be left to be gleaned by the poor. Further, tithes helped to support those unable to fend for themselves. Such practices are echoed not only in the legislative parts of the Bible, but also in prophetic literature. In the economic sphere, the Torah commanded loans with no interest, no doubt to shore up failed agriculturists, as well as the forgiving of debt in Sabbatical years. Even if these regulations were often avoided, they at least put forward a set of principles regarding the material obligations of Jews to one another.

In Second Temple times, such charitable behaviour was a Jewish characteristic, even in the lands of the Diaspora. In Israel we gather that organised charitable activity was widespread. The Essenes, for example, provided for the poor throughout the Land. Further, the Dead Sea Scrolls attest to the involvement of this group as well in charitable activity. The New Testament accounts indicate that in Pharisaic circles and among the Jewish population at large such activity was already widespread.

In the Greco-Roman Diaspora, a variety of social and religious societies flourished in the non-Jewish population. Among Jews, such societies took up the distribution of charity and help for the unfortunate, as we know from inscriptions and historical texts. Indeed, a full network of charitable societies –

forerunners of the later *evrot* – were in existence in the Mediterranean Basin.

Among the communities of Palestine and Babylonia under Rabbinic influence, there were extensive mechanisms for the collection of charity and its distribution as well as officials appointed by the community to coordinate it. Rabbinic law provides that of the few commandments the prospective proselyte had to accept specifically before becoming a Jew, that of charitable behavior was singled out.[56] After all, the people of Israel were typified by this characteristic of the Jewish community. Those who entered the community were therefore to be judged by this yardstick.

Conclusion

What has been outlined here is a complex of intersecting institutions and sub-communities which played a role in the various periods of Jewish Antiquity. At any given time and place, examples show that affiliation with the Jewish community and the concomitant feelings of religious and ethnic identification were advanced by an intersecting network of communities. One could be a member of the tribe of Simeon, worship at a local high place usually, and come to the Jerusalem Temple for an occasional pilgrimage. Military service might shore up loyalty to the king and national identity. One could be a Levite, live in Babylonia under the exilarch and be a regular at a certain synagogue, while seeing himself in exile from the Land of Israel. The point is that the Jewish community in Antiquity was a complex of structures that took hold of the individual from a number of points of view and through numerous overlapping affiliations in organic harmony. No single defining loyalty or membership was enough. To be a Jew was to partake of intersecting and overlapping communities which together defined the nature of the Jews as a political, religious, and social group.

Notes

1 The comprehensive study of S W Baron, *The Jewish Community: Its History and Structure to the American Revolution* (3 vols.; Greenwood Press, Westport, CT, 1977) concerns primarily a period after the present study.

2 cf. the survey of G Weckman, 'Community', *Encyclopedia of Religion* (Macmillan, New York, 1987) 3.566-71.

3 Further sense of the problems involved in such a study may be gained from T Saldarini, *Pharisees, Scribes and Sadducees in Palestinian Society, a Sociological Approach* (Michael Glazier, Wilmington, DE, 1988) 3-75.

4 L H Schiffman, *Who Was a Jew? Rabbinic and Halachic Perspectives on the Jewish-Christian Schism* (Ktav, Hoboken, NJ, 1985) 14-16.

5 J B Soloveichik, 'The Lonely Man of Faith', *Tradition* 7 (Summer 1965) 5-67.

6 L H Schiffman, *Who Was a Jew?* 19-39; B J Bamberger, *Proselytism in the Talmudic Period* (Ktav, New York, 1968) 31-123.

7 See J M G Barclay, *Jews in the Mediterranean Diaspora, From Alexander to Trajan (323 BCE-117 CE)* (T&T Clark, Edinburgh, 1996) 414-44.

8 J Bright, *A History of Israel* (2nd ed.; Philadelphia: Westminster Press, 1976) 140-66; R de Vaux, *The Early History of Israel* (trans. D Smith; Westminster, Philadelphia, 1978) 717-73.

9 R de Vaux, *Ancient Israel: Its Life and Institutions* (Biblical Resource Series; Eerdmans, Grand Rapids, MI, 1997) 100-142; H Tadmor, 'The People' and the Kingship in Ancient Israel: The Role of Political Institutions in the Biblical Period', *Jewish Society through the Ages* (eds. H H Ben-Sasson and S Ettinger; Schocken Books, New York, 1971) 46-68.

10 E Stern, 'The Archaeology of Persian Palestine',*The Cambridge History of Judaism* (ed. W.D. Davies and L. Finkelstein; Cambridge: Cambridge University Press, 1984) 1.88-114; P Ackroyd, 'The Jewish Community in Palestine in the Persian Period', *The Cambridge History of Judaism* 1.130-61.

11 M Hengel, *Judaism and Hellenism* (Fortress Press, Philadelphia, 1974) 1.6-57.

12 See A Schalit, 'Domestic Politics and Political Institutions', *The World History of the Jewish People: The Hellenistic Age* (First series, vol. 6; ed. A Schalit; Rutgers University Press, New Brunswick, NJ, 1972) 255-97.

13 See E M Smallwood, *The Jews under Roman Rule* (Studies in Judaism in Late Antiquity 20; Brill, Leiden, 1981) 21-43.

14 See E Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 BC-A.D. 135)* (3 vols.; eds G Vermes and F Millar, with P Vermes, M Black; T & T Clark, Edinburgh, 1973-86) 1.267-80.

15 See Smallwood, *The Jews under Roman Rule,* 44-104.

16 M Stern, 'The Reign of Herod', *The World History of the Jewish People: The Herodian Period* (First Series, vol. 7; ed. M Avi-Yonah; Rutgers University Press, New Brunswick, NJ, 1975) 71-123.

17 For the procurators after Herod's death, see Schürer, *The History of the Jewish People,* 1.357-470.

18 Schürer, *The History of the Jewish People,* 1.484-513.

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Recovering a lost Jewish community: The Jews of medieval Armenia

Michael E Stone

> The Holy One Blessed be He said:
> If I exile them through a desert,
> they will die of hunger; so I will
> exile them through Armenia, where
> there are towns and provinces and
> food and drink.
> – Midrash Echa Rabbati 1.42

The story of the discovery of the medieval Jewish community of Armenia is an exciting one and Rabbi Lubofsky, with his intense interest in and encyclopedic knowledge of all things Jewish, would have loved it. I dedicate this story to his memory.

In the autumn of 1997, while I was in Holland leading a research group at the Netherlands Institute of Advanced Studies, I received a letter from an acquaintance in Erevan, the capital of Armenia. The information came from Bishop Abraham Mkrtchyan, Primate of the See of Siwnik of the Armenian Apostolic Church. Near the village of Eghegis, in the Vayots Dzor region in his diocese, he had discovered an ancient cemetery. He sent me photographs of tombstones, taken in the village of Eghegis, a site of which I had never heard, about 120 kilometres by road south-west of Erevan. The first pictures that I saw showed indubitably that the tombstones in this cemetery bore Hebrew inscriptions. In other words, this was a Jewish cemetery.

I paid two preliminary visits to Eghegis, in the summer of 1998 and the summer of 1999 and photographed certain of the inscriptions that were readily visible. On my return to Jerusalem, I consulted colleagues about them.

In particular I discussed them with Professor Malachi Beit-Arié, Director of the Hebrew Paleography project and one of the world's preeminent experts in the history of the Hebrew script. He immediately determined, even from my amateur photographs, that these inscriptions were ancient, up to 1,000 years old. In the event, a number of them bear inscriptions with dates in the latter part of the thirteenth and early fourteenth centuries. However, at that point in time, it was clear that the definitive resolution of the issue of dating could come only from a detailed survey of the site and documentation of the inscriptions.

In addition to their ancient date, the inscriptions aroused great curiosity: who were these Jews and what message did their tombstones convey, centuries later? The initial determination that the inscriptions were many hundreds of years old, highlighted their importance for the history of the Jewish and the Armenian peoples. For both, the significance of the find stemmed from one central fact. It had been commonly accepted that there had been no Jewish community in Armenia in the Middle Ages. Indeed, the evidence for Jews in Armenia at any period is very sparse, the best known sources referring (with greater or lesser reliability) to a Jewish settlement there in the first century BCE[1] and others to Jews in Armenia in the nineteenth century.[2] A Jewish settlement of the type implied by the Eghegis cemetery is a new historical fact and the inscriptions on its tombstones are new evidence. They reveal a previously unknown and unsuspected medieval Jewish community as well as the complexity of the population of Armenia's Vayots Dzor region.

We decided, therefore, to study this cemetery in further detail and to locate and decipher all the inscriptions. In September 2000, an expedition of three persons set out from Jerusalem, sponsored by the Ben-Tzvi Institute for the Study of Oriental Jewish Communities, the Hebrew University of Jerusalem and the Israel Antiquities Authority, and with support of The Foundation for Biblical Archeology. These were: Michael E Stone (director), David Amit (archeologist) and Yoav Loeff (photographer). Field work was carried out 6-13 September 2000 under the leadership of David Amit of the Israel Antiquities Authority, assisted by photographer Yoav Loeff. Bishop Abraham extended hospitality to the expedition.

A second expedition was mounted in May 2001. This time the major sponsor was the Charles and Agnes Kazarian Eternal Fund, and support was also received from the Ben-Tzvi Institute for the Study of Oriental Jewish Communities, the Hebrew University of Jerusalem, the Israel Antiquities Authority, and The Foundation for Biblical Archeology. To the earlier team were added Malachi Beit-Arié (paleographer) and Sheila Bishop (Documentation and Assistant to the Director). The excavations at Eghegis continue as this report is written (May 2001), and a full scientific report on them will be given in due course. Some results of the work and conclusions drawn from it are presented here.

The Jewish cemetery is close to the present-day village of Eghegis, in the region of Vayots Dzor, in the southern part of the Republic of Armenia, approximately 16 kilometres north of the regional capital, Eghegnadzor. The village is on the Eghegis River, a tributary of the Arpa river, which flows into

the Araxes in the Ararat valley. It is characterised by fruitful orchards and vineyards in a narrow valley between mountains.[3] The course of the powerfully flowing Eghegis river separates the present-day village from the Jewish cemetery.

A level shelf of ground rises a few metres above the southern bank of the river Eghegis and parallel to it. This shelf is about 80 metres wide, and the cemetery is located on it. Supporting walls protect this shelf of ground from erosion into the river and it is covered with thick vegetation – ancient walnuts, wild trees and bushes as well as dense, more recent plantings of forest trees. Above this shelf are very steep basalt cliffs, hundreds of metres high. The cemetery extends over an area of 1.5 dunams (1550 square metres) covered by thick vegetation.

Altogether, in the area of the Eghegis cemetery we have located more than sixty complete tombstones and fragments of a number more. Of these, forty-three were in the area of the cemetery. A number more had been taken for secondary use and were excavated in structures of a period slightly later than the cemetery itself. At least eight tombstones have been re-used in the pylon of a footbridge across the Eghegis River and plans are underway to move the bridge, extract the tombstones and rebuild the pylon. The continuing excavations are likely to uncover even more tombstones, and yet further ones may have been re-used in the walls of the houses of the present village of Eghegis. All these leads will be followed up.

Nearly twenty inscriptions have been discovered on the tombstones, all but two in Hebrew. Those two are in Aramaic. The names, such as Elia, Baba, Michael, Esther and Tsvi, are common Jewish names, and found in oriental Jewish communities of that period. The inscriptions show a knowledge of the Biblical text, and also of traditions familiar to us from *Midrashim* and other Rabbinic sources. References to liturgical formulae have been found. Many set phrases, common on Jewish tombstones from East and West have been discerned, and most of these use standard abbreviations. This all leads us to conclude that these were Rabbinite Jews, and not Karaites (as were numerous, for example, in the Crimea). They were learned in the Jewish tradition and some of the inscriptions are literary compositions of considerable merit, and not just records of dates of death or interment.

The dates on the inscriptions are also of great interest. The oldest known so far is of 1266 CE and the latest is 1336-37 CE. Thus, the direct evidence known so far indicates that the cemetery was in use for about seventy years. It is impossible to say what further excavations will turn up. Below, however, we will discuss the significance of this period and light it may shed on the Jewish community of Eghegis.

Most of the tombstones are shaped like round pillars, with one side flat. The burials were in the ground, in graves lined and covered with slabs of stone, and the tombstones were laid on top of the stone slabs that covered the actual interments.[4] Some of these tombstones were over 1.6 meters, and must be extremely heavy.

Certain of the tombstones were decorated and from their shape and

decoration we can learn something of the cultural and religious world of this remote community. When we compare the form and decoration with contemporary non-Jewish tombstones from the same time and place, striking results emerge. At a distance of about 20 kilometres from Eghegis is the metropolitan church of the region, Noravank. There, many Christian tombstones of the late thirteenth and early fourteenth century may be observed and these are overwhelmingly flat, oblong stone slabs on the ground, usually with inscriptions.

Eghegis was, in the latter part of the thirteenth century, the capital city of the region of Vayots Dzor. The ruling family was named Orbelian and the cemetery of this family is still preserved in the present-day village of Eghegis. At that time, Vayots Dzor was a particularly flourishing region of Armenia. The country had been devastated after 1236 by the Mongols and had lost its somewhat tenuous semi-independence. The Orbelian family, however, had peacefully accepted Mongol domination, and thus saved their fief from the savage destruction the Mongols visited on their opponents. Artists and intellectuals streamed into the region, which quickly developed distinctive schools of architecture, art, manuscript copying and learning. At its largest, Eghegis was a city of about 10,000 inhabitants, which gradually reduced in size after the Orbelians removed their capital to the area of Arpa (Areni) in the fourteenth century. Arpa was more strategically situated on the main trade routes.

In the present village of Eghegis, just beyond the edge of which the Jewish cemetery is located, there is a church of the same period. In its graveyard we observed 'pillar-shaped' tombstones, identical in shape with the Jewish ones, and different, as we have noted, from those of Noravank. The results of the examination of the graveyard of the Orbelian family are even more surprising. These aristocrats' tombstones are identical in form, manufacture and decoration with the Jewish tombstones. We invited a geologist to the site and he compared the stone from which the tombstones in the two cemeteries, the Jewish and the Orbelian, were made. He concluded that the stones have identical geological characteristics and probably come from the same quarry.[5] It may be concluded, therefore, that the stones in the Jewish and the Orbelian cemeteries were crafted by the same artisans, in all likelihood in the same workshop. In other words, the Eghegis Jews ordered their tombstones from the workshop that supplied the tombstones of the ruling family of the region. The Jewish stones are no less impressive in size and decoration than the aristocratic, Orbelian ones. This was a well-to-do community, whose tombstones rivaled those of the region's leading Christian family. Moreover, the fact that the Jewish tombstones used the same shapes and decoration as the Armenian ones, shows that this community had been in the area a long time and had accepted local cultural norms in a number of respects.

The repertory of decorative elements is quite rich. There are purely decorative, geometric designs and there are also some figurative decorations; however, there is nothing that is explicitly Christian. The chief decorations are the rosette, the interlace, and the whirling rosette. These three decorative elements are to be

found in Jewish art from antiquity. In addition an angular, geometric 'endless' design is shared by one Jewish and one Orbelian tombstone. A single tombstone bears figures of animals. Its two sides are divided into six panels. Three panels contain decorations: a rosette, a whirling rosette and an interlace, while the other three contain animals: an eagle, a bull (?) and a lion. These three animals are common in Jewish art from antiquity and they are, of course, three of the faces of the Cherubs enumerated in Ezekiel, chapter 1. The fourth face, the human one, is not found on the Jewish tombstone, presumably because of the Second Commandment.

It is very interesting that all these decorative elements are also to be found in the Christian art of Vayots Dzor in the same period. Below the gables of the church of Upper Axta, a nearby village, we see a design composed of two lions in heraldic stance, facing an eagle, over the head of which is a whirling rosette. Among the Armenians, to this day, the whirling rosette is the symbol of eternity or eternal life. It is prominently set on the memorial to the Armenian Genocide in Erevan. The four faces of the Cherub are to be found on sculptured tympana in Eghegis and in Noravank, though there, surely, their dominant meaning is the Christian reinterpretation of Ezekiel, according to which they are the symbols of the Evangelists. Both meanings are brought together in the Eghegis tympanum, where the four beasts are below the throne on which the Virgin and the Child are represented.

Malachi Beit-Arié has shown that the inscriptions on the Jewish tombstones were written after the decoration was engraved. This means that the Jews of Eghegis not only ordered their tombstones from the top, local workshop, but also drew the decorative elements on them from the repertoire used by their Armenian neighbours. However, they selected features that resonated with Jewish tradition and Jewish usage through the centuries. It is not surprising that there were such elements in Armenian Christian art, since that art drew both on Biblical sources and on ancient Jewish art.

Our present knowledge of the origins and character of this Jewish community is limited. An Armenian historian reports that in 1103 the Seljuk Turks conquered the city of Kapan, then capital of the Kingdom of Siwnik which is to the south of Eghegis. In the course of that conquest, the Seljuks destroyed Kapan's Jewish quarter. We know that during the twelfth century and the early part of the thirteenth century, there was a migration of population from the south northwards. It is possible that the Jewish community of Eghegis was founded by refugees from the Seljuk incursions and the wars that followed. One Persian attributive is found in the inscriptions which might hint at the ultimate origin of the Jews of Eghegis from Persia. However, there were non-Jewish Persians settled in Armenia for hundreds of years in this period.

One result of this discovery has been a re-examination of the available Armenian historical sources. This re-examination has turned up a number of references to Jews in this area in the Middle Ages, though no direct reference to Eghegis. We have also commenced a study of the Responsa and other medieval Jewish literature. This is still underway. We must, henceforth, include the Jews

of Armenia in the map of medieval Jewish settlement that extends from Iran, north through the Caucasus, and further north and west to Ukraine and the Crimea. Further details, however, must await the results of the ongoing research.

An inscription of the year 1294-95 CE

Edited by David Amit and M E Stone

ב/קלם
שואסתירו
על זה הקבר ויב[א]
עליו רחמים מלפני
הקדוש ברוך הוא יהי
באותו ברכה שעשה
אהרון כוהן גדול בבית
[ה]מקדש אמן ניח סלה

??

upon this tomb and there will come
upon him mercy from before
the Holy One Blessed be He. May he be
with that same blessing which Aaron
the High Priest made in the Temple. Amen. For ever. Selah

Commentary

This inscription is dated on the basis of another inscription on the same tombstone, from the same hand. The inscription is on the end of the stone, and is clearly incised.

ב/קלם — Unknown abbreviation.

שואסתירו. — This line cannot be completely deciphered or interpreted. Both the letters ם and ת resemble final ם. If the reading proposed here is accepted, סת"ר is used in the sense 'bury'.

באותו ברכה — 'with that blessing' – The form באותו appears to be a mistake for the feminine באותה; moreover, the ב might be read as a כ. On the blessing which Aaron the High Priest made in the Temple, see *Mishnah Sota* 7:6.[6]

Notes

1 R W Thomson, Moses Khorenats'i: *History of the Armenians* (Harvard Armenian Texts and Studies, 4; Cambridge, MA: 1978), 25-31 and Index s.v. 'Jews'.

2 F Macler, 'Rapport sur une mission scientifique en Arménie russe et en Arménie turque (juillet-août 1909)', *Nouvelles archives des missions scientifiques et litteraires* NS 2 (1910), 72. Over the past thirty-five years, I have sought evidence of immediate knowledge of Jewish materials in Armenian literary sources, with scarcely any

results indicating direct contact. See M E Stone, 'The Armenian Apocryphal Literature: Translation and Creation,' *Il Caucaso: Cerniera fra Culture dal Mediterraneo alla Persia (Secoli IV-XI)* (Spoleto: 1996), 611-46. The references in Rabbinic sources are sparse and uncertain: see *Encyclopedia Judaica* s.v. 'Armenia'. The few Hebrew words borrowed into the Armenian language go back to a very early stage of the language and may be connected with the community referred to in traditions preserved by Khorenats'i. Perhaps in early times the Jewish kingdom of Adiabene also exerted some influence on Armenia.

3 T X Hakobyan, St T Melik-Baxshyan and H Kh. Barseghyan, *Dictionary of Toponymy of Armenia and Adjacent Territories* (Erevan: 1988), vol. 2, 182, col. 1-2, s.v. 'Eghegis' (in Armenian). Eghegis was previously called Artaboyn or Artaboynk and the name became Alayaz in foreign usage. On this region, the most detailed work is the magistral study by Garegin Hovsepian, *The Khalbakeans or Prosheans in Armenian History* (in Armenian). The three, originally independent volumes of this work were gathered together and reprinted in Antelias by the Catholicosate in 1969, and it is that edition we have consulted.

4 We did not excavate any of the tombs, nor do we intend to do so; one or two were open, however, so we could examine their structure. The open tombs were completely empty.

5 Assays of samples of the stones in the Jewish and Orbelian cemeteries show them to have been cut in the same quarry.

6 The possible magical significance of this formula is heightened by the adjoining priestly blessing, in which the Divine Name is repeated thrice. The use of the priestly blessing in apotropaic magic is already to be observed in the First Temple period. Gabriel Barkay discovered it on a silver amulet in a burial cave he excavated in Jerusalem, dated to the seventh century BCE: see G Barkay, 'The Priestly Benedictions on the Ketef Hinnom Plaques,' *Cathedra* 52 (1989), 37-76. In spite of being found in a burial cave, the amulet was probably not related to funerary practice, but worn by the deceased during his life-time. On the magical use of the priestly blessing in particular see Esther Eshel, *Demonology in Palestine during the Second Temple Period* (Ph. D thesis, Hebrew University, 1999), 295-7 (in Hebrew); M Bar-Ilan, 'Magical Seals on the Body among Jews in the First Centuries CE', *Tarbiz* 57 (1988), 41-2 (in Hebrew); see J Naveh and S Shaked, *Magic Spells and Formulae: Aramaic Incantations of Late Antiquity* (Jerusalem: 1993), 25-7.

Photo: M Beit-Arié

Pylon under footbridge showing re-used tombstones.

Photo: Y Loeff

Tombstone no. 6, showing eagle, rosette and whirling rosette.

Photo:Y Loeff

Inscription of 1294-96 CE.

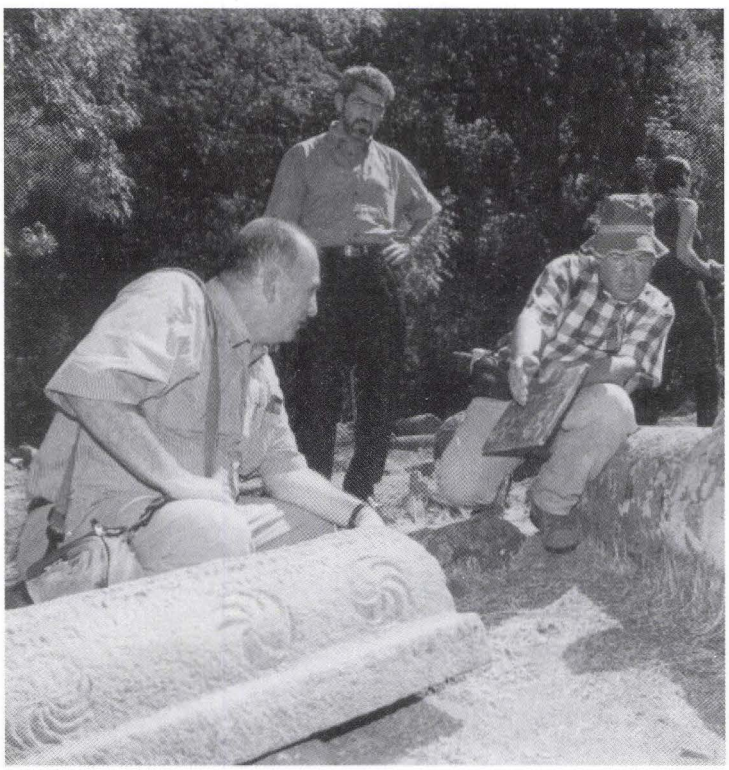

Photo:Y Loeff

Michael Stone, David Amit and Bishop Abraham examine an inscribed tombstone.

The Flemish Synagogue of Gibraltar: Kahal Kadosh Nefusot Yehudah

Joshua Marrache

Historical introduction

Shortly after the fortress of Gibraltar was captured by the Anglo-Dutch fleet in 1704, a steady flow of settlers arrived, among whom were Jews from England, Holland, Livorno and Morocco. These first Jewish immigrants were labourers and merchants, and many of them were involved in importing vegetables and other foodstuffs from Morocco to meet the needs of the garrison and the town. At the beginning they probably conducted their prayer meetings in their places of residence, but they soon prepared a more formal place of worship for themselves.

In 1713 a formal treaty was entered into at Utrecht between the crowns of Spain and Britain, which was signed by the Duke of Osuna and the Marquis of Monteleon for Spain, and the Earls of Bristol and Stafford for Britain. Article ten of the treaty ceded the town, castle and fortifications of Gibraltar to the Crown of Great Britain; but at the request of the Catholic King, Philip V of Spain, it stipulated that no Jews or Moors were allowed to reside or have dwellings in the town of Gibraltar. On 28 November 1713, Lord Lexington, the British ambassador to Madrid, wrote to Colonel Congreve, the lieutenant-governor, asking him to evict all Jews and Moors from the town in accordance with the terms of the treaty. There is no record that any were expelled at the time.

In 1717 the Spanish ambassador in London complained that, contrary to the stipulations of Article ten of the Treaty of Utrecht, there were more than 300 Jews residing in Gibraltar, and that they had a synagogue in the Calle Juan de la Sierra, which we now know as Bomb House Lane, near, or perhaps on the site of the present synagogue. The result of these diplomatic exchanges was the

expulsion of all Jews from Gibraltar later that year. However, the following year Britain was at war with Spain again, the garrison no longer received supplies from across the border and recourse had to be made to Morocco again. As a result, the Jewish merchants and suppliers returned to Gibraltar and on 13 January 1721 a new treaty was signed between the British envoy, Captain Stewart RN, and the Basha of Tetuan, which formalised the situation. Article IX of the treaty provided for all disputes between British subjects in Morocco to be judged by the British Consul. Similarly, Moroccan subjects in Gibraltar were to have their disputes settled by one of their number: 'A Moor for the Moors and a Jew for the Jews'.

On 25 September 1725, the new lieutenant-governor, Colonel Kane, reported to Lord Townsend that there were 137 Jews in Gibraltar, 111 males and 26 females, and that they had been allowed a synagogue. This was the Shaar Hashamayim Synagogue in Engineer Lane, which had been built by Isaac Netto on land granted to him in 1724.

Nefusot Yeduhah

The 1777 census shows that the land on which the synagogue now stands belonged to John Crusoe, a 44-year-old English Protestant born in Turkey who had a tavern and a cock pit (for the staging of cock fights) on the site. After the Great Siege the land became the property of Semtob Sequerra.

The 1790s were years of great affluence in Gibraltar and it appears that a group of the Jewish merchant families decided to build themselves a new synagogue where services would be conducted in the style of the Portuguese synagogue of Amsterdam as the service of the Shaar Hashamayim synagogue had become more Moroccan in style over the years. The sum of $26,000 was raised by voluntary subscription and when the new synagogue was inaugurated in 1800 it became known as the Esnoga Flamenca or Flemish Synagogue. Among the founders of the Synagogue were Joseph Benatar, Joseph Aboab and Isaac Migueres; and the foundation stone was laid by the Chief Rabbi, Solomon Abudarham, who died in 1804 during the yellow fever epidemic. The congregation followed the customs of the Talmud Torah synagogue of Amsterdam so closely that the *ketubbot* (marriage contracts) for the early marriages performed in it were written on forms printed in Amsterdam instead of the elaborately decorated parchments usual among most Mediterranean Jewish communities.

Dr Howes' study of the population, *The Gibraltarian*, tells us about the workmen who built the Synagogue of Nefusot Yehudah. At the beginning of the nineteenth century there was a strong Portuguese labour force in Gibraltar and it is likely that they supplied most of the workmen. There were Portuguese masons and Minorcan joiners and stone masons. The Genoese, who formed the largest section of the civilian population, were engravers, and the census also shows two Jewish carpenters and a painter. All worked together to create Nefusot Yehudah. The building materials came from Britain, Minorca and Morocco; the sand was brought from the east side of the Rock and some building stone such

as the limestone, which is used in the window surrounds, came from the Rock itself. Building must have started around 1797.

Line Wall Road did not exist when the synagogue was built, instead there were a number of short and unconnected narrow passages behind the line wall, which were paved with cobblestones. The main entrance to the synagogue, opened onto one of these, as the entrance from Bomb House Lane was not opened until much later. The lane in front of the synagogue became known as Synagogue Lane for many years until it was widened to become part of Line Wall Road. We should remember that in the eighteenth century Serfaty's Passage was also known as Synagogue Lane, as the original entrance to the Shaar Hashamayim synagogue was through there but it lost its name after a new entrance was built in Engineer Lane.

The oldest known photograph of the synagogue, before the fire.

The staircase that leads to the ladies' gallery today was not the original staircase. The original one was to the left of the original main door on the outside of the building. Before the reading room was built, women had to walk up these open stairs in the rain and that is why the present enclosed staircase was built on the Bomb House Lane entrance. Originally the ladies' gallery had two windows facing the line wall and four facing Bomb House Lane. The fourth window nearest the *hechal* was bricked up when the new interior staircase was built and below the stairs is the room with the *hazanitas*, the lockers where prayer books and other personal belongings are kept.

The porch with the triangular roof supported by two columns over the steps which face the Line Wall entrance of the building, was refurbished in 1912. The facade of the building with its bell gable, shows a definite Flemish influence.

The original garden was probably much larger than the present courtyard and there is no doubt that the palm tree is much older than the building. The original decorated floor tiles of the courtyard were covered in later years by the marble paving we see now and little of the original decoration survives.

The house of the *shamas* (beadle) by the synagogue, must date from the same time as the main building, as it is certain that the congregants would have wanted somebody living on the spot to guard such a large and sumptuous building and would have provided the necessary housing. The *mikve* (ritual bath) which was situated next to the beadle's house was probably also built at the same time. This *mikve* was removed during recent construction work.

The interior of the synagogue is large, with a ladies' gallery supported on six columns of Carrara marble which were salvaged from a ship that went aground at Punta Carnero. The article on Gibraltar in *The Jewish Encyclopaedia* reproduces a print which was in the possession of Leon Elmaleh of Philadelphia (a Gibraltarian who settled in the USA) which shows the interior of the synagogue before it was extensively rebuilt after the fire in 1911. The *tebah* (reading desk) was of wood and placed in the centre of the synagogue following the pattern of the old Sephardi synagogues in London and Amsterdam but the large chandelier shown over the *tebah* no longer exists, although the four silver candlesticks on the corners (now converted to electricity) and the silver bells still adorn the new *tebah.* The clock shown over the entrance door was donated by Menahem Serfaty and is now in the reading room. During the fire all the old benches were burnt except for two which are still in the reading room. The Cazes family paid for the original ones and the ones now in use.

There is a better view of the synagogue as seen from the ladies' gallery in an old photograph which shows the synagogue before it was reconstructed and the marble *hechal* and *tebah* were installed. The original *hechal* was of mahogany and was similar to the one in the Shaar Hashamayim Synagogue and the synagogues in London and Amsterdam. It had four doors and the *Ner Tamid* lamp (a lamp which is kept constantly alight) used to hang in front of the middle doors.

The candelabra on either side of the present *hechal* were donated by the Hassan family. They were originally of brass but were silver-plated at the time of the

reconstruction. I understand that the old wooden crown and table of the commandments which are in the picture were, after the fire, given to another synagogue and the painted sky scene above the *hechal* was presented to the Shaar Hashamayim Synagogue.

Both the illustration in the encyclopaedia and the photograph show the synagogue with floral decorations around the columns as a sign of fertility and they probably depict the synagogue decorated for the festival *of Simhat Torah* (the rejoicing of the law). They also show two pine-cones on either side of the top of the *hechal* signifying the unity among the people of Israel.

The fire

I have mentioned above that the interior of the synagogue had to be extensively reconstructed after a fire and the newspaper *El Calpense* gives a full account of this event in its edition of 2 June 1911:

> FIRE IN SYNAGOGUE
>
> Around 11.30 a.m., after the end of the religious services, some residents living near the synagogue opposite the Line Wall saw a great deal of smoke coming out of the synagogue building.
>
> The residents ran to notify the *shamash* who lives at the synagogue but he had left for lunch so the people present took it on themselves to pour water on the flames until the fire brigade arrived. Once the firemen, headed by Major Norman, had arrived, the fire was soon put under control. One of the first to enter the blazing synagogue was that most worthy and distinguished gentleman, William Sallust Smith. Mr Smith was able to save all the *Sefer Torahs* and the Ten Commandments. In order to demonstrate the gratitude of the congregation, a delegation led by the spiritual leader of the community called at Mr Smith's home to thank him.
>
> It is presumed that the fire was started on the altar by a spark from the candles which set fire to some flowers. Some valuable cloths and the tabernacle were completely burnt, as well as the upper gallery.
>
> It is estimated that the damage done by the fire amounted to 3,000 duros and this was covered by the Royal Insurance Company, whose representative in Gibraltar is John Gareze.
>
> Fortunately there were no casualties and the fire might have caused considerably more damage.

A committee was formed of the leading members of the synagogue to consider what action to take to reconstruct the synagogue. It was decided that a *hechal* made of marble, rather than wood, would be more resistant to fire and a new one was ordered to be designed and shipped from Italy.

El Calpense gives an account of the laying of the foundation stone for the new tabernacle on 9 December 1912. The new *hechal* was designed with an integral *tebah* in the Italian style and was constructed by Messrs de Bono.

There is a note on the inauguration of the refurbished synagogue on 9 December 1912 in *El Calpense.* The ceremony took place at 2 o'clock in the afternoon.

> After Benjamin Halevi Balensi, the President of the Community, arrived accompanied by his grandchildren, the ceremony was begun by Rev. Joshua Gabay who intoned some psalms and made a short speech. He then blessed the President of the Community and the (President) of the synagogue, David S Hassan. Mr Hassan passed Mr Balensi a silver trowel with which to lay the foundation stone which was later presented to him to keep. After the President of the Community had given an address the spiritual leader, Rabbi Moses Benaim, blessed the congregation. David Benabu, the well known photographer recorded the ceremony.

During the work of reconstruction a small gold pointer was found embedded on the old masonry. This led A B M Serfaty to speculate in his *History of the Jews of Gibraltar* about an earlier synagogue on the same site. But there is a more plausible explanation for the find. We know that in the eighteenth century Spanish masons always buried a piece of gold when starting an important new construction in order to ensure that the work was successfully completed and the building was 'lucky'. It appears that in this case the elders of synagogue decided that a pointer was more appropriate than the usual gold coin with its graven images which are forbidden by the second commandment. The date on the Pointer was older than the 1800 synagogue and Rabbi Joshua Gabay's notes on this discovery show that the pointer had the name *Nefusot Yehudah* engraved on it.

The work of reconstruction and redecoration was carried out so expeditiously because of the generosity of the members of the synagogue, particularly Moses the son of Samuel Attias. Moses Attias was born in Gibraltar in 1872 and had a shop in Bell Lane. He had vowed that if he ever won the Spanish Lottery he would give the money to the synagogue. He did win the first prize in the lottery and his generosity paid for the four-inch-thick bronze metal doors of the *hechal* and the marble paving of the courtyard.

Another generous contributor in later years was Joseph, the son of Isaac Acris, who was born in Gibraltar in 1892. During the time he was secretary, after World War II, Joseph Acris paid for the interior walls of the synagogue to be decorated in the *Mudejar* style in the manner of the old synagogue of El Transito in Toledo. The moulds for the intricate design were made in Tangier in 1950 in the Soco Chico, in a tiny store, which Abraham Benrimoj remembers vividly, and give the synagogue a very traditional Sephardi atmosphere.

The reading room

The reading room above the house of the *shamash was* built in 1890 with money donated by the Benatar family. In it are two old circumcision chairs, the one with a small silver plaque being the older one. There is also a cupboard holding Rabbi Joshua Gabay's books which we still refer to today when we need to

establish the old customs and traditions of the synagogue. There are two impressive wooden cupboards facing each other which hold the covers for the *Sifre* torah (scrolls of the law) and the covers for the *tebah.* In one of these is the octagonal hat which had been worn by Rabbi Joshua Gabay and other ministers of the synagogue, including Rabbi Sananes.

The clock donated by Menahem Serfaty, which has been mentioned before, now hangs on the wall here. Menahem was the brother-in-law of Henry Joseph, the first Jewish barrister in Gibraltar. They both married daughters of Samuel Marrache (born in 1786 and uncle of Joseph Aboab, one of the founders of the synagogue) who was a member of the congregation *of Nefusot Yehudah.* The most beautiful item in the room is undoubtedly the *ketubbah* (marriage contract) which was written and painted by David Benabu and is used during the festival of *Shavuot,* when the spiritual marriage between Israel and the law of Moses is symbolically celebrated. Through time and use and because it is kept rolled, the gold leaf decoration and the painting of the *ketubbah* received some damage over the years but fortunately it has been restored back to its original splendour by David Benabu, a grandson of the original artist. The first David Benabu was a professional photographer, as well as a writer and painter, and he took a number of photographs of the synagogue which provide us with a very valuable record of the changes made over the years.

Among the photographs in the reading room is one of Rabbi Joshua Gabay in his octagonal hat and full canonicals, and a letter of appreciation of his forty years of service as minister to the congregation. There are also two items presented to the synagogue by Mrs Victoria Massias in memory of her brother Solomon Bensusan. One is a cushion on which baby boys are laid when being circumcised and the other is a *talamo,* or canopy, also used during circumcisions.

The ministers

During the first eighty-three years after its foundation the ministers of Nefusot Yehudah were members of the Conquy family who were descended from Ephraim and Judica, both born in Amsterdam in 1709 and 1723 respectively, and who settled in Gibraltar before 1740.

1. The first minister was the Rev. Joseph Conquy who was born in Gibraltar in 1740.
2. Joseph was succeeded by his son, the Rev. Samuel Conquy who was born in Gibraltar in 1785 and married Rica Sol. He became a rabbi and he compiled a list of all the circumcisions performed by Haim Hassan from 3 Tishri 5550 (1789) until 6 June 1804 which is the oldest book in the archives of the community. The book had originally been started by Samuel's cousin Ephraim.
3. Rev. Ephraim Conquy, born in 1814, was the son of Samuel and he too became a rabbi. He married Mesoda, the daughter of Rev. Shalom Aflalo and his wife Gimol.
4. The last Conquy was the Rev. Shalom, son of Ephraim, who was born in Gibraltar in 1842 and married his first cousin Orobida Aflalo. Samuel

Benzaquen has a book which has some notes made by Rev. Shalom Conquy: 'Night of Thursday, 14th Ellul 5560 [1800, which must have been the night the synagogue was inaugurated]. Started as second *hazan* (Minister) 5618 [18581 As from Simhat Torah 5625 [1864] I was *hazan* alone. My great grandfather Joseph Conquy was *hazan* 6 years and was the first *hazan*. My grandfather Samuel Conquy for 33 years. My father Ephraim Conquy 17 years.' [If A B M Serfaty is correct and the Conquy family served as ministers for a total of eighty-three years, then Shalom must have held the office twenty-seven years.]

5. The next minister was Rev. Abraham Benzaquen who was born in Gibraltar in 1828 and had been *hazan* at the Abudarham synagogue. As he died in 1890 he could only have been minister for seven years. He was the great-grandfather of Samuel Benzaquen who is now *parnas* (president) of the synagogue.
6. Rev. Isaac Benselum then took over for some years until he was succeeded by Rabbi Joshua Gabay.
7. Rev. Joshua Gabay was born in Tangier in 1869 although he belonged to a Gibraltarian family and he went to school in Gibraltar. He wrote a most beautiful Hebrew script. His letters to his father while he was studying in Gibraltar have been preserved, and it is from these and his daughter Sete that we have been able to find out more about his life and exemplary personality.

   Rabbi Joshua Gabay was a loving and caring man full of generosity for his fellow men and extremely fond of his family. He was a trained shohet (ritual slaughterer) and mohel who performed circumcisions, and his certificate for this was signed by the Chief Rabbi of Gibraltar, Haham Raphael Haim Moses Benaim in 1893. He started officiating at the Nefusot Yehudah synagogue in 1906. He looked after the synagogue for many years and was a mine of information about its history and customs.

   Rabbi Gabay lived at 171 Main Street with his wife Rachel (Nahon) Toledano, except for the time that he was evacuated during the Second World War from 1940 to 1945. Before the war Moses Benjo used to assist Rev. Joshua Gabay. While in London he officiated at services in one of two rooms on the sixth floor of one of the hostel for evacuees in Fitzjames Avenue, West Kensington. Rev. Moses Benzimra of Shahar Hashamyim officiated in the other one.

   When he returned to Gibraltar after the war, Rabbi Gabay again officiated at Nefusot Yehudah until his death in 1954. He gave forty years of dedicated service to the synagogue and the Jewish community. He was a compendium of knowledge of the traditions of Gibraltar and the religious customs of the Jewish community which he acquired during his many years as minister and much of which he had learnt from Rabbi Solomon Elmaleh who was communal rabbi after the death of Rabbi Moses Benaim. His son, Daniel, gave Rabbi Joshua Gabay's *shofar* (the

ram's horn blown in synagogue on New Year and the Day of Atonement) to Rabbi Haim Sananes and his circumcision set to David Benaim who succeeded him as mohel to the community.

His life was dedicated to running the synagogue and he lived in the *shamash*'s house. His exemplary life, good humour and lively conversation made him much loved, and all who came into contact with him remember him with affection.

8. The next minister and mohel was Rabbi Isaac Schocron. He was also *shohet* (ritual slaughterer) and head teacher of religious studies at the Hebrew School.
9. Next came Rabbi Shalom Edery who was also a *mohel* and was also head of religious studies.
10. When Shalom Edery left Gibraltar he was succeeded by Hananiah Cohen who was *hazan* for some years until he left Gibraltar.
11. Shortly after, Rabbi Haim de Sananes who was born in Tetuan in 1936 and married Gimol Sarah, the daughter of Haim Hassan and Bathsheba Abecasis of Gibraltar, became Rabbi of Nefusot Yehudah. Rabbi Sananes studied at Sunderland *Yeshiva* (religious academy) under Rabbi Zahn and was a qualified *shohet* and *mohel*.

Photograph taken at the laying of the new *hechal* on 8 December 1912 (28 Kislev 5673). The Chief Rabbi, Haham Moses Benaim, is in the centre with Rabbi Joshua Gabay on his right.

Over the years the synagogue has been lucky to have also had the services of a number of honourary *hazanim*, such as Judah Benzimra and Abraham Benyunes. Today we are lucky that the Beniso family worship in our synagogue, as Abraham Beniso, a former *hazan* of the Bevis Marks Synagogue, London, has a world-wide reputation as a cantor of religious Sephardi melodies and his son Isaac also has a wonderful voice. It is pleasant to be able to record that Isaac's sons also show great potential.

The present *Parnas*, Samuel Benzaquen, a descendant of Rafael Jacob Benzaquen has followed the family tradition and acts as *hazan*, and sometimes his son Moses also takes part.

During the Second World War following the evacuation of women, children and old people, Sir Joshua Hassan, who remained in Gibraltar as a member of the Gibraltar Defence Force, acted as President of the Community. Sometime during 1941-42 a Colonel Rutherford of the Royal Artillery called on him to say that he wanted to cut down the palm tree in the patio of the Synagogue because it was interfering with the line of fire of guns at the top of the Rock. Mr Hassan replied that he had no authority to allow this historical palm tree to be cut and they would have to get a special order to do so if it was essential. He said, however, that if the palm tree was pruned properly, it might leave the line of fire clear. It was agreed to try this and Mr Hassan contacted the Gibraltar Fire Brigade who provided a team to climb the palm tree and peel all the branches in order to clear the site as well as possible. This was done and resulted in the military withdrawing their request for the tree to be cut down. Incidentally, it did the palm tree a lot of good to have such a radical pruning and it continues to flourish to this day.

On Friday, 27 April 1951, just after 10 a.m., the *Bedenham*, an ammunition ship belonging to the Royal Navy laden with 500 tons of ammunition, exploded at its mooring at Gun Wharf in the Dockyard. This was the penultimate day of the feast of Passover, the twenty-first day of Nissan 5711 by the Jewish Calendar. The tremendous explosion rocked the whole of Gibraltar and caused death and havoc. Eight people were killed and every window in the town was shattered. The stained glass windows of the churches were severely damaged. The effect on Nefusot Yehudah was devastating as it is on an exposed position by the Line Wall, facing the Bay without any protection in front. The roof caved in and the glass chandeliers fell and were shattered on the marble floor.

The synagogue had just been redecorated and although all the main walls survived intact it had to be redecorated anew. The Admiralty, which paid compensation for all damage in Gibraltar caused by the explosion, paid for the repairs to the synagogue, which was renovated to its old splendour just as it had been before the explosion. The plaques of the *mudejar* decoration that decorate the interior walls and ceiling, were restored to their former beauty by three Moroccan Jews who owned a tiny workshop in the Soco Chico in Tangier. The *El Calpense* reported on the ceremony of dedication of the restored synagogue, which took place on 15 September 1952:

> A religious function took place yesterday afternoon in the Nefusot Yehudah synagogue situated in Line Wall, to give thanks for the reopening of the Synagogue after the reconstruction that was needed as a consequence of the severe damage caused to the Temple by the *Bedenham* explosion.
>
> The reconstruction works have been carried out with great care and the Synagogue Committee has worked assiduously and tirelessly under its Honourary treasurer, Mr Isaac Tobelem, who together with the President, Mr Jaime Hassan, Vice Presidents, Messrs Salavdor Hassan and Moses Benhayot and the other members of the Committee, received the congratulations of the many faithful who attended the ceremony.

In 1994-95 the Synagogue underwent a substantial refurbishment as the heavy bronze doors of the *hechal*, which had not been fully repaired after the explosion, had to be reinforced because they were giving way and there was the danger that the whole of the *hechal* might collapse. Following full structural repairs, funded by public subscription, the synagogue was redecorated, as was the residence of the *shamas*.

Appendix

A plaque hanging up in the synagogue gives a list of the *Parnasim* (wardens) who officiated over the synagogue during the last 150 years or so. Their names are:

Abraham Benatar
Abraham, Nehemias
Isaac Hassan bar Abraham
Benjamin Halevy Balensi
David Hassan bar Sarah
David Bendinon
Ruben Benggio
Haim Hassan bar Moshe
Isaac Hassan bar Abraham

Note:

Isaac Hassan was succeeded by J V Anahory, who in turn was followed by Samuel Benzaquen (Parnas Presidente) amd Isaac Beniso (Parnas).

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Jews of the Orient – an unknown experience

Marvin Tokayer

When I arrived to serve as the rabbi of the Jewish Community of Japan, I was in my twenties, and an inexperienced community rabbi. Soon after my arrival, I was invited to Australia for a series of lectures, and spent a most delightful *Shabbat* at the Lubofsky home in St Kilda, Melbourne. This experience certainly changed the focus of my life.

I was in the presence of an erudite and distinguished rabbi who was not only at home with the tomes of Jewish learning and scholarship, but who had the breadth of vision and grasp of the entire Jewish perspective.

Rabbi Lubofsky politely suggested, and even urged and encouraged me, to not only serve the Jewish community with diligence and dedication, but also to inquire, collect, research, interview, publish and become the repository of the invisible footprints of the Jewish communities of the Orient, from India to Japan, and all points in between. He was certainly my inspiration and guide, and served as my role model, for I observed carefully how he conducted himself as rabbi of his congregation. It is to his credit and inspiration that I published twenty-eight books, in Japanese, on Jewish subjects, and was the first person to have interviewed Chiune Sugihara, the righteous Japanese consul in Lithuania, who wrote the life-saving visas permitting thousands of trapped Jews to escape the furnaces of Europe during the Holocaust, and escape to Japan. Many of these Jews currently reside in Australia, as well. When I shortly write the first history of the Jews in China, Japan and India, I will sense the presence of Rabbi Lubofsky's guiding spirit, and will hear his familiar phrase, 'So what have you found this time?'

Permit me to share with the reader and family, the gems of my research that gave so much pleasure and joy to Rabbi Ronald Lubofsky, of blessed memory.

Little do we know of the Jewish experience in the eastern world. Scholars and historians tend to emphasise and research the Jewish experience in Europe, the Middle East and the Americas. There is, however, a page that has been written out of Jewish history – that page deals with the unknown Jewish experience in the Far East. If you examine any standard and basic Jewish history text, and search the index for China, Japan or Tibet, you will probably not even find one entry. There were, however, times when Jews played a prominent role in this part of the world, but have been written out of history. I would not say that this is the most important page in the Jewish experience, but every page deserves to be written and read. To this day, I am sorry to relate that there is no volume or chapter dealing with the Jewish experience in east Asia.

Of particular fascination to Rabbi Lubofsky were the two oldest Hebrew manuscripts on paper found anywhere in the world, that were found in Dandan Uiliq, in the remotest corner of China, in Sinkiang province near the Tibetan border.

These documents are not scrolls or written on parchment, but are documents in Hebrew, written on paper, and paper was invented in China. Scholars date these documents from the sixth to eighth centuries CE, and they are very clearly written. One document, a business document in Hebrew, was unearthed by the British archaeologist, Sir Marc Aurel Stein, and the other, a Hebrew penitential prayer, was found in the same area by the French archaeologist, Professor Paul Pelliot. Both documents were found early in the twentieth century, buried under the ground, and are currently in the British Library in London, and the Bibliotèque Nationale in Paris. Both documents clearly illustrate that Jews were in this area, more than 1000 years ago, and surprisingly these documents are never cited in any Jewish history text. The dating is at a time when Jews were prominent on the Silk Road, and Jews were clearly involved with the exchange of goods and ideas between east and west. Also, of interest were the original copper plates, now in the Paradesi Synagogue of Jew Town, Cochin, India, testifying to a Jewish kingdom or principality in southern India, which the community dates to the year 379 CE, but some scholars date in the ninth century. Who ever heard of a Jewish kingdom in India, and it is interesting to read the medieval Hebrew poem of Rabennu Nissim of Spain who writes that Jews of Spain would save their coins for the honour of seeing a Jew sitting on the throne, and concludes by writing, 'Him I saw with my very own eyes.'

Although many study the writings of Maimonides, few are aware of his mental state of depression when his brother went down at sea in the Indian Ocean, as they were together in the jewellery business. Rabbi Lubofsky was very curious about the traders on the famous Silk Road. Who were they, what did they trade, and where would they spend the Sabbath? The Jewish merchant adventurers on the Silk Road, called Radanites, from the Persian word, *Raddan*, master of the roads, pioneered and developed this trade of culture, ideas and goods, from France to China, and possibly even Japan, in the seventh century. It was Rabbi Lubofsky who realised by intuition, what Professor M Goitein, of the Institute of Advanced Studies in Princeton, actually demonstrated, that there

was a Jewish community after each six days journey on the Silk Road. Hence, there were Jewish communities all along this oriental trade route, more than 1000 years ago.

Rabbi Lubofsky also suggested that I look into the subject of Jews who were seeking a haven, by coming to Japan. In an environment of anti-Semitism and limited opportunities for Jews in Europe, Jews would frequently seek a haven where they could be treated as an equal. Japan was such an opportunity, as it had no imported bias borrowed from either Christians or Muslims. Raphael Schoyer, buried in the Jewish cemetery in Yokohama, produced the first newspaper in Japan, and initiated the concept of democratic government. He is cited as the first mayor in Japan. Professor Theodore Sternberg could not advance in law and jurisprudence in Germany, because he was Jewish. His colleagues suggested that he go to Japan, and he is one of the architects of the constitution of Japan. Professor Ludwig Riess had the very same problem, and is the father of historiography in Japan.

There were even Marranos who came to Japan to escape the Inquisition. Luis de Almeida built the first hospital in Japan, which still bears his name, and only recently was he acknowledged as a Jewish doctor.

Everyone living in Japan is familiar with the *Japan Times*, the preeminent English language daily newspaper, formerly known as the *Japan Advertiser*, before the war. Few, however, know that this newspaper was owned and edited for two generations by the Fleischer family, of America. Rockefeller is famous for oil or black gold, in America, but the king of oil in the far east was Marcus Samuel, with his Rising Sun Petroleum Company in Yokohama. He built the world's first oil tanker and started the tanker industry, and was the founder and owner of Shell oil company. Few are also aware that a Russian prisoner in Osaka, during the Russo-Japanese war, would be enamoured of the samurai, and the dying words of Yosef Trumpeldor as a pioneer in Palestine – 'It is good to die for one's country' – is really a samurai proverb.

During the Russian-Japanese war, when Japan flexed its military muscle, Baron Korekio Takahashi was sent abroad to seek funds to finance the war. He was refused at every bank, since the prevailing opinion was that the untested Japan would lose the war to Russia, and would not be able to repay the loan. Jacob Schiff, of Kuhn Loeb, an investment bank in New York, provided loans in excess of $196 million. Schiff, with Biblical insight, believed that Japan was God's instrument to punish the Russians for the pogrom in Kishinev. This event left a deep impression in Japan, and was instrumental in Japan's saving Jews during the Holocaust. At cabinet meetings the generosity of Schiff, who believed in Japan, was cited as Japan, an ally of Nazi Germany, determined its policies towards Jews in Japan and in Japanese territory. The 50,000 Jews, including tens of thousands of refugees from Germany and Poland, did not realise that they owed their lives, in great measure, to Jacob Schiff. Among the heroes admired by Rabbi Lubofsky, including David Marshall, the first prime minister of Singapore, 2-gun Cohen, a general, cabinet officer and a.d.c. to the first president of China, Sun Yat-Sen, I think his favourite was a Hassidic Rebbe, the

Amshenover Rebbe, Rabbi Shimon Shalom Kalish, who as a refugee in Japan was interrogated by the Japanese military, at the very same table that later planned Pearl Harbour. When asked why the Germans hate the Jews, he instantly replied that the Germans hate the Jews because the Germans know that we Jews are Asians. 'We too are Asians,' responded the Japanese, and the Rebbe quietly continued, 'You too are on the list.' This quick retort by a Hassidic rebbe helped overcome the heavy Nazi pressure to exterminate the Jews of China and Japan, during the war.

I think it is important to remember that whether in ancient, medieval or modern times, it is time to consider a Jewish community and a Jewish history in the Far East.

Lithuania honours a Holocaust rescuer

Jonathan Goldstein[1]

In the summer of 1940, in the Lithuanian capital city of Kovno (Kaunas), a Dutch gentile businessman did truly amazing things to assist thousands of stranded Jews. What was the role of Jan Zwartendijk (1896-1976) in the Kovno rescue episode? Why did Lithuania recognise him for courage fifty-nine years after the event?

The Kovno episode

By late 1939, under the terms of the Hitler-Stalin Pact, Germany had completed its occupation of western Poland while the Soviet Union took over eastern Poland. By May 1940 at least 10,000 Jews had fled from those occupied zones into neutral Lithuania. On 15 June 1940 the Soviet Union occupied Lithuania and five weeks later accepted its 'request' to be annexed into the USSR, a procedure that was completed by August 5.

The Polish Jews who had fled to Lithuania precisely to escape Soviet rule felt especially vulnerable and desperate during the annexation process. By July virtually all consulates in Kovno, the Lithuanian capital, were in the process of closing. Panic set in among the Jewish refugees. At this point Jan Zwartendijk, voluntarily and at great personal risk, took on a role which quickly evolved into the rescue of Jews.

Since May 1939 Jan had represented Philips, the Dutch electronics manufacturer, in Lithuania.[2] In May 1940 the Germans overran Holland and a Dutch Government-in-Exile, technically a resistance organisation, was established in London. L P J De Decker, the Dutch Ambassador to the Baltic states, who was based in Riga, Latvia, suspected the then-Dutch consul in Kovno of pro-Nazi sympathies. In June 1940 he asked Zwartendijk to take over in Kovno as consul in Lithuania representing the Dutch Government-in-Exile. In spite of the fact that Zwartendijk had no diplomatic experience and a wife and three

young children in Kovno, he readily accepted this potentially risky assignment.

Jan Zwaertwndik, 1940. Photo from VRM Administrateijos Departmentas.
[Central State Archives of Lithuania, Vilnius]

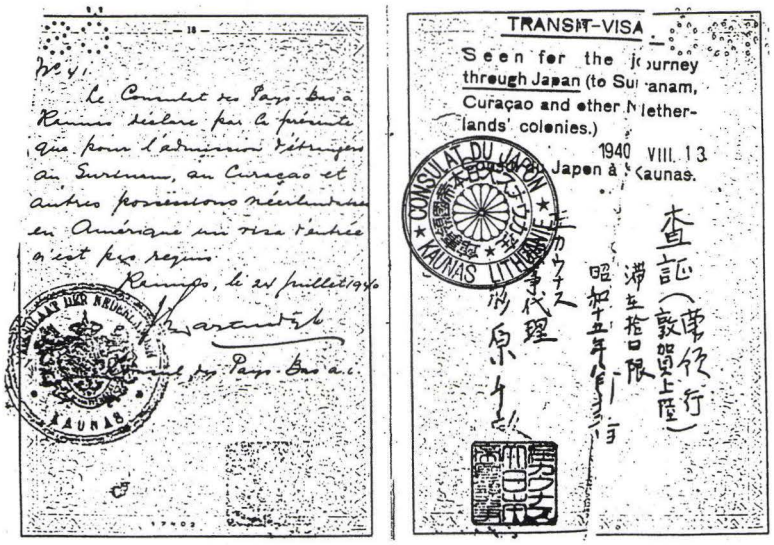
Zwartendijk's work almost immediately entailed the even more dangerous task of rescuing Jews. In July 1940 Pessla Lewin, a former Dutch citizen who was now a Polish refugee living in Lithuania with her husband Isaac and son Nathan, took the gamble of writing to De Decker, who was still the Dutch ambassador. She requested authorisation to emigrate to the Dutch West Indies. She learned that no visa was required but that she would need a landing permit from the local governor. Such permits were only rarely issued. Nevertheless the ambassador tried to help by inscribing in her Polish passport, in French, the statement that 'for the admission of aliens to Surinam, Curacao, and other Dutch possessions in the Americas, an entry visa is not required'. This stipulation, dated 11 July 1940, came to be known as a 'Curacao visa'. It gave the impression of being as good as a visa since it omitted the key phrase that a landing permit was required. On July 22, Isaac Lewin approached Zwartendijk in Kovno. According to Lewin, Zwartendijk, 'after seeing what De Decker had done, copied [the Curacao visa] into my Lithuanian safe-conduct pass'.[3] Armed with this documentation, Pessla and Isaac Lewin, plus her mother and brother, who were still Dutch citizens, went to the Soviet and Japanese consuls in Kovno and were routinely issued seven-to-fifteen-day transit visas allowing them to pass through each of those countries. The Japanese consul was Sugihara Chiune, who has been featured in movies and is far better known than Zwartendijk. Without Zwartendijk's fictitious destination visas, however, neither Sugihara nor his Soviet counterpart would have been able to issue one single transit visa through their respective territories.

Unaware of the Lewins' experience, Nathan Gutwirth, a legitimate Dutch citizen then residing in Telz (Telsiai), Lithuania, asked Zwartendijk on July 24, if several of his fellow students, non-Dutch citizens, could accompany him to Curacao. Zwartendijk volunteered to help, providing the same notation he had given the Lewins. Gutwirth conveyed this information to Polish Zionist leader, and later Israeli Minister of Religious Affairs, Zorach Warhaftig. Warhaftig made inquiry of Zwartendijk, who let it be known that he was willing to give a Curacao visa to anyone who asked.

Thus, with Zwartendijk's help, the Lewins' single-family trip rapidly became a mass exodus of beleaguered Jews. Within hours, dozens of petitioners were lined up at Zwartendijk's Philips office, which is today part of the Red Cross hospital on Kovno's main downtown thoroughfare. Zwartendijk originally had received De Decker's concurrence to issue phony visas only for a few of Gutwirth's friends. But Zwartendijk went on to write approximately 1300 visas

by hand between July 24 and 27 and another 1,050 with the help of a rubber stamp between July 29 and August 3, when the Soviets took over Zwartendijk's office, obligating him and his family to return to Holland. The highest known visas number is 2,345, issued to Elisasz Kupinski and his family.

In reality, not a single Jew showed up in Curacao. This is not surprising because Zwartendijk had made it clear to the recipients of his 'Curacao visas' that this notation would not allow them entry. They understood very well that the 'Curacao visas' were a ruse to get out of the USSR and, they hoped, as far as Japan, where they could try their luck at various consulates to get visas for other countries. About half of the roughly 2,200 refugees who reached Japan with Zwartendijk's visas succeeded in moving on to the United States, Palestine, and other final destinations.[4] Those not so fortunate were shipped by the Japanese government to Shanghai, the only place on earth just prior to the Holocaust where a Jew, or anyone else, could legally walk ashore without any documentation whatsoever.[5] Within a year of the Kovno exodus Lithuania was overrun by the Nazis. The remaining Jews of Lithuania were almost entirely annihilated. The thousands of Jews who escaped with the help of visas from Zwartendijk would almost certainly have been murdered had they remained in Lithuania. When Zwartendijk and his family returned to Nazi-occupied Holland



'The Curacao Visa'
The French text reads: 'The Consulate of the Netherlands in Kaunas hereby declares that, for the admission of aliens to Surinam, Curacao and other Dutch possessions in the Americas, an entry visa is not required.
Kaunas, the 24th of July 1940
[signed] J Zwartendijk, Consul of the Netherlands pro tem.'
The Japanese text reads: 'Visa – maximum stay ten days – destination Netherlands Colonies in the Americas via Tsuruga [Japanese seaport].
August 13, 1940, Kaunas, acting for Consulate General of Japan in Kaunas, Sugihara'
[Jan Zwartendyk, Jr]

in 1940, he was interrogated by the Gestapo about another matter but miraculously managed to avoid arrest. The only explanation for this seems to be bureaucratic inefficiency. Had information on Zwartendijk's Kovno activities become available to the Gestapo in Holland, he would have been in deep trouble, not only as a member of a resistance organisation but, even more seriously, as the saviour of thousands of Jews.

Zwartendijk's motivation

What motivated a Dutch businessman with a wife and three children to almost instinctively join a resistance organisation and then partake in a dangerous scheme to rescue Jews? Because of the necessity for Zwartendijk to destroy all his consular files, there are few documents that can cast light on this question. One clue emerges in a letter from Zwartendijk in Kovno back to Philips headquarters in Eindhoven in Nazi-occupied Netherlands. Zwartendijk speaks obliquely of trying to help folk who were 'in de puree', a Dutch expression carrying the connotation of people 'in hot water' or literally 'in the soup'. Even this reference, however, casts little light on the motivation behind Zwartendijk's altruism.[6]

One possible motivation would be religious faith. The Calvinist citizens of Le Chambon sur Lignon, almost in the shadow of Vichy, the capital of pro-Nazi France, sheltered many thousands of Jews throughout the war due to a deeply held Calvinist faith and first-hand historical acquaintance with religious intolerance. Was Zwartendijk also motivated by that belief system? According to his oldest son, who as a child witnessed the events in Kovno, that was not the case. That son wrote on 29 December 1998:

> My father was not religious in the sense of participating in religious activities or going to church. His parents had been strong Protestants, inclined toward the socially liberal side. He himself never felt comfortable with organised religion and never went to church. I think he could be described as a 'humanist seeker' in his beliefs. In his younger years he was greatly interested in Eastern religions, judging from the books he owned, as well as in the Sufis, the Rosicrucians, and various other groups with mystical overtones. But he was never a member of such a group that I know of. He just picked his own path through their literature.
>
> I believe what guided him in Kaunas was a set of strong personal convictions about what for him was right and what wasn't. He always stuck to his own code without hesitation or compromise, even if that occasionally got him into trouble. But he did not have the slightest inclination to lecture anybody about his values, nor even to discuss them. He just did what he felt he ought to do, period. No discussion or commentary called for, before or after.[7]

Perhaps the most telling evidence of Zwartendijk's selflessness is that between 1945 and his death in 1976 he never spoke about or made any attempt to publicise or glorify his role. Until the year he died he still did not know how many people

he aided had actually made it out. Conversely, most of those whom he rescued did not know his name and referred to him by sobriquets such as 'Mr Philips Radio' or simply as 'the angel of Curacao'. Some thought 'Philips Radio' was his actual name. In 1976, through the efforts of Shanghai survivor Ernest G Heppner and others, Zwartendijk was finally located. Several days before his death he was notified by historian David Kranzler of the magnitude of his rescue mission. On 6 October 1997, through the efforts of Heppner, Kranzler, Israeli diplomat Moshe Yegar, this author, and others, Zwartendijk was finally recognised as 'Righteous among the Nations' by Yad Vashem, the State of Israel's official Holocaust Martyrs' and Heroes' Remembrance Authority.[8]

Finally Lithuania, the site of Zwartendijk's rescue mission, also has chosen to commemorate his work. On 4 June 1999, on the grounds of the Jewish State Museum in Vilna (Vilnius), the present-day capital of Lithuania, three stone monuments were dedicated in his memory. They bore Lithuanian, Yiddish, and English inscriptions acknowledging his work. Emanuelis Zingeris, chairman of the Lithuanian Parliament's Committee on Human Rights, organised and conducted the ceremony. Other participants included Dalia Kuodyte, director of Lithuania's Genocide and Resistance Research Centre; Lithuanian presidential advisor Julius Smulkystys; Vilna City Councilman Alexandras Rutenbergas; Sholom Krinsky, Lithuania's only rabbi; and the Dutch and Israeli Ambassadors to the Baltic states, Lodewijk van Ulden and Oded Ben-Hur. In addition to tributes to Zwartendijk given by the aforementioned Lithuanian officials and foreign ambassadors, his oldest son, Jan, sent the following message which was read at the dedication ceremony in English and translated into Yiddish for the benefit of the handful of Jewish Holocaust survivors present:

> To my thinking, this is an occasion for the Jewish community to commemorate my father's role and to celebrate the fortunate effect he had on the lives of so many. As family members we can only be appreciative observers of the event which you set in motion. Some time, my brother and sister and I will go to Lithuania together and admire your handiwork.[9]

Notes

1. Copyright Jonathan Goldstein 1999. Used here with the author's permission. Dr Goldstein is Professor of History at the State University of West Georgia, Carrollton, Georgia. His books include *The Jews of China* and *China and Israel, 1948-98*, both published in 1999. The Sino-Judaic Institute underwrote the basic research for this article, which was completed while the author was Visiting Scholar at the Oxford (Eng.) Centre for Hebrew and Jewish Studies. The original version of this article was published in *Polin* and is reprinted with permission. The author is especially grateful to the late Rabbi Ronald Lubofsky, of Melbourne, Australia, for insights into Polish-Jewish and Lithuanian-Jewish history, which were especially helpful in the writing of this revised version.
2. Virtually the complete official record of Philips' presence in Lithuania in 1939-40 has been preserved in Lithuania's Central State Archives in Vilna. These are mainly finance ministry documents pertaining to Philips-Lithuania. They bear original

tax stamps and photos of Zwartendijk and his wife. I am grateful to archives Director Riorardas Cipas and Deputy Director Grazine Sluckaite for making these documents available to me. The Kaunas Regional Archives, Juozas Rimkus, Director, also contains some commercial and finance ministry documents from 1923-41 and old telephone books from the years 1939-40.

3. Isaac Lewin describes the episode at length in his memoir *Remembering Days of Old: Historical Essays*, Research Institute of Religious Jewry, New York, 1994, pp. 171-6.
4. Dutch Governor Kasteel, of Curacao and Surinam in 1942, later became ambassador to Israel. When asked by Zorach Warhaftig if he would have accorded the phony visa holders asylum had any of them actually reached Curacao, Kasteel replied, according to Warhaftig, that he 'would have forced the ship back into mid-ocean, as had the American and Cuban authorities in the case of the St Louis'. Zorach Warhaftig, *Refugee and Survivor: Rescue Efforts During the Holocaust*, Yad Vashem, Jerusalem, 1998, pp. 104-5.
5. Until 1941, when the Japanese slammed the gates of Shanghai shut, having earlier kept them open, this city was the only place on earth where anyone could simply walk ashore. For eyewitness testimony, see Ernest G Heppner, *Shanghai Refuge: A Memoir of the World War II Jewish Ghetto*, University of Nebraska Press, Lincoln, 1993, p. 40.
6. Excerpts of letter from J. Zwartendijk, Kaunas, to Philips head office, Eindhoven, 5 July 1940, courtesy Jan Zwartendyk. Zwartendijk's eldest son Jan has shortened his name to Zwartedyk.
7. Email: Jan Zwartendyk to the author, December 29, 1998, courtesy Jan Zwartendyk.
8. On the efforts of Heppner, Kranzler, and others, see: letters from J Zwartendyk and Ernest G Heppner in *The Jewish Post and Opinion*, (Indianapolis), 30 April 1976, p. 2; Ed Stattman, 'Japanese granted, Dutchman denied laurels for saving Jews', *Jewish Post and Opinion*, 21 June 1995, p. NAT 4; Ed Stattman, 'Dutchman to be honoured for 1940 rescues', *Jewish Post and Opinion*, 8 May 1996, p. NAT 2; Letter: Mordechai Paldiel, Yad Vashem, Jerusalem, to Jan Zwartendyk, State College, Pa., October 7, 1997, copy to author; and Phyllis Braun, 'Yad Vashem gives Righteous Gentile His Due,' *Arizona Jewish Post* (Tucson), May 1, 1998, pp. 1, 8.
9. Email: Jan Zwartendyk to the author, 2 June 1999.

Yiddish-language memorial stone to Zwartendijk in Kaunas.
[Jonathan Goldstein]

Is the dream ending? Post-Zionism and its discontents – a threat to the Jewish future A response to Dr Yossi Beilin

Isi Leibler

Introduction

In the Jewish tradition of disputes between rabbinic scholars, those who abandoned exchanges on the level of personalities and pursued the argument for the purpose of discovering what the Torah really meant were said to be arguing *L'shem shamayim* – 'For the sake of Heaven'.

Neither I nor Dr Yossi Beilin are rabbinic scholars and we are not debating the meaning of Torah. But the issues being considered reflect serious concerns facing Israel and the Jewish people. So while our dispute is not *L'shem shamayim*, it is certainly *L'shem ha'am hayehudi* – 'For the sake of the Jewish people'.

Which is why I preface this essay by noting that over the years Dr Yossi Beilin, the former Minister of Justice, has emerged as one of the Israel's most creative and controversial politicians. As is a matter of record, he was the key architect of the Oslo agreements, leading to a draft pilot plan for the final disastrous status agreement with the Palestinians; the first voice calling for a unilateral withdrawal from Lebanon; the initiator of negotiations with Meimad (a dovish religious political party) which led to a draft for a 'Social Contract' between the religious and non-observant sectors of Israel's Jewish population.

Five years ago, Dr Beilin caused an upheaval when he urged Diaspora Jews to stop supporting Israel as though it were a Third World basket case. He pointed out that fundraising for Israel based on the image of the *schnorrer* (beggar) was not only outdated but even counter-productive. He also enraged many by calling for the dismemberment of what he considered to be outdated professional Zionist

organisations, including the Jewish Agency, the World Zionist Organisation, Israel Bonds and the Keren Kayemet.

Two years ago saw the realisation of a Beilin initiative to provide free trips for all Diaspora youngsters willing to visit Israel. American Jewish leaders are hoping that these visits will have a major impact on the Jewish identity of the participants, despite the fact that the average duration of a trip provided by the program is only ten days.

Recently, Dr Beilin crystallised his views on the future of the Jewish people and Israel-Diaspora relations in a book titled *His Brother's Keeper*.

This essay is a response to Dr Beilin's views which, on balance, I consider to be a threat to Israel's distinctive Jewish identity and its ties to Diaspora Jewry. As such, they deserve the strongest refutation.

Dr Beilin's views – a summary

Dr Beilin's views on Jewish identity and Israel Diaspora relations – the central issues confronting the Jewish people in the twenty-first century – can be summarised as follows:

1. Zionism was not the culmination of 2000 years of the Jewish dream to return to Zion. It was simply a response to anti-Semitism. In fact, the Land of Israel was only a fallback, even as a haven for Jews in distress. To highlight this point, Dr Beilin argues that his grandfather, a Russian Chovevei Zion activist, was mistaken to have opposed Theodor Herzl's proposal early in the twentieth century to adopt Uganda as a Jewish homeland. Indeed, had Herzl succeeded with Uganda, Dr Beilin maintains that the Jews of Europe might have been saved from the Shoah.
2. Today, *aliya* does not provide a solution to the Jewish problem. In fact, four times more Israelis emigrate to America than Americans make *aliya*, and it is more dangerous for a Jew to live in Israel than in the Diaspora. But Israel's future is secure and, in contrast to the Diaspora, Israelis need not be concerned as to whether their children will remain Jews. Many Jews, however, fear that Israel is evolving into a 'right wing and religious version of the old ghetto'. Dr Beilin maintains that the Orthodox stranglehold on Jewish life in Israel must be terminated and replaced by religious pluralism.
3. Although the era of Jewish communities in distress is over, the era of Jewish population decline is underway. Intermarriage and a low birth rate will reduce the numbers of Diaspora Jews. To compensate for these losses we must find creative ways to accept those who are not *halachically* Jewish, as well as those who do not undergo religious conversion. As Dr Beilin views the Jewish people as a 'club', he believes that the simplest way to resolve the problem of affiliation is to provide membership of the Jewish people through a 'secular conversion'. Such a conversion would depend on an applicant's self-definition as a Jew, or possibly on a referral by two members of the Jewish community 'as is customary when joining ... a club.'

4. The outdated Zionist organisations should be dissolved and replaced with a new international Jewish umbrella group based on a partnership between America and Israel, and would subsequently be expanded to include the remaining 20 per cent of Diaspora Jewry living outside of the United States. The new umbrella group would promote programs such as 'Birthright', which aims to provide every Jewish youngster with a free visit to Israel. Jewish education will be globalised through the Internet. Israelis and Diaspora Jews should jointly launch 'Peace Corps'-type aid programs for the Third World, which will enable the Jewish people in the twenty-first century to become a 'light unto the nations'.

A Jewish State?

Dr Beilin's vision of the future of Jewish life in Israel and the Diaspora is a mirror image of the American-Jewish approach to pluralism and liberalism. As such, on first appraisal, it might appear quite attractive to the great majority of Diaspora Jews who have benefited from these ideologies, and who indeed have helped to shape them. In Israel, too, the majority of Jews, including most moderate Orthodox Jews, would support a pluralist society in which varying expressions of Judaism co-exist peacefully. If that was all that Dr Beilin was offering, we would be in heated agreement.

But on closer inspection, Dr Beilin's proposals, were they ever to be implemented, would represent a rejection of historical Zionism and traditional Judaism. In their place he offers a mélange of universal values which, taken out of their essential and distinctively Jewish context and translated into the policy initiatives he proposes, would ultimately spell disintegration for the Jewish people. Thus the Beilin vision, in a classic expression of the law of unintended consequences, would intensify existing divisions among the Jews of Israel and, by extension, those in the Diaspora; it would accelerate the assimilatory process in both centres of Jewish life; and it would ultimately transform Israel into a Hebrew-speaking Canaanite society denuded of its Jewish heritage and founding ethos. Ironically, given Dr Beilin's views on Orthodoxy and the State, it would be the enclaves of Orthodox, mostly ultra-Orthodox, Jews who would survive, albeit totally alienated and marginalised, within a predominantly post-Zionist Israel and in the Diaspora.

Dr Beilin, understandably, resists the label of post-Zionism. But the reality is that the Israel he envisages would be dramatically different in real as well as symbolic ways from the Jewish state its founding fathers declared more than fifty years ago. Certainly it would be different enough to justify the description non-Zionist, if not the current shorthand of post-Zionist.

This is not merely a matter of terminology or differing interpretations. It goes to the heart of the existentialist and agonising dilemma raised by the much broader question at stake: whether Israel, with all the shortcomings that need to be addressed, will remain a democratic but unabashedly Jewish state (a vision of the future to which the majority of Israeli and Diaspora Jews remain committed), or whether it will dissolve into merely a state *of* the Jews among

others. No matter how they may embellish it, until recently more and more influential elements of the Israeli intelligentsia were promoting the post-Zionst alternative.

Dr Beilin may not wish to be perceived as part of this camp. It is not, however, his self-perception which ultimately counts, but rather the ideas he espouses. And it is those ideas which will provide aid and comfort to the revisionists and reductionists who want Israel to be less Jewish, less tied to the Diaspora, and therefore less than what the great mass of Jewish people everywhere – inside and outside Israel – want it to be.

Tikkun Olam and other diversions

Ironically, and this is an adverb applicable to many of Dr Beilin's prescriptions, the less distinctively Jewish that Israel would be, the less universalist it would be. Everything about Jewish history tells us that the precondition for Israel being an *or lagoyim*, a 'light unto the nations', depends on it first being an *or layehudim* – a 'light unto the Jewish people'.

Only a Jewish state at peace internally as well as externally, confident in its identity and national continuity, and therefore secure in its relationship with the Diaspora as well as its past and future, can talk realistically about a serious international ethical vision that is something more than pragmatic foreign policy.

If Dr Beilin's now somewhat exotic proposal for an Israeli Diaspora 'Peace Corps' is an extension of Israel's already significant aid program to the developing world, it should be discussed in the context of Israeli foreign policy. Then the matters for consideration should be such items as budget and regional priorities. And, of course, extending such aid can be justified as a noble and idealistic concept which derives from the Jewish tradition of *tikkun olam* – mending the world.

But Dr Beilin – and those of his American liberal Jewish counterparts who have elevated *tikkun olam* to the be-all and end-all of Judaism – put the cart before the horse. Worthy and very Jewish goal though it may be, *tikkun olam* in a de-Judaised vacuum will not contribute towards strengthening Jewish identity and cannot be an alternative expression of it. It is only the strengthening of Jewish identity which will give Jewish meaning to *tikkun olam* which, of course, should be part and parcel of it.

Some defining texts

It might help to clarify the issues if, in the tradition of disputes among Jews, we introduce a text. A religious person could refer to the *Tanach* and any of the scores of Divine promises, from Abraham to the latter prophets, that the Jews would settle *Eretz Yisrael*, create the just society there, and, despite failures, waywardness, destruction and exile, God would keep his promise and the Jews would return to their land. One could quote from thousands of years of rabbinic sources emphasising the transcendent linkage between the Land of Israel and the People of Israel, from the poetry of Yehuda Halevi among the hundreds of *piyuttim* and prayers longing for Zion, or from the nineteenth century religious

precursors of modern Zionism.

But it is probably easier to establish a consensus by considering the opening paragraphs of Israel's Declaration of Independence, as proclaimed by David Ben-Gurion on 14 May 1948.

> The Land of Israel was the birthplace of the Jewish people. Here their spiritual, religious and political identity was shaped. Here they first attained to statehood, created cultural values of national and universal significance and gave to the world the eternal Book of Books.
>
> After being forcibly exiled from their land, the people kept faith with it throughout their Dispersion and never ceased to pray and hope for their return to it and for the restoration in it of their political freedom.

Whatever else these opening words from Israel's foundation document may mean, they surely proclaim and underline at least three fundamental notions central to the very idea of the Jewish state.

1. The distinctive singularity of the Land of Israel as the national birthplace and the source of the Jewish people's cultural and ethical creativity, and therefore its irrevocable linkage to the Jewish people's identity throughout history.
2. Jews who prayed and hoped for a return to the Land of Israel for centuries, and certainly many of the early secular Zionists, conceived of returning to a national homeland as something more than an immediate answer to or escape from anti-Semitism. They saw it in a positive sense as a 'restoration'.
3. There is a direct and organic relationship between *Eretz Yisrael* and a sovereign, free and independent national Jewish polity.

A reading of Dr Beilin's position in no sense suggests that any of these three basic propositions is essential or even necessary. The early Zionists would have been better off if they had chosen to concentrate on Uganda instead of Palestine; the emergence of Zionism and the drive for the establishment of the state of Israel were only, or mostly, driven by anti-Semitism; and Zionism's success in creating a Jewish state is not the unique Jewish political achievement we and the rest of the world (including even Israel's enemies) think it is, because, according to his views, American Jewry in its own way has also achieved the Zionist dream.

Now either we rely on Israel's Declaration of Independence and its view of *Eretz Yisrael* and the Jewish people, or we accept Dr Beilin's reassessment. Both cannot be right.

A final point about the Declaration of Independence – this time about Israel's centrality. In its penultimate paragraph the Declaration states:

> We appeal to the Jewish people throughout the Diaspora to rally round the Jews of *Eretz Yisrael* in the tasks of immigration and up building and to stand by them in the great struggle for the realisation

of the age-old dream – the redemption of Israel ...

Israel's founding fathers had a clear understanding of *Klal Yisrael*, i.e. Israeli and Diaspora Jews together, working for 'the redemption' of all Jews. Under Dr Beilin's proposals the concept of *Klal Yisrael* would simply disappear, and the already fragmented Jewish people would break up even further into increasingly unrelated and disconnected categories.

The wider context

The issues raised here are at the core of the contemporary Jewish identity crisis. They assume particular relevance today in the wake of the collapse of the Oslo Accords. Now confronted by an existential crisis, Israelis are undergoing a painful reappraisal of their national priorities and the role of Israel as a Jewish State.

Outside of a small circle of intellectuals, academics and media practitioners in Israel, and an even smaller circle in the Diaspora, until the Arab uprising there was a lack of awareness of the extent of the impact of post-Zionism on Israel's educational, cultural and intellectual establishments. With that in mind, and to help place in a wider context the critique of Dr Beilin's views, some background is necessary regarding the current status of Jewish identity in Israel and in the Diaspora, and some of the recent developments and changes in the Israeli educational scene which bode ill for national identity.

Divisions within Israel

From its very inception, the modern Zionist movement has carried within it a fundamental dualism which has been its prime source of tension but also, simultaneously, its prime force for creativity. As long as Zionism maintained a balance, however precarious, between those factors within it which advocated that the Jewish people become a *goy kechol hagoyim* – 'a nation like all the nations', and those factors which reminded its adherents of what had driven the Jewish people throughout history to be an *am segulah* – 'a distinctive people' – it succeeded brilliantly. In today's terms it could be argued that the secret of Zionism's success lay in its melding of normalisation and modernisation with nationalism and traditionalism, a feat that, looking back at the dawn of the twenty-first century, few, if any, other twentieth century revolutionary movements could boast.

But the twenty-first century is indeed upon us and the central crisis facing the Jewish people today is precisely that: whether Israel is to become a 'State for Jews' rather than a Jewish State. This is the core of the *kulturkampf* currently dividing the nation. Given Israel's central role in Jewish life everywhere, it also has the potential to undermine the Diaspora's Jewish communities and to sever the vital linkages between them and Israel.

Datiim and Chilonim

The starkest manifestation of this crisis is reflected in the increasing polarisation between Israel's observant Jews and the less, or non-observant. Regrettably,

extremism within Orthodoxy is now matched by growing expressions of anti-religious bigotry and intolerance. But while the fault-line between religiously observant Jews and others in Israel, or between *datiim* and *chilonim*, to use the somewhat misleading Hebrew categories, may be the most striking and most widely reported aspect of the country's 'culture wars', the battles also rage across other fronts.

What Israel's schools teach, or should teach, about Jewish and Zionist history is only the latest of these battles. More significantly even than the number of fronts in the 'culture wars', the alignment of forces facing each other across the ideological barricades often cuts across the all-too-simple divisions of 'religious' and 'secular'. That said, there is no doubt that the *dati-chiloni* divide is the most troubling and dangerous split within Israel.

For the vast majority of Israelis, the role of the Orthodox rabbinate in their everyday lives and the role of the Orthodox political parties in exercising the power of the State represent real concerns. In both these areas, many factors have contributed to the growing movement to the right by the Orthodox sector. One important element, beginning some decades ago and now showing its full effects, has been the tendency of moderate Orthodox parents to send their children to non-Zionist or even anti-Zionist *charedi yeshivot*. This inferiority complex about their own moderate educational institutions by many supporters of the religious-Zionist National Religious Party (the NRP) was a reflection of the much more serious lack of confidence shown in moderation itself by their rabbinical and political leadership which, in one of the great self-defeating acts of modern Jewish history, deferred to the *charedi* rabbinate.

The result has been the emergence of a new generation of *charedi* radicals – often nationalistically zealous as well as religiously so – who have displaced moderate religious Zionists at all levels, most importantly in centrist religious educational institutions. The influence of the *charedi* groups in the political system – particularly the ethnically based Shas party – has, in turn, enabled them to divert large amounts of government funds towards bolstering the *charedi yeshivot* and their dramatically expanding school system.

There is no doubt that the radical *charedim* must bear much of the responsibility for the increasing hatred against all religious Jews. It is also a fact that most anti-religious Israelis are convinced that the *charedim* represent a real threat to their way of life and seek to displace Israel's democracy with a theocratic state. Few of the non-observant Israelis differentiate between the various groupings within the Orthodox camp – whether it be traditional religious Zionists, the nationalist *charedim* (a more recent and emerging group which does not identify with the NRP and its youth movement, Bnei Akiva) or the anti-Zionist 'black-hats' of the stereotypes all too frequently, and often hatefully, depicted in the Israeli media.

For their part, the militantly anti-Zionist *charedim* distinguish between the State of Israel, which they scorn, and *Eretz Yisrael*, to which they are devoted. They reject *Yom Haatzmaut* (Israel Independence Day) and *Yom Yerushalayim* (the commemoration of the liberation of Jerusalem). They outrage most Israelis by

ignoring *Yom Hashoah* (the day commemorating the Shoah – the Holocaust) and *Yom Hazikaron* (the day of remembrance for those who fell in defence of Israel). They refuse to display the Israeli flag or sing the national anthem, and desecrate other symbols of Jewish statehood.

But the main reason for the widespread indignation against them has been the exemption of ever-growing numbers of *yeshiva* students from military service. The Knesset is still reviewing proposals from a commission headed by former Supreme Court Judge Zvi Tal, which recommended minor modifications to the existing blanket exemption from the draft extended to students in *charedi yeshivot*. While far from satisfying the majority of Israelis, it was anticipated that these changes would at least encourage ultra orthodox integration into other aspects of Israel's life, including the obligation to earn a livelihood.

The NRP's failure

The Mafdal (the Hebrew acronym for the NRP, formerly the Mizrachi), was once the moderate centrist religious party which harmonised Torah, modernity, and love of the Jewish people. It also acted as the bridge between religious and secular groups. Sadly, however, following the euphoria arising from the victory of the Six Day War, its moderation was substituted by a messianic doctrine that had within it the seeds of potential disaster.

Purporting to know God's detailed program for Jewish redemption, Mafdal extremists hijacked the movement. As a consequence, the metaphysical, not the physical, became the arbiter of their policy, which effectively gagged any discussion that did not reinforce the nationalist interpretation of *Halachah*. The NRP became transformed into a one-dimensional party, concentrating almost exclusively on retaining the territories of Judea and Samaria, at any price, and thus marginalised themselves from the political mainstream.

To someone who maintains that he knows with certitude God's will, those who oppose will inevitably be dismissed as *son'ei Yisrael* – 'enemies of God's design'. Such forms of zealotry know no limits. Inevitably, led by some rabbis, the extremists challenged the rule of law in the name of a 'higher law' which they claimed superseded the doctrines of democracy and justified acts beyond the law.

There was a preview of such zealotry in the 1980s when idealistic young men, some even with Bnei Akiva backgrounds, formed what became known as the *Machteret* (the Underground) and perpetrated acts of violence and murder against Arabs.

Baruch Goldstein, the physician from Kiryat Arba who in 1994 committed the infamous massacre of more than twenty-five Arabs in Hebron, originally came from Brooklyn. But he and his supporters were nurtured in a society which did not sufficiently denounce the hatred and lawlessness of their Kach neighbours. (Kach was the outlawed extremist party founded by the late Rabbi Meir Kahane.)

Likewise, until the day of the assassination, Yitzhak Rabin's murderer, Yigal Amir, could easily have been regarded as a role model for religious Zionism.

Obviously, Amir was an unbalanced maniac. But there is no doubt that he saw himself as fulfilling a sacred duty and acting on God's instructions. In fact, his insanity was strongly influenced by perverted religious nationalist views that the religious Zionist leadership should have more effectively exorcised from their midst.

Following Rabin's murder, in the light of the shattering awareness of how deep the fanaticism had spread, elements within Mafdal called for *cheshbon hanefesh* (soul searching). As a consequence, new leaders have emerged who represent the more tolerant and moderate outlook of the traditional Mizrachi. But regrettably the NRP's influence in Israeli society as a whole is waning and many feel it cannot recapture its fidelity to the authentic religious Zionist spirit of the movement's founders.

Conflict resolution

A more encouraging conclusion of this aspect of the 'culture wars' may be drawn if we look beyond the party political frameworks. Among Israelis at large, there is still a silent majority on both sides of the *Dati-Chiloni* divide who seek accommodation. On the Orthodox side there are younger rabbis who are quietly encouraging a more tolerant climate and promoting greater *halachic* flexibility. There is also the emerging influence of a small but growing group of highly educated and dynamic young Orthodox women.

On the secular side there are like-minded non-observant writers and intellectuals who are also deeply concerned about the fragmentation among Israeli Jews, the decline in Jewish values and Jewish identity in their own ranks, the need to provide an understanding of traditional texts to a new generation of young Israelis searching for meaning, and the dangers of losing the connections with the Diaspora.

In his recent book *The Will To Live On*, Herman Wouk observes:

> The media, and writers like me, tend to generalise about Israel from the noisy visible fringes – the post-Zionists, the *haredi* rock throwers, the celebrities in the fizzy weekend supplements – but in the heartland, after a heroic period that established the country, the old Jewish people are there, working their way through to a new national identity still eluding definition.
>
> *Amcha* [the Jewish 'man in the street'] is moving toward that definition, better than the leaders. Extremists aside, most non-believers have an affection for the old tradition, and a willingness to go along with it, though not themselves bound by it, and though irritated by things like a national airline that doesn't fly on *Shabbat*. Most believers understand that we are in a revolutionary time, and that men of good will are looking for a modus vivendi. Within *Amcha* there is far more love of the land and of fellow Israelis than there is hatred at the fringes. But it is the hatred that spills into the streets, alerts the media, and draws the TV cameras.

Thus, in Israel's 1999 election, Shinui successfully reinvented itself to become a single-issue party and by concentrating exclusively on combatting *charedi* political influence, won six seats virtually overnight. On the other end of the religious/secular spectrum, Shinui's achievements were paralleled by the dramatic growth of the ethnically based Sephardi party, Shas, which left no doubt where it stood on mixing religion and politics. An Israeli media, which has become chronically sensationalist and often irresponsible when measured even by the West's more outrageous tabloid press, highlights unpleasant incidents and gives prominence to the most extreme spokesmen from both camps.

There are, of course, many complex problems that cannot be resolved overnight, even if there were to be more goodwill on all sides than is currently manifest. But a new 'social contract' between the religious and the 'secular' sectors is certainly not inconceivable. Indeed, granted tolerance and common sense (which sadly is today the exception to the rule), observant Jews could co-exist with those who do not wish to lead an observant life, without there being any need for religious coercion. In fact, drafts of such a contract have been circulating and have displayed creative solutions which do not conflict with *Halachah*, covering such seeming impasses as public *Shabbat* observance and issues affecting personal status, such as conversion, civil marriage and divorce.

But resolution of these problems will not be achieved in an environment of *charedi*-bashing designed to inflame anti-religious passions for short term political gain, as exemplified by former Prime Minister Barak's announced objective of carrying out 'a secular revolution'.

Until now, all governments have avoided any kind of initiative in the religious arena for fear of upsetting the powerful *charedi* parties. It is into this vacuum that the High Court has aggressively intruded and polarised issues even further. Although in the current environment of the Arab uprising it can only be visualised as a distant dream, given goodwill and dialogue, in lieu of instinctive attempts to merely demonise one another, a formula for co-existence between both parties could undoubtedly be negotiated and then enshrined into legislation by the Knesset.

Education in crisis

If the religious-secular divisions, as reflected in Israel's political culture, have been the most familiar aspect of Israel's *kulturkampf*, there is now a growing awareness of how the nation's education system, and some of the recent changes within it, have contributed to the burgeoning problem of Israeli identity. And, here again, it must be emphasised that this is an area where the identity debate extends beyond the religious-secular divisions.

The Israeli education system is divided into five autonomous branches:

1. The largest sector is the so-called 'state secular' or general network which caters to the great majority of Israelis.
2. The 'state national religious' sector represents approximately 20 per cent of the school population and promotes a national religious outlook.

3. The two demographically exploding *charedi* networks, which provide *yeshiva*-type religious studies, are anti-Zionist or at best non-Zionist, and limit secular education to a bare minimum. They include the traditional Ashkenazi *charedi* system; and
4. The rapidly expanding *El Hamaayan* stream sponsored by Shas. (The extent of government funding for the *El Hamaayan* system was the central issue in the confrontations between Shas and Yossi Sarid, the Meretz party [secular-left] Minister of Education who subsequently resigned in the government crisis which resulted from the dispute.)
5. The state-sponsored Arab educational network.

The absence of a common curriculum for all four Jewish branches and the segregation of children into either fully observant or secular schools, have paved the way for the current polarisation between religious and non-observant Jews. The dominant element among those inaccurately described as *chiloni* Jews is neither secular nor atheist. The majority of families whose children attend these schools, particularly those with a Sephardic background, would probably be offended to be described as secular. They may not be observant in the strict *halachic* sense. Many may feel comfortable occasionally going to synagogue on a *Shabbat* morning, and then attending a football match in the afternoon. But most believe in God and maintain, in varying degrees, Jewish ritual observances.

The reality is that most non-observant Israelis rarely delve into theological issues, and would certainly object to being classified as secular or atheistic in the classic sense of the term. Yet they are not inclined to affiliate with a non-orthodox denomination because they feel no need to create an alternative Jewish identity in Israel.

Another salutary corrective, therefore, is to read the Israeli surveys on Jewish ritual observance which indicate that the majority of so-called 'secular' Jews in Israel maintain traditional customs that appeal to them or to their nostalgic instincts. The most comprehensive of these surveys, the Guttman Report, summarises the position as follows:

> as far as religious practice is concerned ... there is a continuum from the 'strictly observant' to the 'non-observant', rather than a great divide between a religious minority and a secular majority. Only about 20 per cent of the respondents stated that they do not observe religious tradition at all, while 25 per cent stated that they observe religious tradition to a large degree, and about 40 per cent stated that they are partially observant.

Many of these traditionally oriented Jews were thrust into what has now evolved into a totally secular, de-Judaised state-sponsored system. It is from this sector, covering the majority of Israeli school children, that the current crisis has its genesis.

In 1953, Benzion Dinur, a Labour Zionist of the Ben-Gurion school, finalised the curriculum for the general state system. It was designed to imbue children with a love of Israel, underpinned by a Zionist historical narrative. But it was devoid of any religious content. Over time, the Jewish and Zionist content became

diluted. Even Yaacov Hazan, the ideologue of the Marxist Mapam party, conceded that 'we may have wanted to create a generation of *apikorsim* (educated atheists), but we are producing instead a generation of *am ha'aratzim* (Jewish ignoramuses)'.

In 1991, the Minister of Education convened a commission, headed by Professor Aliza Shenhar (who was subsequently appointed Ambassador to Russia), which revealed a dramatic decline in Jewish studies and Jewish identity. They called for a modernisation in approach to Jewish studies, a return to basic Jewish texts, and a revival in the study of Jewish civilisation. They also rightly emphasised that Jewish tradition and texts should not be the monopoly of Orthodox Jews.

Rabbi Shlomo Riskin, Chief Rabbi of Efrat, commented at the time:

> Apparently the curriculum-makers in the Educational ministry are confusing – and fusing – Jewish culture with Jewish religion, a situation that increasingly leads to the deletion of Jewish civilisation from our educational requirements and clears the path for a national malady of Alzheimer's ... we need not create a new secular culture; we need only recognise the fact that our Jewish civilisation – the culture of Israel as distinct from the religion of the rabbinical establishment – is precious to the majority of our citizenry and is a healthy foundation on which to build for the future.

But the Shenhar report was not followed up. In fact, it appears that the then Minister of Education, the late Zevulun Hammer, and his successor (paradoxically also from the NRP) lost control and enabled post-Zionist academicians to take over the committees created to revise the curriculum and existing textbooks. This has had devastating repercussions on the problematic state-secular system which was already being criticised for lacking Jewish values.

Again, and this cannot be emphasised enough, the issue of 'values' is not an academic one. It has significant social implications. Thus, the widely discussed breakdown in national and personal standards of ethical behaviour in Israel is directly related to the breakdown in the educational system.

A post-Zionist takeover

Before the Palestinian uprising, the objectives of the 'post-Zionists' were straightforward: to delegitimise Zionism and challenge the right to Jewish nationhood. They openly stated that their goal was to transform Israel into 'a state of all its citizens' – a buzz phrase for dismantling the Jewish State in its present form. They seek to amend or drop *Hatikvah*, (the long-standing Zionist and national anthem), to abrogate the Law of Return, to change the flag, and to institute a complete separation of the state not only from the rabbinical establishment which even some Orthodox rabbis and lay leaders advocate, but from any expression of Judaism. In fact, they aim to de-Judaise Israel. Not surprisingly, their activities are a major contributing factor towards the radicalisation of Israeli Arabs.

Now this is not a secret plot, as some Diaspora Jews hearing about these ideologues for the first time seem to think, but an open assault on Israel's distinctive Jewishness.

The post-Zionists never represented a numerically significant group, but prior to the Arab uprising their influence was spreading. In some ways they were setting the tone of much public debate in the academic establishment, in cultural and literary circles, in the theatre, the arts and the media. The most influential Israeli daily newspaper, *Ha'aretz*, even now continues to provide them with an outlet quite out of proportion to their numbers.

As far back as 1994, in an article entitled 'The Israeli Urge to Suicide', the writer Aharon Megged warned that unless the well known intellectuals (writers and critics) undermining the moral basis of Israel's creation and questioning its legitimacy were exposed, and their distortions refuted, Israel's future generation would experience a catastrophe.

It is in the educational arena that the post-Zionists achieved their greatest breakthrough, fortunately only temporarily. Until recently, few Israelis seemed even remotely aware of what happened in a most crucial area likely to affect their future. Quietly and without fanfare, the post-Zionists began to assume a greater influence in the 'secular' educational system. It was de-Judaised and de-Zionised to such an extent that in the absence of the backlash brought about by the newly elected Minister of Education, Israel's dominant educational sector may well have had a catastrophic impact on Israel's long-term Jewish identity.

A most revealing critique of the new curriculum was undertaken last year by Yoram Hazony, head of the conservative Shalem Centre think tank, a *bête noir* of the Israeli left. Hazony's central thesis, supported by direct quotations of chapter and verse, makes it clear that the Zionist basis of Jewish education in the general state system has literally been sterilised. It makes chilling and devastating reading.

The chairman of a key history curriculum committee, Moshe Zimmerman, did not hide his objective – to substitute the 'problematic' idea of a unique Jewish nationality with a more appropriate 'universal history':

> The ground has been swept away not only from under the feet of Zionism, but also from the entire interpretation that ... Zionism gave to Jewish history ...
>
> We now have a 'universal history' which will enable 'a reconciliation of the Israeli fixation' regarding sovereignty and of 'the blatantly ethnocentric' concept of Israel as a Jewish State ...
>
> Learning about the (Jewish) people and the state [of Israel] appears in the program, but certainly not as a subject of importance.

Israel Bartal, former chairman of the history department at the Hebrew University and a key figure in the Education Ministry's curriculum committee, described the education system's former history textbooks as being based on 'wishful thinking resulting from ideological and other motives'.

> There is no longer one accepted historic truth ... The old history

> books, which in earlier years presented the Zionist narrative as an undisputed historical fact, do not fit in with the [present] historical and political discourse after the myths have been smashed. You cannot ignore Israel's transformation into a multicultural society.

In order to break free from these 'chains of ideology', the post-Zionists embarked on a 'systematic critique of the principles of Zionist historiography, severing themselves from its fundamental tenets. There was virtually no part of its teachings that they did not reject.' As a consequence, Bartal states, 'the Zionist narrative has disappeared from the academic world.'

Eyal Naveh, author of a new history textbook that was recently approved, but which has now been withdrawn by the Ministry of Education, says:

> We were not mature enough to look at these controversial problems [until today]. Now we can deal with this the way Americans deal with Indians and black enslavement. We are getting rid of certain myths. We will end the practice of separately teaching Jewish and Israeli history on the one hand from universal history on the other. It was absurd.

Reminiscent of the anachronistic Marxist-Communist approach, the underlying theme is that we live in a global, universal world in which there is nothing unique about the Jewish people and their history.

Rewriting Jewish history

In the light of this full-blown ideological assault it is hardly surprising that in the new curriculum, Jewish history does not start with the Biblical Jewish Kingdoms. Mention of these has been eliminated. Instead, in the new history books, Jews are literally first encountered as a breakaway group from Greek civilisation. A Jewish people with its own civilisation is simply not covered.

Likewise, the high school archaeology curriculum deals with societies that lived in antiquity and created the culture of mankind. Yet, not even once in this section are the Jewish people, Jewish history, or Judaism itself even mentioned.

A new civics textbook makes no reference to the issue of why the Jewish people needed a Jewish State, but does criticise the concept of national states.

The Holocaust becomes a mere aspect of the Second World War in these newly approved textbooks. So the newest history books include no mention of the Warsaw Ghetto uprising or resistance to the Nazis, which took up seven pages of an earlier textbook. Even the extermination camps are played down.

Quoting Yoram Hazony:

> Also spirited out are the grisly photographs traditionally used to give students a graphic taste of what the destruction of Europe's Jews really meant ... the photograph captioned 'A concentration camp' shows three or four apparently healthy men walking around; the one captioned 'The Auschwitz camp' shows nothing worse than the backs of hundreds of people in striped clothes walking in formation; the one captioned 'Jewish women released from a

> concentration camp' shows a group of seemingly well-fed, smiling matrons. The Jews digging their own graves at gunpoint, the mounds of bodies, the gas chambers, the living skeletons after the war? These pictures appeared in the old books, but now they are gone.
>
> Why? Here's a guess: ... the pictures in the old books have been edited out because they disrupt the tone of the 'universal' narrative. They hit Israeli youngsters too hard and inculcate latent Zionist tendencies. They make them more willing to believe that the Jews had implacable enemies. And they encourage them to think simplistically about the right of the Jews to a nation-state of their own, a Jewish state. In other words, it seems that these pictures, too, have been suppressed because they don't fit the post-Zionist historical narrative.

According to this logic, Zionism only succeeded in establishing and defending a state because of opportunities created by the Cold War. In contrast to the portrayal of peace loving *chalutzim* who pioneered the land and encountered Arab hatred in the older textbooks, the new books depict the early Zionists as hard, ruthless politicians. Yosef Trumpeldor, the hero of Tel Hai and a symbol of Zionist idealism, was killed because of a mere 'misunderstanding between Jews and Arabs' (Eyal Naveh). *Aliya* was just another twentieth century migration movement. Not surprisingly, the new textbooks contain photographs of the Beatles, Nasser, and many others, but those of Ben-Gurion and Weizmann have been deleted.

The 1939 British White Paper, limiting Jewish immigration to Palestine, is also omitted from these new books. The armed revolt against the British, which was covered in nineteen pages in an old education textbook, is dealt with in two sentences in the new. The discussion of the War of Independence (twenty pages in the old textbook) is reduced to two paragraphs.

A false equivalence

In this 'brave new world' of post-Zionist history, the Zionist and Palestinian Arab causes are presented in a neutral manner as two competing national movements. Hazony quotes the new textbook as stating that 'the two nationalist movements that had taken root in the same land struggled against one another', so that neither seems more right than the other.

Israel Bartal explains further in an article written for school teachers: 'The victory of Zionism in Palestine was the catastrophe of the local Arab population. We had to teach this and to show that nationalist movements are, by their nature, the saviours of one people and the destroyers of another.'

The War of Independence was a war that the outnumbered Arabs lost to the superior Jews. As one of the new textbooks states: 'On nearly every front and in nearly every battle, the Jewish side had the advantage over the Arabs in terms of planning, organisation, operation of equipment, and also in the number of trained fighters who participated in the battle.'

Arab aggression and Israel's efforts to repel Arab invaders are played down. The Six Day War and the unification of Jerusalem are depicted as battles which Israel won, rather than an historic victory which enabled the reunification of Jerusalem and Jewish access to the Western Wall. The role of Syrian, Jordanian and Egyptian leaders in causing the Six Day War is ignored.

The Arabs' negative role, which appeared in previous texts, is now understated or ignored. There is no reference to the support of the Nazis by the Grand Mufti and his followers; the mobilisation of Arab armies in 1947, with the intention of throwing Israelis into the sea, is deleted; the deliberate maintenance of the plight of the Arab refugees by their kinsmen for political purposes for over a half a century is not even mentioned, although their miserable status is highlighted.

One could continue to quote many more examples. It is indisputable that, with only few exceptions, the earlier Zionist-inspired educational textbooks have been thoroughly cleansed by the post-Zionists' revisions.

Ruvik Rosenthal, the op-ed editor of *Ma'ariv* and editor of the cultural quarterly *Panim*, argues from a post-Zionist perspective:

> It's unsettling to live with a complex insight that the conflict here in the holy land is between two just causes and two true narratives which contradict each other. The official history served the need to be 'absolutely right'. We returned here; the Palestinians were here when we arrived; but they decided to 'expel themselves'. A clean and tidy narrative [Now] the tidy picture of the 'absolutely just war' has been irreparably marred.
>
> The political effect of this changed perception was dramatic. More and more Israelis found that they could accept the Palestinian narrative and thus understand the Palestinians' pain and claim to a state of their own.
>
> And now the new facts and spirits have penetrated the history books. Young people can attain the tools and knowledge they need to understand the other side. Those who protest this development prefer to live with the old history and cling to false myths. They keep their own books. But they won't be able to do so for much longer.

In contrast, Hillel Halkin, in a recent article in *Commentary*, sums up the implications of the new curriculum:

> What can one say of such textbooks? That they do not attempt to create in the young Israeli the slightest identification with his people or country? That they make no connection between this country and 3,000 years of Jewish history? That they do not explain in any meaningful way why it had to be taken from its former owners or why the Arab claim to it is not better than the Jewish one? All of the above are true.
>
> This is the real damage inflicted on the new textbooks by the 'new

> history' and the cultural trends it represents; not the demythicisation of Israel's past but its narrative objectification, to the point that Israelis become viewers situated outside it. Objectification is not the same as objectivity, a frame of mind that (as the 'new historians' with their postmodernist learnings can affirm) is at best relative. Rather, it is a process of numbing and emotional divorce.
>
> This is damnable, first of all in regard to the ninth-graders themselves. Many of them have older brothers who are fighting in Lebanon; nearly all of them will soon be serving in the army themselves; nor is there any guarantee that they will not have to fight one day, too. To educate them in such a manner, deprived of the faintest notion of what it is all ultimately about, is to let them down cruelly.

The final debacle in this saga occurred when the then Education Minister, Yossi Sarid, decided to include poems by Mahmoud Darwish into the high school literature curriculum. This was a truly bizarre decision. Darwish is regarded as one of the architects of the PLO Charter and resigned from the PLO because he was opposed to the peace process. One of his best-known poems (not incorporated in the Israeli literature curriculum) is addressed to Jews:

> Don't pass among us like flying insects.
> The time has come for you to leave.
> Live where you will but don't live among us.
> The time has come for you to leave.

In isolation, it is unlikely that the Darwish poems were likely to poison the minds of Israeli children. But considered in conjunction with the de-Judaised and de-Zionised new curricula, it confirmed the impression that for any Zionist who cared about the core values underpinning the Jewish state, Israeli teaching about Israel's Jewish origins in the majority state system was becoming a surrealistic nightmare. Not surprisingly, the new government eliminated poetry by Darwish from the curriculum.

The impact on Israeli society

Why does any of this matter? After all, it might be argued, most Israeli citizens are unaware of the ticking time bomb the education changes have created and some would even approve. Besides, the post-Zionist revisionists would no doubt insist, as Ruvik Rosenthal does in the above-quoted extract, that Israeli society is mature enough to cope with the truth and that no matter how unpleasant that truth may be, we have an obligation to tell Israeli children the truth about their history.

Leave aside the obvious retort that, of course, historians are bound to differ about what happened in history and what it meant and, to that degree, Israeli schoolchildren should be able to study a variety of sources and interpretations and their teachers should have the tools to do so. That's not what the post-Zionists have done. They have not undertaken an independent, scholarly, and

academic revision of Jewish and Israeli history in the light of new facts and new sources that may have come to light. Instead, they have pursued an ideological vendetta against the traditional accounts and have replaced them with a demoralising set of counter-narratives which fit their political objectives. In some cases they even convey the message that in reality Israel was born in sin.

It is very important to realise that post-Zionist attitudes do not ultimately relate to Right or Left political views. They are by and large simply recycled visions of the outdated views promoted by the discredited Jewish Marxists who considered all Jewish values an anachronism.

Many of them cannot even now face up to the lessons of the Arab uprising. They display an uncanny similarity to the policies adopted by Mapam, one of the defunct forerunners of Meretz, who were so besotted with the Soviet Union that until the very end they refused to face up to the reality of Soviet anti-Semitism. Even after one of their leaders, Mordechai Oren, was imprisoned on trumped up charges of espionage, they retained their quasi-mystical faith in Stalin and the Soviet Union.

The make-believe world of those unwilling to recognise the realities facing Israel was exemplified by the adulation extended to the late Faisal Husseini, the senior PLO official in control of Jerusalem affairs who Peace Now activists described as a model of responsible Palestinian leadership and moderation.

Shortly before he died in May 2001, Husseini gave a frank interview to *Al Arabi*, an Egyptian weekly publication. He said that like the Greeks who had hidden in the wooden horse in Troy, the Arabs were now ready to emerge from the wooden horse of Oslo and achieve 'the liberation of all historical Palestine from the (Jordan) river to the (Mediterranean) sea, even if the conflict continues for another 1000 years or for many more generations'. Notwithstanding this, Dr Beilin and his supporters lamented Husseini's death and referred to him in obituraries as a noble Palestinian devoted to the peace process.

Response and counter-response

The radical Israeli Arabs, one can assume, would certainly endorse an education that inculcated in young Israeli Jews the feeling that their nation was born in sin. They would, of course, hope that this would lead to Israel being transformed from a Jewish state to 'a state of all its citizens', and would fan the flames of further violence and bloodshed in the Arab populated areas of Israel, ultimately sowing the seeds for a future Arab secessionist movement. This is already well advanced and reflected in statements of Arab Knesset members whose defence and support of Israel's enemies would under normal circumstances be considered treasonable.

Confronted with these issues, most *charedi* Israelis would be indifferent. To them the former Godless Labour Zionist curriculum and that of the post-Zionists are as bad as each other. And so irrelevant to their view of themselves as Jews.

As for the religious Zionists, they remain committed to *Klal Yisrael* and Zionism and they will not succumb to the new curriculum in their schools. But

they lost their chance to influence the shape of things to come when they controlled the Education Ministry. They should have used that period to implement the recommendations of the Shenhar commission and to introduce a greater element of *Yiddishkeit* and appreciation for tradition into the secular state system. Instead, they concentrated exclusively on their own stream and, by default, enabled the post-Zionists to assume control of the critically important review of the syllabus.

But what of the 'secular' Zionists themselves? Leave to one side the so-called 'secular' national Zionist camp – the right-wingers – who have their own political agenda and their own quarrels even with the erstwhile presentation of modern Zionist and Israeli history. But what should be said about Labor Zionism, the heirs of Ben-Gurion and the state's Labor founders, fighters and creators? It is their ideology the post-Zionists have rejected and distorted, because the Labor Zionists have also failed to prevent the bureaucrats and academics from rewriting history.

Clearly, many simply lost interest or the will to resist. But a comment by Jerusalem's former Mayor Teddy Kollek reflects the anguish of a Labor Zionist founder:

> Not only are history textbooks being rewritten ... the actions of the post-Zionists are singularly harmful ... As I personally experienced this period and actively participated in many of the events, I am particularly worried about the fallacious history being disseminated among the youth.

The reality, of course, is that there are still many Israeli schoolchildren relatively unaffected by this de-Judaised education because they have parents and grandparents who can still convey their vivid recollections of the Shoah and the struggle to establish a Jewish State.

On the other hand, many young Israelis had begun to take the existence of Israel for granted. In recent years they have substituted Zionist leaders, *kibbutzniks*, and Israeli warriors with new role models such as Madonna and Michael Jackson. Others have replaced the collective idealism, which motivated their parents and grandparents, with crass hedonism and consumerism.

The poison of doubt in the Israeli bloodstream originates from the de-Judaised education system and the views propagated by the revisionist historians and curriculum-setters implying that Israel itself was born in sin. Today, this rewriting of history represents a profound threat to Israel because if it loses faith in itself and its very *raison d'être*, while it is surrounded by neighbours who still yearn to destroy it, the Jewish state is in mortal peril.

The bizarre concessions extended to Arafat by the former Labor Government were not simply due to the tantalising lure of peace in our time by a profoundly war-weary nation, or the political inexperience of Prime Minister Barak. They were a logical outcome of decades of erosion of Zionist and Jewish values, exacerbated by divisions within Israeli society and accelerated over the past decade by the infiltration of post-Zionist elements into Israel's cultural and educational establishments.

The diaspora in crisis

It is against this background of Israel's cultural wars and their significance that we turn to the Jewish condition in the Diaspora and an examination of Dr Beilin's views about the relationship between them.

Over the past two or three decades there has been a sea change in public attitudes to the Jews in the Western democracies where most Diaspora Jews live. Until the Arab uprising anti-Semitism had declined to such an extent that Jews had become widely accepted socially, even sometimes embraced. This is, of course, because Western society has broken down the racial, ethnic and religious barriers to assimilation and intermarriage. In turn, this has neutralised the negative external pressures which helped to maintain Jewish identity. Jews are being readily absorbed into their host societies, as was illustrated by the choice of Senator Joseph Lieberman to be the Democratic Party's vice-presidential candidate in the 2000 United States presidential elections.

In contrast to a generation ago, most non-Orthodox Jews are philosophically – and even emotionally – reconciled to encountering intermarriage within their immediate family circle. This scene continuously repeats itself: 'My daughter is marrying out,' says a friend, frequently a Jewish activist. Then he adds: 'But you know, he really is a wonderful fellow.' American surveys illustrate that the situation is more acute with younger Jews, of whom only 20 per cent declare themselves opposed to intermarriage, and only 6 per cent strongly so. Equally disconcerting is the survey data showing that in the absence of conversion, as many as 95 per cent of the children of intermarried couples do not remain Jewish.

Even those who received a good Jewish education and harbour a warm attachment to Judaism are not immune from intermarriage. And there is a logic to this. Other than in religious terms, in this day and age, how can one persuade a person to reject a non-Jewish spouse? Only by utilising unacceptable racist objections.

Revivals – real and otherwise

It is, of course, indisputable that some sections of American Jewry, and isolated examples of other Jewish communities, are undergoing a revival. American Jewry is affluent and politically influential; the number of Jewish studies courses at universities has dramatically increased, and Orthodox Judaism is a growing force. Indeed, American Jewry boasts more *yeshivot* and is producing more rabbis than ever. It consumes more kosher food, publishes more Jewish books, and has more Jewish schools than at any time in its history. There is a revival in traditional observance, even among the vanguard of the non-Orthodox denominations.

Yet, in truth, the revival is illusory. In the main, it affects only the most involved and visible Jews – the Orthodox, Jewish academics, and other elite groups. The reality is that for about 80 to 90 per cent of Diaspora Jews, the Jewish aspect of life is not dynamic or creative, and their attitude towards Judaism is reflected in snowballing assimilation and unprecedented levels of intermarriage. And this, of course, does not apply exclusively to the United States. The time-frames may

be different but the process is basically the same – Jewish life is literally fading away in virtually all Diaspora communities.

At best, these developments amount to a shrinking Diaspora. As Herman Wouk writes:

> And so the Melting Pot is beginning to work on Jewry. Its effect was deferred in the passing century by the shock of the Holocaust and the rise of Israel, but today the Holocaust is an academic subject, and Israel is no longer a beleaguered underdog. *Amcha* in America is not dying, it is slowly melting, and those are very different fates. Dying is a terror, an agony, a strangling finish, to be fought off by sheer instinct, by the will to live on, to the last breath. Melting is a mere diffusion into an ambient welcoming warmth in which one is dissolved and disappears, as a teaspoon of sugar vanishes into hot tea ...

Rabbi Adin Steinsaltz, one of the great teachers of our generation, and certainly no prophet of doom, warns that Diaspora Jews are no longer merely an endangered species. They are already, he contends, on the road to becoming extinct, participating in what he terms:

> A self-inflicted Holocaust, ... like a person getting into his bath, cutting his veins, and peacefully bleeding to death. That is what is happening to the Jewish people – a constant bleeding, not dramatic, but ongoing and unceasing.

In the absence of anti-Semitism, what are the elements beyond the religious framework which can contribute toward a Jewish identity? Alas, very few. A diminishing sense of history and culture; a memory of the Shoah, which some communities are transforming into a cult; and, of course, Israel.

A changed attitude to Israel

Israel undoubtedly remains the principal element maintaining Jewish identity. However, over the past decade significant changes in attitudes to Israel have been incubating. A new generation has emerged for whom memories of the Shoah and the struggle to establish the State are fading. Many take the existence of Israel for granted and no longer regard it as a central factor in Jewish life.

This also dovetails in the United States with the influential presence of a generation of Jewish academics who in their youth had been engaged in anti-Vietnam activities. Some now confuse Israel's existential struggle with the American involvement in Vietnam.

They are strengthened in these beliefs by the fact that even today when Israelis are being murdered almost daily by a ruthless enemy, the daily newspaper *Haaretz* (which is published on the internet in English) tends to be dominated by columnists encouraging defeatism and disunity. Post-Zionist views, and frequently greater identification with the self-inflicted suffering of the Palestinians than their own people, continue to be promoted and provide a rationale for anti-Israeli groups who no longer feel inhibited from publicly attacking the Jewish State.

A significant number of younger Jews tend to regard Israel as a burden, especially when it impacts negatively on their desire to be perceived in politically chic terms as enlightened liberals unencumbered by provincial concepts such as nationalism.

Over the past decade, these trends were accelerated further when Israeli leaders repeatedly told Diaspora Jews that they no longer needed their money or political support. As a consequence, in recent years Jewish organisations have been inclined to concentrate more on domestic and non-Israel related issues such as anti-Semitism, Jewish education and interdenominational activities. Over the past five years, even the World Jewish Congress focused overwhelmingly on the successful resolution of Jewish restitution payments, while Israel-Diaspora relations and the Jewish condition remained largely on the sidelines.

The Arab uprising brought these problems to a head. Enormous confusion and destabilisation was unleashed in the wake of Barak's unprecedented concessions to the Palestinians, especially the offer to surrender the sovereignty of the Jewish people's most hallowed religious and national sites.

Jewish communities were also unprepared for the massive new onslaught of anti-Israeli and anti-Semitic outbursts. Until recently most of the democratic world enthusiastically supported and admired Israel's tough responses to terrorism. Regrettably, today many of these countries now consider the killing of Israelis living over the green line as a legitimate means for the Arabs to achieve their objectives. Some go beyond this and even call on Israel to reward terrorism by making more concessions to the Arabs – ignoring what happened at Camp David when Barak virtually offered the Arabs a return to the 1967 boundaries.

Israel is once again being delegitimised by the media. It is portrayed as an ugly colonial occupier, a pariah, a tyrannical state which murders children and assassinates civilians. A state led by a man who, pursuant to demonisation by his opponents, is depicted by much of the Western media as an inflexible warmonger, even a war criminal.

The impact of violent anti-Semitism, frequently emanating from newly emerging Islamic communities, cannot be underestimated. This applies particularly to Europe, which has seen the greatest influx of Moslem migrants, and whose media has adopted an obvious and frequently malicious anti-Semitic position against Israel. The European Union has also adopted a flagrantly biased position in favour of the Arabs. When Israel is accused of ethnic cleansing and described as a colonial implant in the Middle East, an anti-Semitic environment unparalleled since the days of the Nazis emerges. Combined with a venomous indigenous hatred of Jews – sometimes camouflaged as anti-Israeli – it has created genuine fear in Jewish communities.

In this maelstrom, despite having been discouraged by successive Israeli governments from taking it upon themselves to promote the cause of Israel, history once again summons Jewish leaders to rally for the support of the Jewish State and protest against the policies of governments which are biased or employ double standards against Israel. If Jewish communities are seen to falter in repudiating anti-Israeli policies, it will be interpreted by unfriendly governments

as a licence to intensify hostility against Israel.

To make matters even more difficult, some Jewish leaders are also confronted in their communities by irate Jewish groups who no longer hesitate to publicly condemn Israeli government policies. It is therefore not surprising that initially some Jewish leaders and organisations were inclined to distance themselves from Israel and allow matters to take their own course.

The challenge facing the current leadership will be to encourage solidarity with Israel and restore the Jewish State to a central position on the communal agenda, without unleashing divisive debates between opposing political and religious forces.

That will not be easy. Over the past half century, Jewish leaders have hardly been ideologues. Until recently, they simply tended to respond to requests (usually directives) from Israeli governments. They became adept lobbyists and creators of institutions – educational, welfare and religious. But, today, ideological discussion and intellectual guidance will once again become a critical requirement if the fragmented and confused Diaspora is to retain its relationship with Israel. Israeli and Diaspora leaders must now discard the outdated clichés and superficial declarations and concentrate on creating a new covenant between the Jewish State and the Jewish people.

It is almost half a century since the Jewish people faced such a crisis in Israel-Diaspora relations. There is no question that Israel, at bay and under siege, must assume absolute priority on the Jewish agenda. The issues at stake must not be underestimated. The consequences for the future of Jewish life in the Diaspora would be catastrophic should Israel, still the central pillar of Jewish identity, be marginalised.

Israel – still the key

The fact remains that despite all its weaknesses and divisions, the Jewish State is still the principal manifestation of Jewish creativity and continuity. Only Israel can satisfy the existential requirements of Jewish peoplehood and nationality, of history and geography, and of the individual and the community. Notwithstanding the problems confronting religion and the emergence of post-Zionism, Israel remains a society that revolves around the rhythm of Jewish life and the Hebrew language. Regardless of the country's tensions and contradictions, even non-observant Jews relate to *Shabbat* and to the Jewish traditional calendar, marked by festive and commemorative days. Israel's national holidays are Jewish holidays, the symbols of state and nation are Jewish symbols, and the public culture is a Jewish culture.

In a sense, Dr Beilin endorses this assessment and, as with other Israelis, places his ultimate reliance on what might be called the 'Israel is Jewish by osmosis' theory. But he also contradicts himself, philosophically and practically.

Philosophically he sees the land of Israel as just another piece of territorial real estate, interchangeable historically with Uganda. But if Israel, the land and the State, do not have a special and transcendent Jewish value which confers upon them a qualitatively different Jewish dimension than any other place on

earth, why go to the quite extraordinary lengths of supporting projects such as 'Birthright' – and providing funds to enable every Jewish youngster to take a free ten-day trip to Israel. Why Israel? What's ultimately so special about coming here? Why bother with taking these young people to the Kotel, to Massada, to the Galilee and to the Negev, if these pieces of real estate are just that, pieces of real estate?

Moreover, if, as Dr Beilin also says, 'America is the fulfilment of the original Zionist dream to win equality while preserving *Jewish* identity', and if Israel is just another territory, surely it would make more sense, and turn out to be far less expensive, if 'Birthright' guaranteed every American youngster ten days at well programmed and intensely Jewish summer camps in New Jersey, North Carolina, Illinois and California. The camps could even be staffed by the best and brightest Israeli educators and youth leaders; visited by leading Israeli personalities, generals, poets and lecturers; and taught the current Israeli hit songs. When all is said and done, why does Dr Beilin believe so strongly that American youngsters need actually to see the Jerusalem of gold, breathe it in at sunset, and walk through it early in the morning, when they can download it on the Internet any time they like?

Join the club

The same ambivalence permeates Dr Beilin's notion of the Jewish people as 'a club' where the entry rules need to be relaxed. In an effort to compensate for the numerical losses which the Diaspora incurs from intermarriage, Dr Beilin proposes a novel solution. He suggests the Jewish people should stop seeing itself as a religion or nationality, but as an association of people which those outside the 'club' can join by undergoing a 'secular conversion'. This can happen either by an applicant's self-definition, or by the referral of two members of the Jewish community, 'as is customary', Dr Beilin tells us, 'when joining ... a club.'

Since the emancipation, it has been predominantly non-Jews rather than Jews themselves, who have defined who is a Jew. In a sense, discrimination and anti-Semitism qualified Jews for 'club' membership. Although the Jewish territorialists and Bundists in Eastern Europe propagated secular solutions to developing a Jewish identity, a secular Jewish cultural identity became less relevant as the Jews in the West became emancipated.

What still kept the assimilated Western Jews in the 'club' was their status as social pariahs, or outsiders. And, understandably, as Western governments did not encourage Jews to form national enclaves, many non-Orthodox Jews, including 'secular' Jews, overcame their identity problem by opting for Jewish religious affiliation in a less demanding, non-Orthodox denominational framework.

So the concept of a secular conversion in the twenty-first century, when virtually every aspect of the open society is also open to Jews, is an absurdity. It would find no resonance with Diaspora Jews, or with non-Jews who would be embarrassed and never agree to classify themselves as Jewish nationals. The exceptions could be a few Orthodox militants who would prefer to see a

nonsensical 'secular conversion' replace the Reform conversions which they view so negatively. Fringe groups such as 'Jews for Jesus' would also no doubt be delighted to join the 'club'.

In fact, the introduction of a new overnight 'secular convert' category would simply create additional chaos among the Jewish people who, sadly, are already divided into groups whose children may not be able to intermarry freely with one another. And, in Israel, a 'secular conversion' would be irrelevant because Israelis who are not *halachically* Jewish do not require a mantle under which to cloak their attachment to Israel.

The solution to the problem of non-Orthodox conversions in Israel was theoretically resolved several years ago by the government-appointed Neeman Commission on the basis of an *halachic* formulation that enabled any person, including members of Conservative or Reform congregations, to undergo conversion with the involvement of their rabbi. Were such a fair and sensible compromise to be introduced in Israel it would be bound to spread to the Diaspora and have an enormous impact on the uncertain future facing Jews of different denominations wishing to marry each other.

All the more reason why Israel's Chief Rabbinate carries a heavy burden to recognise the immensity of the issues at stake.

Belonging and dropping out

But, it might still be argued in Dr Beilin's terms, that adopting the 'club' approach to Jewishness would make belonging a more attractive proposition to the large numbers of educated, liberal-minded, young Jews who are now opting out of their Jewish affiliations because they find them too rigid and too restrictive, and so are marrying out.

However, it is hard to see why any young Western Jew, with the free choice of personal identities nowadays completely open to him or her, would bother to choose to belong to a people that took its membership as casually as a club. Moreover, the 'club' would still be a group that non-Jews who did not wish to convert would always regard as representing something far more substantive than just a club. Forget the devaluation of meaningful Jewish identity that the 'club' approach would involve. The cognitive dissonance such an arrangement would set up for Jews and non-Jews alike begs the imagination.

As a political scientist, Dr Beilin knows that over the past two centuries, since the ascendancy of liberalism as the public philosophy in Western civilisation and democracies, one's sense of religious, cultural or ethnic identity, as distinct from one's citizenship of a particular state, has been a matter aligned with one's deepest sense of self. That is still true, even in today's globalised and detribalised democracies. It is perhaps truer than ever for any marginalised Jewish youngsters trying to sort out their relationship to their roots and origins. But it is difficult to see why it would help them, or the rest of the Jewish people still attached to traditional views of who is a Jew, if those alienated and uncertain about their identity came to see becoming Jewish as merely a response to another 'club' membership campaign.

Dr Beilin does concede that, irrespective of whether one is religious or secular, the likelihood of having Jewish grandchildren in Israel is much greater than in the Diaspora. But a further reading of his views also reveals his contradictory belief that where Jews live – in Israel, America, or Europe – ultimately has little direct relevance to Jewish identity. In fact, he suggests that the artificial distinction between Zionism and non-Zionism should be discarded and both major centres of the Jewish world – New York and Israel – should be granted equal status. So much for the (now presumably outmoded) concept of the centrality of Israel in Jewish life!

Dr Beilin also recognises that *aliya* is not a practical solution for the masses. He therefore recommends that we dispense with the outmoded notion of *aliya* from the Israel-Diaspora relationship. On this he is wrong again. Despite their small numbers, Jews who make *aliya* from Western countries represent a very important ingredient in maintaining bridges between Israel and the Diaspora.

The end of the Jewish people?

What is to be done in the Diaspora? There is simply no quick fix or magic bullet. In fact, if we are to be honest, the jury is still out on the Diaspora's future viability. Whether we are more pessimistic, or more optimistic (as many American Jews are), it is clear that despite the Diaspora's unprecedented affluence, a greater expenditure on Jewish education, identity programs and Israel exchange schemes cannot alone guarantee Jewish continuity, although it may be a necessary condition for such a guarantee.

There is, however, one vital ingredient and precondition for continuity and that is the Jewish people's corporate will to maintain it and an awareness that concern for that continuity is part of the Jewish condition.

As the late Professor Simon Rawidowicz observed:

> He who studies Jewish history will readily discover that there was hardly a generation in the Diaspora period which did not consider itself the final link in Israel's chain. Each always saw before it the abyss ready to swallow it up. Each generation grieved not only for itself, but also for the great past which was going to disappear forever, as well as for the future of unborn generations who would never see the light of day.

Rawidowicz, who describes the Jewish people as 'the ever dying people', notes that 'a nation dying for thousands of years means a living nation. Our incessant dying means uninterrupted living, rising, standing up, beginning anew.'

If during the twenty-first century the Jewish people are not to prove Rawidowicz wrong, their survival as a distinctive people will largely depend on Israel's ability to put its own house in order. Contrary to Dr Beilin's thesis, we are not simply members of a 'club', and the centrality of Israel is the most important element sustaining contemporary Jewish life.

Nor will the crisis in Jewish life in Israel, and in the Diaspora, be resolved by organisational restructuring. If all the existing Jewish organisations were to

disappear overnight and if they were to be replaced by highly professional and efficient substitutes, Jewish life would not be significantly affected. And even if a genuinely representative Diaspora-Israel forum were to be created, itself a highly dubious proposition, it would simply be another talk-fest, even if it called itself 'The House of Israel', as Beilin suggests for the name of his proposed new group. The reality is that no new Jewish umbrella group is going to have a dramatic impact on the future of the Jewish people. The problem, at least for the foreseeable future, is not organisational but educational and cultural.

A real Jewish education

By now, the need for Jewish education as the survival mechanism has become the universal panacea agreed upon by everyone who joins the discussion on the future of Jewish identity. But there is still very wide disagreement on what a 'real' Jewish education constitutes, whether in Israel or the Diaspora. Allowing for the inevitable ideological, ethnic and denominational differences that are unlikely to disappear, plain talking requires us at least to agree that a Jewish education is a serious, time-consuming undertaking, not a matter that can be left to a few hours a week on Sunday mornings. The study of Judaism's core texts, the Hebrew language, Jewish history and an overview of the entire gamut of Jewish civilisation, demands committed teachers and curricula dedicated to the task of a meaningful education.

This is something which, even in this age of breathtaking technological progress, cannot happen without a fairly rigorous approach to the basics of learning. That in no way conflicts with Dr Beilin's ideas for using the full potential of multi-media techniques to present aspects of Judaism in the most attractive and vibrant manner.

On the other hand, let us not blind ourselves to the new challenges and dangers that promoting the 'Jewish global village' involves. The reality is that young Diaspora Jews, facing the identity pressures from globalisation and other forces, are today finding it increasingly difficult to maintain a Jewish identity which is not based on religion.

Despite Dr Beilin's enthusiasm about the 'virtual' community in the twenty-first century, Israel itself has to accept the globalisation / Americanisation threat to what remains of its own authentic Israeli culture. The question is: will Israel succumb to the combination of 'Big Macs' and 'Apple Macs' that have decimated the cultural traditions of so many other countries?

Nevertheless, even if we agree that we must exploit technology to develop and promote Jewish education for much wider audiences, the financial resources available are finite and, regrettably, the competition, fragmentation and overlapping activities in the Diaspora frequently inhibit the most effective utilisation of the limited funds.

For example, are the ten-day 'Birthright' free visits to Israel on offer to every youngster the way to go? Should there be more emphasis on longer programs which will attract a more limited number of participants, but which will be geared to creating leaders? Should teacher training seminars be a priority? More

emphasis on Jewish day schools? A mixture of all or some?

Achieving a consensus on these issues is highly improbable. But if broad guidelines emerge as to how to prioritise the limited funds towards the most effective programs, that in itself would be a worthwhile project.

Back to Uganda

In conclusion, I return to Dr Beilin's speculative, and mischievous, claims about what might have been had Zionist history taken another turn. As Dr Beilin sees it now in hindsight, his grandfather, an East European member of the early Zionist movement *Chovevei Zion*, was seriously mistaken when he opposed Herzl's proposal to adopt Uganda as a Jewish territorial homeland.

Since Dr Beilin has opened the door to historical speculation, what, one wonders, would the great secular Zionist Achad Ha'am have made of the idea that one hundred years later and just half a century after the State of Israel was established, a distinguished minister of the reborn State of Israel would dissent from his grandfather and the *Chovevei Zion*, and argue that they should have accepted Uganda?

Even though he had his differences with the *Chovevei Zion* on other matters, and they led to his classic polemic *Lo Zu Haderech* (This is Not the Way), it is reasonable to conclude that Achad Ha'am would have regarded Dr Beilin's view as an oxymoron.

In fact, we do not have to speculate in order to say *'Lo Zu Haderech'* to Dr Beilin today. He is wrong in principle, and his idea could not have worked in practice.

Wrong in principle, because like most East European Zionists (paradoxically, excluding those in the Orthodox Mizrachi movement), Dr Beilin's grandfather, Yosef Bregman, passionately believed that Zionism without Zion was inconceivable. *Shivat Zion*, 'the return' of the Jewish people to the land, reflected a continuity and renewal of Jewish nationhood, not a colonial implant unrelated to our history – as postulated by Israel's Arab neighbours.

Uganda would not have worked in practice, just as the other proposals for autonomous Jewish homelands, including the failed Soviet Jewish autonomous oblast, Birobidjan, did not work. In the 1940s there was even talk of an autonomous Jewish region in the Kimberley Mountains of Western Australia.

Wrong in principle, too, to suggest Jews could have been saved during the Shoah had we adopted Uganda as a Jewish State. The likelihood of successfully colonising a Jewish settlement in East Africa – and sustaining it – would have been fraught with insurmountable difficulties from the outset. Given that the return to Palestine, with all of the drama and historical attachment that the Land of Israel held out for Jews around the world, did not conquer the hearts and minds of all the Jews, it is hard to see how Uganda would have done anywhere near as well, let alone galvanise the Jewish masses. And had the Ugandan project been adopted, there is every probability that the creation of a Jewish State would have been postponed for another millennium.

Wrong in principle, finally, because in introducing the rejected Uganda plan,

Dr Beilin is bringing history as a witness – a false witness – to add weight to his implied argument that *Eretz Yisrael* is not the crucial element in Jewish civilisation. For in Dr Beilin's world-view, the Jews have not so much returned home to 'the birthplace of the Jewish people' as they have occupied a piece of real estate which just grew into today's State of Israel. But then any piece of real estate that was available could have done the job. In fact, Uganda would have done an even better job.

In these circumstances, one is also obliged to question whether some of the people involved in drafting the Oslo Accords merely considered the process to be a negotiation over real estate, as distinct from a painful realisation of the need to forfeit ancient Jewish lands for the sake of peace and because of the realisation that in the long term it is impossible to rule over another people.

It is also hypocritical for those on the left to argue that one of the ancillary reasons for ceding densely populated Arab areas in Judea and Samaria to the Palestinians is to maintain the Jewish character of Israel, when at the same time they support those who are trying to de-Judaise Israel from within.

Dr Beilin denies he promotes the post-Zionist view. But it is hard to see it as anything else. Certainly, it is neither the Zionism of the *Chovevei Zion* nor of the State's founding fathers who put their signatures to the Declaration of Independence.

It is even more remarkable that Dr Beilin's views have not been influenced by events of the past year. Despite the fact that his vision of peace turned out to be a cruel illusion, he continues to behave as though nothing has changed and ignores the fact that the electorate overwhelmingly rejected his views. In what many regard as obscene behaviour, he advises Arafat on tactics to adopt in relation to Israel; he travels abroad and encourages the United States and European governments and other political bodies to take a tough stand against the policies of the national unity government; he continues to blame Prime Minister Ariel Sharon for unleashing the intifada, and urges the world and Diaspora Jews to continue to accept Arafat as our only partner.

A malignant cancer

Today the Jewish people stand at a crossroads. Yet, despite all its problems, including existential threats from external enemies, the real threat to Jewish survival still emanates primarily from within and the potential for catastrophe from this source should not be underestimated. The divisions over religious and ethnic differences, the decline of civil dialogue, and the trend by groups to demonise one another, are all potential disaster areas.

Cutting across these differences, however, and striking at the heart of the sovereign Jewish enterprise that is Israel, was the infiltration of post-Zionism. It was not always apparent and, like a malignant cancer in its early invasive stages, it grew without appearing to be making any progress.

The heart of the problem rests with the educational system. Most Israelis – including the majority of members of the Knesset – only recently became aware

of the inroads into the educational framework that post-Zionism has already achieved. It is important to expose the pseudo liberal double-talk for what it is and insist that those who replace national and Jewish values with universalism, and use the educational system to indoctrinate young people with these beliefs, are in fact promoting the demise of Israel as a Jewish State.

That does not preclude a self-confident nation from teaching children the less salutary aspects of its history. But a country like Israel, which is currently experiencing daily acts of terrorism and murder from neighbours still dreaming of her demise, cannot tolerate an educational system which incorporates self-hatred and undermines its national symbols. Israeli children should not be told that the choice they face is between living in an 'enlightened Western democracy' or reverting to the Middle Ages and 'reviving the war of the Crusades' by needlessly sacrificing Israeli lives in conflicts over monuments, graves or religious symbols.

The promotion of such concepts over a long period of time explains why some Israelis simply shrugged their shoulders at the thought of handing over Har Habayit to the Palestinians. It began to create seeds of doubt as to whether the ongoing struggle for retaining a Jewish state was really worthwhile.

Without wishing to sound alarmist, if the post-Zionist infiltration and virtual hijack of the *chiloni* educational system is not reversed, there is a real possibility that within a generation, Israel could indeed be transformed from a Jewish state into a 'state of all its citizens'. In that event, Israel would not only become a Hebrew-speaking Canaanite state, it would also be absorbed into the region. That would represent a complete victory for the long-term Arab ideological objective of ultimately conquering by assimilation a de-Judaised Israeli entity.

That would mean the end of the Jewish people. There are undoubtedly a small number of Israelis who may not consider that a disaster. To those for whom Judaism is totally irrelevant, intermarriage with Moslems and absorption into the Arab Middle East would be consistent with a movement away from nationalism.

However, despite all the concerns, one must avoid exaggerating the dangers. The reality is that the overwhelming majority of Jews in Israel – and in the Diaspora – would have unhesitatingly rejected post-Zionism, even before the Arab uprising broke out. One should also bear in mind that notwithstanding some successes, the post-Zionists remain a small minority in Israeli society. There is no doubt that the collapse of the peace process, and the realisation that Arafat, Israel's 'peace partner', remains an unreconstructed terrorist who has brought an end to the illusions which for almost a decade had been systematically promoted to Israelis by the architects of the Oslo Accords.

This has brought about a painful review of national priorities which transcends party politics. It was exemplified during the latter term of the Barak government, when in an unprecedented bipartisan approach the Knesset Education Committee demanded the recall of one of the offensive textbooks referred to previously in this essay.

Limor Livnat, the newly elected Minister of Education, announced that she was determined to bring about a major overhaul of the Jewish components of the school curricula. She said she would intensify the Jewish heritage content, highlight the achievements of Zionism as a national liberation movement, and promote love of the Land of Israel and of fellow Jews. Her objective was to reintroduce enlightened patriotism, including a recognition of the obligation, if necessary, to defend the only country that Jews can claim as their own.

The end of the illusion of peace and goodwill in this region has encouraged many Israelis, including supporters of the Labour Party, to revisit their national identity. This not only provides a window of opportunity for rectifying the negative impact of the post-Zionists, it also enables the creation of structures designed to make it more difficult when the post-Zionists and their allies regroup for a further round – as they surely will.

The government will be obliged to radically reform the current fragmented system. Without disputing the need for separate schools for *charedim* and Arabs, the government should follow the pattern of most enlightened and democratic governments and require a minimum standard of secular studies that will provide a basis for gainful employment, as well as the introduction of compulsory courses in civics and societal obligations.

The battle for ideas and the 'soul of Israel' is ultimately no less important than Israel's ability to defend itself from external enemies. Today there are indications that the pendulum has swung away from the assimilationists, the defeatists, and those seeking to de-Judaise Israel. The overwhelming majority of Israelis and Jews remain committed to transmitting their heritage to their children and grandchildren – and future generations. They must make their voices heard.

Limor Livnat, Israel's Minister for Education, recently said:

> To teach does not mean to coerce. Not to teach our heritage is a form of theft. It is to deprive our youth of their ability and of their right to choose. Not to teach our heritage would be to rob our children of their very being.
>
> A people that produced the Bible and Talmud has lots more to say to the world ... In chapter one of the Ethics of the Fathers, Rabbi Hillel asks 'If I am not for myself, who will be for me? And if not for myself, what am I? And if not now, when?' Now that Jews have their state, schools and universities, they should be for themselves and for the world, here and now.

There is every reason to hope that despite the tyrants, dictators, and cynical leaders who practise *realpolitik* and have the effrontery to judge and condemn the only democracy in the entire region, Israel will overcome its internal and external problems and become recognised as *or lagoyim* – 'a light unto the nations of the world'.

Bemer the slow: A seventeenth century architect and the classic Galician spice tower

Bill Gross

One of the main elements of the *Havdalah* ceremony at the end of the Sabbath, both ritually and visually, is the smelling of fragrant spices. In the Ashkenazi tradition, these spices are held in some sort of container, with literary evidence of this custom dating back to the eleventh century. We have evidence of a tower-shaped container from at least the sixteenth century, including one surviving example in the Jewish Museum, New York. Perhaps the largest identifiable group of spice containers for the *Havdalah* ceremony is a particular group of similar silver filigree towers. While the towers in this group may vary in form and complexity, they all bear the same type of filigree and the same general style, and most have fairly complicated bases. Most spice containers have simpler bases such as those often found on cups and chalices. The two main tower designs are seen in Figures 1 and 2. There are other filigree tower forms in this group, but these two shapes, in varying sizes, comprise the majority of the filigree-type towers that exist today.

Such towers are represented in virtually every public collection and in most private collections. The number of such towers extant today probably exceeds one hundred, a significant quantity for a particular group of objects in the field of Judaica. Almost all the examples lack silver marks, leaving their geographic origin open to speculation. Indeed, I have long wondered about the origin of my two spice towers pictured in Figures 1 and 2.

Published collection and exhibition catalogues contain conflicting information regarding the geographic origin of such pieces. The tendency in the field of Judaica has been to repeat earlier published information, even if it is erroneous.

A partial examination of the published information on this type of spice tower in the literature is revealing. These publications will be examined by date of publication, starting with the earliest.

It is appropriate that a tower like that in Figure 1 should have been in one of the very first Judaica collections, the Strauss Collection, considered to this day one of the finest. The tower appears in the earliest Judaica exhibition catalogue ever published: the *Collection de M. Strauss* from Poissy in France dated 1878. There it is described as 'Italian work' with no date. Another form of tower from the same family, in the 1947 exhibition, *Jewish Art Objects from the Hebrew Union College*, is labeled 'Poland, eighteenth century'. A catalogue, *The Jewish Historical Museum – Amsterdam*, of the newly reopened institution, around 1950, identifies the larger type of tower as 'Nuremberg, end of the seventeenth century'. An early reference in the 1952 Tel Aviv Museum catalogue, *Exhibition of Spice Towers*, lists the large spice tower – the very one now in my collection – as being from 'Danzig, 1780'. That same year an exhibition catalogue in Paris, *Le Shabbat dans l'Art Folklorique Juif*, identified a similar tower as 'Italy (Venice?),'eighteenth century'. In another exhibition catalogue, *Art Religieux Juif*, from Paris, in 1956, the tower is ascribed to 'Italy (probably Venice), of the eighteenth century'. In the 1959 book *Jewish Ceremonial Art* based on the collection of the Jewish Museum New York, Stephan Kayser calls a tower of this type 'Galicia, late eighteenth century'.

The tower illustrated in the 1963 Jewish Museum New York catalogue *The Silver and Judaica Collection of Mr. and Mrs. Michael Zagayski* is also labeled 'Galicia,'eighteenth century'. Two such towers are listed in the famous *Synagoga* exhibitions in Recklinghausen and Frankfurt A M in 1963-64, one from 'Italy, eighteenth century' and the other from 'Austria-Hungary, eighteenth century'. In *Monumenta Judaica*, the massive two-volume catalogue of the 1963-64 exhibition in Cologne, this type of spice tower is considered to be from 'Germany of the nineteenth century'. The two examples in the *Catalogue of The Jewish Museum – London*, 1964, are listed as 'probably German, early eighteenth century' and 'German, late seventeenth century'. In the 1965 volume, *Jewish Ceremonial Art* by Joseph Guttman, another tower is described as 'Galicia, eighteenth century'. An elaborate tower of the same filigree type and form is featured in the 1968 book *Jewish Art from the Bible to Chagall*, where it is labeled 'Italy, eighteenth century'.

The 1970 exhibition catalogue *Staatliches juedisches Museum Prag* from Vienna identifies a tower of the same filigree type as 'Prague, end of the eighteenth century'. The tower of similar filigree in the 1971 catalogue of the Feuchtwanger Collection, *Jewish Tradition in Art*, at the Israel Museum is listed as originating in 'Central Europe'. *Genie du Judaisme. Trésors de l'Art Juif* of 1975 from Paris labels another such tower 'Austria-Hungary (?), eighteenth century'. The book, *Jewish Art in Life and Tradition*, 1976, based on the Wolfsohn Museum at Hechal Shelomo, Jerusalem, shows two towers of this type, one labelled 'Germany, eighteenth century' and the other 'Poland, eighteenth century'.

The *Danzig 1939* catalogue of 1980 from the Jewish Museum New York

ascribes such a tower to the 'Austrian Empire, late eighteenth century'. The collection catalogue of the State Museum in Cologne titled *Judaica*, also from 1980, categorises its example as 'Germany (?), 1732'. In the Israel Museum catalogue for the 1982 exhibition, *Towers of Spice*, five towers of similar filigree are variously described: 'Dutch (?), nineteenth century', 'Central Europe, nineteenth century', 'Central Europe, eighteenth century', 'Austria-Hungary, nineteenth century' and 'Eastern European, nineteenth century'. The exhibition catalogue of 1983 from the Prague collection, *The Precious Legacy*, lists one of the illustrated towers as 'Brno?, second half of the eighteenth century'. In *Personal Vision: The Furman Collection of Jewish Ceremonial Art*, an exhibition catalogue by the Jewish Museum New York from 1985, such a tower is called 'Central or Eastern Europe, early nineteenth century'. The *Collectors' Guide to Judaica* from 1985 by Jay Weinstein simply refers to this type as 'Continental, c. 1750-1800'. The Jewish Museum New York published the catalogue *Treasures of the Jewish Museum* in 1986 and included the most elaborate form of this tower with the origin stated as 'Venice, seventeenth-eighteenth century'. In the 1987 Stieglitz Collection catalogue, *Masterpieces of Jewish Art*, at the Israel Museum, the two towers of such filigree are described as from 'Germany, seventeenth-eighteenth century' and 'Germany, eighteenth century'. The catalogue *The Jewish Museum in Budapest*, also from 1987, lists its example 'with Viennese tax stamp (1810-1824), nineteenth century'. The exhibition catalogue *Il Tesoro Ebraico di Praga*, Ferrara 1988, listed such a tower as 'Brno (?), second half of the eighteenth century'.

In *Jewish Ritual Art in the Victoria & Albert Museum* from 1991, another such filigree tower is labeled 'Central Europe, late seventeenth or early eighteenth century'. The catalogue *Australian Contemporary Design in Jewish Ceremony* from 1992 presents a spice tower of this type as 'Czechoslovakia (?), early eighteenth century'. The 1993 Steinhardt Collection exhibition catalogue *The Collector's room* presents two such examples as being 'possibly Venice, eighteenth-nineteenth century'.

A number of such towers have appeared at auction over the past few decades. Their attributed geographic origins in the catalogues parallel the wide variation found in Judaica reference literature – in line with the known unreliability of descriptions of objects in Judaica auction catalogues.

Italy, Poland, Nuremberg, Danzig, Venice, Galicia, Austria-Hungary, Germany, Prague, Central Europe, Continental, Brno, Austrian Empire, Eastern Europe, Holland, Czechoslovakia. This long list clearly documents the lack of consensus that prevailed up to the early 1990s about where this type of spice tower was produced. Further evidence of the lack of certainly is seen in the number of question marks following suggested attributions in catalogues and books. Estimations of dating were more consistent, but still ranged from the seventeenth century to the nineteenth century, with the majority placing the date of origin some time in the eighteenth century. A very few of these spice towers have Austrian Empire tax marks used during the period 1806 to 1824. The overwhelming majority bears no silver marks.

Prior to my first visit to Russia and the Ukraine in 1991, I had assumed the source to be in what was then generally called Eastern Europe. Germany, Italy, Holland, and Czechoslovakia, the other countries most often mentioned, were all places in which tax collection on the production of silver objects was well organised and controlled. The makers were generally in guilds and were registered with the relevant government authorities. This meant that almost all objects produced carried silver marks, whose presence generally attested to the payment of taxes and the place of origin.

The quantity of this type of tower indicated that the origin was probably in an area of considerable Jewish population, as was the case in Eastern Europe. This large production, almost all of which carried no silver marks, seemed to indicate workshops of Jewish silversmiths in Eastern Europe where, unlike in Central and Western Europe, many Jews worked as silversmiths. There, these craftsmen tended not to be in guilds and the central authorities were less organised. Therefore the majority of silver objects, at least in the Jewish sphere, tended to be unmarked.

At the same time, the filigree technique also seemed to eliminate Germany or Italy as a probable source. Jewish ritual objects of the eighteenth century from these countries were rarely, if at all, made from filigree. Moreover, the style and design of my filigree towers, most of which carry an elaborate, rather Baroque upper section, did not seem to be consistent with the style and design of either the known German spice towers or the very few Italian objects of this kind.

The geographic area of what was then Czechoslovakia also seemed an unlikely source. The filigree spice towers produced there, largely from Brno, had some structural similarities but a completely different filigree pattern. In addition, they all dated from a later period, beginning in the 1840s.

Poland, which is considered part of Eastern Europe, is also mentioned in the literature as a potential source. From 1772 Galicia was no longer a part of the Polish Kingdom. There was no standardised production of ritual objects from any other place in the Polish lands until that by Jewish silversmiths in Warsaw after the middle of the nineteenth century. This is later than the manufacture of the subject filigree tower group. Lastly, the very few towers that I knew to have marks bore tax marks from Lvov, then in the Austrian Empire and now in the Ukraine, and not from any other area.

That some Jewish ritual objects have architectural inspiration is obvious. One has only to look at spice towers and Ashkenazi *Rimmonim* for evidence. By the middle of the nineteenth century much of this architectural form had become quite abstract, but earlier pieces more precisely mimic their architectural origins. The connection between the form of some Dutch *Rimmonim* and specific towers in Amsterdam and Rotterdam has already been studied and documented. In my own collection, I have a pair of German *Rimmonim* whose form is copied directly from the tower of the seventeenth century municipality building in the city of Emden (Figures 3 and 4). There is a second pair with this very same design, and both pairs were crafted in the area of Emden. So, in eager anticipation

of identifying the source of these filigree towers, I departed for Russia and the Ukraine in 1991. I was travelling with a small delegation from the Centre for Jewish Art at the Hebrew University in Jerusalem. We were conducting a preliminary survey of surviving Jewish art monuments.

As I travelled from the Crimea to Galicia, I noted many towers with one or another feature that resembled some aspect of this group of filigree spice towers. Galicia has numerous buildings with towers and a great many of them are baroque in style. But until I arrived in the city of Lvov, nothing struck me as the direct source of any of the models in this group. Then, walking in the center of the city, I saw a tower through the many utility lines on the horizon that left me breathless (Figure 5). I felt my quest had been rewarded.

The lofty building was the main tower rising from the extensive structure of the Bernardine Monastery. This complex was completed between 1613 and 1621. With great excitement I sought out a friend of mine in Lvov, Sergej Kravstov, an architect and architecture historian working for the Monuments Conservation Office of the Ukraine. I showed him a picture of my spice tower and we talked about its striking resemblance to the Bernardine Monastery tower.

He cautioned me to withhold my judgment until the next day when he promised to show me something else. As the city came to life the next morning, he met me and took me to the City Historical Museum. In the central room was the model of a building, shown in Figure 6. The similarity of its tower to both that of the Bernardine Monastery, Figure 7, and to the larger of my filigree *Besomim* towers, Figure 1, was extraordinary.

The model was a reconstruction of the renowned town hall that had been built in medieval times and served the city of Lvov for several hundred years. It was modified numerous times during its lengthy usage, and by 1600 was no longer in harmony with the baroque shapes of the seventeenth century. The mayor at the time, one Marcin Kampian, disassembled the rectangular tower that rose to a height of some four stories and commissioned the building of a grand new 58-metre tower. The octagonal addition was finished in 1619, at approximately the same time the tower at the Bernardine Monastery was completed. The monastery tower is also an octagonal structure on a tall rectangular base. The monastery still stands, but the town hall and its tower collapsed in 1826. What remains today are engravings of the building, such as seen in Figure 8, and the large model in the City Historical Museum.

At the top of both towers sits another smaller eight-sided tier covered by a domed roof, out of which rises a colonnaded belfry topped by a small roof and onion-shaped dome. The town hall tower was further crowned by a pole carrying a large metal flag in the shape of a lion, the heraldic symbol of the city of Lvov, at whose pinnacle sat a large metal representation of an eagle, the symbol of Poland. The similarity between these two Lvov towers was very strong. I saw no other towers like them in my five weeks of travel. No other towers closely resembled the form of these two structures and my *Besomim* tower. My subsequent search in books dealing with the architectural monuments of the Ukraine turned up no other towers that could have served as the inspiration for

the Besomim container. As my friend Sergej explained, both the Lvov towers had been planned by the same architect: Andreas Bemer.

Bemer was born in Breslau, in Silesia, and arrived in Lvov sometime toward the end of the sixteenth century. He was both a sculptor and an architect. Several of his creations adorn the exteriors and interiors of a number of churches and buildings in the area – statues and entire altars he had been commissioned to design and carve. For some unknown reason, he is recorded in the builder's guild book of Lvov with the nickname *Nierychly*, 'the slow'.

The spice tower is not an exact duplicate of the city structures. Spice containers, including the tower forms, generally utilise non-architectural bases like those seen on cups and goblets. The same sorts of bases were often used on Christian Church silver that also culminated in an architectural form. These filigree form bases take the place of the rectangular bases of the actual towers.

Above this base on the spice tower rises a hexagonal section, the equivalent of the main octagonal tier of the Lvov structures. This is topped on the spice tower by another narrower filigree hexagonal section corresponding to the narrower, but shorter, eight-sided tier on the Bemer towers. Above this upper tier, a baroque roof in both the real towers and the spice tower gives rise to a colonnaded belfry. On top of that belfry on the spice tower is a smaller colonnaded lantern and dome that is equivalent to the onion dome of the actual buildings.

A silversmith seeking an architectural form after which to model an object might naturally choose one of the main buildings in his city. The use of a town hall as a model is not unknown. I have already mentioned the direct relationship between the municipal building in Emden and two pairs of *Rimmonim* shown in Figures 3 and 4. In both Emden and Lvov, the silversmiths did not slavishly copy the towers, but rather used them as sources of inspiration. The choice of such a government building might also have been influenced by a desire to show loyalty to the local ruling power.

The foregoing discussion explains the architectural origin of the filigree spice tower illustrated in Figure 1. Since we know that there were many Jewish silversmiths in Lvov and the surrounding area, it is reasonable to conclude that such towers were made in Lvov. But what about the narrower, four-sided tower in Figure 2?

First, from a technical standpoint, an identical filigree technique was used on both towers in Figures 1 and 2. The design of the filigree elements from which objects were crafted varied from country to country and sometimes from city to city. The few filigree spice towers bearing tax marks are stamped with the city identification of Lvov, and are all made with this same filigree design. If the larger type was made in Lvov, it is highly likely that the same silversmiths in the area who made the tower in Figure 1 also made the smaller tower in Figure 2, using exactly the same filigree elements.

Second, the spice tower illustrated in Figure 2 is topped by a lion-shaped flag. Many people have often wondered what this flag represents. A large lion-shaped flag hangs on the wall (Figure 9) in the Lvov City Historical Museum,

next to the model of the old town hall. This is the actual flag that graced the top of the town hall tower by Bemer, and can be seen in both the illustration of the reconstructed model and the etching (Figures 6 and 7). It was recovered from the ruins of the collapse of the tower in 1826. It is known that metal flags in the shape of deer or lions flew from some buildings in Galicia; almost none remain today. Their use on the filigree spice towers simply reflects an actual feature of buildings at the time when many of these *Besomim* towers were created. The lion and the deer are popular symbols in Jewish art. Thus, while the Jewish user may have been adding some symbolic meaning to the flags, the origin of its use is architectural and heraldic, not religious. The convention of such a flag on the smaller spice tower points to a probable Galician origin as well, most likely Lvov.

Third, the baroque upper tier with its the colonnaded belfry combined with the filigree technique is not identified with the production of spice containers from any other region than Galicia. This architectural convention crafted in this filigree technique is a rather unique feature shared by almost all the filigree towers of this group.

Fourth, the use of the ball and claw feet or other types of animal feet links these two spice tower forms and helps place their origin in Galicia and Lvov. Almost all filigree towers of this group share the feature of such feet.

While dating is beyond the scope of this article, some words on the subject are in order. In this general group of *Besomim*, the earliest dated filigree spice tower I have seen is 1713, recorded on the flag. The top of this early tower is different from that of the towers dealt with here, but it too is related to an architectural tower type of the time. There are perhaps half a dozen recorded examples of this early spice tower form and they are all crafted from the same filigree elements as my two towers. As mentioned earlier, a few towers of the subject group bear tax marks that could have been applied as late as 1824. This, I think, gives the correct approximate hundred years (1713-1824) during which existing spice towers of this type were produced.

The century-long period that began with the Chmielnitzki pogroms in 1648 and continued with the Russian and Swedish invasions of Polish territory was one of general lawlessness and destruction. The devastation was so great that almost no Jewish ritual art in metal before 1750 survived. Hence, we can assume that almost all the existing spice towers that are undated were created after 1750, with a few, albeit important, exceptions. It seems reasonable then to date this family of filigree spice towers to the latter part of the eighteenth and the first part of the nineteenth century.

In the final analysis, Andreas Bemer, 'the slow', dead for almost four hundred years, proves to be the Silesian architect, transplanted to Lvov, who indirectly conceived the plans for a very popular type of Havdalah spice tower – one of the grandest and most prestigious of the genre. Bemer communicates these plans to us through an existing Christian Monastery tower and the reconstructed model of a town hall destroyed almost two centuries ago. Because of the technical and design similarities between the large hexagonal form of this filigree spice tower

and other *Besomim* towers of the type, he has enabled us to establish the origin – Galicia and Lvov – for what is probably the largest identifiable group of *Besamim* towers in collections today.

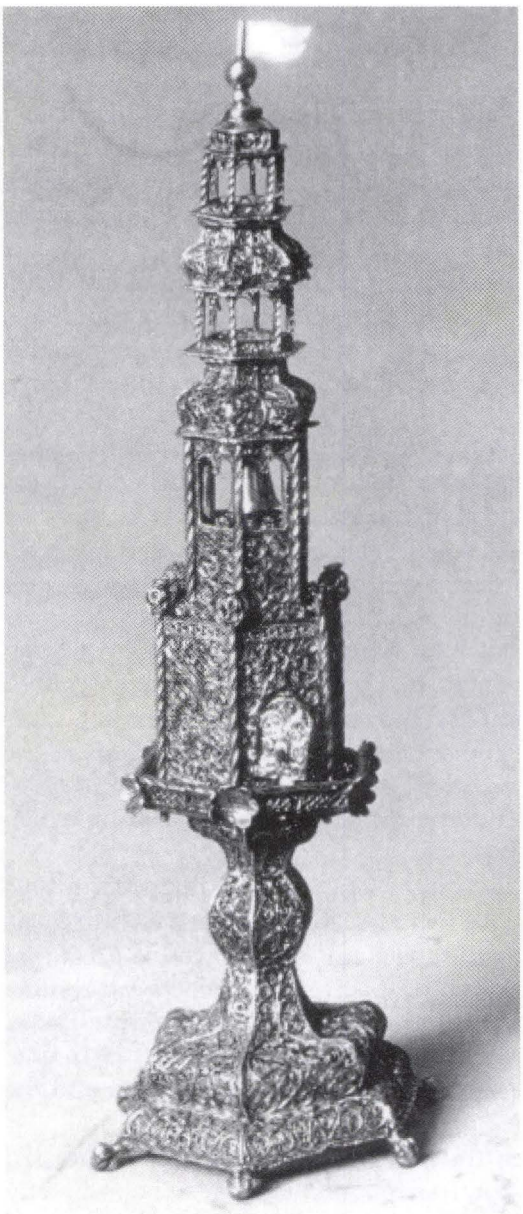


Figure 1

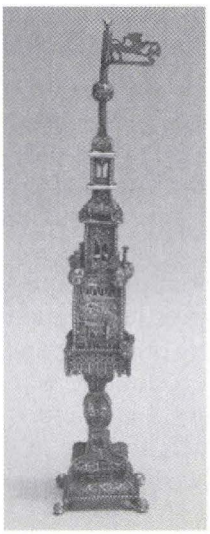


Figure 2

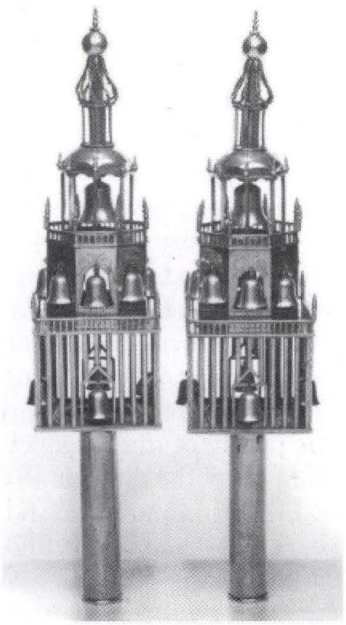


Figure 3

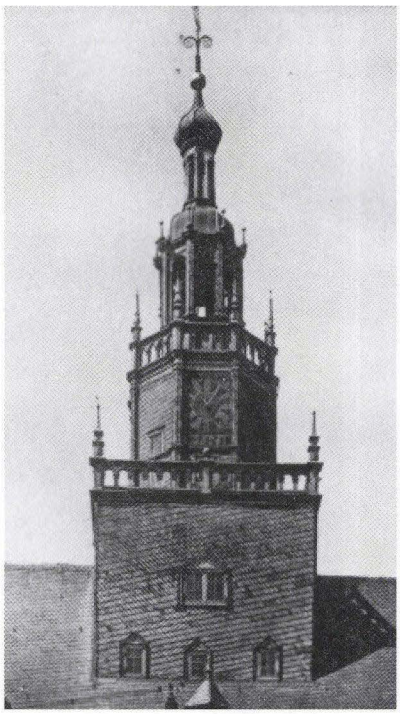


Figure 4

Figure 5

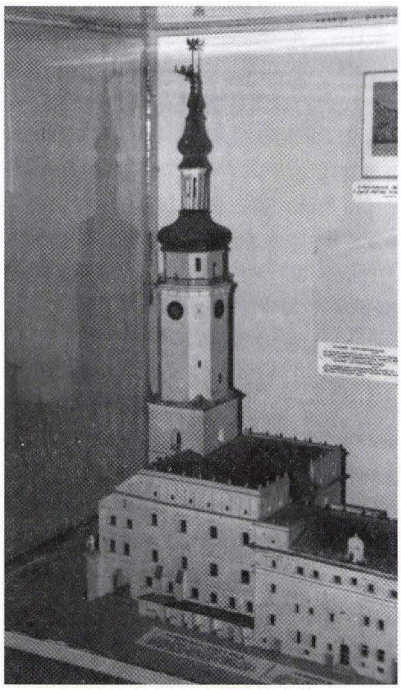


Figure 6

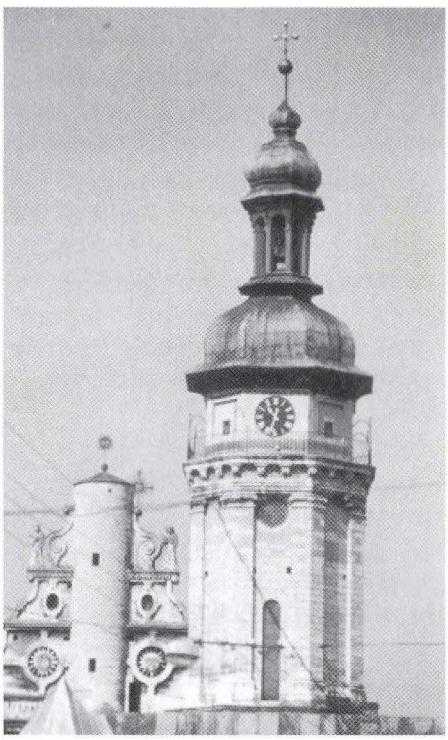


Figure 7

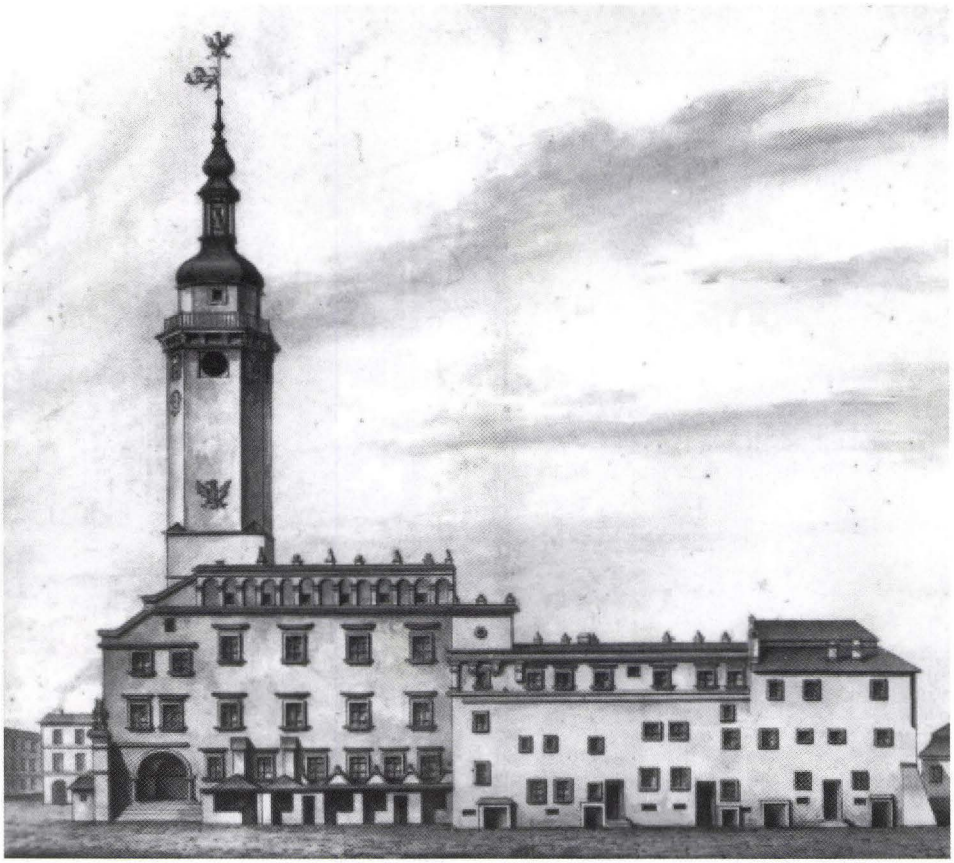


Figure 8

Figure 9

The remarkable story of Jacob Schiff and the Emperor of Japan

Sylvia Axelrod Herskowitz

Introduction

I first met the late Rabbi Ronald Lubofsky in the late 1970s, on one of his regular trips to the States. A few years before, I had begun working at the Yeshiva University Museum in upper Manhattan, on the University's Main campus. It was not a convenient site for visitors to New York, but as the nation's centre of Orthodox rabbinic scholarship it attracted rabbis, academics, and, of course, Judaica lovers, all of whom braved the New York subway system and made their way uptown. I recall that I was sitting at my desk when a tall handsome gentleman walked in and introduced himself, a Rabbi and Judaica collector from Australia, no less. It was the beginning of a delightful friendship.

That season, we were engrossed in organising a massive comprehensive Purim exhibition, for which we had been awarded generous funding from the prestigious New York Council for the Humanities, our first such grant award. Consequently, we were seeking all sorts of artefacts: *Megillot*, of course, *halachic* texts, *graggers*, costumes, masks, parodies, posters, invitations and broadsides – in short, anything and everything dealing with the Purim holiday, including sets of culturally diverse *hamentashen* specially baked and treated to withstand long months in a museum vitrine. When Rabbi Ron heard our plans, he immediately told me about a *Megillah* in his collection that had belonged to the Molho family of Italy and Turkey, which he offered to lend us. I accepted, and the piece arrived in due course from Melbourne.

Over the next fifteen years, the Rabbi visited us fairly regularly, often bringing his wife Shirley and their travelling companions, for NewYork was often their first stop on an ambitious vacation trip that often included Europe and Israel. A

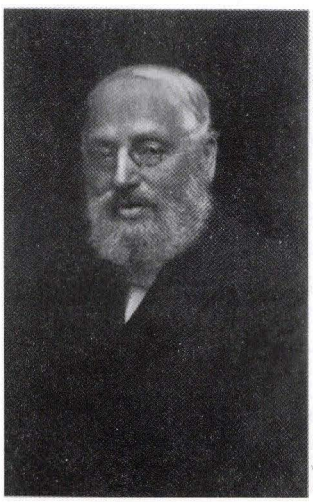
few years later, in one of those amazing coincidences that seem to occur especially to Jews, I found out that my newlywed children, Elliot and his bride Marlene, who lived in Manhattan, had become good friends with the Rabbi's newlyweds, Stephen and Yael, without either side knowing of their parents' friendship.

Then, in 1995, my husband and I decided to visit Australia, a trip we had wanted to take for a long time. I called the Lubofskys, only to find out that they had planned a much-needed vacation for the week we were to be in Melbourne. As it happened two things intervened – one good, one awful. The early birth of a grandson to the Lubofskys meant that they were returning home early for a *Shabbat* Brit, and the tragic assassination of Israel's Prime Minister Yitzhak Rabin had suddenly plunged the entire Jewish world into mourning. We were in Port Douglas when we heard the shocking news, and we arrived in Melbourne just in time to attend the official Memorial service in the Melbourne Hebrew Congregation, which Rabbi Ron invited us to as his guests.

The rest of our stay in Melbourne was an absolute delight, in contrast to our arrival. The Lubofskys invited us to the Brit and we had the chance to meet the rest of their extended family and to see their beautiful new home with its exquisite treasures. In fact, those days are my last best memories of the Rabbi. As he took us on a tour of his library and his Judaica, his enthusiasm and erudition wove a spell around us that I have never forgotten.

So, when I was asked to participate in this publication to honour Rabbi Ron's memory, that last tour that he gave us was the first thing that came into my mind. As I thought about the form my essay would take, I mentally searched for the kind of Judaica that he was most passionate about – an artifact with a remarkable story that encompasses world history, Jewish history and Jewish art. Although the whereabouts of the artifact I chose are now unknown, its tale is totally Lubofskian in character – I am confident that it would have made a fitting addition to the Rabbi's extraordinary collection.

* * *



The rise of Jacob Schiff

In August 1865, an eighteen-year-old German Jewish immigrant from Frankfurt am Main arrived in New York with $500 and letters of recommendation from several important German Jewish commercial firms. His name was Jacob Henry Schiff, and he was the son of one of the most prominent and wealthiest families in Frankfurt. His family could trace their roots in the city back to the fourteenth century, and his ancestors included the seventeenth century

Jacob Schiff. Photograph courtesy of American Jewish Historical Society, Waltham, Massachusetts and New York, New York.

Talmudic scholar Meir ben Jacob Schiff, known as the *Maharam,* and the eighteenth century *Dayan* David Tevele Schiff, Rabbi of the Great Synagogue in London. Although Jacob's father was initially opposed to his son's emigration because he was afraid he would not be able 'to live an Orthodox Jewish life in the New World', he finally consented.

Young Schiff arrived in America at a highly opportune time. The prosperous economic environment following the Civil War (1861-65) was making New York a major industrial city. As the centre of America's foreign trade, it was also the hub of the nation's credit and banking system, in which earlier German Jewish émigrés had already established a significant presence. Five years after his arrival, Schiff was naturalised and, not long after, he joined the New York Chamber of Commerce. For a short time, he went back to Germany to accept an attractive offer from the Warburg banking firm in Hamburg, but, after his father's death, he met Abraham Kuhn who offered him a partnership in the New York firm Kuhn, Loeb and introduced him to his daughter Therese. In 1875, Jacob and Therese were married and Schiff went on to become a high-ranking member of the American Jewish elite – one of the German Jewish financiers whose closely tied banking houses were able to achieve stellar prominence in the rapidly growing American economy. By the end of the century, the firm of Kuhn, Loeb was second only to the House of Morgan.

As a powerful and respected American Jewish leader, Schiff became an important participant in the affairs of American and world Jewry. He was propelled into the centre of American Jewish philanthropic activities, which had greatly expanded in the last quarter of the nineteenth century to accommodate the ever-increasing numbers of new Jewish immigrants. As the number of Jewish social service agencies grew, the prominent largely German Jewish power elite became their patrons and sponsors. Schiff became a major supporter of the newly established Mount Sinai Hospital, the Hebrew Benevolent and Orphan Asylum, the United Hebrew Charities, the YMHA, and the Hebrew Free School Association. Like his fellow German compatriots, Schiff believed that philanthropy was a 'requisite component of communal leadership', and he took that credo very seriously. His Orthodox upbringing had instilled in him the responsibility for giving *Tzedakah,* charity, and he was lauded, in 1903, for living up to the Biblical concept of tithing – his annual contribution that year to both Jewish and non-Jewish causes exceeded $100,000. By the onset of the twentieth century, Schiff had taken his place alongside leaders like the Rothschilds of London, and Baron Maurice de Hirsch of Germany, men whose influence was international in scope. Like them, he became a spokesman for world Jewry, defending the rights of Jews wherever they were oppressed.

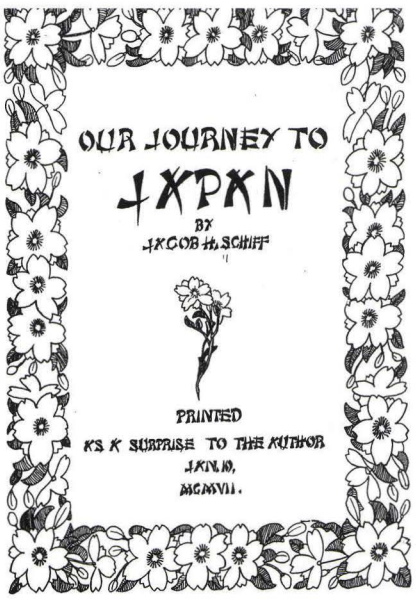
Schiff was a bold and aggressive businessman, with a keen interest in distant economic opportunities, especially the Far East. The emergence of Japan following its victory over China in 1895, made it a strategic and economic magnet which attracted foreign capital. Schiff was particularly interested in Japan because it was at war with Russia (1904-05). The virulent anti-Semitic policies of the Czarist regime and the pogroms in Kishinev in 1903 had focused world Jewry's

attention on the plight of thousands of hapless Russian Jews. Schiff's decision to support Japan in its military campaign meant that he used his considerable influence with English bankers to underwrite war loans to Japan. Five loans totaling over $196 million were negotiated in all, and Schiff personally countersigned tens of thousands of Japanese bonds which sold rapidly in the United States. Without the help of Schiff and his firm, Kuhn, Loeb, Japan would not have been able to defeat Russia. This was a major achievement for Schiff and his business associates. It garnered him great international acclaim, and the firm of Kuhn, Loeb became the primary manager of American accounts held by Japan.

After the war, Schiff was invited to visit Japan and to be honoured by the Emperor with the Order of the Rising Sun. He asked his son Mortimer's in-laws, Mr and Mrs Siegmund Neustadt, to make the trip with him. To commemorate the occasion, Schiff commissioned a very special gift for Mrs Neustadt from his favourite silversmith in Frankfurt, the firm of Lazarus Posen.

The Jewish community of Frankfurt am Main was the center of the Modern Orthodox Movement, which was initiated by Rabbi Samson Raphael Hirsch in 1851. Rabbi Hirsch, who had been rabbinically ordained by Rabbi Jacob Ettlinger, had attended the University of Bonn. There, he came into contact with young Jewish intellectuals who were plagued by religious doubts, and Hirsch realised that Orthodox Judaism had to be presented in a new way that would speak to modern Jewish men and women who were products of the Enlightenment.

As part of a new Orthodox aesthetic, Rabbi Hirsch welcomed the creation of 'modern' Judaica which would reflect Hirsch's dictum: *Torah im Derech Eretz*. In Rabbi Hirsch's religious philosophy, Orthodoxy does not exclude art, it welcomes fine design and attention to ceremonial function. Lazarus Posen was the first Jewish silver manufacturer to incorporate Hirschian principles into his work. His uncle was the personal rabbi of Baron Wilhelm von Rothschild, who not only supported Hirsch, but helped establish the new firm. Posen's clientele were not just the Orthodox Jews; the firm also manufactured Judaica for the liberal synagogue in Frankfurt. It was so well regarded that, in 1900, it was asked to take part in the creation of a new municipal silver treasury for the city of Frankfurt since the old one had been melted down at the request of Napoleon's generals.



Our Journey to Japan: Printed as a Surprise to the Author. Title page.

It was Schiff's custom to commission silver from Posen for various occasions. The gift he ordered for his son's mother-

in-law was a silver diary cover so that Mrs Neustadt could keep a daily record of their momentous trip. The cover was silver, partly gilded, and inlaid with moss agates. It depicted the steamship, the *SS Manchuria*, on which the Schiffs and their party would be travelling, and also featured a rising sun signifying Japan, as well as the initials of Mrs Neustadt. But the predominant decorative image was a very large rendering of two gilded chrysanthemums – the royal flower of Japan. What Posen did not know was that in Japan, the chrysanthemum was a sacred Imperial symbol, reserved exclusively for use by the Imperial family. When Jacob Schiff learned this, the diary was not taken on the trip to avoid offending the Emperor.

A book was later privately printed by The New York Co-operative Society in 1907 as a surprise for Jacob Schiff. It was the personal diary of his trip to Japan, recounting in great detail the impressive reception Schiff and his party were accorded during their two-month visit. The highlight of their stay was the presentation of the Order of the Rising Sun to Schiff by the Emperor, and numerous private receptions and dinners were given in their honour by leading members of the Japanese nobility. They were taken to see the most impressive cities and sights; Schiff even records that he had to miss an exhibition because he had to go to the dentist! The last day of their trip, 14 May 1906, Schiff hosted a farewell dinner at the Imperial Hotel in Tokyo, to which seventy-two guests were invited. In his address, at the close of the dinner, Schiff proposed a toast:

> We came as strangers, but you received us with open arms and soon we were strangers no longer. I know you desired to show your appreciation of the service it was my good fortune to be able to render your country at a time when it needed friends. But now that this account has been so liberally balanced by you, may I not express the hope, if we should come again, or if it should be our still greater privilege to welcome any of you in our own homes, that no other motive will then be needed for our hearts to open to each other than friend meets friend! By no word in our own language can I so adequately express what I, and with me, no doubt, Mrs Schiff and our friends, would wish to say in this parting hour than by your own 'Sayanora' – 'if it must be'. And now I lift my glass to your health and to your happiness and to the prosperity of your country – Sayanora![1]

Silver Diary Cover. Posen Silversmiths, Frankfurt am Main, 1905. From the Yeshiva University Museum exhibition – Ashkenaz: The German Jewish Heritage, 1986-88. Schiff commissioned this diary cover for Mrs Neustadt to commemorate their trip to Japan. The bottom of the cover depicts two scenes. The lower left shows the Cliff House, a famous San Francisco coastal landmark which was destroyed in a fire just one year after Schiff's trip. This image refers to their departure from America, as Schiff and his companions set sail from San Francisco. The scene at the lower right shows a cityscape, possibly of Yokohama, which may be a depiction of their point of arrival in Japan.

The right path for an artist: The approach of a seventeenth century Venetian rabbi (Leone da Modena) to visual art

Shalom Sabar

A. Introduction: *Halachah* and art in Jewish thought

The development of the visual arts within Judaism was influenced mainly by the tension between the exegesis of the Second Commandment (Exodus 20:4-5, Deuteronomy 5:8-9) and the approach of the general society to visual culture.[1] This can be illustrated clearly by the dramatic changes that occurred in the art of the synagogue in Eretz Israel during the transition from the late Roman rule and the Byzantine period to the Moslem period. Under the strong influence of Roman culture and subsequently the Christian – both of which supported and even encouraged the visual arts, including figurative, within their places of worship – Talmudic rabbis allowed, albeit not encouraged, the adornment and decoration of synagogues with colourful mosaic floors and a variety of images drawn directly from general art.[2] However, following the Moslem conquest and the introduction of new and stricter guidelines as to the place of art in religious life,[3] Jewish attitudes became stricter accordingly. From this period onwards Jews stopped adorning their synagogues as their ancestors did during the Roman and Christian eras. Moreover, those buildings that had been decorated during the Byzantine era by Jews who deemed them fitting were stripped by their descendants who continued to use them during the early Moslem period.[4] A striking example is the mosaic floor in the synagogue of Na'aran near Jericho, which was decorated according to the finest tradition of the sixth century with Jewish symbols: a Biblical story ('Daniel in the Lions' Den'), the zodiac, in the centre of which was featured the pagan sun-god Helios, riding in a chariot with four horses (Fig. 1).[5] It appears that the Jewish zealots who prayed in this synagogue during the Moslem era destroyed all the forbidden images in the

synagogue but did not touch the holy Hebrew writing.[6]

This introduction aims only to demonstrate how much Jewish art is a matter of local geography and history – and indeed in this there is not much difference between Eretz Israel in Talmudic period and the different Jewish communities in the Diaspora in later times. Hebrew manuscripts produced in Germany in the thirteenth and fourteenth centuries did not contain full human figures, and instead women and men appear with heads of animals,[7] but in the following centuries this problem does not arise. The differences between the periods cannot, however, be categorised as using diverse selections of motives or emphasising distinctly different subjects; they are much more fundamental. From the point of view of style and even iconography there is much more that differentiates than unites, for instance, between the art of Yemenite Jews and that of German Jewry in any given period, and within Germany itself, between the Middle Ages and the eighteenth century.[8]

B. Art in the eyes of the Veneto rabbis during the Renaissance

During the Renaissance and the Baroque periods Italian artists attained high achievements in all areas of visual art. The 'Rebirth' and the accompanying upsurge of creativity left an impression on Jewish neighbourhoods in Italy.[9] The case of Italian Jews is fascinating not only because of the immense wealth of the findings, their high level of decoration and their relative sophistication, but also due to the daring shown by the artists and their patrons, a daring unparalleled in traditional Jewish art of European communities. Indeed, the attractive Jewish

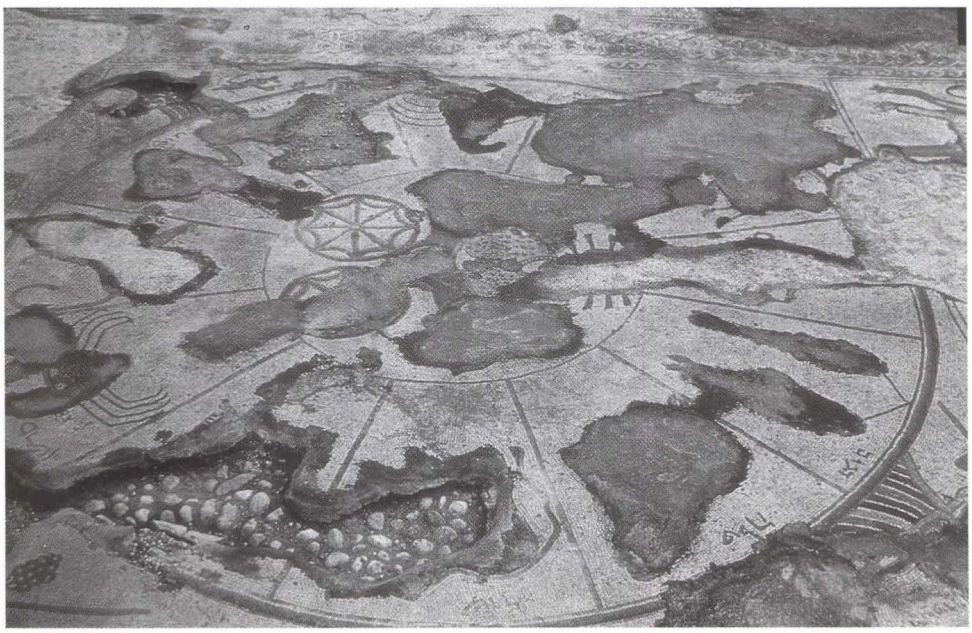


Figure 1. Zodiac Cycle with Helios. Synagogue floor mosaic, Na'aran, Israel, sixth century.

art objects and manuscripts of Italy attracted scholarly attention, but not so the rabbis' attitudes to this phenomenon. This article purports to examine the approach of one of the greatest Italian rabbis in the transitional period, between the Renaissance and the Baroque, Rabbi Leone (Judah Aryeh) Modena (1571-1648). Rabbi Modena, as we will see further on, not only reacted to the visual culture of his time, but was also directly involved in the artistic pursuits of his community.

In order to understand Modena's unique approach, and the changes that occurred during his time in the visual culture of the Jews of Italy, it is incumbent upon us to deal briefly with the attitudes of preceding rabbis of the Veneto, where our protagonist lived and was active during most of his life. The attitude of the Veneto rabbis to images in the Jewish realm was complex. In the main they tried to present a traditional stance, which did not always reflect reality. Though most of the artistic findings that survived from the era before Modena are illuminated manuscripts, we will not deal with these here, but rather with two instances relating to a decorated *Parochet* (Torah ark curtain) and to paintings in the synagogue, each of which presents different *Halachic* questions.

The first instance deals with an event that occurred within the Ashkenazi community in Padua at the beginning of the sixteenth century. Following are the words of the Maharam of Padua, Rabbi Meir Katzenellenbogen (1473-1565):

> And now let me tell you what happened here in Padua in the time of the Elder, 'Light of the Diaspora' our Rabbi Judah Minz [died in the year 1509]. I believe that at that time there resided in your town, Candia [Crete] Rabbi Judah Del [Medigo?]. He was then a student

Figure 1.1. Detail of Zodiac mosaic showing destroyed images. Na'aran.

> sitting at the feet of his teacher and he saw everything that occurred. There lived in the town a wealthy and powerful man, named Herz Wertheim, who was well known in town,[10] and who was always at odds with our renowned Rabbi, Judah Minz and his son, my father-in-law, Rabbi Abraham Minz [died 1525]. He [Wertheim] commissioned a beautiful *Parochet*, adorned with pearls and embroidered with the figure of a deer, which was his [family] *arme* [coat-of-arms], and the image protruded because of the pearls, and which he intended to hang in the synagogue during the festivals. The Elder [Rabbi Minz] protested against this, and he [Wertheim] because of his great wealth and power was not afraid to have a fight with the Rabbi. Being so wealthy, he found rabbis who assisted him by finding proof from the Talmud to allow him to go ahead and hang the curtain in the synagogue. The Elder left the synagogue in anger and much infighting was caused by this.[11]

The Maharam of Padua, who was married to the granddaughter of Minz, followed in his rabbi's footsteps and asked the people of Crete 'not to do this evil thing, and if they did not listen, I will regard this as lawlessness, and I will ensure that my fellow rabbis hear about this.'[12] He also dealt harshly with the descendants of Wertheim who continued to use the beautiful curtain. The Maharam ended his story by relating that Wertheim's heirs agreed to cover the family insignia with paper, so that the curtain could be used in the synagogue. He praised them regarding this saying, 'Blessed are they and blessed is their judgment'.[13]

Several *Halachic* reasons were behind the firm opposition of Rabbi Judah Minz, and subsequently of the Maharam of Padua, to Wertheim's action. Maimonides had already formulated well the basic difference, in his view, between a 'sunken image' and a 'protruding image'.[14] The term 'sunken image' includes, among others, paintings with colours that are 'immersed' in the canvas or the wall, while a 'protruding image' is moulding in stucco or three-dimensional sculpturing. In principle the protruding images are forbidden, but when dealing with making designs for adornment one has to differentiate, according to Maimonides, between the human figure and that of the fauna and flora. 'Figures of animals and other living things, except humans, and figures of trees, plants, etc. may be made, even if the figures are in relief [lit. 'protruded image'].'[15] One can assume, therefore, that Rabbi Minz chose to be strict, based upon the notion that in the above case the protruded image was not for adornment. And indeed the argument that it is forbidden to pray in the synagogue in front of any pictures whatsoever, is mentioned several times by rabbis in the Middle Ages, including in reference to the above-mentioned case.[16]

However, aside from the *Halachic* arguments in favour of one view or another, and the strained power play between the elder rabbi and the wealthy leader, there are in this story testimonies to several trends developing in the world of art of Italian Jewry during the Renaissance. One needs to take into account also the Ashkenazi background of the characters. In this era of adapting to a new world of culture, Ashkenazi Jews in Venice were faced with new problems, the

Figure 2. Montefiore Torah Ark Curtain. Pesaro, 1620.
Jerusalem, Nahon Museum of Italian Judaica.

solutions to which did not always match the views of such stringent rabbis as Rabbi Minz and his circle.[17] The above-mentioned incident of using a family insignia on the ark curtain is an example to this dilemma. In spite of the attempt by a contemporary learned Jew to demonstrate that the source for coat of arms is in the Bible, it is evident that this practice reflects the influence of the Christian society (as is seen even in the terminology used by the Jews of the time).[18] Furthermore, many of the models depicted in family emblems – and frequently they do indeed depict animals – are drawn usually from the heraldic world of the environment.[19] It is also evident that family insignias were more prevalent among the *Italiani* (Jews of Italian origin) than among the *Tedeschi* (immigrants from Germany).[20] To sum up, Wertheim decided to adopt this norm, but Minz and his followers strove to curb this tendency because of *Halachic* reasons, but it may also be because, unlike the Sephardi Ibn Yahya, they saw this as the negative influence of Christian society of the time.[21]

Another incident that emphasises the gap between the reality of the times and the position of the Veneto rabbis, and this time in Venice itself, occurred in the generation before Modena or during his youth. R Samuel Archivolti (around 1530-1611), also of Padua in the Veneto, was asked about the propriety of wall paintings in the synagogue.[22] These paintings were simple floral ornamentation, 'grass and trees and flower stalks'. Archivolti attested to the prevalence of this type of ornamentation in the Veneto area: ' ... which we have seen in Venice where the Ashkenazim painted their synagogues and the rabbis did not prevent them.'

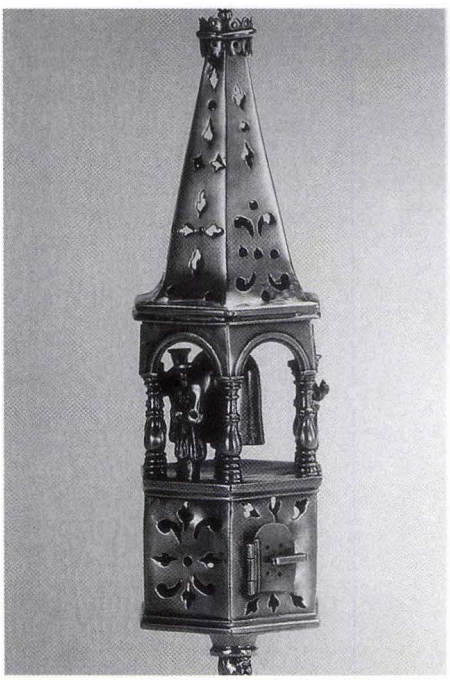


Figure 3. Silver Spice Box. Danzig, mid-seventeenth century.
Formerly: The Furman Family Collection, Santiago.

Evidence of paintings of plants and trees in Ashkenazi synagogues can be found in writings several centuries before Archivolti. For example, R Isaac ben Moses of Vienna (app. 1180-1250) asserted that when he was a boy 'they were painting birds and trees in the synagogue of Meissen'.[23] Moreover, R Eliakim son of R Joseph of Mainz, attested that on the north wall of the synagogue in Cologne, during the twelve century, they even 'painted on the windows figures of lions and snakes'.[24] The Ashkenazi rabbis of those times were not pleased with both these incidents. But whereas R Eliakim cited *Halachic* reasons against figures of animals, R Isaac grounded his argument on the basis that 'he will not be able to concentrate [in his prayer] properly when he looks at the trees on the wall'.[25]

As mentioned above the accepted *Halachic* sources did not rule out designs from the world of flora. Archivolti cited Maimonides, who himself did not reject wall paintings of this kind, even though he lived in an Islamic environment that was more stringent than the Christian approach to art.

Rabbi Joseph Caro, the greatest *Halachic* authority of Archivolti's time, allowed even the use of human figures in the synagogue, although this was contrary to his decisions in other related matters:

> Question: I was asked whether it is permitted to make a Torah ark curtain from a piece of silk, which is embroidered with varied images, among them figures of birds. Since there were some who were uncertain saying that when the congregation prays and bows in the direction of the holy ark, it would look like, heaven-forbid, they were bowing to these figures. Response: It appears to me that this is definitely permissible, and with no room for doubt, even had there been in it a human figure it would be permissible ... It therefore appears to me permissible to use this ark curtain like any other ark curtain since we have proved that there is no fear of breaking any prohibitions concerning images, therefore it is permissible and correct to place it in the synagogue ...[26]

However, even though the stringent *Halachic* authorities were lenient as to designs from the world of flora, and even though the rabbis of Venice prior to his time allowed this, Archivolti ruled to forbid it. In the absence of specific *Halachic* sources, Archivolti used the example of what was happening within Jewish communities in Islamic countries: 'and especially in all eastern countries where it was not customary to paint [pictures in] synagogues'.[27] Archivolti further based his ruling on two historical sources, as befitting a rabbi of the Renaissance:

> And it was found in the book of *Yosippon* that one of the kings of the Second Temple era put his insignia, in the shape of a golden eagle, on the outside entrance to the Temple, and the Pharisees threw it to the ground, insulting the king, and a synagogue is a replacement of the Temple ... and who knows whether Apion the Greek did not use just such an adornment in the synagogue to bring disfavour to us saying that Jews worship the figure of a donkey ...[28]

Finally, Archivolti ended his discussion with an interesting argument:

> Forbidding the use of paintings in the synagogue is one of those things that had it not been written, should have been written. For why should we not be apprehensive about the honour of our G-d, and why should our synagogues be like inns where guests drink out of wine goblets in painted rooms? And why should our synagogues be like comedy theatres? And why should the nations say that we worship the grass of the field and the plants of the earth and other representations? This will bring shame on us.[29]

We should not conclude from the above that Archivolti was not conversant with the art world of his time. In one of his poems he described, with enthusiasm and wonder, the extraordinary talent of the Italian artist, Francesco Apollodoro. He praised his painting of portraits and the everlasting value of his art.[30] But indeed in the two instances discussed above, that of Rabbi Minz and his disciples and that of Rabbi Archivolti, these rabbis chose to be stringent in their rulings, in spite of the fact that it was possible to find the *Halachic* reasoning to be lenient. Here we can see clearly that the stringent *Halachic* ruling is preferred to the need of the rabbinic world to adapt itself to the frame of mind of their congregants and their wish to be integrated in the world of visual culture of their time.

C. Rabbi Modena and visual art

Rabbi Modena grew up in this atmosphere. However, the cultural and artistic world of Italian Jewry at that time was undergoing fundamental change.[31] During this period the demand increased for Jewish *objets de art*, both for public use in synagogues as well as for private use in the home, to celebrate life cycle events and the festivals. It is obvious that the largest number of magnificent ceremonial artifacts from Italy was produced during the seventeenth and eighteenth centuries.[32] This cannot be said about the era before Modena, from which far fewer objects survived. Moreover, the same is true for the era that followed the 'Ghetto period'. Indeed during the nineteenth century, the number of Judaica objects is much smaller, and their quality is inferior – both with respect to the money and the artistic efforts invested in them.[33] Furthermore, whereas many of the illuminators of Hebrew manuscripts during the Renaissance period were Christian,[34] the folk artists engaged in this craft during the Baroque period were on the whole Jews living in the ghettos. These craftsmen produced mainly Passover *Haggadot*, Esther scrolls and *Ketubbot* (marriage contracts).

The most outstanding examples of the decorated Hebrew manuscripts in Baroque Italy are the *Ketubbot*. The most elaborate and important *Ketubbot* were produced approximately between the years 1640 to 1780. With a few exceptions, the artists who adorned these *Ketubbot* were Jewish, and in some instances there were even Jewish workshops in the central ghettos, such as in Venice or Ferrara, that produced *Ketubbot*, Esther scrolls and other illustrated manuscripts. After this period the *Ketubbot* became plainer and plainer, and in some instances the ornate frames of previous generations were recycled.[35] The illustrated *Ketubbot*, being documents that include precise information regarding exact dates and places, the people involved and their financial status, personal details appearing

in the special *tena'im* ('conditions') section, the rabbis signing as witnesses, names of notaries, translators and others, include detailed material that can assist in constructing a picture of the development of Jewish art in Italy.

The Venetian *Ketubbot* are only one of the artistic categories that illustrate the flourishing of Jewish art that occurred in the Republic's capital during the lifetime of Modena. The ark curtains, embroidered with images and designs, similar and even more 'daring' than those that were the topic of the disputes in the time of Rabbi Minz, were widespread in Venice during the seventeenth century. These ark curtains, embroidered with relief images comprised of varied scenes – such as the Giving of the Law on Mount Sinai, Messianic Jerusalem or illustrations for special Sabbaths in the Jewish year – attest to the great talent and deep knowledge of Jewish sources of the artisans and their advisors.[36] The embroiders indeed were careful not to insert human figures into their work, but without doubt much change occurred in this matter. Furthermore, one of the early ark curtains that survived, even though it was not produced in Venice, puts the discussion on Wertheim's ark curtain in a special light. We refer to the red silk ark curtain known as the 'Montefiore Ark Curtain', which was embroidered with silver and gold threads by Rachel Olivetti in honour of her husband Judah Montefiore, and was donated to the Sephardi Synagogue in Pesaro in the year 1620 (Fig. 2).[37] At the bottom of the curtain we find the Montefiore family insignia – a lion standing on a mound of stones, holding in his paw a blossoming branch.[38] It is possible that this came about because of the families' Sephardi ancestry, much in the same way as the Sephardi immigration to Italy influenced the illumination of the *Ketubbah* (see below) – but be that as it may, it is clear a change had occurred during this period.

Modena lived therefore in this exciting transitional period – between the end of the Renaissance and the formative years of the Baroque period, and this chronology is evident in his writings in the matter of his attitude to visual art. Indeed it appears that Modena did not enter into detailed discussion on the issue of images, as did the Maharam or Archivolti. However, it is possible to learn about the characteristics of the period in general, and his personal approach in particular, from the brief references dispersed in his writings and from his own involvement in some specific projects. Moreover, Modena supported and even encouraged the development of Jewish visual art in the ghetto, which reached its peak during the last years of his life and in the decades after his death. In some instances his support is evident, while in others it is only a speculation, but overall he was careful not to transgress a distinct *Halachic* ruling, according to his understanding and explication of the topic.

In the few instances known to us, where Modena was asked to deal directly and 'formally' with the visual arts of Italian Jewry, he appears indeed to be aware of the problems that may have arisen due to a too lenient explication of the *Halachah* in this matter. This is expressed in the one response Modena wrote, as far as we know, about a three-dimensional object with figures. The prohibition regarding three-dimensional figures appears already in the Babylonian Talmud,[39] and is expressed, as mentioned, in the writings of the Maimonides about

representations in relief. Modena repeated this argument in his response to a question regarding: 'silver spice boxes with human figures in relief [lit. 'protruding'] whether they can be used for blessing and smelling on the termination of the Sabbath for *Havdalah* or not'. Modena decided to forbid it:

> I will not enter now into discussion whether protruding human figures, which are not intended for ceremonial use, can be used even though it is not permitted to make them. But I will say that, in my humble opinion, one should be stringent in this matter and forbid it, as [these figures] are [made for] a vessel that is used for a *Mitzvah* blessing, and when smelling [the spices] they are brought close to the face, which looks like one is kissing the figure. This is somewhat similar to faces carved on fountains for idol worship, from which one should not be drinking water as this would look like kissing the idol. Even if in this case this is not being done with faces of idols as such, nevertheless it looks like kissing the idol while performing the blessing and mentioning G-d's name, and it is indeed proper to forbid it.[40]

The injunction of drinking from a vessel which resembles idol worship is based on the Tosephta.[41] But in my opinion one should understand Modena's opposition on the background of his unfamiliarity with the type of spice box discussed above. Unlike in Italy, indeed spice boxes adorned with human figures were widespread in central Europe, the domain of the interpellator, Abraham Shemaiah from Innsbruck.[42] It is important to note that in general we are not dealing with idols or other forbidden images. On the whole the spice boxes in

Figure 4. Element of 'Water'. Detail from a Ketubbah (Verona, 1695).
New York, Library of the Jewish Theological Seminary of America.

the German lands were adorned with Jewish characters holding in their hands utensils for the Sabbath and holidays or other Jewish symbols such as the Ten Commandments, a *Shofar*, a *Kiddush* cup or *Matza* (Fig. 3).[43] The sculpted form of these characters did not raise objections from the rabbis of Central Europe, maybe because these were used in the home and not for religious worship in the holy enclosure of the synagogue.

It is therefore reasonable to assume that Modena was not speaking about the shape of the spice box, which he was not familiar with, but rather about the Italian fountains typical of his time, called *fontane*. The renowned sculptors of the Baroque period decorated the *fontane* with shapes from Classic mythology related to water, like Neptune, Tritone or Venus.[44] The fountains were placed in the central piazzas of Italian towns, and were a source of influence in contemporary folk art. Italian Jews also used them in their art, although not in relief. For example, such a decorative fountain appears as an allegory for the water element (according to the physics of Aristotles), in a popular decorative frame of a Venetian *Ketubbah* from the seventeenth century (Fig. 4). The fountain shape is usually accompanied by the verse 'and you shall draw water with joy from the fountain of the salvation' (Isaiah 12:3).[45]

The issue of permitting two-dimensional pictures with various themes and at the same time forbidding the use of sculpted shapes, is prominent also in the most important and known passage on the status of art among Italian Jews of his time. In his book on Jewish rituals (*Historia de' Riti hebraici*), in the chapter dealing with 'Rules of the House', Modena writes:

> They [the Jews] do not have [painted] figures, images, or statues in the home and certainly not in the synagogues and in their holy places, as is written in Exodus chapter 20 [verse 4]: 'Thou shalt not make unto thee a graven image nor any manner of likeness' etc., and also in many other places. However, in Italy many [Jews] take the liberty of having portraits and pictures in their houses, especially if they are not in relief nor whole bodies.[46]

It may appear from the above that Modena criticises Italian Jews who allow themselves to go against what is ruled in the sources and do what is not acceptable in other communities, but it is still possible to feel Modena's admiration of the uniqueness of his country in the matter. According to his knowledge, it is only in Italy that the Jews deviated somewhat from the Second Commandment – a deviation that is not against *Halachah*. And indeed, as we will see later, he does not see anything wrong in figurative representations for use in the home as long as they are not three-dimensional.

The first example that indicates Modena's willingness to use images, even those that do not have a distinct Jewish character, can be found in the printing of one of his books. In the year 1600, when Modena was still young, he published in Venice the book *Tzemah Tzaddik*, a Hebrew version of a popular Christian book of morality entitled *Fiore di virtù* ('Flower of Virtue'). Modena 'Judaized' this book by changing the Christian quotations with sayings of the Sages, but he kept many of the small woodcuts accompanying every chapter and even

added some new ones.[47] We are not dealing with graphic decorations as such, rather with figurative images. Indeed the illustration which accompanies chapter 7 has a Jewish source: it depicts Cain slaying Abel (Fig. 5). It is also possible to explain other illustrations as having a Jewish background although their origin is clearly Christian. For example, chapter 2 is illustrated with a theme, widespread in Italian Renaissance painting, namely the martyrdom of Christian saints (Fig. 6).[48] According to Modena's version these martyrs are 'the first *Hassidim* who sacrificed their lives for His holiness in their love for Him', and R Akiva is the first among them.[49] Modena also did not omit topics from the contemporary popular Christian iconography, such as a picture of Satan in chapter 21 (Fig. 7), which does not usually appear in the religious art created by Italian Jewry.[50]

The book includes also nude female figures, taken from pagan mythology. For example, in chapter 17 there is a picture of bare-breasted mermaids (Fig. 8). This theme is not normally found in a rabbinical book, although naked mermaids do appear on a *Hanukkah* lamp, which was created most probably a generation before Modena (Fig. 9).[51] Also, on the back of the title page of Maimonides' *Mishneh Torah*, printed in Venice in the year 1574 one finds an image of a fully naked Venus (Fig. 10). Moreover, the erotic image of Venus is accompanied by an appropriate inscription 'so shall the king desire thy beauty' (Psalms 45:12).[52] This trend became even stronger during the Baroque period, and allegorical, mythological and Biblical images of women, fully or partly nude, are plentiful in the art of Italian Jewry.[53] In the spirit of this trend, *Tzemah Tzaddik* represents the positive attitude to visual art.

Modena's boldness is also expressed in the area of portraiture. It seems that Modena was among the first Jews who wanted to preserve their image for generations to come.[54] On the title page of his aforementioned book *Historia de' riti hebraici* (Venice 1638) there appears the image of the rabbi, surprisingly, bare-headed (Fig. 11).[55] Scholars have based this on his lenient *Halachic* ruling in this matter.[56] Richard Cohen suggests that Modena presented himself bare-headed in order to appease his Christian readers, and that this is 'an additional gesture on the part of Italian Jews to weaken the tension between themselves and their

Figure 5. Cain Slaying Abel. Woodcut in Modena's *Tzemah Tzaddik* (Venice, 1600), chap. 7.

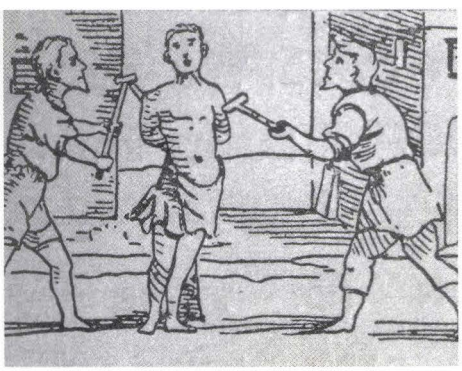


Figure 6. Martyrdom of a Saint (Rabbi Akiva). *Tzemah Tzaddik*, chap. 2.

Christian neighbours'.[57] However, the Jews of Venice had no problem with the injunction against uncovered heads even in books aimed directly at a Jewish audience. On the front page of *Melechet Mahashevet* (Venice 1710) by R Moses Gentili (Hefez), there is a picture of the author without head cover (Fig. 12). Significantly, in a later edition (Königsberg 1853) his head had been covered.[58] It appears, therefore, that during the seventeenth and eighteenth centuries the Jews of Venice were much more open in this matter to the surrounding culture than were their brethren in Königsberg – one of the more important centres of the Haskalah movement at the peak of the Emancipation.

The influence of Renaissance and Baroque culture on Modena in the matter of portraiture was not limited to the *Riti* case. In 'The Life of Judah' Modena noted with much pride that 'Monsieur Ludovico [Louis] Iselin, a Frenchman close to the King ... admired me greatly, and I earned about one hundred ducats from him. He left me his likeness and image, namely, his portrait as a token of his affection.'[59] Modena attested that this caused him to go to a portrait artist Cavalier Tiberio Tinelli (1586-1638) to have his portrait painted, but close to the completion of the painting 'Tinelli died ... and it was lost.'[60] Tinelli, whom Modena describes as a 'skilled and well-known painter', was one of the most important Italian portrait painters of the early seventeenth century.[61] In 'The Life of Judah' Modena mentions another 'square portrait' of his, which he had sent to his son-in-law, David Finzi, in Egypt. This painting did not survive as well.[62]

Unlike what was customary in rabbinic literature of his time, Modena stressed external-physical aspects even in his verbal descriptions. For example, this is how he described his father, R Isaac ben R Mordechai: 'he was of average height, with a strong, slender body ... dark complexion and a short beard'.[63] Another matter which emphasises the difference between Modena and the opinions expressed above, is connected to family coats of arms. Modena described with great pride his own family's coat of arms, and Gedaliah Ibn Yahya is probably the only one who preceded Modena in this.[64] Modena reported that his family emblem contained 'the figure of a leopard standing on its two hind legs with a palm branch (*lulav*) in its paw'.[65] Cecil Roth used this description to draw the probable coat of arms, but as noted by Daniel Carpi, the word 'leopard' (*namer*) was written by the transcriber of the original manuscript of Modena's 'Life' above the word 'lion' (*aryeh*).[66] And indeed a scrutiny of some of the surviving Judaica related to the Modena family proves that the first version is the correct one. For instance, in a Roman *Ketubbah* of the time, a lion does appear in the Modena coat of arms and not a leopard (Fig. 13).[67]

Modena demonstrated his support of the visual arts in his signature on a special *Ketubbah* of 1645. Towards the end of the sixteenth century Spanish Jews introduced to Venice the custom of illuminating *Ketubbot*, and those *Ketubbot* that were illuminated in the city during the time of Modena bore the distinct mark of the culture and art of the Sephardim.[68] In 1645 the first Venetian *Ketubbah* was produced under the influence of the decorative arts of the Venetian Baroque (Fig. 14).[69] Instead of the Spanish-Moslem horse-shoe arches that characterised

Figure 7. Satan as Evil-Doer. *Tzemah Tzaddik*, chap. 21.

Figure 8. Nude Mermaids. *Tzemah Tzaddik*, chap. 17.

Ketubbot of the previous generation, the 1645 example features round arches, and the scale of colours was adapted to the rich colourfulness of the Venetian art world during the Renaissance and Baroque periods.[70] The decoration of the three columns supporting the two arches with patterns taken from the world of flora and fauna and in gold hues is reminiscent of the Torah arks of the time in several communities of the Veneto.[71] Modena's signature on this *Ketubbah* appears together with that of R Simone (Simhah) Luzzatto.[72] At first sight it seems that those two were invited to sign the *Ketubbah* because of their stature, which undoubtedly added honour to the families involved in the marriage. But perhaps it is not an accident that these two spiritual leaders, who appreciated their city and its culture, signed the *Ketubbah* that brought about the change from the 'imported' Sephardi conventions to a style more attuned to their place and time. One may therefore assume, that, as educated people, involved in the cultural life of their community, and with regards to Modena even in its visual culture, their signing of this *Ketubbah* gives the seal of approval and recognition to, and perhaps even direct involvement in, the new style.

The assumption that Modena or Luzzatto, and possibly both, acted intentionally in developing the art of the *Ketubbah*, is based on the fact, that in their generation the craft of illuminating *Ketubbot* in Venice reached its height in the Jewish world. During their time and immediately thereafter, the Jewish artists

Figure 9. Brass Hanukkah Lamp. Italy, sixteenth century. Jerusalem, Israel Museum.

of Venice produced the most complex and intricate *Ketubbot*, with respect to both the iconography and utilisation of classical Jewish sources. A distinct example is the decorative program, presenting a profound and riveting world view – Jewish and general – which was developed in Venice, most probably during the sixth decade of the seventeenth century. Only a person versed in Jewish sources on the one hand, and rooted in the Christian culture of his time on the other, could have come up with such a complex program, and it is possible that this man is either Modena or Luzzatto.[73]

The Venice *Haggadah* also demonstrates Modena's involvement in visual art. We refer to the famous illustrated *Haggadah* printed in Venice in 1609 and again in 1629. This *Haggadah* has been greatly extolled in the literature for its novel typographical setting, the rich selection of novel pictures and the pleasing esthetic balance between picture and text. Scholars regard this *Haggadah*, justifiably, as 'the apex of woodcut *Haggadot*, an achievement of a long development', and point to its influence on the design of many *Haggadot* of the time and up to today.[74] The *Haggadah* was produced simultaneously in three editions, each provided with a translation into one of the three Jewish dialects spoken in the Venetian ghetto: Judaeo-Italian, Ladino and Yiddish. Modena was responsible for the preparation of the Judaeo-Italian edition. For the 1629 edition he prepared a shortened version of the *Haggadah* commentary by Don Isaac Abrabanel, which

Figure 10. Printer's Mark in a Hebrew Book with Nude Venus (Maimonides, *Mishneh Torah*, A Bragadin Press, Venice, 1574).

Figure 11. Title Page of Modena's *Historia de' riti hebraici* (Venice, 1638), with the author's bare-headed portrait.

Figure 12. Portrait of Moses Gentili in his book *Melechet Mahashevet* (Venice, 1710).

he named *Tzeli Esh* (Fig. 15).[75] Translating the *Haggadah* required careful study of the woodcuts prepared by an anonymous folk artist of the time. The original and innovative iconography of many of the images testifies to a great knowledge and erudition, both of the general cultural and the artistic concepts of the time and of the Midrash and other Jewish sources. Every woodcut is accompanied by an Italian rhyme in Hebrew letters, testifying to the knowledge of the details of the image, and perhaps even to collaboration with the artist in the choice of the scenes and their design.

A small woodcut depicting the entrance of the Messiah into Jerusalem at the End of Days (Fig. 16) reflects the originality and thought that were invested in this *Haggadah*.[76] Unlike in the German *Haggadot*, in manuscript form or printed, the entrance of the Messiah does not appear in reference to *Shefoch* ('Pour out Thy wrath upon the nations that have not known Thee'), but rather next to *Adir Hu* ('Mighty He, may He soon build His House [i.e. the Temple]'). And, more importantly, messianic Jerusalem is depicted according to the civil and architectural ideals of the high Renaissance. Accordingly, the city is surrounded by a symmetrical wall, with small houses positioned in the same distance one from the other, and in the middle an octagonal structure of the Temple, similar to the Muslim Dome of the Rock in Jerusalem.

This is a model based on the design of the ideal city, as developed by Italian artists and architects of the time: in the centre of the ideal town there is a harmonious and symmetrical structure (the Tempietto), the centre of religious and spiritual life. Andrea Palladio, the noted Baroque architect, very aptly

described the ideal Tempietto:

> Buildings in which supreme Being is invoked and adored, should stand in the most noble part of the city, on beautiful piazzas, raised above the rest of the city. To ascend to a temple by steps inspires us with devotion and awe. Such places of worship should be of the highest perfection.[77]

Donato Bramante, the famous architect of the Renaissance, built such a structure on the holy site of the crucifixion of St Peter in Rome. In 1504 Raphael painted the Temple in this vein in his painting of the Marriage of the Virgin (*Sposalizio*).[78] The reference to the Dome of the Rock also matches this visual ideology, as it was identified by the Crusaders as 'the Temple of the Lord', and therefore influenced the development of the ideal structure of the Temple during the Middle Ages, and even more so during the Renaissance.

Only after consultation with a learned scholar of the time could the woodcut artist achieve such a creative and novel image in the history of Jewish art. This person had to be Jewish, because this woodcut – as many others in the Venice *Haggadah* – is imbued with a profound knowledge of Jewish sources. The knowledge is of sources of the both the past, such as Midrashic literature and the laws of Passover, as well as of the present – for instance, among the tribes of Israel arriving in Jerusalem depicted in the woodcut, there are also black Jews – an idea corresponding to the theory prevalent at the time about the discovery of the lost Ten Tribes.[79] Only a person who combined an openness to visual art with a wide knowledge of Jewish and general sources could have advised the artist on the preparation of such complex image – a person like Modena.

A further proof of Modena's knowledge of Renaissance art is hidden in one of his sermons. In a sermon on *Shabbat Nahamu*, which he delivered in 1593 when he was only twenty-two, Modena described the attributes of God using a parable:

> The right path for an artist who loves painting perfect images, when he sees a defect he can correct it while holding his tools – changing lines and tints, rearranging scenes until there is no defect. However, the one who cuts stone to make a statue may make a mistake that is irreversible and he will throw away the stone for he cannot finish his undertaking. But there is none like G-d who can succeed in both fully, all done in wisdom ... There is therefore 'no G-d like our G-d': no artist like Him whether it is in painting or carving where He cannot make a mistake that needs correcting ... This difference between the painter and the sculptor I have noticed often that it is found indeed between the writer and the speaker ...[80]

Modena's discussion indicates knowledge of one of the central themes in the artistic theory of the Italian Renaissance, that is the *Paragone*, or the theory of comparing the arts. The humanists and people of the arts of the time avidly dealt with the question which is the worthiest form of art: painting, sculpture, architecture, music or poetry.[81] The main 'competition' was between painting and sculpture. Modena mentioned in his sermon, almost verbatim, arguments

Figure 13. Ketubbah from Rome, 1670 with the Modena Family Emblem. New York, Library of the Jewish Theological Seminary of America.

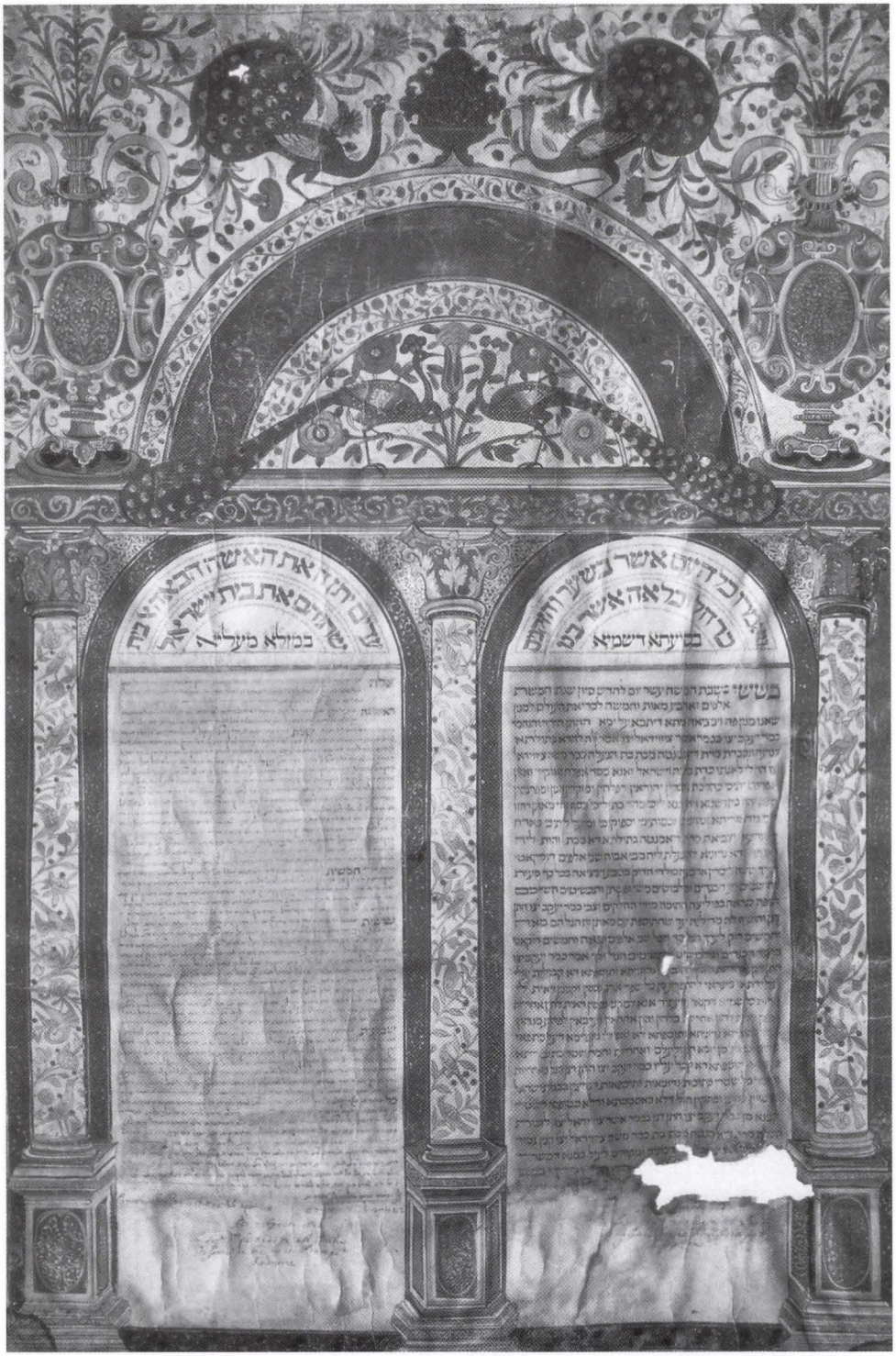


Figure 14. Ketubbah from Venice, 1645 signed by Leone Modena and Simone Luzzatto. Toronto, Reuben and Helene Dennis Beth Tzedec Museum.

put forth by Leonardo da Vinci in favour of the supremacy of the painter as compared with the sculptor.[82] Modena's words therefore attest to the interest he showed in the intellectual debates of the Italians regarding the 'arts of imitation'. Moreover, we learn that Modena felt that this kind of debate can be held in the holy space of the synagogue, and that his audience will find no difficulty in understanding comparisons such as these.

D. Conclusion

The spiritual world in which Modena grew up and was educated, did not always condone the involvement of Italian Jewry in the visual arts of the late Renaissance and its influence on the production and design of ceremonial artifacts for the home and synagogue. The rabbis preceding Modena usually ruled against this trend and did not encourage the influence of the outside world in this issue. Modena's traditional upbringing came to the fore when he was called upon to give formal rulings and opinions as to three-dimensional objects, which contain human figures. But his daily life reveals a different attitude all together. He tried to encourage the various forms of art, including visual art.[83] As an intellectual of his time, he was well acquainted with the principal theories of the arts, which the humanists of the time passionately discussed. Moreover, Modena did not hesitate to commission an artist to paint his portrait, or illustrate the books he wrote. Unusually in the rabbinical world, his involvement in several projects, either as the initiator or as an advisor, was aimed at encouraging Jewish visual creativity and enriching the esthetic experience of learned Italian Jews of his time.[84] In summation, one has to appreciate Modena's contribution to the

Figure 15. Modena's Illustrated Introduction to Abrabanel's Commentary. The Venice *Haggadah*, 1629.

visual culture of the Jews of his time on two levels: one – in contrast to the rulings of preceding rabbis, he encouraged accommodating the artistic needs of his community and not rejecting them without consideration, and two – encouraging and even himself participating in several projects of this kind.

Figure 16. Messianic Jerusalem as the Ideal City of the Renaissance. Woodcut in the Venice Haggadah, 1609.

Notes

1 Much literature has been published on this topic. See, for example, Cecil Roth, 'Introduction,' *Jewish Art: An Illustrated History*, Tel-Aviv, 1961, and cols. 17-35; Joseph Gutmann, 'The "Second Commandment" and the Image in Judaism', *Beauty in Holiness: Studies in Jewish Customs and Ceremonial Art*, ed. Gutmann, New York, 1970, pp. 1-14; Carmel Konikoff; *The Second Commandment and its Interpretation in the Art of Ancient Israel*, Geneva, 1973 (other sources are quoted in the following endnote).

2 On the approach to visual art in the Pagan culture and the complex problems it posed to early Christianity, see, for instance, Edwyn R Bevan, *Holy Images: An Inquiry into Idolatry and Image-Worship in Ancient Paganism and in Christianity*, London, 1940; Gerhart B Ladner, 'The Concept of the Image in the Greek Fathers and the Byzantine Iconoclastic Controversy', *Dumbarton Oaks Papers*, 7, 1953, pp. 1-34. For the reactions of our Sages to this issue, in light of the uncovered synagogue art of the Late Antique period, see the classic study: Ephraim E Urbach, 'The Rabbinical Laws of Idolatry in the Second and Third Centuries in the Light of Archaeological and Historical Facts,' *Israel Exploration Journal*, 1959, 9, pp. 149-65, 228-45. Other important studies, dealing with this problem in Talmudic times: Joseph M Baumgarten, 'Art in the Synagogue: Some Talmudic Views,' *Judaism*, 19, 1970, pp. 196-206; Pierre Prigent, *L'image dans le judaïsme du IIe au VIe siècle*, Geneva,

1991. An example that encapsulates the rabbis' attitude to this topic is the famous saying in Tractate *Avodah Zarah* in the Jerusalem Talmud (3,b): 'In the days of Rabbi Johanan [Bar Nappha, died in 279 CE] they began to paint on walls, and he did not prevent them. In the days of Rabbi Abun [of Tiberias, first half of the fourth century] they began to make designs on [floor] mosaics and he did not prevent them'. These lines are left out of the accepted printed texts, but can be found in a manuscript fragment of the Jerusalem Talmud first published by Epstein, who recognised their importance already in 1932; see Jacob N Epstein, 'Additional Fragments of the Yerushalmi,' *Tarbiz*, 3, 1931/32, pp. 15-16, 20 (Hebrew).

3 On early Islam's attitude to visual art see, for instance, Thomas W Arnold, *Painting in Islam. A Study of the Place of Pictorial Art in Islamic Culture*, New York, 1965 (especially chap. 1: 'The Attitude of the Theologians of Islam towards Painting', pp. 1-40); Oleg Grabar, *The Formation of Islamic Art*, New Haven and London, 1977 (chap. 4: 'Islamic Attitudes toward the Arts', pp. 75-103; further literature can be found in Grabar's notes on pp. 222-3).

4 In the year 721 the Umayyad Chalif Yazid II issued an iconoclastic edict ordering the smashing of all religious images (see Arnold, p. 85 and Graber, p. 89). Some researchers maintain that Yazid's edict was indeed influenced by Judaism's attitude to art (compare *ibid.* p. 97). However, other scholars suggest that the smashing of images in synagogues was a direct result of Yazid's edict (see, for instance, Zvi Ilan, *Ancient Synagogues in Israel*, Tel Aviv, 1991, p. 18; in Hebrew).

5 On the mosaic in Na'aran, which was discovered in September 1918 following the Turkish shelling of an English outpost, see Marilyn J S Chiat, *Handbook of Synagogue Architecture*, Chico, California, 1982, pp. 256-60; Michael Avi-Yonah, 'Na'aran', in *Encyclopedia of Archaeological Excavations in the Holy Land*, eds M Avi-Yonah and E Stern, Jerusalem, 1977, vol. 3, pp. 891-4; and Ilan, pp. 249-50 (both quote additional sources).

6 Most scholars share this view – for instance, Rachel Hachlili, 'Synagogues in the Land of Israel: The Art and Architecture of Late Antique Synagogues', in *Sacred Realm: The Emergence of the Synagogue in the Ancient World*, ed. S Fine, New York, 1996, p. 115. Also compare the literature quoted by Chiat, p. 260; Avi-Yonah, p. 894, Ilan, p. 250.

7 For discussion of this issue and for other suggestions regarding the different interpretations, see Bezalel Narkiss, 'On the Zoocephalic Phenomenon in Mediaeval Ashkenazi Manuscripts', in *Norms and Variations in Art. Essays in Honour of Moshe Barasch*, Jerusalem, 1983, pp. 49-62.

8 For discussion and a selection of artefacts from the material culture and the art of Yemenite Jewry, see Ester Muchawsky-Schnapper, *The Jews of Yemen: Highlights of the Israel Museum Collection*, Jerusalem, 1994. Examples of the visual art of German Jewry during the Middle Ages and up to today can be found in Ruth Gay, *The Jews of Germany: A Historical Portrait*, New Haven and London, 1992.

9 On the involvement of Italian Jews in visual arts in this period, see Moses A Shulvass, *The Jews in the World of the Renaissance*, Leiden, 1973, pp. 234-40; Cecil Roth, *The Jews in the Renaissance*, Jerusalem, 1959, pp. 189-212. A representative choice of extensive articles about the arts of Italian Jews (written by Vivian B Mann), the illuminated manuscripts (Evelyn Cohen), and ceremonial articles (Dora Liscia Bemporad) can be found in the exhibition catalogue: Mann, ed. *Gardens and Ghettos. The Art of Jewish Life in Italy*, The Jewish Museum, New York, 1989. Extensive catalogues of other important exhibitions were produced in Italy: *Midor Ledor: Di*

generazione in generazione, Vita e cultura Ebraica in Veneto, Abbazia di Praglia, 1989; Simonetta M Bondoni & Giulio Busi, eds. *Cultura ebraica in Emilia-Romagna,* Rimini, 1987; *Arte e cultura ebraiche in Emilia-Romagna,* Palazzo dei Diamanti, Ferrara, 1988. As well, catalogues of permanent collections in Jewish Museums all over Italy have been published – see, for example: Comunità Israelitica di Torino, *Ebrei a Torino. Ricerche per il centenario della sinagoga 1884-1984,* Turin, 1984; Giovannina Reinisch Sullam, *Il Ghetto di Venezia: Le sinagoghe e il museo,* Rome, 1985; Isidoro Kahn & Dora Liscia Bemporad, eds. *La nazione ebrea di Livorno: Itinerari di vita,* Livorno 1991; Claudia De Benedetti, *La sinagoga degli argenti: Arte e spiritualità ebraica a Casale Monferrato,* Florence, 1991; Carlo & Vera Wagner, *Museo della Comunità ebraica di Trieste,* Florence, 1992; Daniela Di Castro, ed. *Arte Ebraica a Roma e nel Lazio,* Rome, 1994.

An important collection of Torah arks and ritual objects that arrived in Israel from Italy in the 1950's can be found in Umberto Nahon, *Holy Arks and Ritual Appurtenances from Italy in Israel,* Tel Aviv, 1970 [in Hebrew] (a large part of this collection is housed in the Nahon Museum of Italian Jewry in Jerusalem). In addition to many specific articles, one can find articles dealing with Italian synagogues in the following books: Jacob Pinkerfeld, *The Synagogues of Italy,* Jerusalem, 1954 (Hebrew); Umberto Fortis *Ebrei e sinagoghe: Venezia, Firenze, Roma, Livorno,* Venice, 1973; Roberta Curiel and Bernard D Cooperman, *The Venetian Ghetto,* New York, 1990. And also in general books about the history of synagogues, such as Carol H Krinsky, *Synagogues of Europe. Architecture, History, Meaning,* Cambridge, Mass., 1985, pp. 341-86.

10 Naphtali Herz Wertheim is known as one of the wealthy Ashkenazi bankers in Veneto. In the chronicle of the time by R Elijah Capsali it is noted that Wertheim made plans for a private synagogue with all its walls covered by gold, but the Venetian Senate forced him to stop building before the structure was finished. See Elijah Capsali, *Seder Eliyahu Zuta ... History of the Ottomans and of Venice and that of the Jews in Turkey, Spain and Venice,* eds A Shmuelevitz, S Simonsohn and M Benayahu, Jerusalem and Tel Aviv, 1975-83, vol. 2, pp. 257-8 (in Hebrew). However, the rich man was allowed to invest a huge amount of money in magnificent ritual articles for the synagogue. On Wertheim cf. also: Cecil Roth *Venice,* ('Jewish Communities Series'), Philadelphia, 1930, pp. 41, 42 and 280; David Jacoby, 'New Evidence on Jewish Bankers in Venice and the Venetian Terraferma', in *The Mediterranean and the Jews: Banking, Finance and International Trade (XVI-XVII Centuries),* eds. A Toaff and S Schwarsfuchs, Ramat-Gan, 1989, pp. 159-60. In the chronicles of Capsali, Wertheim is referred to as 'Naphtali who is called Herz', but Porgès already identified him as Wertheim. See Nathan Porgès, ' Élie Capsali et sa chronique de Venise', *Revue des Études Juives,* 77, 1923, p. 33.

11 Joseph Caro, *Responsa Avkat Rochel,* Leipzig, 1859 [1st Edition: Saloniki 1791], Responsum no. 65, pp. 56a-56b (Hebrew). cf. Isaac Z Kahana, 'Synagogue Art in *Halachic* Literature,' in *The Synagogue: Essays and Articles,* The State of Israel, Ministry of Religion, Jerusalem, 1955, p. 275 (reprinted in his book *Studies in the Responsa Literature,* Jerusalem, 1973, p. 371 – both in Hebrew); Shulvass (note 9) pp. 239-40; David Kotlar, *Art and Religion,* Jerusalem – Tel-Aviv 1971, pp. 180-1 (in Hebrew). The figure of a deer refers of course to the name Herz. This incident is quoted in relation to a controversy that arose in the community of Candia (Crete), when one of the members of the community wanted to place above the ark his family's insignia in the shape of a 'statue of a golden lion with a royal crown on its head'.

The leading rabbis, among them R Capsali, R David Ibn Zimra (the Radbaz), R Joseph Caro, R Moses of Trani (the Mabit), and the Mahram of Padua were asked for their ruling in the matter. For notes of the discussions and quotes from the different responses, see Kotlar, from p. 173 onwards; Kahana, pp. 160-4. According to the chronicles of Capsali (pp. 257-8), Wertheim made 'a very beautiful ark curtain and a Torah mantle, according to Ashkenazi tradition, embroidered all over with pearls, which had not been made before for any Jew. And its worth was about 500 flowers'. This means 500 Venetian ducats – an astronomical amount. cf. Roth, *Venice*, p. 280; Shulvass, p. 238. One can learn about the buying power of such an amount of money from Pullan's research. For example, the daily wages of a Venetian construction worker in the year 1545 was 18 Soldi (there were 124 Soldi in one ducat) – see Brian Pullan, 'Wage-Earners and the Venetian Economy, 1550-1630', in *Crisis and Change in the Venetian Economy in the Sixteenth and Seventeenth Centuries*, ed. Pullan, London, 1968, p. 174. Whereas the annual salary of the chief rabbi in Verona in that year was 15 ducats (for detailed tables in the matter see Robert Bonfil, *Rabbis and Jewish Communities in Renaissance Italy*, Oxford, 1990, pp. 159-60). Compare further the amount of dowries in the *Ketubbot* of the wealthy leaders in Venice at the beginning of the seventeenth century: Shalom Sabar, 'The Beginnings of *Ketubbah* Decoration in Italy: Venice in the Late Sixteenth to the Early Seventeenth Centuries,' *Jewish Art*, 12/13, 1986/87, p. 106.

12 *Avkat Rochel*, p. 56a. With this the Maharam joined R Capsali and others (listed above) who ruled to forbid the placing of the lion statue in the synagogue in Crete. In addition to the many reasons given by the rabbis, the use of a three-dimensional image was most problematic from the *Halachic* point of view.

13 *Avkat Rochel*, p. 56b.

14 See the Maimonides, *Mishneh Torah*, 'Book of Knowledge', *The Laws of Idolatry*, III, 10-11. And compare Boaz Cohen, 'Art in Jewish Law,' *Judaism*, 3, 1954, pp. 172-3.

15 *Mishneh Torah* (as in previous note), III, 11.

16 So, for example, the sixth argument in a long list used by the Ibn Zimra to ban the use of the golden lion image in Crete: 'in my opinion when they look at this image they do not direct their heart to their God in Heaven' (*Responsa of R. David Ibn Zimra*, Warsaw 1882, Part D, paragraph 1178 [in Hebrew]; cf. Kahana, p. 262). For similar views on the matter of other decisions see *ibid.* p. 282.

17 For an analysis of this phenomenon in general, see Robert Bonfil, 'Aspects of the Social and Spiritual Life of the Jews in the Venetian Territories at the Beginning of the 16th Century', *Zion*, 41, 1976, pp. 68-96 (in Hebrew).

18 On the first usage of coats of arms in Italy and their motives, see Hava Lazar, 'Jonah, the Tower, and the Lions: An Eighteenth Century Italian Silver Book Binding', *Journal of Jewish Art*, 3/4, 1977, pp. 67-8; Thérèse and Mendel Metzger, *Jewish Life in the Middle Ages*, New York, 1982, p. 44; Daniel M. Friedenberg, *Medieval Jewish Seals from Europe*, Detroit, 1987, pp. 333-62. The person who endeavoured to show the connection with ancient sources was Gedaliah Ibn Yahya, who was asked 'whether in olden days families used any designs, called [in Italian] *arme*, to mark [the names of] their families, as they do at present' (*Shalshelet ha-Kabbalah*, Amsterdam, 1697 [first edition: Venice, 1686], p. 4a). In his response Ibn Yahya described in detail the symbols that, according to tradition, were on the banners of the twelve tribes. Thus he attempted to prove that 'all the nations took this as an example when they produced *bandiere* [banners] for their armies during wars as well as for insignia of their families'. cf. Cecil Roth, 'Stemmi di famiglie ebraiche

italiane,' in *Scritti in memoria di Leone Carpi: Saggi sull'Ebraismo Italiano*, eds. A Milano et al., Jerusalem, 1967, pp. 166-7.

19 See for example the coats of arms in the Republic of Venice: Giovanni Dolcetti, *Il libro d'argento delle famiglie venete. Nobili, cittadine e popolari*, 3 vols, Venice 1922-25 (the author dedicates a special chapter to the Jews of the Republic in the third volume, pp. 139-41). Exceptions are, of course, the symbols directly connected to Jewish sources (such as the blessing hands for Cohen, or a pomegranate for Vita).

20 The Italian Jews (*italiani*) were most probably the first among the Jewish communities of Europe to imitate the Christian society regarding the heraldic symbols. Some coats of arms appear already in Italian manuscripts and seals at the end of the fourteenth and during the fifteenth centuries – see the sources quoted in the previous note. Indeed, many heraldic devices appear in Ashkenazi and Sephardi manuscripts of the Middle Ages, though these are not personal coats of arms but the arms of the ruling powers where the Jews lived – see Metzger, pp. 42-4. It seems that only during the Baroque period did the phenomenon spread to all the communities, and involved the upper echelons of Italian Jewry, in all its shades, no matter where they originated. See: Roth, 'Stemmi'; Hava Lazzar, 'Coats of Arms of Italian Jews', in: *Proceedings of the Eighth World Congress for Jewish Studies*, Division D, Jerusalem, 1982, pp. 57-62; Franco Pisa, 'Parnassim: Le grandi famiglie ebraiche itlaiane dal secolo XI al XIX,' *Annuario di studi ebraici*, X, 1980-84, Rome, pp. 291-461; Di Castro, *Arte ebraica a Roma* (note 9 above), pp. 145-69. However, the image of the deer was not popular in coats of arms of the Jews of Italy: the lion was much more common, following the (non-Jewish) Italian heraldry. In spite of the above, illustrations connected mainly to first names do appear in Germany in different contexts, such as printers' devices or on the Torah binder known as *Wimpel* or *mappah*. For examples of a deer on devices of Ashkenazi printers or authors whose name is Naphtali, Tzvi, Hirsh, Hertz, Hirshfeld, see Abraham Ya'ari, *Hebrew Printers' Marks from the Beginning of Hebrew Printing to the End of the 19th Century*, Jerusalem, 1943 (in Hebrew), no. 39 and page 138 (see also nos. 7, 76, 89, 98, 102, 139-141, 156-9, 178, 192). For samples of a *Wimpel*, embroidered with the shape of a deer, see Robert Weyl & Freddy Raphael, *L'imagerie juive d'Alsace*, Strasbourg [n.d.], p. 21.

21 It is difficult to ascertain how widespread was the embroidery of a family's coat of arms on Torah ark curtains, since none of that early period survived. It is possible to date only one such curtain with certainty to the sixteenth century, and it is kept in the Museum of Italian Jewry in Jerusalem. See David Cassuto ed. *The Tedeschi Torah Ark Curtain from Italy, 1572*, Museum of Italian Jewish Art, Jerusalem, 1997 (in Hebrew and English). Another *Parochet* which may have been made in this period, but was apparently restored in the seventeenth century, is found in the Jewish Museum of New York (see *ibid.* pp. 17 ff). It may very well not be coincidental that these early curtains which are not decorated with family coats of arms were used, as Casutto proves (pp. 19-20), in Ashkenazi synagogues.

22 Archivolti was a grammarian and poet, and one of the most important teachers of Rabbi Leone Modena. For the text of the question and its response see David Kaufmann, 'Art in the Synagogue', *The Jewish Quarterly Review*, 9, 1897, pp. 263-9; Dror Schwartz, 'R Samuel Archivolti, his Life, Writings, Responsa and Letters', *Asufot – Annual for Jewish Studies*, vol. 7, Jerusalem, 1993, pp. 96-9 (in Hebrew).

23 R Isaac ben Moses, *Responsa Or Zaru'a*, Zhitomir 1664, Rulings of Idolatry, D, no. 203. cf. Kahana (note 11 above), pp. 257-8, 282; Kotlar (note 11), pp. 153-5, 160; Cohen, 'Art in Jewish Law' (note 14), p. 173; S Sabar, 'Synagogue Interior Decoration

and the *Halachah*,' in *Synagogues Without Jews*, eds R and B Dorfman, Philadelphia, 2000, p. 312.

24 The author of course referred to stained glass windows which were prevalent in the Christian cathedrals during the Middle Ages.

25 Compare note 16 above. According to this reasoning it is clear that the *Halachic* background to R Minz and his students' opposition to the Wertheim *Parochet* is connected to the straying of concentration due to the figures of animals. This follows the view of R Elyakim and not that of R Isaac. Further proof of this is found in Archivolti's words, which note that the rabbis were not opposed to decorations from the world of flora in the Ashkenazi synagogues of Venice.

26 *Avkat Rochel* (note 11 above), no. 66, page 56b.

27 It appears that Archivolti was mistaken, probably out of unfamiliarity, for there is evidence of synagogues in Islamic lands, even from this period, which are decorated with adornments from the world of flora. A well known example are the walls of a Persian synagogue dating from the 16th century, portions of which are kept in the Jewish Museum of New York; see Norman L Kleeblatt & Vivian B Mann, eds. *Treasures of the Jewish Museum*, The Jewish Museum New York, New York, 1986, pp. 38-9.

28 Kaufmann, pp. 268, 269; Schwartz, p. 99. The king who placed an eagle in the foreground of the Temple is, of course, Herod. The author of *Yosippon* based his writing on an event described by Josephus Flavius (*Antiquities of the Jews*, Book XVII, 6,2; *Wars of the Jews*, Book I, 33, 2-3). The second event also emanates from Josephus (*Against Apion*, Book II, 7:8). Archivolti suggested here that Apion accused the Jews of worshipping a donkey, based on a painting he saw in a synagogue. This appears to be a false accusation. However, Archivolti was more lenient towards art produced by Christian artists of his time, as we will see further on.

29 Kaufmann, p. 268; Schwartz, p. 99.

30 See Simon Bernstein, 'New Poems of R Samuel de Archivolti,' *Tarbiz*, 8, 1937, poem b, page 62, and the author's notes on the possible circumstances for writing this poem, on page 57 (in Hebrew).

31 Bonfil also noted the cultural changes occurring in the life of Italian Jews in this era, although within a different context – see Robert Bonfil, 'Change in the Cultural Patterns of a Jewish Society in Crisis: Italian Jewry at the Close of the Sixteenth Century', *Jewish History*, 3/2, 1988, pp. 11-30.

32 The major part of the artifacts discussed in the catalogues mentioned in note 9 above, are no doubt the product of 'The Ghetto Period'.

33 Most Italian Judaica from the Renaissance period (fourteenth to sixteenth centuries) that survived are illuminated manuscripts. For general introductions to this topic, see Bezalel Narkiss, *Hebrew lluminated Manuscripts*, Jerusalem, 1974; Joseph Gutmann, *Hebrew Manuscript Painting*, New York, 1978; and also Evelyn Cohen's article in *Gardens and Ghettos* (note 9 above), pp. 92-109. The same applies to other communities in Europe, such as Germany or the Iberian Peninsula.

34 As was pointed out by scholars, some of the magnificent manuscripts from Italy of the fourteenth and fifteenth centuries, were illuminated in the workshops of artists who were well known in the general communities or under their direct influence. For examples, see Narkiss, pls. 47 and 58; Guttman, explanations to col. pls. 33, 35, 36, 37, 39.

35 For a detailed discussion of the sociological aspects of the illustrated *Ketubbah* in Italy, see Shalom Sabar, 'The Beginnings and Flourishing of *Ketubbah* Illustration

in Italy. A Study in Popular Imagery and Jewish Patronage During the Seventeenth and Eighteenth Centuries', Unpublished Ph.D Dissertation, University of California Los Angeles, 1987. Israel Adler reached similar conclusions regarding the place of 'artistic music' in the life of Italian Jews. See Adler, 'The Rise of Art Music in the Italian Ghetto: the Influence of Segregation on Jewish Musical Praxis', in *Jewish Medieval and Renaissance Studies*, ed. A. Altman, Cambridge, Mass. 1967, pp. 321-64.

36 See, for example, The Venetian ark curtains from the years 1681 and 1699, kept in the Jewish Museum of New York: Mann, ed. *Gardens and Ghettos*, items 144 and 145 (pp. 276-7) and figs. 41-42 (pp. 56-7). Another important curtain from the seventeenth century is kept in the Victoria and Albert Museum in London (from the year 1676) – see Michael E Keen, *Jewish Ritual Art in the Victoria & Albert Museum*, London, 1991, item no. 5 (pp. 26-7); S Freiman, 'Jewish Women as Creators of Judaica', *Motar* [Tel Aviv University], 5, 1997, pp. 97-102 (in Hebrew). On the famous ark curtain embroidered by Stella Perugia (preserved in the Jewish Museum of Venice), see David Cassuto, 'A Venetian Paroket and its Design Origins', *Jewish Art*, 14, 1988, pp. 35-43.

37 This ark curtain is kept in the Museum of Italian Jewry. See Lucien Wolf, 'Anglo-Jewish Coats of Arms', *Transactions, The Jewish Historical Society of England*, 2, 1894-95, pp. 162-3; Nahon, *Holy Arks* (note 9 above), pp. 135-7; Freiman, p. 92 and fig. 1.

38 The family name in Italian means 'mountain of flowers', and hence, perhaps, the multitude of flowers in the embroidery of the ark curtain; cf. Nahon, *Holy Arks*, pp. 135, 137. The description of the coat of arms of the Montefiore family appearing on the curtain is the earliest known insignia of the noted family (cf. Wolf, p. 163). On this emblem see also Roth, 'Stemmi' (note 18 above) p. 179 (there the lion stands next to a palm tree). A different version of the Montefiore arms was used by family members in Livorno: see Pisa, *'Parnassim'* (note 20 above), p. 394, and col. pl. pp. 304-5.

39 *Avodah Zarah*, p. 40b onwards.

40 Modena, *Responsa Ziknei Yehudah*, ed. S Simonsohn, Jerusalem, 1956, chap. 98, p. 147.

41 *Tosefta Avodah Zarah*, 6, 6. Compare the Babylonian Talmud, *Avodah Zarah*, p. 12a and Rashi there, also Maimonides, *Mishneh Torah*, 'The Book of Knowledge', Laws of Idolatry, III, 8.

42 The silver spice box had its origins in medieval Germany: See Mordechai Narkiss, 'Origins of the Spice Box', *Journal of Jewish Art*, 8, 1981, pp. 28-41. For reproductions of samples see *Towers of Spice: The Tower-Shape Tradition in Havdalah Spiceboxes*, ed. M Koolik, The Israel Museum, Jerusalem, 1982, pp. 48-53 items nos. 65-68; Chaya Benjamin, *The Stieglitz Collection: Masterpieces of Jewish Art*, Israel Museum, Jerusalem, 1987, pp. 104-5, no. 68.

43 Similar sculptured figures can be found in other domestic silver utensils used by German Jewry of this time, such as splendid Sabbath lamps from Frankfurt, *Havdalah* candlesticks and *Hanukkah* lamps: See Vivian B. Mann, 'The Golden Age of Jewish Ceremonial Art in Frankfurt: Metalwork of the Eighteenth Century', *Leo Baeck Institute Year Book*, 31, 1986, esp. pp. 399, 403. For additional examples, see Benjamin, pp. 102-3 no. 67; ibid, pp. 178-9, no. 134.

44 Such are, for example, the fountains built in Rome by the renowned Baroque sculptor Gian Lorenzo Bernini (1598-1680). For examples and discussion see Howard Hibbard, *Bernini*, New York, 1965, pp. 110-14, 120-3, etc.

45 This detail is taken from a decorative frame which was firstly developed probably in Venice, and later copied onto many other *Ketubbot*.

46 Following is the original text from the Venice 1678 edition (Leon Modena, *Historia de' riti hebraici, Vita e osservanza de gl'Hebrei di questi tempi*, p. 4), which is identical to the authoritative edition (Venice, 1638) corrected by Modena himself:
Figure, ne imagini, ne staute, non tengono in casa, e tanto meno nelle Sinagoghe, e luoghi a loro sacri, dall'Esodo cap. 20. Non facies tibi scuptile, neque omnem similitudinem, etc. & e in molti altri luoghi. Ma in Italia molti si fanno lecito tener ritratti, et pitture in casa, massime non essendo di rilievo, ne di corpo compito.
Note that Modean's *Riti* appeared in two English translations – both issued in London – as early as 1650 (by Edmund Chilmead) and 1707 (by Simon Ockley).

47 For details about this book and its illustrations, see Joanna Weinberg, 'Leon Modena and the *Fiore di virtù*' in D Malkiel, ed. *The Lion Shall Roar: Leon Modena and his World*, Jerusalem (in press).

48 See, for example, Frederick Hartt, *History of Italian Renaissance Art: Painting, Sculpture, Architecture*, Revised Edition, New York, 1987, p. 139 fig. 130; p. 387 figs. 400-2; p. 288 fig. 295.

49 Modena, *Tzemah Tzaddik*, Tel Aviv, 1959 (with an epilogue by Israel Zmora) p. 15 [first edition: Venice, 1600; reprinted by Jacob Druckman, New York, 1899].

50 An exception to this is the illustration of 'A Band of Evil Angels' in the Venice *Haggadah* (see *The Passover Haggadah: Venice 1609*, a facsimile edition with an introduction by Bezalel Narkiss, Jerusalem, 1974, p. 21), in the creation of which Modena was involved. The 'evil angels' of the *Haggadah* – referred to in the caption of the Judeo-Italian edition as *demoni* ('demons') – resemble strongly the image of Satan in the illustration in *Tzemah Tzaddik*.

51 See Benjamin, *The Stieglitz Collection* (note 42 above), pp. 156-7 no. 120; pp. 164-5 no. 125. The *Hanukkah* lamps of the Renaissance are also decorated with nude images of small angels (Putti) and Centaurs: *ibid.*, pp. 160-3, 166-7 nos. 123, 124 and 126.

52 See Ya'ari, *Hebrew Printers' Marks* (note 20 above) p. 136 no. 35.

53 For example, in Italian *Ketubbot* there can be found fully or partially nude women: mermaids (in a *Ketubbah* from Mantua 1689 – Library of the Jewish Theological Seminary, New York; see S Sabar, *The Art of the Ketubbah: Decorated Marriage Contracts from the Library of the Jewish Theological Seminary of America* [in press]); the nude Beauty allegory (Rome, 1757 – Franco Levy Collection, Turin; see *Ketubbot italiane. Antichi contratti nuziali ebraici miniati*, Milan, 1984, pp. 96-7 pl. 25); even an image of the naked Venus with cupid playing with her breasts (Pisa, 1790 – Skirball Cultural Center, Los Angeles – see Sabar 'The Use of Christian Motifs in Illustrations of Jewish Marriage Contracts in Italy and its Meaning,' *Journal of Jewish Art*, 10, 1984, pp. 47ff). In these *Ketubbot* we can sometimes see naked Biblical characters too, for example, Potiphar's wife (Rome, 1734 – see idem, *Mazal Tov: Illustrated Ketubbot from the Israel Museum Collection*, The Israel Museum, Jerusalem, 1993, pl. 6); Eve, the daughters of Lot, Bat-Sheba and Susanna (in the aforementioned Mantua *Ketubbah*).

54 On portraits of rabbis in European-Jewish society, see Richard I Cohen, *Jewish Icons: Art and Society in Modern Europe*, Berkeley and Los Angeles, 1998, pp. 114-53; Aviad Hacohen, 'Portraits of Scholars – Between *Halachah* and Reality', *Mahana'yim*, 10, 1995, esp. pp. 103ff. (in Hebrew).

55 Note, however, that Joseph Solomon Delmedigo (YaSHaR of Candia) preceded

Modena in the Jewish world, albeit outside of Italy. Delmedigo's portrait appeared during his lifetime in his book *Elim*, which was printed by his noted friend *Hacham* Menasseh ben Israel in Amsterdam in 1629 (opposite the frontispiece of *Ma'ayan Ganim* – see Mozes H Gans, *Memorbook: History of Dutch Jewry from the Renaissance to 1940*, Baarn 1977, p. 44). It seems that the Amsterdam *Hacham* encouraged Delmedigo in this matter, and even chose to insert his own portrait (done by the Italian-Jewish artist Shalom Italia) in the front page of his book *Nishmat Hayyim* (Amsterdam, 1652; Gans, p. 40). See Richard Cohen, *Jewish Icons*, p. 28 (the author's note [p. 271 n. 62] referring to the identity of the illustration in Delmedigo's book, as illustrated by Gans, should be amended). See also Hacohen, 'Portraits of Scholars,' pp. 103-4.

56 Modena, *Ziknei Yehudah* (note 40 above), no. 21, pp. 33-8; and compare Isaac Rivkind, 'A Responsum of Leo da Modena on Uncovering of the Head', *Levi Ginzberg Jubilee Volume*, eds. A Marx et al., New York, 1946, esp. p. 406 (Hebrew section). On the connection between the portrait in *Riti* and this Responsum, cf. for example: Mark R Cohen, ed. *The Autobiography of a Seventeenth-Century Venetian Rabbi – Leon Modena's Life of Judah*, Princeton, 1988, p. 258; Richard Cohen, *Jewish Icons*, p. 28; Hacohen, 'Portraits of Scholars', p. 106, note 15 (and there one needs to amend the title of the Responsa of Modena).

57 Richard Cohen, *Jewish Icons*, p. 29.

58 On the book and its author, see Aviad Hacohen, 'The Work *Melechet Mahashevet* by Rabbi Moses Gentili (Hefez)', *Mahana'yim*, 4, 1994, pp. 266-75 (in Hebrew); see also, *ibid.*, fig. on page 271. And compare idem, 'Portraits of Scholars', p. 108.

59 Cohen, *Autobiography of Venetian Rabbi* (note 56 above), p. 143.

60 *ibid.*

61 On Tinelli and his work, see Andrea Moschetti, 'Three Portraits by Tiberio Tinelli', *The Burlington Magazine*, 72, 1938, pp. 64-9; Rudolfo Pallucchini, 'Contributi alla pittura veneziana del seicento', *Arte Veneta*, 16, 1962, esp. pp. 126-9 and figs. 141-4; Eduard A Safarik, 'Tinelli, Tiberio' *The Dictionary of Art*, New York, 1996, vol. 30, p. 923. None of these authors mentions Modena's picture. More on Tinelli and his connection with Modena, cf. Cohen, *Autobiography of a Venetian Rabbi*, pp. 247-8. In the year 1861, Mendel Landsberg published a curious rumour about finding the lost picture ('Great is G-d's Compassion etc.' *Hamelitz*, issue 44, 27 July / 8 August 1861, pp. 43-4). According to Landsberg, the original picture showed up 'after 250 years in my home town Kremnitz in the region of Volhyna and is now in the hands of a reputable merchant, R Shimshon Berenstein. It was given to him as present ten years ago by a Christian scholar and Englishman named Saunders ... who has been living for some years also in Italy'. Landsberg inspected the picture and found its size to be 5 *zoll* length, 4 *zoll* width' (12.7 x 10.2 cm, approximately), and on the back is written 'no. 164: Leon di Modena'. The editor asked Landsberg to send in 'a photographic copy of the valuable picture' in order to publish it in the newspaper (*ibid.*, p. 44). However, as far as is known, nothing happened and the fate of the picture is not known. The likelihood that it is indeed the Tinelli painting which was lost during Modena's life is small but not altogether impossible. In any event, even the experts on Tinelli note that only very few of his paintings are known both because of the difficulties in identifying his work, and because of the scarcity of documents related to the artist (see, for example, Safarik, p. 923). It is worth noting that the dimensions of the three portraits referred to in Moschetti's article (130 x 135; 121 x 102; 226 x 120) are significantly larger than those mentioned by Landsberg.

62 Cohen, *Autobiography of a Venetian Rabbi*, p. 143.
63 *ibid.*, p. 94.
64 *ibid.*, pp. 32-33; Ibn Yahya, *Shalshelet ha-Kabbalah* (note 18 above), p. 29a. The insignia of Ibn Yahya's family includes a head of a black man whose eyes are covered with 'a white veil ... tied with a cravat at the back of his neck'. The eye cover is intended: 'so that there is not a complete human figure' (*ibid.*). See also the discussion on the Italian-Jewish *arme* at the beginning of this article.
65 Cohen, *Autobiography of a Venetian Rabbi*, p. 77.
66 Roth, 'Stemmi' (note 18 above), p. 167; Daniel Carpi, ed. *Chayye Yehuda: The Autobiography of a Venetian Rabbi*, Tel Aviv, 1985, pp. 32-3, n. 14 (in Hebrew). cf. Cohen, *Autobiography of a Venetian Rabbi*, p. 77 n. 23. This issue could very well clarify whether the manuscript of 'The Life of Judah' was written by Modena himself or not. On the other hand, Carpi noted that the correction was made by the same hand that wrote the original text, and it is improbable that Modena would have changed a correct description to an erroneous one.
67 Library of the Jewish Theological Seminary in New York, *Ketubbah* no. 2 (Sabar, *Art of the Ketubbah* [note 53 above]). Franco Pisa (note 20 above, p. 391) also used the word lion, and not leopard, when describing the family emblem. For a colour reproduction see *ibid.*, following p. 304. Lion, and not leopard, is also depicted in a pair of *Rimmonim* and in a Torah crown donated by the Modena family during the first decade of the eighteenth century, which are now kept in the Jewish Museum of Rome: see Di Castro, *Arte ebraica a roma* (note 9 above), p. 161.
68 See Sabar, 'The Beginnings of *Ketubbah* Decoration' (note 11 above).
69 This important *Ketubbah* was purchased in Italy by Cecil Roth, and is now kept in the Beth Tzedec Museum, Toronto. On the collection and this *Ketubbah* see Dorion L Liebgott, ed. *Art and Tradition: Treasures of Jewish Life*, Beth Tzedec Reuben and Helene Dennis Museum, Toronto, 2000, esp. pp. 22-5.
70 On the special approach to colour in the theory and art of the Venetian School, see Moshe Barasch, *Light and Colour in the Italian Renaissance Theory of Art*, New York, 1978, pp. 90-134.
71 See, for example, the illustrations in Nahon's book, *Holy Arks* (note 9 above), pp. 8 ff. (Conegliano Veneto), 22 and 24 (Vittorio Veneto).
72 Modena also signed the following illuminated *Ketubbot*: Cittadella, 1616 (Archivio di Stato, Milan, Cimeli, cart. 4 no 27 – see *Ketubbot italiane* [note 53 above], pp. 50-1 no. 2); Venice, 1641 (Archivio di Stato, Venice, Guidizi di Petizion, Pergamene 1 – unpublished); Venice, 1642 (Jewish National and University Library, Jerusalem [JNUL], *Ketubbah* no. 267 – Issachar Yoel, 'Italian *Ketubbot* in the Library [JNUL],' *Kirjath Sepher*, 22, 1945-46, p. 280 no. 34; in Hebrew); Venice, 1645 (sold at auction in 1955 – see its description in the sale catalogue: *Judaica including gold, silver, pewter and brass ritual objects ... manuscripts, marriage contracts and Megilloth ... from the Collection of S Zalman Yoveli, New York*, Parke-Bernet Galleries, March 17, 1955, p. 14, lot 58). R Simone Luzzatto also signed a number of *Ketubbot*. The *Ketubbah* which commemorates a Venetian wedding, 1649, is the most beautiful and significant among them, and as far as is known, the first *Ketubbah* from Venice which includes human figures. It is kept in the Skirball Cultural Center, Los Angeles, *Ketubbah* no 14.34. See details: Shalom Sabar, *Ketubbah: Jewish Marriage Contracts of the Hebrew Union College Skirball Museum and Klau Library*, Philadelphia and New York, 1990, pp. 186-9.
73 Some two dozen *Ketubbot* on which appears this decorative program, are known.

For a discussion and reproduction of an example from Venice, 1707, kept in the Israel Museum, see Sabar, 'The Golden Age of *Ketubbah* Decoration in Venice and Amsterdam', in *The Ghetto in Venice: Ponentini, Levantini e Tedeschi 1516-1797*, ed. J M Cohen, Jewish Historical Museum, Amsterdam, 1990 (in Dutch and English), pp. 92-6; idem, *Mazal Tov* (note 53 above), pl. 10 and pp. 46-7. The Venetian *Ketubbot* of this generation greatly influenced the illumination of *Ketubbot* in many regions of Italy and were also widely known and used even among other communities (such as in Amsterdam, Corfu and Ragusa). See Sabar, *Ketubbah*, pp. 184-5, 257-60, 282-6; idem, 'Golden Age' p. 96 ff. Indeed the earliest surviving *Ketubbah* of this kind, was made in 1664, while Modena died in 1648. However, one cannot know whether any earlier *Ketubbot* were made (or whether years passed between planning of this border and its execution, which in itself could have had several phases before reaching the perfection in the documented examples which we have). Luzzatto, on the other hand, passed away in 1663 – namely, one year before the above *Ketubbah* was created.

74 The quote is from Bezalel Narkiss, introduction to the Venice *Haggadah* (note 50 above), p. 1. On this *Haggadah*, see also: Cecil Roth, 'The Illustrated *Haggadah*', *Studies in Bibliography and Booklore*, 7, 1965, pp. 45-8; Yosef H Yerushalmi, *Haggadah and History*, Philadelphia 1976, pp. 40-3, and pls. 44-55.

75 In the 1609 edition Modena's name appears (with a notation that he was the translator of the *Haggadah*) in a large print acronym in the last sentences of the Italian translation. cf. Cohen, *Autobiography of a Venetian Rabbi*, p. 126. Modena's involvement in the 1629 edition is noted in large print on the front page of the commentary to *Tzeli Esh*: See the reproduction in Yerushalmi, pl. 49; and cf. Cohen, *Autobiography*, p. 125. In the title page Modena noted that he had prepared a commentary to the *Haggadah*, entitled *Ge'on Yehudah*, but this commentary was never printed nor survived (cf. Cohen, *Autobiography*, p. 237). Modena was also involved in the production of a special 1609 Venetian *Haggadah* for Gershon Parenzo printed on parchment. This *Haggadah* is stored in the JNUL in Jerusalem, and see about this copy: Abraham Ya'ari, 'A Vellum Copy of the Passover *Haggadah*, Venice 1609', *Kirjath Sepher*, 30, 1954/55, pp. 113-17 (in Hebrew). Modena even wrote the special dedication in the form of a riddle for Gershon Parenzo, that appears on the title page: See Simon Bernstein, ed. *The Divan of Leo de Modena: Collection of His Hebrew Poetical Works*, Philadephia, 1932, pp. 140-1 (in Hebrew). Later on Parenzo approached Modena to prepare the above-mentioned commentary for the 1639 edition, which Parenzo's son, Moses Parenzo printed, again in three editions.

76 See S Sabar, 'Messianic Aspirations and Renaissance Urban Ideals: The Image of Jerusalem in the Venice *Haggadah*, 1609', *Jewish Art*, 23/24, 1997/98, pp. 294-312.

77 *ibid.*, pp. 303-6. For the quote from Palladio, see Rudolf Wittkower, *Architectural Principles in the Age of Humanism*, New York, 1965, p. 22.

78 Sabar, 'Messianic Aspirations,' pls. 14 on page 305, and cf. also pls. 13 and 15.

79 *ibid.*, pp. 308-10.

80 Modena, *Midbar Yehudah*, Venice 1602, p. 5a (Hebrew).

81 See John White, '*Paragone*: Aspects of the Relationship between Sculpture and Painting', in *Art, Science, and History in the Renaissance*, ed. C. S. Singleton, Baltimore, 1967, pp. 43-109.

82 Leonardo's detailed discourse on the differences between painting and sculpture can be found in his 'Treatise on Painting,' chaps 38-45. See Martin Kemp, ed. *Leonardo on Painting*, New Haven and London, 1989, pp. 38-46). Leonardo's resolute

opinion is: 'Painting involves greater mental deliberation and is of greater artifice and wonder than sculpture ...' (*ibid.*, p. 40).

83 On Modena's positive approach to music and his involvement in composing of music see Don Harran, 'Was Rabbi Leon Modena a Composer?' in D Malkiel, ed. *The Lion Shall Roar: Leon Modena and his World*, Jerusalem (in press).

84 Several Italian rabbis in following generations demonstrated a similar gap between their formal conservative approach towards visual art, and their more liberal approach on the day to day level. R Samuel Aboab (1610-1694), who served as rabbi in Venice following the generation of Modena and Luzzatto, was asked about 'images drawn in stories of the Holy Books [i.e. the Bible]' and replied: 'I always felt upset about the making of images of the stories included in the books of our Holy Torah ...' See Aboab, *Sefer Devar Shmu'el*, Venice, 1702, Responsum 247. Indeed, in the time of Aboab, illustrations of Hebrew books in Venice flourished, but even though Aboab 'felt upset', he did not take any real steps to curb this phenomenon. Later on, R Isaac Lampronti of Ferrara (1679-1756) forbade the painting of images of a bride and groom and heavenly bodies in marriage contracts, but nevertheless, he, himself, did not refrain from signing as witness on several *Ketubbot* that included human figures and the zodiac signs, and thus imbued them with legitimacy. See Lampronti, *Pahad Yitzhak*, Lyck, 1871 (s.v. *zurat hatan*, and cf. Sabar, 'Use of Christian Motifs' [note 53 above], p. 47). For Lampronti's signature on illustrated *Ketubbot* with the above motifs, see, for example, *Ketubbot italiane* (note 53), pp. 83-4, no. 18 (Ferrara, 1793) pp. 88-9, no. 21 (Ferrara, 1749). Another *Ketubbah* that was published is from Ferrara, 1728 (Museum of Italian Jewry, Jerusalem – see A Milano, *Storia degli ebrei in Italia*, Turin, 1963, fig. 65 [the date in the caption should be corrected]). In this *Ketubbah* appear magnificent portraits of the bride and groom – both members of the noted de' Rossi family.

Isaac of Prostitz's Akedahs

Daniel Sperber

Rabbi Ronald Lubofsky was a connoisseur of art (Jewish art in particular), a lover and *maven* of books, a scholar and *Talmid Hacham*. In the brief but intense conversations we had with one another I saw how much he enjoyed the curiosities of Jewish art and booklore. I therefore dedicate this brief study, dealing with a tidbit of Judaic booklore, to his esteemed memory.

The first complete edition of the *Shulhan Aruch*[1] with the comments of the Rem'a, R Moshe Isserles, was published in Cracow in 1578[2] (*Yoreh Deah*) and 1580 (the other three sections of the *Shulhan Aruch*). The title-pages of the four sections are designed as an archway (שער)[3], decorated in an ornate fashion [see fig 1] on top of which is a panel bordered by two putti bearing cornucopiae, and surmounted by a Polish eagle. Within the panel is an illustration of the binding of Isaac – *Akedah* [see Figure 2], and under it the verse from Ezekiel (slightly misquoted)[4] 'And he said unto me: this is the table that is before the Lord.' This 'superscription' obviously refers below to the main body of the text within the 'archway', beginning with the title of the book: שולחן ערוך, 'the [well] ordered table.' This then is the 'table' our printer is presenting before the Lord, and to his readers. However, it also alludes to the panel above it. This will become clearer if we read the complete verse in Ezekiel, just the end of which was cited in the inscription:

> The altar of wood was three cubits high, and the length thereof two cubits, and the corners thereof, and the length thereof, and the walls thereof were made of wood, and he said to me. This is the table that is before the Lord. (Ezekiel 41:22).

On this verse the Talmud in B. Brachot 55a[5] remarks as follows:

> '... and the altar was three cubits high ...', and it is written, 'and he said to me: This is the table ...' He begins with the altar and ends

> with a table? R Yohanan and R Eleazar both said: As long as the Temple existed the altar atones for the sins of Israel and now [i.e. that the Temple is no more], a man's table atones for him.[6]

We see, then, that the altar is also called a table, just as the table can serve in place of the altar: hence, the inscription concerning 'the table that is before the Lord' alludes to the altar upon which Isaac is to be found in the panel above.

The panel itself, though small and somewhat crude in execution has all the elements that we would expect from an *Akedah* scene: From left to right: (a) the ram caught in the thicket, (b) Abraham wielding a large sword-like knife being prevented from slaughtering his son by an angel above, (c) Isaac is kneeling on the altar, (d) a burning brazier with smoke rising upwards, (e) two men with a donkey in a landscape with houses in the background. These two are, of course, the young men Abraham ordered, 'Abide ye here with the ass' (Genesis 22:5) while he went on to carry out God's command. All this is simple and straightforward. But what is somewhat surprising is the fact that Isaac is kneeling on the altar in a position of prayer and supplication (orant posture) and does not appear to be bound. This, in contrast to the plain reading of the Biblical verse which reads (Genesis 22:9) as follows:

> 'And they came to the place which God had told him of; and Abraham built an altar there, and laid the wood in order, and *bound Isaac his son, and laid him on the altar* upon the wood.'

Indeed, in Jewish traditional art and ceremonial art Isaac is almost always portrayed as *lying* on the altar.[7]

Such a deviation from the Biblical text is a clear indication that the design for the panel was based upon a Christian prototype of the *Akedah*. For when we look at Christian representations of this scene, Isaac is almost invariably kneeling on the altar in a posture of prayer (orant). This is very evident in the Cologne Bible of c. 1478-80 [Figure 4],[8] and, going back yet earlier, in the so-called *Biblia Pauperum*[9] of about 1460 [see Figure 5]. And earlier still in the *Speculum Humanae Salvationis*, various versions of which span the years 1324-1500 [see Figure 6].[10]

The reason for this is simple and stated explicitly in the *Biblia Pauperum* in the text beneath the *Akedah*'s panel: 'The father sacrifices this boy who signifies Christ.' And even fuller exposition of this item is to be found in the text above the panel, which reads as follows:

> According to Genesis 22 [7-18] when Abraham had raised his sword to sacrifice his son, an angel of the Lord prevented him from heaven, saying 'Do not lift your hand against the boy' [*ibid.* verse 12]. Abraham signifies the heavenly Father, who sacrificed his son, that is Christ, on the cross for us, so that in this way he might give an indication of the Father's love.'[11]

The wooden faggots at the foot of the altar – and not on it – are arranged in cruciform fashion, alluding to the cross, just as they are in the Cologne Bible. The ram in the *Biblia Pauperum* looks more like the 'Lamb of God' (*Agnus Dei*).[12] In the Cologne Bible, Isaac bearing the bundle of faggots prefigures Christ bearing

his cross.[13] Indeed, this interpretation goes back to early Patristic literature and is echoed throughout Christian theological writings.[14]

Now, while I have not yet found the direct iconographic source for the *Cracow Akedah*, I strongly suspect it derives from one of the illustrated Bibles of the sixteenth century.[15] It is remarkably similar, for example, in many details to that of the Biblia Sacra of Venice, 1627 [Figure 9], even to the type of brazier with its flames and smoke. This Bible, published by the heirs of the famous Venetian printer L A Junta (or Giunta) is a reprint of the Roman edition of the Vulgata Bible corrected in the orders of Popes Sixtus V and Clement VII. The quarto edition appeared in Rome, *ex Typographica Apostolica Vaticana* in 1593, and the illustrations are executed in the Venetian style of the mid-sixteenth century.[16] Our illustration mainly derives from some other earlier prototype, perhaps also Italian, and even Venetian.[17] In any case, it is fairly clear the printer of the Cracow edition of the *Shulhan Aruch* drew upon a Christian prototype for the *Akedah* panel, being quite unaware of the theological overtones.

But why did the printer require an *Akedah* on the title-page of his *Shulhan Aruch*? It was not primarily because of the play on *Shulhan-Mizbeah*, Table-Altar, although this was a clever additional finesse, but because the printer's name (as listed in the bottom line of the title page) was *Isaac* Ben Aharon of Prostitz.[18] He wished further to indicate his role in the printing enterprise of this very important work by reference to the *Akedat Yitzhak* – the binding of Isaac.

In yet another volume, this time the Talmudic tractate *Zevahim* (Sacrifices) we find Isaac Prostitz's printer's mark in the form of an *Akedah* [Figure 11]. However, this time Isaac is bound and lies on the non-cruciformly arranged faggots. This volume was printed c. 1616-20,[19] some years after Isaac's death in 1612, by his sons who inherited the press. Avraham Yaari,[20] who described this mark, noted that it was prepared by Isaac towards the end of his life when he planned to print the *Arbaah Turim*, which was completed by his sons after his death. However, Heller[21] points out that Yaari was not aware that this mark was also used in this Talmud edition.[22]

In yet an earlier volume, printed in 1600,[23] we find yet another of Isaac's printer's marks, this time with the ram alone, substituting Isaac (תמורת יצחק) [Figure 12]. Since we know that in 1600, Isaac, already advanced in years, left Cracow for his birthplace, Prostitz, leaving the press in the hands of his sons,[24] perhaps this is what was meant by 'substituting Isaac',[25] namely that the children had taken Isaac's place in the press.

We see, then, that Isaac's 'Christological' *Akedah* was subsequently substituted by more 'acceptable' portrayals of this scene. Could someone have whispered in his ear, 'Your [first] *Akedah* is really quite unacceptable!'?

Appendix: *Abraham's sword*

It will be noted that in the Cracow *Akedah*, as in a number of other ones, Abraham is brandishing a massive sword, that the angel prevents him from using on his son. However, in other representations (e.g. Figure 3 and Isaac's later *Akedah*), Abraham has a knife and not a sword. The Biblical text in Hebrew (Gen. 22:6)

has the word מאכלת, which the Aramaic *Targumin* and the Syrian *Peshitta* translate as סכינא, a knife. And so too in Judges 19:29. However, the Latin Vulgate has here: *gladius*, a sword. Knife – סכינא – would have been *culter* in Latin, and indeed a *culter* was the instrument used for sacrifices. Thus, for example, we read in Horace, Sat. 1.9.74: *me sub cultro linguit*, meaning: he leaves me in a state like that of a victim dragged off to the altar. And a *cultrarius* was a person who carried out the sacrifice. The Greek *Septugint* has *machaira* which bears both meanings: sword – *gladius*, or knife *culter*,[26] so that, the Vulgate could well have translated *machaira* with *culter*, which, as we have seen, would well suit the context.

It would appear that the word *gladius* was used, because Abraham's 'sacrifice' was viewed as a sort of execution. In Roman law to condemn a culprit to the death penalty by decapitation with a sword was termed *damnare ad gladium*, and was part of the *ius gladii*.[27] In any case, it is surely clear that those representations with the massive sword are basing themselves on the Latin Vulgate, whereas those which have shorter knives go back to the Hebrew text or its Aramaic and Syriac translations. The Byzantine type of *Akedah*, deriving from the Eastern Church, usually has a shortish knife (e.g. S Vitale in Ravenna, from the sixth century).

To conclude: Isaac of Prostitz's first *Akedah*, with the large sword, derives from a Latin Christian source, while his later one,[28] with the knife, derives from the Hebrew text.

Notes

1 Orah Hayyim alone was first printed with the Rem'a's comments in Cracow in 1570, but the other parts of the *Shulhan Aruch* were not completed. On this early edition see I Nissim, in *Sinai – Sefer Yovel* ed. Y L Ha-Cohen Maimon, Jerusalem, 1958, pp. 32-3 and, most recently, the *Shulhan Aruch ha-Shalem*, published by Machon Yerushalayim, vol. 1, Jerusalem, 1994, introduction p. 26.

2 The year 1578 was a difficult one for the press in Cracow. For when it became known the press was involved in printing the Talmud, charges were brought against them and complaints to the Polish chancellors. See M J Heller, *Printing the Talmud: A history of the Earliest Printed Edition of the Talmud*, Brooklyn 1992, p. 37; B Friedberg, *A History of Hebrew Typography in Poland, from the beginning in 1534 and its development to the present* [Hebrew], Antwerp 1932. pp. 21-2. Perhaps this situation is reflected in the verse giving the date from Malachi, 3:23: הנה אנכי שלח
לכם את אליה הנביא,
indicating a hope for salvation (The Biblical verse has אליה, but our page has אליהו.)

3 David Bomberg and Gershon Soncino were the first to employ a 'gateway' as an ornament for the title page of a book. In the course of the sixteenth century more 'gates' began to appear in various forms depending on local taste and the period. See A Haberman, *Title Pages of Hebrew Books* (=Shaarei Sefarim Ivriim), Safed, 1969. English introduction pp. xi-xii. On the history of the title page, see now Margaret M Smith, *The Title-Page: its early development 1460-1510*, London & New Castle, Delaware, 2000. An early example of a 'gateway' title-page is brought there on p. 96, *Horae ad usum Romanum*, Paris 1497.

4 The Biblical text has: וידבר אלי, wherever our title page has: ויאמר אלי.

5 Parallel in B Hagigah 27a, and B Menahot 87a.

6 See my detailed discussion of this motif in my *Minhagei Yisrael* vol. 3, Jerusalem 1994, pp. 161-2.

7 For Jewish illuminated manuscripts see, for example, *Hispano – Moresque Haggadah*, BL Or 2737, fol. 93v, Castille c. 1300, apud B Narkiss, Hebrew Manuscripts in the British Museum, 2 Jerusalem & London, 1982, p. 26 no. 101; *The Golden Haggadah*, BL Add. 27250, fol 4v b left, Barcelona c. 1320, apud Narkiss *ibid.* p. 35 no. 127. In Jewish ceremonial art, see e.g. M Kaniel, *A Guide to Jewish Art*, New York, 1989, p. 194, Polish nineteenth century circumcision plate; S Kayser, *Jewish Ceremonial Art*, Philadelphia, 1955, p. 146, Polish eighteenth century circumcision plate. See also *Encyclopedia Judaica*, Jerusalem, 1972, vol. 4, 244, 1231, 1339, silver book-covers. E R Goodenough, *Jewish Symbols in the Greco-Roman Period*, New York, 1953-54, vol. 2, 224, suggests a Jewish origin for an amulet with an *Akedah* in which Isaac is kneeling (in profile) [Figure 3]; see *ibid.* vol. 3, no. 103 (citing Garucci, *Storia dell arte cristiana* vi, Rome 1881, pl. 1922, no. 11). But there is no real evidence for this identification. Furthermore, the fact that an angel is bringing the ram to Abraham and he is not caught up in a bush, is probably evidence of its non-Jewish source, as clearly demonstrated by Meyer Shapiro in his brilliant article entitled 'The angel with the Ram in Abraham's Sacrifice,' in *Late Antique, Early Christian and Mediaeval Art: Selected Papers*, New York, 1979, pp. 288-318 (first published in *Ars Islamica* XII-2 1943, pp 134-47). See also Goodenough vol. 3, nos. 1040, 1041; *ibid.* vol. 2, p. 224, two amulets: one (1040) with Isaac lying on an altar and a hand [of God) arresting Abraham, with a ram caught in a strange bush, perhaps a Jewish amulet, and the second one (1041) with a kneeling Isaac and a winged angel etc. On these amulets, see Campbell Bonner, *Studies in Magical Amulets*, Oxford, 1969, p. 346. nos. 344-5, E Babelon's identification to no. 340 (in his *Guide Illustre au Cabinet de Medailles*, 1900, pp. 37ff) as *'intaille chretienne de la Perse ancienne'* has little to recommend itself. See also Schapiro *ibid.* 313, and further Bonner *ibid.* no. 343 and p. 226.

8 On this Bible, see J Strachan, *Pictures from a Mediaeval Bible*, Boston, 1959, pp. 9-11; illustration p. 23.

9 See *Biblica Pauperum: A Facsimile and Edition* by Avril Henry, Cornell University Press, Ithaca New York, 1987, pp. 96-8. On this Bible, its early origins and various versions, see detailed introduction *ibid.*

10 See *A Mediaeval Mirror: Speculum humanae salvationis 1324-1500*, by A Wilson & J Lancaster Wilson, Berkeley Los Angeles London, 1984, p. 184, and especially *ibid.* p. 47. In fact we can trace this back to early Christian art, such as in the fresco in the Vigna Massima in Rome from the fourth century, and so too from the fresco in S Callisto in Rome from approximately the same period. See Alison Moore Smith's article, 'The Iconography of the Sacrifice of Isaac in Early Christian Art', *American Journal of Archeology*, Ser. 2 XXVI, 1922, p. 161, and especially *ibid.* p. 170 type II. And moving closer to the time of the Cracow *Shulhan Aruch*, we may point to Lucas Cranach the Elder's Wittenberg altar from 1547.

11 The Latin text reads as follows (*ibid.* p. 156, e):
Legitur in genesi xxij capitulo cum Abraham gladium extendisset vt filium immolaret angelus domini ipsum de caelo prohibuit; dicens ne extendas manum tuam super puerum Abraham patrem celestem significat qui filium suum scilicet cristum pro nobis omnibus in cruce imolauit vt per hoc innueret signum amoris paterni.

See *ibid.* p. 142, and of note 3, and also p. 13. The premise that the Old Testament prefigures events in the New Testament is basic to early Christian theology, and was developed by St Ambrose, St Augustine, and later from the school of Rabanus Maurus. There evolved in the tenth century the *Glossa ordinaria* by Walafrid Strabo which gives an allegoric interpretation to each verse in the Bible, linking the two Testaments. For an exposition of this process, and its expression in mediaeval art, see the fourth chapter of Emile Male's classic, *The Gothic Image*, London & Glasgow 1961 (= Religious Art in France: thirteenth century: *A Study in Mediaeval Iconography and its Sources of Inspiration*, London 1913), pp. 131 et seq., and specifically for the *Akedah* pp. 136, 141. See further N A Dahl, 'The Atonement-An Adequate Reward for the *Akedah*? (Ro. 8:32)', in *Neotestimentica et Semitica: Studies in Honour of Matthew Black*, ed. E Earle Ellis & Max Wilcox, Edinburgh, 1969, pp. 15-29.

12 Jesus is represented by the Baptist as the Lamb of God ... see John 1:29 and 5:12. On the symbolism of the Lamb of God in Christian thought, see most recently, F Manns' note in *The Sacrifice of Isaac in the Three Monotheistic Religions*, ed. F Manns, Jerusalem 1995, pp. 99-100. It may be noted that on the south portal of San Isodoro of Leon, the scene of the *Akedah* is surmounted by the Holy Lamb in a mediallion held by two angels. See A K Porter, Romanesque Sculpture of Pilgrim Roads, Boston 1929, illustration 699; M. Gomez-Moreno, El Arte romanico espanol, Madrid 1934. Pl. LXVII. CXXVII; noted by Meyer Schapiro, *ibid.* p. 302. See further G Schiller, *Iconography of Christian Art*, vol. 2, London, 1972, p. 4.

13 cf. John 19:17, Manns *ibid.* p. 100; and Irenaeus Tertullian, Origen etc; see M C Paczkowski, apud Manns *ibid.*, pp. 106, 109, 117. For pictorial examples of this parallelism see *A Mediaeval Mirror* p. 47, from the early fifteenth century English manuscript (Pierpont Morgan Library M766) [Figure 7], and *ibid.* pl. IV-I, after p. 100, from British Library, Kings Ms.5 fol. 16 [Figure 8]. See further Schiller *ibid.* pp. 2, 4, 82, 127, and illustration no. 428, twelfth century, Meuse School, top of portable altar in Brussels. One may also refer to St Ambrose, De Abraham I, chapters VIII: *Signe Isaac sibi vexit, Christus sibi patibulum crucis portavit.* Incidentally, Abraham's sword, and even his scabbard, is similar in both Bibles.

14 This theme goes back to early Patristic literature, such as Epistle of Barnabas, Melito of Sardis etc., see Paczkowski; *ibid.* pp. 105-21; and L Cignelli, *ibid.* pp. 123-6. We may quote, for example, Sr. Ambrose *ibid.*: *Isaac ergo Christi passuri est typus ...*

15 Haberman, Title Pages, pp. ix-x, demonstrates that Hebrew title-page frames were taken from non-Jewish printers. cf. *ibid.* figs. 4-5, 6-7.

16 Some of the illustrations in this Bible resemble woodcuts by Orlando Farioso, in Ovid's Metamorphoses, published by G Giolitti di Ferrara in the 1550s or 60s. One illustration (on p. 5) is signed NG = Nicolus Guerara.

17 It should be noted that the printer, Isaac Ben Aharon of Prostitz in Poland – discussed below – first worked in Venice in the Printing House of Giovanni Grypho, and when Grypho's press closed in 1568, Isaac acquired the typographical equipment, including letters, ornaments and frames, and brought them to Cracow. See Heller *ibid.* p. 368. (Perhaps a more correct form of the name is Grifio. See David Amram, *The Makers of Hebrew Books in Italy*, London, 1963 (second ed. 1988), p. 350; he published five major works in 1567: Turim, *Shulhan Aruch*, Sforno's commentary on the Pentateuch, Avodat Ha-Kodesh, Genesis Rabba, but could not compete with the great printing presses of Di Gara and Bragadini, see Amram *ibid.* It should further be noted that this exact same title-page frame was already used by the short-lived (1563-67) Padua press, in *Sefer Derashot ha-Torah* by Shemtov b.

Shemtov, Padua 1576 for Messer Piero del Portal, Vecchio [Figure 10]. Ten years earlier it appeared in *The Responsa* of R Yosef Colon, Cremona, 1557, in the printing house of Vicenzo Conti, and later by the same printer in his Zohar, 1565 and 1568. (See M Benayahu, *Ha-Defus ha-Ivri be-Cremona*, Jerusalem, 1976), pp. 123-37). This again brings us back to an Italian source. Perhaps Grypho -Grifio bought up some of the Padua press's equipment, including this frame, and it then passed into the hands of Isaac of Prostitz. He would have especially valued it because of the association of the *Akedah* with his name. (See Amram *ibid.* p. 338, and Haberman, *Title Pages*, pp. 23-4.) Isaac also acquired type, frames and printers' marks from the press of Giorgio di Cavalli, brought to him by the famous proofreader Samuel b. Isaac Boehm, who came from Venice to work with him. See A Yaari, *Hebrew Printers' Marks, from the beginning of Hebrew printing to the end of the 19th century*, Jerusalem, 1943 (Hebrew), pp. 138, 139, and pp. 25 no. 39, 26 no. 42, for other of Isaac's printers' marks. On di Cavalli, see Amram *ibid.* pp. 346-9. However, the same title page also appears in Venice in R Levi b. Yaakov ibn Haviv's (Ralbah's) *Responsa* in 1565, printed by di Gara (?). (This work is not listed in A M Haberman, Giovanni di Gara, Printer, Venice, 1564-1610, ed. Y Yudlov, Jerusalem, 1982 [Hebrew], but is listed in S Steinschneider's *Catalogus Librorum Hebraeorum in Bibliotheca Bodleiana*, Berlin, 1852-60, 1606 [no. 6136-2].) There are other examples of the joint use of title pages between Prostitz and di Gara. Thus, Prostitz, in his 1581 printing of *Shaarei Teshuvah*, by R Yonah Girondi, and in his *Shaarei Orah*, by R Yosef Gikatilia, 1600, uses the wreathed column archway – a common theme – in his title pages, which is exactly the same as was used by the di Gara press in a number of his publications. So in *Neve Shalom*, 1575, (Haberman, *ibid.* no. 37), *Beur Sefer Kohelet*, by R Elisha Gallico, 1572 (Haberman, no. 45), Yeriot Izim, by R Shimshon b. Samuel, 1579 (Haberman no. 170), Porat Yosef, by R Yosef Samiga, 1590 (Haberman no. 119). It was also used in *Beurim shel Maharan*, by R Nathan Shapiro of Grodno, comments on Rashi, published by Matteo Zanetti, in Cremona, 1593. (On the Zanetti family, see Amram *ibid.* pp. 342-6.) This same title page also appears in R Moshe Romi's *Shaarei Gan Eden*, published by Kalonimus ben Yoffe in Lublin, 1597 (but this was published earlier in 1589 by di Gara), and in his edition of Devek Tov, by R Shimon Oshenburg, 1607(?), and later on (with slight changes) in the *Pesikta Rabbati*, Prague, 1653, and Shichehat Leket by R Nathan Bon of Frankfurt, Prague, 1652, by the Sons of Bak press. It is also used by the Zanetti press in Yedei Moshe, by R Moshe Almosnino, 1597. There are many examples of the sharing of printers' marks, e.g. di Gara and Bragadini; see Joshua Bloch, *Hebrew Printing and Bibliography*, New York, 1976, p. 84 (first published in his article 'Venetian Printers of Hebrew Books,' *Bulletin of the New York Public Library* 36/2, 1932, p. 88). The phenomenon of 'joint' use of title-page frames has been noted by Haberman, Title Pages, p. xii. There he also notes the influence of Italy on Polish presses.

18 On Isaac b. Aharon of Prostitz (Prosnitz), and his press, see Heller *ibid.* p. 368 et seq., and Friedberg *ibid.* p. 21-2. Already in 1571 (של"א) he had printed the Agudah with the same title page, and in 1589 he printed Darash Moshe, by R Moshe b. R Yitzhak of Pizanz, also with this title-page. However, in 1570 (ש"ל) he printed (Zot) *Torat ha-Hatat* with quite a different title page without an *Akedah*. (See Haberman, *Shaarei Sefarim* no.84, and *Sefer Ginzei Yisrael ... me-Osef Melman*,ed. Y Yudlov, Jerusalem, 1985, pp. 696, Figure 22.). Prostitz used other title pages too, as in R Mordechai Yoffe's Levushim (1594, 1598), Yalkut Shimoni, 1595, and earlier on in works by the Maharal of Prague, R Yehudah Lowe b. Bezalel, 1582, 1589, and

R Moshe Cordovero's *Pardes Rimonim*, 1592, etc. This same title page also appears in *Tur Hoshen Mishpat*, Cracow, 1631, and in Moshe Meizlish's press in Yoreh Deah, 1635, Orah Hayyim with Nahlat Zvi, 1646.

19 Y S Halevy Weinfeld, in his *Mavo Le-Shass Vilna*, Jerusalem 1994, p. 76, thought that this work was in the second Cracow Talmud editing 1602-5. (On this edition see R N N Rabbinowicz, *Maamar al Hadpasat ha-Talmud*, ed. A M Haberman, Jerusalem 1952, pp. 80-4). However, Heller *ibid.* p. 384, makes it amply clear that it is from the later edition. This same *Akedah* is also found in his edition of the *Tur, Hoshen Mishpat*, Cracow, 1616.

20 See his *Hebrew Printers' Marks*, p. 141.

21 Heller *ibid.* pp. 384, 386.

22 Heller *ibid.* also refers us to M Schwab's articles in REJ LXXIII, 1912, pp. 303-8, entitled *Une Edition Rarissime du Talmud*, where he refers to this wood engraving. He suggested that it must be dated from the sixteenth century, because Abraham is wearing a hat and collar in the style of Henry II (!).

23 למען שמך לפ"ק Weinfeld, *ibid.* 78, presents this as appearing in the Talmud edition and dates it 1578. However, Yaari, *Printers' Marks ibid.* p. 141 (illustration: p. 29, no. 46), states that he has only seen this mark on *Shaarei Orah*, by R Isaac Gikatilla (Gikatilia), Cracow 1600. Here the printer's mark refers not only to the printer's name but also to that of the author. (On the earlier Talmud edition see Rabbinowicz, p. 79, Heller p. 373.) The full inscription encircling the printer's mark is as follows: זכור ברית אברהם ועקדת יצחק וחשב שבות אלקי יעקב וחשענו למען שמך לפ"ק (A verse from the Selichot liturgy.)

24 Heller *ibid.* p. 375, referring to Friedberg pp. 17-18.

25 For a completely different representation of the ram of the *Akedah*, see the title page of *Olat Yitzhak*, an elucidation of R Yaakov Weil's *Shehitot u-Bedikot*, by R Yitzhak of Tarnogrod, Frankfurt on the Oder, 1692, (Figure 13). Here too we note the double meaning of the mark, referring as it does to slaughter (*shehitah*) and to the author's name, Yitzhak.

26 See, e.g. *Corpus Glossariorum Latinorum*, ed. G Goetz, vol. 3, Amsterdam, 1965, p. 530 nos. 43, 44: *maxarium, cutellum, maxayara gladium* (from Glossae Vaticanae), and of vol. 2. p. 509 no. 28.

27 See A Berger, *Encyclopedic Dictionary of Roman Law,* Philadelphia, 1953, pp. 482, 529.

28 A quite different *Akedah* is to be found in the title page of Ginat Egoz, by R Yosef Gikatilia, Hanau, 1615, and also in the three books written by R Yitzhak Hayyim Cohen of the Hazanim (Cantorini), Av Beit Din of Padua, Et Ketz, Amsterdam, 1710, Pahad Yitzhak, Amsterdam, 1684. Ekev Rav, Venice, 1711. (See Figure 14.) Yet another *Akedah* is found in the small upper right-hand panel of the title page of *Shivim Tikkunei ha-Zohar*, Amsterdam, 1686 (Haberman, *Title Pages*, no. 41). (Figure 15) And again, in quite a different style, in *Mahzor Sefardim le-Yamin Noraim*, Florence, 1735, in an engraved title page signed Vin. F. Sch. (Haberman, *ibid.* no. 54).

Figure 1. *Shulhan Aruch Yoreh Deah*, Cracow 1578.

Figure 2. Detail of *Shulhan Aruch Yoreh Deah*, Cracow 1578.

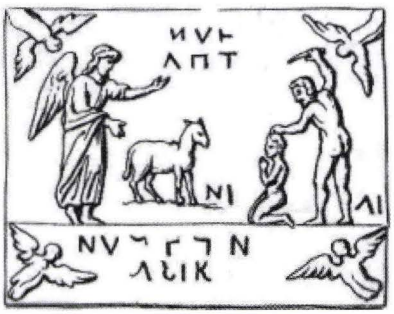


Figure 3. Akedah Amulet.

Figure 5. *Biblia Pauperum*, c. 1460.

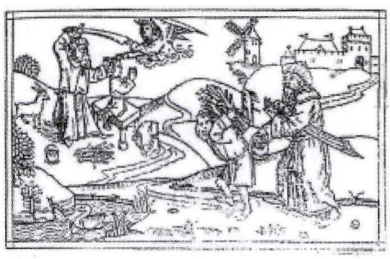


Figure 4. Cologne Bible, 1478-80.

Figure 6. *Speculum Humanae Salvationis*, 1324-1500.

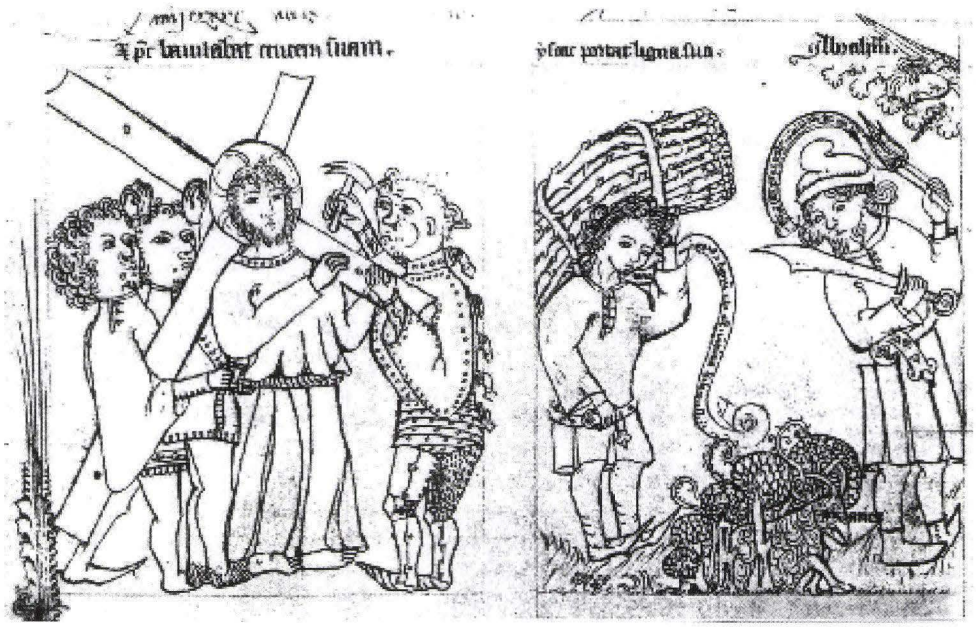


Figure 7. English fifteenth century Ms., Pierpont Morgan Library M766.

Figure 8. British Library, Kings 40.5.

Figure 9. *Biblia Sacra*, Venice 1627.

Figure 10. *Sefer Derashot ha-Torah*, by Shemtov b. Shemtov, Padua 1576.

Figure 11. *Talmud Zevahim*, Cracow c. 1616-1620.

Figure 12. *Shaarei Orah*, by R Isaac Gikatilia, Cracow 1600.

Figure 13. *Olat Yitzhak*, by R Yitzhak of Tarnogrod, Frankfurt on Oder, 1692.

Figure 14. *Ginat Egoz*, by R Yosef Gikatilia, Hanau 1615.

Figure 15. *Shivim Tikkunei ha-Zohar*, Amsterdam 1686.

Remembering Amalek

Bertram Mond

Dedicated to the memory of the late Rabbi
Ronald Lubofsky

When Rabbi Lubofsky retired from his position as Chief Rabbi of the St Kilda Hebrew Congregation, he prayed almost every Sabbath morning in the Mizrachi synagogue. Declining an invitation to sit on the podium, he occupied the seat next to me. Thus for a number of years, I was privileged to hear his wise, scholarly and at times creative interpretation of the portion of the Torah being read.

On the Sabbath before the festival of Purim, *Parshat Zachor*, a special Maftir from Chapter 25 of the book of Deuteronomy is recited in commemoration of the command to remember the attack of Amalek on the Children of Israel when they were travelling in the wilderness after having departed from Egypt. In many Ashkenazi synagogues, the custom has arisen of reading a portion of the last sentence twice, because of the variant pronunciations of the Hebrew word for memory. In some synagogues only the words *Zaycher Amalek* are repeated, in others the entire phrase '*Timcheh et Zaycher Amalek*' is duplicated, while some others repeat the entire sentence '*V'haya B'haneeach*' ... *Timcheh et Zaycher Amalek Meetachat Hashamayim, Lo Tishkach*'.

Specifically, the Mishnah Berurah[1] 685:18 states, 'Be aware that some authorities maintain that the word (for memory) should be pronounced *Zaycher* (with a *Tzereh* i.e. two dots under the *Zayin*) while others read it as *Zecher* (with a *Segol*, i.e. three dots under the *Zayin*). Therefore, the reader should read it both ways to fulfil the obligation according to both views.' (It might be noted that the problem does not arise in Sephardi synagogues since they make no distinction in the pronunciation of these two different vowels.)

Rabbi Lubofsky did not approve of this double reading. He maintained, indeed felt strongly, that the word for memory is clearly and only *Zaycher* and

that there is simply no word *Zecher*. In this brief article, I wish to explore this question and, in particular to record the conclusions of other scholars who have considered this topic.

The Torah parchment itself is written without any vowels so that, for example, the word *Zachar*, for male, is indistinguishable from the word *Zaycher* for memory. One must discern from the context (or by tradition) what is the intended meaning. No one disagrees that what is intended here is the word for memory. Virtually all modern printed versions of the text have two dots under the *Zayin* both here and wherever the word means memory. This includes the *Mikraot Gedolot* and the Art Scroll *Chumash*. The word *Zecher* (with three dots) is only found in the Book of Chronicles as the name of a male member of the tribe of Benjamin.

Reading any part of the Torah twice because of variant versions is most unusual. One scholar is said to have remarked that if we were to begin reading doubly all instances of variations between manuscripts, the Torah reading each week would last an inordinately long time. In general when some disagreement arose it was resolved one way or the other so that the Torah reading was never duplicated. (Sometimes two versions were preserved in that both a *Kri* and a *Ktiv* were recorded, i.e. some words were written one way but read differently – however only the *Kri* version is read.)

In this regard it might be worthwhile to quote from Maimonides' *Mishneh Torah*.[2] In the Laws of a *Sefer Torah*, Chapter 8, verse 4, Maimonides writes that he found various differences in *Sifre Torah*. He states that he set about the task of fixing them and correcting the mistakes. 'The book that we relied on in these matters is the well-known manuscript in Egypt, that came from Jerusalem some years ago. Everyone relied on it, since it was meticulously corrected by Ben-Asher for many years, and was proofread many times in accordance with the Masorah, and I based myself on this in the *Sefer Torah* that I wrote.'

Although the question as to the different pronunciations of the word for memory was not an issue at that time, there are two things worth noting from the comments of Maimonides. First, where there were variant opinions, he set about reaching a decision as to which version, based on available evidence, was correct and only this version was accepted. Secondly, the authority on whom he relied was Aaron, the son of Moses Ben-Asher. In essence Maimonides attests that Ben-Asher's book is the most authentically accurate manuscript of the Bible. Aaron Ben-Asher was the last of a family who were experts in Biblical texts. To quote from H Graetz, *History of the Jews*, vol. III, page 207:

> Considerable value was attached to the copies of the Bible which were corrected by them (the Ben-Ashers) with the greatest care and exactness according to the *Massoretic* rules, which they had mastered completely. The Ben-Asher copies of the Bible were looked upon as models both by the Karaites and the Rabbinates, and treated as sacred. The *Massoretic* texts of the Bible now in use are largely derived from Ben-Asher's original copies.

(The Karaites were a Jewish sect that revered the Bible but did not adhere to the oral law.)

Since the Ben-Asher family were the authorities in Biblical texts, it would be of great relevance to examine an original text from them to determine whether they had two or three dots under the *Zayin* in the word for memory read on *Parshat Zachor*. Perhaps the oldest extant text annotated by Ben-Asher is the *Allepo Keter* also known as the *Keter Aram-Tzova*.

Herein lies a tale. Although the pointing and *massoretic* annotation of the *Keter* manuscript was done in Israel more than one thousand years ago by Aaron, the son of Moses Ben-Asher, it found its way to Egypt. According to one version (see, e.g. S W Baron, *A Social and Religious History of the Jews*, vol. VI), it was captured by the crusaders, brought to Egypt and redeemed by the Egyptian Jewish community. This was apparently the one used by Maimonides in correcting existing *Sifre Torah* and in writing his own *Torah*. In due course, the Ben-Asher manuscript was transferred to Allepo, Syria where it was stored in the Sephardi synagogue. In late 1947 after the United Nations voted to establish the State of Israel, the Arabs of Allepo rioted and destroyed the Synagogue. During this period, much of the manuscript (about one-third) was either destroyed or stolen, including the part containing the reading for *Parshat Zachor.* What remained was hidden by the members of the Jewish community. About ten years later, a member of the community risked his life to smuggle the remaining manuscript out of the country into Turkey. From there it was brought to Israel, presented to the President of the country and now resides in the Israel Museum.

In view of the absence of the relevant section, can the *Keter* still throw some light on the correct pronunciation of the word for memory in the reading of Parshat Zachor? Possibly. Because the *Keter* manuscript was so special, the Jews of Allepo did not allow others to photograph or examine it. Whoever wished to clarify a question of variants in text had to write down the query and the person in charge would relay the version found in the *Keter*. Fortunately one of hundreds of questions that was put and the answer noted was the number of dots in the word for memory in the *Parshat Zachor* reading. The response that was recorded was that the word had five (not six) dots (corresponding to *Zaycher* not *Zecher*). This seems to be consistent with what is found in many other ancient manuscripts.

Probably the most recent scholarly paper on this topic was written by Yosef Peretz in an article entitled 'Zecher Amalek' that appeared in the book *A Divinely Given Torah in Our Day and Age*, published by Bar Ilan University. In his article, Dr Peretz quotes other studies and cites other ancient manuscripts. His conclusion is as follows: 'Scholars who considered the matter (e.g. J S Penkower, 1997) prove conclusively that the correct and original pointing of the word is *Zaycher* (with a *Tzereh*). In their opinion, one should return to the ancient practice and all Jewish communities ought to read the word only once, as *Zaycher.*' Dr Peretz concludes that 'one cannot but agree that there is no need for Ashkenazim to read *Zecher*, for *Zaycher* will suffice'.

Since writing the above, the editor of this volume, Mr Andrew Strum, has brought to my attention a more recent relevant source. In an article in the 2

February 2001 issue of the *Jerusalem Post*, entitled 'The True Torah?', Robby Berman, among other topics, touches on the question of the correct Torah reading. Not surprisingly, he agrees with the conclusions reached earlier in this paper that the correct version should be *Zaycher*. One quotation from his article is the following:

> For years, rabbi, scholar and Israel Prize-laureate Mordechai Breuer has been trying to change the custom in synagogues on the *Shabbat* preceding Purim to read only Zaycher (See M. Breuer, for a complete discussion of Rabbi Dr Breuer's views) ... since 'It is now known which version is more likely accurate rendering the double reading superfluous.'

All of the above leads me to conclude that the view of Rabbi Lubofsky is fully borne out by modern scholarship and that there is no justification for reading both *Zecher* and *Zaycher*.

Since most of the above discussion involved views and quotations from relevant Biblical scholars, I would like to conclude with a personal observation. As noted, in Sephardi synagogues, a dual reading does not take place since in their pronunciation, there is no distinction between two or three dots. In many Ashkenazi synagogues, one often finds today that the Sephardi pronunciation is used. This may be because the *Baal Koreh* (Torah reader) is from Israel or attended a Jewish school where this pronunciation was used. Nevertheless, despite the fact that the reader uses the Sephardi pronunciation, the relevant part of Parshat Zachor is often still being read twice, first as *Zaycher* and then as *Zecher*. While one may understand the desire to continue what is now regarded as an accepted custom, despite recent scholarly evidence that the word *Zaycher* is correct, there seems to be no reason for a dual reading of *Parshat Zachor* when the Sephardi pronunciation is used.

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5 Penkower J S, 'Minhag u-Mesorah: Z-ch-r Amalek be-hamesh o be-shesh nekudot' in *Iyyunei Mikra u-Farshanut*, R Kasher, M Tzippor and Y Tzefati, eds. 4, pp. 71-127, Bar Ilan University Press, Ramat Gan, 1997.

6 Peretz, Yoseph, 'Zecher Amalek', in *A Divinely Given Torah in our Day and Age*, 207-211, published by Bar Ilan University, Ramat Gan, 1998.

Notes

1 *The Mishnah Berurah* by Rabbi Israel Meir Ha-Kohen, known as the Chafetz Chayim, is a six volume commentary on the first part of the *Shulhan Aruch* by Rabbi Joseph Karo.

2 *The Mishneh Torah* by Rabbi Moshe Ben Maimon, known as the RAMBAM or Maimonides, covers the entire field of *Halachah* (Jewish law) in fourteen volumes.

Liturgical and ritual melting pot? On unity and variety of religious practice

R J Zwi Werblowsky

No matter how broad and wide-ranging a rabbi's sphere of activity and influence, his centre is the synagogue with its liturgical practice, and one of his main responsibilities is the transmission of ritual practice. It may therefore be appropriate to honour Rabbi Lubofsky's memory by presenting a few reflections on this subject. I shall limit my reflections to orthodox practice in Israel for a simple reason. The varieties of belief and practice found in the sector of contemporary Jewish society referred to as 'religious' (at least as distinct from the self-confessed secularists), and often subsumed under the triadic heading orthodox-conservative-reform / liberal, are expressions of more basic varieties of ideology and world-view. In orthodox practice, on the other hand, all varieties regard themselves as committed to, and being in keeping with, *halachic* tradition, its enduring authority and its systematised canons of interpretation. The Israeli case has been chosen because there *Halachah* too, though by definition unable to 'compromise', cannot escape the pressures of a situation that puts a premium on unity and which expects all social institutions to promote the fusion (*mizzug galuyoth*) and not only the ingathering (*kibbuts galuyoth*) of the 'tribes of Israel'.

At the same time there is equal pressure to maintain the diversity of traditions in all their variety and richness. In fact, as a reaction to what seems to be a trend towards inevitable cultural levelling, globalisation and equalisation, specific traditional (also ethnic and tribal) identities, customs and languages are nowadays treated like 'endangered species' or, in less biological language, as endangered cultural assets, the salvaging of which is a major moral duty. Yiddish and Ladino will undoubtedly survive – as objects of study but no longer as colloquial speech. In two or three generations from now no descendant of originally Yemenite immigrants will know the very distinct Yemenite liturgy,

let alone speak Hebrew in Yemenite pronunciation. Yemenite dances will be performed by folkloristic groups. And for how long will Klezmer music continue to be considered the authentic expression of the 'Jewish soul'?

The *halachic* universe of discourse, like other legal systems, has its axioms, its rules of reasoning, its criteria of proof and validation, its canons of argument. Also themes with an ideological and, to our minds, ethical charge must be handled exclusively in accordance with prescribed procedures and rules of argument. The unity of the Jewish people is undoubtedly a worthy ideal, but the ideal can be made *halachically* operative only by proper derivation from a Biblical provision. That provision was found in Deuteronomy 14:1 'You shall not gash yourselves ... because of the dead' (JPSA translation; the King James version says 'Ye shall not cut yourself'). The Biblical prohibition deals with pagan (Canaanite) mourning customs, some of which (sack and ashes, tearing your clothing) were maintained while others were strictly forbidden. The Hebrew text says *lo tithgodedu.* Rabbinic law of course adheres to the primary meaning of the Biblical prohibition, but it finds in the verb also the additional meaning *agudah* 'group, society, fellowship, faction'. The etymology of this derivation is of no concern to us here. What matters here is the additional interpretation of this verse by the rabbis as 'Do not form separate factions but be one fellowship'. Here we have a legal rule couched in the form of a Biblical prohibition followed by an injunction that can be invoked whenever the question of unity versus variety arises.

And variety there was galore, inevitably and increasingly so among the many branches of a people in exile and scattered over the four corners of the earth. The Talmud records major *halachic* differences between the Schools of Hillel and Shammay. These were settled (by majority vote, as laid down by *halachic* Rules of Procedure) in favour of the School of Hillel, though the views of the other school were no less 'word of the Living God'. But unity of practice could not always be achieved by one usage or ruling overriding the other. Where variation had jelled into custom and had become inherited tradition, Biblical warrant could be adduced for the duty of its faithful preservation: 'Hear, my son, the instruction of thy father, and forsake not the teaching of thy mother' (Proverbs 1:8). All *halachic* discourse on the subject moves between the two poles of 'do not forsake your parents' teaching' and 'do not form separate factions'.

In due course distinct Palestinian and Babylonian rites crystallised which, in their turn, became the Ashkenazi and Sephardi rites. We possess a number of early medieval works which do not deal with Sephardim and Ashkenazim (those terms did not yet exist at the time) but which list the differences in liturgical and ritual practice between 'easterners' (i.e. Babylonia) and westerners (i.e. Eretz Israel). Some of these differences subsequently disappeared as a result of adaptation, processes of 'equalisation' or one particular tradition imposing itself on the other. A telling example is the cycle of scriptural reading in the Sabbath service. The Palestinian custom was to read the Torah in smaller portions so that the whole cycle was completed once every three years. (Some conservative synagogues have attempted to revive this rhythm.) Incidentally this triennial

rhythm does not allow for an annual celebration of *Simhath Torah*. The Babylonian Jews on the other hand finished the Torah every year. As late as the twelfth century, the famous Spanish traveller Rabbi Benjamin of Tudela (the municipality of the City of Tudela has put up a statue of R Benjamin in the main square!) reports having seen in Egypt a Palestinian synagogue which finished the reading of the Torah every three years, and a Baylonian 'Iraqi' synagogue which completed the cycle every year 'as we do in Sepharad (Spain)'. It was the Babylonian rather than the Palestinian Talmud that became the most decisive and authoritative factor in shaping religious and *halachic* practice. The two traditions continued to coexist, perhaps most visibly, or rather audibly, in the two major pronunciations of Hebrew. As the Sephardi pronunciation (or something close to it) was adopted by modern Hebrew and made by law the official vernacular in Israel, we may take this case as a convenient starting point for a brief exposition of the subject suggested by our title.

Pronunciation is not merely a matter of communication; it has serious *halachic* implications. Certain texts must be recited in Hebrew – unlike 'prayer' which may, theoretically at least, be said in the language which is nearest to the praying heart. Does an Ashkenazi Jew fulfil his ritual obligation when saying the *Shema* in Sephardic pronunciation? Must a Sephardi read the Esther Scroll over again in the pronunciation of his ancestors if he had attended Purim Service in an Ashkenazi synagogue? After all, we do not know how God pronounced Hebrew when He spoke to Moses. Hence where variety abounds we can fulfil our ritual obligation only by not forsaking the teaching of our parents. The 'conflict of pronunciations' had, at some stage and before Israeli norms came to be taken for granted, its evident ideological aspects. Some European synagogues adopted sephardi pronunciation to demonstrate their Zionist commitment, and conversely insistence on Ashkenazi pronunciation was often motivated by a religious anti-Zionism.

Ideological motivations, however, are one thing, and the norms of *halachic* argument quite another. At a time when the subject of religious orthodoxy versus Zionism was hotly debated, the most outstanding, profound and audacious rabbinic thinker was Rabbi Kook. His theology even accommodated secular, and at that time militantly anti-religious socialist, Zionism as part of God's messianic design. It goes without saying that he became the object of the most odious hostility and the vilest attacks from religious quarters. Today Rabbi Kook is often accused of being the father of a chauvinistic religious Zionism which many of his so-called disciples and successors further intensified without inheriting his spirituality. Yet this same Rabbi Kook ruled, as a *halachist*, that European immigrants to *Eretz Yisrael* must continue to pray and to read the Torah in their traditional pronunciation. We do not know what he would have said to their second and third generation descendants who have passed through Israeli kindergarten and school.

The Jerusalem counterpart of the proverbial London 'pub-crawl' is the 'synagogue crawl'. Jerusalem would surely be poorer without its array of Italian, Yemenite, Aleppo and diverse *Hassidic* synagogues. Synagogue goers can also

be very attached to their traditional texts and tunes. Is there a Sephardi who could possibly imagine hearing the blowing of the *shofar* without having first sung the beautiful and moving hymn *Eth sha'arey ratson*? This is as impossible as an Ashkenazi High Holiday service without *unetanneh toqef*! But what about services – daily, Sabbath, Holidays – in army camps and army outposts? The IDF Rabbinate has indeed produced a unified Army Prayerbook though not yet a hymnal with prescribed tunes. A progressive step or a regrettable necessity?

If a worshipper waves his *lulav* the Ashkenazi way though he is in a Sephardi synagogue (or vice versa) nobody will greatly mind. The same holds true for the manner of putting on the *tefillin*. But the *hazzan*, more correctly *sheliah tsibbur*, the representative and liturgical spokesman of the congregation, when about to read the *hallel* Psalms, must know with which wording of the Blessing to begin (and whether to say an opening Blessing at all). There are dozens of such differences, most of them matters of custom (*minhag*) rather than law, but, as we have seen, the duty to maintain tradition is itself a *Halachah*. A rather surprising example is the increasingly popular ultra-orthodox custom to go about with the *tsitsith* showing. The custom makes sense, since the Biblical law (Numbers 16:39) explicitly says 'look at it and recall all the commandments of the Lord' and it is recommended by the Ashkenazic codifiers though not by the Sephardic *halachists* who could also invoke kabbalistic teaching. The increasingly self-confident oriental-Sephardic orthodoxy, generally referred to as SHAS (the name of their influential political party), though marching under the flag of North African viz. Moroccan identity, acquired its current religious style not from North African tradition but from study in Ashkenazi (Lithuanian-style) *yeshivot*. It is not surprising, therefore, that these 'oriental Sephardim' go about with the *tsitsit* hanging out of their trousers. What may cause surprise is that their leading rabbinic authority, Rabbi Obadiah Yosef (who is also the spiritual leader of the SHAS party), came out against this custom which ran counter to the 'teaching of our [Sephardic] parents' who did not 'show off' their *tsitsit* but wore them under their clothing in accordance with the lurianic/kabbalistic dress code. It should be noted here that the 'traditional' prayerbook of the oriental, viz. Mediterranean Sephardim, is not at all the original Sephardi one as preserved, e.g. in the 'Spanish-Portuguese' Synagogue of Amsterdam and its offshoots (London, New York), but the rite that spread after the sixteenth century under kabbalistic influence. (How these Lurianic innovations came to be adopted by a large part of Jewry is not our concern here.) A religious school in Afula, attended mainly by students of 'oriental' origin, used the Israeli 'Unified Prayer-book' in its daily morning service. Rabbi Yosef, who also in other cases championed 'Sephardic' *Halachah*, instructed the school's Principal to adhere to the 'rite of the Sephardim'.

Customs (*minhag*) may be socially more distinctive and individually more meaningful, but *halachic* differences in the strict sense can be more crucial. Some traditions occupy a halfway house between *minhag* and law. Sephardim eat rice and pulse on Passover. An Ashkenazi guest in a Sephardic house would not eat their rice but would not consider their tableware untouchable *hamets*.

Supermarkets in Israel sell rice on Passover, but the packages bear a stamp 'for eaters of pulse only'. But what about the households of increasingly frequent 'mixed marriages', even among the orthodox?

Fortunately the more 'crucial' *halachic* differences are not so visible to the eyes of the outsider. Every lawyer knows that even a slight variation in terminology and wording can render a document invalid. And this is exactly what happens when Ashkenazim and Sephardim look at the text of their respective marriage contracts (*ketubbah*). Minor (in the eyes of the layman) differences in the laws of *shehitah* can make a lot of difference to the *kasher* status of a slaughtered animal, and Ashkenazim used to be forbidden to buy meat from a Sephardi butcher's shop. Rabbinic jurisdiction in Israel still operates through two parallel courts. How long this dual *beth din* system will last only the future will show.

Sephardic rabbinic response to transformations in the social life of Egyptian Jews (c. 1882-1914)

Zvi Zohar

Rabbi Lubofsky has been characterised as 'the standard bearer for the rational, modern, moderate and compassionate in Orthodox Judaism'.[1] He has also been described as 'an honorary Sephardi', in the sense of having a deep appreciation and admiration for major aspects of Sephardic rabbinic tradition.[2] My research on the *halachic* and ideational writings of Sephardic rabbis in recent centuries leads me to think that these two aspects of Rabbi Lubofsky's spiritual-intellectual outlook were not merely coincidental. Rather, he found in Sephardic sources attitudes that resonated with his own deeply held values and beliefs about the path most appropriate for committed religious Jews in our times. In addition, Rabbi Lubofsky's understanding of Judaism 'was informed by a deep knowledge of history and of the context in which decisions and statements were made'.[3] In light of the above, I dedicate this article to the memory of this remarkable figure, and to the hope that the path he trod and the vision he upheld will be continued by many Jews – in our time and in the future.[4]

Introduction: Egyptian Jews' receptivity to European influence

The encounter with contemporary European influence in the second part of the nineteenth century was followed by transformations in the social structure and in the religious and cultural life of Egypt. However, scholars do not agree as to the extent and depth of these transformations. Safran holds that there was a complete transformation of the basic character of social life in Egypt.[5] Baer, on the other hand, believes that only a very small part of Egyptian society, primarily

those people who were involved in aspects of governmental administration, were noticeably affected by European culture and by Western norms.[6] Both might well agree, however, that a large segment of the Jews in Egypt belonged to that sector of the Egyptian population which was indeed significantly influenced by the European West in its behaviour and social norms during the last decades of the nineteenth century and the beginning of the twentieth. This particular openness of the local Jews to such influence may be attributed to several factors:

(a) The Jews' being alienated from the Egyptian cultural and social world' – despite the fact that they lived (physically) within Egypt's main cities.
(b) The absence of a movement of religious renaissance.
(c) The European citizenship held by many locally born Jews.
(d) The integration of a significant number of European-born Jews into the local Jewish community.[7]

Let us consider these factors in slightly greater detail.

(a) Alienation from Egyptian culture and society

Despite beginnings of a modern nationalist movement in Egypt in the last part of the nineteenth century, Egyptian culture and society were still closely affiliated with Islam. After Britain conquered Egypt in 1882, many Jews felt that their welfare and wellbeing were safer under British colonial rule than they would be under an independent Nationalist Egyptian regime. There is no doubt that under this colonial rule Jews achieved greater equality before the law and the state authorities than they ever had before. Moreover, the educational institutions founded in Jewish communities during the second half of the nineteenth century and the beginning of the twentieth emphasised the study of European languages and European literature. Within a short time a considerable part of the upper and middle economical classes of Jewish Egyptian society were speaking French or Italian among themselves, and reading magazines and literature in these languages, while their knowledge of spoken Egyptian Arabic was limited, and they could hardly read literary Arabic at all.[8]

(b) The absence of a movement of Jewish religious renaissance

Egyptian Islam experienced a significant movement of religious renaissance, led by Al-Afghani, Muhammad Abduh and Rashid Ridha, that responded to the challenge of Western influence.[9] In this atmosphere, one might have expected an analogous movement to form in the Egyptian Jewry. However, Egypt lacked the Jewish intellectual religious infrastructure that could have nurtured such a religious spiritual revival movement. And thus, Rabbi Raphael Aharon Ben-Shimon writes around 1908:

> This pleasant city [Cairo] is barren of yeshivas of students of the *Torah*. Aside from the [rabbinical] court of justice and those religious functionaries linked to it[10] – the remaining [people of Jewish learning] could be counted by a mere child.[11]

This state of affairs was not new to the period of British rule. As early as the first half of the nineteenth century there was no religious educational institution in Egypt beyond the *cheder* (Hebrew school for young children) of few classes, and the level of teaching in these *cheder*s was low.[12] Is seems that during the eighteenth century the situation was not much better.[13] In other words: it was not European influence that caused the decline in religious scholarship in Egypt, but rather this decline was one aspect of Egyptian Judaism's general decline during the eighteenth century.[14] All the same, the scarcity of religious scholarship in Egypt and the lack of a Jewish religious intelligentsia surely were a factor influencing to the congregation's attitude towards the reception of modern influences in the socio-normative sphere, once European winds of change started coursing through the streets of Alexandria and Cairo.

(c) The European citizenship of many indigenous Jews

Beside their lack of conversance in both Jewish and Egyptian culture, the fact that many locally born Jews held European citizenship was a factor in bringing them close to European attitudes. Under the conditions of the Capitulation agreements, the citizens of many European countries enjoyed a privileged position in the Ottoman Empire, and were practically exempt from the jurisdiction of the local legal system and bureaucracy.

A person who enjoyed the protection of a European country and saw it as his shield and shelter was obviously prone to look favourably upon the judicial norms, and perhaps also the sociocultural norms, prevalent in that country. Furthermore, many Jews who had not managed to obtain European citizenship very much coveted it, and similarly tended to prefer the world of Europe to the values of the surrounding Egyptian society.

An expression of the positive image of European culture held by the local Jews can be seen in the accusations hurled by the Sephardic *dayanim* (rabbinical judges) of Jaffa towards a Sephardic Jew from Manchester who, late in the nineteenth century, had married a Jewish girl from a wealthy Port Said family without telling her that he was already married to another woman back in England:

> Where, then, is the custom of the Europeans, they of politic, praiseworthiness and good faith, who do not go back on their words? And how could it have even crossed the mind of the maiden that he might have a wife and be cheating on her?[15]

Implying that if this were a local Jew, it might have occurred to the girl that the groom-to-be was not introducing himself truthfully and in good faith – but how could she even imagine that a man of Europe would lie and cheat?!

(d) The integration of European Jews into the local communities

All of these three factors were eclipsed, during this period, by a fourth: the emigration of European Jews to the Land of the Nile. These immigrants, who were a small rivulet of the great river of Jews leaving Europe during this period

following the pogroms of 1881, but a significant amount relative to the Jewish population of Egypt, came from a Jewish world that was affected by *Haskala* and by secularisation. With such life experiences they arrived in Egypt, and the local Jewish community accepted them as fellow-Jews, rather than as [alien] Europeans. Consequently, the defensive façade that Jews were wont to adopt when dealing with non-Jews was almost absent from these intra-communal relationships. Through direct contact with these immigrants, the local Jews became acquainted with European culture and way of life in a much closer manner than was customary among non-Jewish Egyptians.[16] Jewish immigrants from Europe to Egypt were thus a major factor in the introduction of European influence into the local community.

In sum: modern European influence was felt throughout Egypt not only in matters of technology, but also in the mores and lifestyle of the educated classes. Distinct reasons contributed to the fact that European influence, in matters of society and values, strongly affected the Jews of Egypt. We shall now review some of the ways in which European norms and lifestyles affected the Jews of Egypt, and the ways in which *halachic* scholars in Egypt responded to this influence.[17]

Time and space

One symptom of Western influence on Egyptian Jews was the transition to European units of measurement. Space began to be divided by metric units; the day – by the European clock; and the year – by the Gregorian calendar. A problem of translation evolved, and it is evident that the rabbis of Egypt were aware of it.

Rabbi Aharon Mendel Hacohen, rabbi of the Ashkenazi congregation of Cairo and later a *dayan* in the city's Sephardic *beit din* (Jewish religious court), discussed the calculation of the amount of water required for the *mikve* (ceremonial bath house).[18] After quoting a few rabbis who lived in the beginning of the nineteenth century, and who calculated the volume of water needed in terms of 'fingers', or '*oq'am* and *dirham*, he writes: 'Therefore I have come to clarify the calculation, to explain [the volume of the *mikve*] in terms of the measurements customary in our times: in centimetres, which are one hundred to each metre'. His conclusion: the necessary amount is 'four hundred ninety seven thousand and one hundred sixty [cubic] centimetres'. In order to simplify things he suggests using a basic unit of measurement of 'one metre by one metre, of the height of eighty four centimetres', a measurement that contains a little more than the necessary amount but contains no fractions of litres 'and with this measurement the necessary amount in all the bath houses according to their length and width and depth can be calculated easily, by anybody who is proficient in the science of measurement'.[19] From this quotation it is clear that the change to the metric system did not seem to Rabbi Hacohen to be a significant matter of principle, but rather a fact that had to be taken into account and used to articulate the relevant measurements according to Jewish law.

This assessment of the abandonment of long-established measuring systems

in favour of new ones in the matters of length and volume was not inevitable. The attitude of the *halachic* decisor determined whether the problem should be viewed as a practical one or as a matter of principle. All the more so, with regard to units of time. The Chief Rabbi of Cairo, Rabbi Raphael Aharon Ben-Shimon, was born in Rabat in Morocco in 1848 and died in Tel Aviv in 1928. He served as chief rabbi of Cairo between the years 1891-1921. For his biography see Zohar (*ibid.* note 11) pp. 182-90; Shraga Weiss, *Chachmei Hamizrach* [The Scholars of the East], Jerusalem, 1982, pp. 269-86. Rabbi Ben-Shimon wrote about this issue:

> Know, that our rabbis, the master-calculators of the phases [of the moon] and the cycles [of the year] count the hours of the day according to the custom of the Arabs, i.e. they count the 24 hours of the day from the beginning of day. And it is known that according to the calculation of our holy Torah the night goes with the day that follows it, as proven from the six days of Creation.[20]

Not only the beginning of the day had changed, but also the way hours were counted: Jewish tradition is in agreement with 'the hours according to Arab custom, who start counting the 24 hours of the day from the time of sundown which is the summoning of the AlMagreb, that is always [counted as] the twelfth hour at the end of the day' (*ibid.* 67 b). Not so the European clock, according to which 'the hour twelve is always at the middle of the day and the hour twelve is the middle of the night, summer and winter alike. And so, confusion now exists in all seasons' timings' (*ibid.* 68 a). The clock of the Talmudic rabbis is based on the Biblical concept of time, and the Arab clock is identical to that of the Talmudic rabbis; the European clock is very different, and its use causes confusion in calculations necessary for Jewish law. This state of affairs seems to almost beg rabbis to decide, that the rabbinical-Arab clock should be used by Jews, and the European one avoided. But Rabbi Ben-Shimon did not decide so. He differentiated analytically between the determination of the beginning of the day' – which remained, according to the Jews, nightfall and not midnight – and the counting of the hours of the day. In his opinion, the way in which numbers are assigned to hours should be viewed as mere convention, devoid of any religious *halachic* value. Indeed, this convention had become common to the whole Western world, and Egypt was part of the Western world, in this respect:

> The order of the hours of the days according to the European custom – today almost the whole world counts that way, except in the cities of Turkey; and here too in all the kingdom of Egypt, their hours are according to the European custom. (*ibid.*)

In light of Ben-Shimon's awareness of this 'global' state of affairs, he decided to devote a chapter in his book *Nehar Mizrayim* to formulating a simple method which would be understood by the whole Jewish public, and would enable them to 'co-ordinate the Arab enumeration of the hours with the European ... in order to lift the obstacle from the way of the Holy Nation'.[21]

Rabbi Ben-Shimon differentiates between the day itself, which must start in

the evening according to Jewish law, and the numeration of hours, which he defines as a technical conventional matter. Evidently, his distinction is between the inner division of the day [convention] and the framing of the day itself [principle]. And what about larger time units?

Since the Muslim occupation in the seventh century CE, the rulers of Egypt and its people used the *Hijri* (Muslim) calendar. For over 1,200 years the Jews of Egypt lived within Muslim culture, and nevertheless vigilantly adhered to the Jewish calendar. In light of what we have seen above, this is not surprising: if the borders of the day were considered a matter of principle, all the more so the identification of the day within the calendar, the very thing that is essential for its definition as a holy or secular day, as a day of mourning or a holiday ... And lo, after but a few years of European rule, a complete change took place in this regard: the Jews of Egypt switched almost completely to using the calendar prevalent in Europe! This was attested to by Rabbi Ben-Shimon, who wrote:

> We have heard many complaints from many completely pious people, who transgressed unwittingly and ate on the seventeenth day of *Tamuz*, because they did not know on which day the fast occurred, for in order to trade with the nations they count according to the solar months ...[22]

The contrast between this new state of affairs and the condition under Muslim rule is apparent and requires explanation. The European calendar, no less than the Muslim one, is a religious calendar: the years are counted beginning with the birth of Jesus, and its current form was set with the official approval of Pope Gregory the Thirteenth, of the Apostolic See of Peter ... What, then, caused the rapid adoption of this calendar by the Jews of Egypt? This question is intensified by the fact that the complaints mentioned by Rabbi Ben-Shimon were not raised by Jews who tended towards secularisation, but rather by 'many completely pious people'. It seems that the answer to our question is in the remainder of Rabbi Ben-Shimon's previously quoted words: 'many completely pious believers ... in order to trade with the nations count according to the solar months, *as do the citizens and the state*'. Meaning, that the Western rule had succeeded in characterising its commonly used calendar as a secular civilian calendar, used for reasons of mere economic and social convenience, and devoid of any religious-cultural specificity. By virtue of this image it was easy for the European calendar to become current in populations that might well have been somewhat hostile toward it, if they were shown its religious Christian roots. And indeed, Rabbi Ben-Shimon himself views the use of the Gregorian calendar as a mere pragmatic convention.

The subject of the calendar reflects an important element that advanced the absorption of European culture in its various aspects by the peoples of Asia and Africa during this period. i.e. European culture's self-perception (and its propagators' presentation of it) as a universal secular elite culture, free of any particular religious historical context, appropriate for the enlightened person wherever he may be.[23]

Modern Western cultural influence was evident, during the period of our

discussion, not only in the units of time and space, but also in many other everyday areas in the lives of the Jews of Egypt, among them: dress and outward appearance of men and women, recreational habits of various strata of society – with repercussions for the atmosphere and functioning of the synagogue. Let us discuss these transformations, and the rabbis' responses to them.

Dress and outward appearance: men

The Jewish Egyptian man's style of dress

'In Egypt today, most everybody wears European-style clothing, that comes sewn from abroad'.[24] Indeed? Even today, in the year 2001, almost one hundred years after Rabbi Ben-Shimon wrote these words, there is cause to doubt whether the statistical majority of the Egyptian populace usually wears European-style clothes; as almost all villagers, as well as no small number of the urban lower classes, continue to dress in traditional Egyptian clothes. It is thus completely clear that in the beginning of the twentieth century, when Rabbi Ben-Shimon wrote these words, traditional dress was even more common. We should therefore interpret the rabbi's testimony that 'most everybody' in Egypt dresses in European style as reflecting the the essence of the social world to which he related: first, the urban Jewish population, regarding whom his assessment makes sense; second, urban Muslim and Coptic Egyptians, who belonged to the higher socio-economic classes; and third, of course, Egypt's European residents. Rabbi Ben-Shimon even provides us with information about the attire of the well-dressed contemporary Egyptian man: 'the white pressed *camise*. And the *jakita*. And the *fanilla* that is close to the skin and is made to absorb the sweat. And a top garment that is called *capoti* ...'[25]

A correct, well-pressed appearance was sine qua non for a European gentleman of the era, and therefore for a sizable proportion of Egyptian Jewish men. Rabbi Eliyahu Hazan, the chief rabbi of Alexandria[26] pointed out that no contradiction need exist in this matter between commitment to fashion and commitment to observance of the Sabbath:

> Now, that it is the custom to wear European clothes, and the washed shirts and sleeves and collars are sent to the house of the [gentile] craftsman to be pressed with ... hot iron, and sometimes they are returned from the house of the craftsman on Sabbath morning and the people wear them that same day – [this is not a problem because] they have a [*halachic*] base to rely on.[27]

In the *Shulhan Aruch* we find that 'during the whole thirty days [of mourning] it is forbidden to wear pressed clothing ...'[28] In practice, Rabbi Ben-Shimon notes, this ruling is not observed in Egypt: 'those in Egypt of today who wear clothes according to the European custom and have the shirt pressed' – do not observe this norm'.[29] But, he did not seek to condemn the members of his community; rather, he proceeded to justify their behaviour: 'and maybe they are relying on what was written by our Master [Rabbi Joseph Caro, in Yore De'a, *ibid.* paragraph 8], that in present times there is no 'ironing', since our 'ironing' is like their

'washing'. And also they conduct themselves leniently because usually they do not wear a new shirt within 30 days, only, [a shirt that has been] washed a few times, and they iron them' (ibid). Rabbi Ben-Shimon speaks here in defence of the community's praxis, and attributes to the members of his congregation a reliance on *halachic* opinions (with which they probably were not familiar at all), in order to characterise them as operating within the range of *halachically* feasible opinions. However, not all cases could be defended this way.

Fashionable clothing and the ban on '*kilayim*'[30]

Jewish Egyptian men's aspiration to dress fashionably caused much confusion and embarrassment for those local Jewish tailors who wanted to act in consonance with Torah. This was because, in order to achieve the 'correct look' for a stylish garment, it was customary to sew into it:

> An 'inforo', which in Arabic is called the *butana* [lining], from linen that is a little stiff. And this is done in order to erect the form of the garment and its shape. And this butana is sewn from the inside by many stitches together with the outer woollen garment; and this constitutes a case of *kilayim*.[31]

What should the rabbi instruct those tailors to do? The easy solution would have been to forbid the tailors to sell clothes such as these to Jews, as the *Halachah* forbids any Jew to dress another Jew in *kilayim*.[32] But Rabbi Raphael Aharon Ben-Shimon did not take this course of action 'as it is very hard for the tailors to avoid putting the *butana* which is *kilayim* in European clothes. For if so – their livelihood will cease'. In his opinion, preserving the livelihood of Jews is an important value, which should be taken into account in Jewish normative considerations even with regard to such a transgression explicitly forbidden by Torah. Rabbi Ben-Shimon noted that Jewish tailors were of course allowed to manufacture suits that were *kilayim*, and to sell them freely to non-Jews. However:

> When a Jewish customer comes in, he [the tailor] must announce to him that there is *kilayim* in it. If he [the customer] refrains – very well. And if he does not heed, but rather intentionally decides to wear *kilayim*, this is what the tailor shall do to save himself from [transgressing] the aforementioned prohibitions: he himself should not dress the Jewish customer in the garment ... only give it to him to put on by himself ... or he should give it to his [the tailor's, or the buyer's] non-Jewish servant to dress him in it ... and this suffices.[33]

In order to appreciate fully the significance of this *halachic* decision we must remember that the ban on a combination of linen and wool is an unambiguous prohibition in the Torah, and Maimonides ruled uncompromisingly that 'one who sees *kilayim* of Torah on another, even if he is walking in the market, must jump up and tear it off him immediately. And even if that person is his Rabbi who taught him wisdom. Because [concern for] people's dignity does not take precedence over a prohibition that is specified in the Torah'.[34] The difference

between Maimonides's demand for acute action against any Jew seen wearing *kilayim*, and Rabbi Aharon Ben-Shimon's directive – which specifies how a Jewish tailor can sell *kilayim* to a Jew who, forewarned as to the explicit prohibition nevertheless dons *kilayim* intentionally and in front of the tailor's eyes[35] – reflects the difference between the atmosphere of a traditional medieval Jewish community and that of a modern Jewish community in an era of – 'freedom and liberty'. In modern conditions there is no existence for a non-sectarian Jewish community unless its members are wise enough to find a 'modus vivendi' which does not include one person's leaping at another and tearing off his garment when the latter strays from holy norms. Rabbi Ben-Shimon's *halachic* decision expresses his determination to provide guidance for the members of his community in a way that will combine loyalty to *Halachah* and existence side by side with Jews who stray from such loyalty.[36]

Effects of the changes in clothing on traditional customs of mourning

The change to western fashion of clothing contributed to the cessation of two ancient customs of mourning, which are defined by the Talmud as totally mandatory: sitting on the ground, and wrapping the head in cloth. The requirement of sitting on the ground during mourning – incumbent upon both the mourner and those who come to console him – is derived from the behaviour of Job and his friends: 'They sat with him on the ground seven days and seven nights' (Job, 2, 13). In the *Shulhan Aruch* it is said that the mourner's duty is to sit 'all day ... upon the ground; and so, too, those who console him may not sit anywhere but on the ground'.[37] In several communities, exceptions to this rule had become conventional, and already by the second half of the eighteenth century it was normal, in Egypt, that the mourner not sit on the ground.[38] Thus, Rabbi Ben-Shimon writes that 'it is not the custom in Egypt nor in these countries [the Middle East] to sit on the ground at all' (*Nehar Mizrayim*, page 154 a-b). This behaviour, which contradicts the words of the *Shulhan Aruch*, is justified by Rabbi Ben-Shimon also thus:

> Today, when most of the world wears clothes according to the customs of Europe, and it is difficult for a person to sit on the floor ... [for] because of his tight clothes he will be uncomfortable; and the rabbis of Talmudic times, may they rest in peace, did not intend to command the mourner to suffer from discomfort. (*ibid.* 154, b).

One might argue that if wearing European style clothes leads to the abandonment of a *halachic* directive explicated by the *Shulhan Aruch*, this clothing should then be abandoned in favour of return to the Eastern style, which poses no problem to the fulfillment of traditional norms. However, Rabbi Ben-Shimon does not choose this kind of solution; rather, he sees the change in clothing as an empirical fact, to which *Halachah* must adjust itself – and not vice versa.

As for the consolers, Rabbi Ben-Shimon notes that they, too, do not sit on the ground (as decreed by the *Shulhan Aruch*) but on regular chairs. As justification for this he cites the *halachic* value of:

> Persons' dignity: because if you force them to sit on the ground [thus expressing respect for the mourners], no consolers will ever come to visit any mourner. And so the mourners too are willing to forgo this display of respect, so that the consolers will express respect by coming to visit them.[39]

According to the *Shulhan Aruch*, respect towards the mourners requires the consolers to sit on the ground; according to Rabbi Ben-Shimon, respect for the mourners will best be achieved by the consolers' sitting on chairs. How so? Rabbi Ben-Shimon's argument appears to be as follows: The duty of the consolers is to show respect for the mourners by sitting together with them, on the ground. But in the present, people's aversion to sitting on the floor is so great (either because of the European clothing they wear, or because of the European manners they have internalised), that the application of Rabbi Yossef Caro's dictum requiring all who console mourners to sit on the ground, would cause a general avoidance of consolation calls. Because the mourners themselves are aware of this, they waive, in advance, the expectation that those who come to console them should show respect by sitting with them on the ground – realising that otherwise they would suffer even greater disrespect, by being left with no consolers. At present, then – *pace* the *Shulhan Aruch* – respect for the mourners is achieved by cancelling the demand that consolers must sit on the ground. [40]

Wrapping the head was, for the mourner, a kind of shutting himself off from the world, remaining concealed behind his headdress so only his eyes were visible among the folds of the garment. This custom, which the Talmud presents as an unambiguous *halachic* obligation,[41] was explicitly linked to Eastern style of dress: 'any wrapping which is not in the style of the Ishmaelites, is not a wrapping' (*ibid.* 24, a). In medieval Europe, where Ishmaelite dress was not the norm, the *halachic* decisors decreed that the original norm need not be observed.[42] But in the lands of the East this obligation did not cease, and it was a living custom even in the second half of the eighteenth century, as reflected in the writing of the great eighteenth century Sephardic Rabbi Yossef David Azulai:

> The general custom is, that the mourner does not wrap himself in the head wrapping all day, but only when people come to console him ... and the great rabbi our teacher Hayyim Capusi wrote in a responsum I have seen in manuscript, that the current manner of observing custom is correct, and that what they now do is good; and the custom of Israel is mandated by Torah.[43]

When the Jews of the East stopped wearing Eastern-style clothes, they also stopped wrapping their heads during mourning. Rabbi Ben-Shimon justifies this, and writes:

> Concerning the wrapping of the head [by mourners] – it is not at all customary in Egypt to wrap the head ... and especially at present; as virtually all of their clothes are according to the European custom. And they never wrap their heads. Rather, the opposite. And therefore it is not the custom.[44]

In other words: not only do people not wear an Eastern head wrapping in their everyday lives, but 'rather, the opposite' – walking bareheaded (at least inside the house) is the norm in a society that abides by European dress customs. The complete disappearance of the head wrapping from daily life is not only the *cause* that Egyptian Jews in the present do not wrap their heads during mourning – it is also the *justification* for this. It is clear from Rabbi Ben-Shimon's position that he holds that traditional Jewish patterns of mourning behaviour were intended to be permutations of everyday routine patterns of behaviour; in the absence of the basic pattern, there is no reason or meaning in maintaining the permutation.[45] It is especially instructive to see Rabbi Ben-Shimon's conclusion in his comments re the disappearance of head wrapping in Egypt:

> ... and so too is it the Ashkenazic custom, not to wrap their heads. And R'ma wrote in [his glossa on *Shulhan Aruch*] chapter 386: 'that we need not be strict about something that was not the custom of our fathers'.

Now, when R'ma – Rabbi Moshe Isserles, one of the greatest Jewish scholars of Eastern Europe in the sixteenth century – writes that a certain mode of behaviour is 'not the custom of our fathers', he refers to the masters of the *Tosafot* and other great rabbis of Poland and Ashkenaz in medieval times. How are we to understand the meaning of these words, when cited by the chief rabbi of Cairo, where Jews for many generations were completely accustomed to wearing Ishmaelite clothes and wrapping their heads during mourning? It seems reasonable to interpret Rabbi Ben-Shimon as holding, that once the Jews of Egypt have adopted a European style of dress they are allowed to rely – in this matter at least – on the custom of those Jews who have been following this style of dress for a long time. 'The custom of our fathers' is not, then, necessarily, a local or communal matter, but rather it is a broader concept, which can include any behaviour that has an appropriate basis in the praxis of past generations of Jews.

The position that European culture and lifestyle entail a correlate *halachic* response, and that such a response can be learned by Jews of Muslim countries from their Ashkenazi brothers – who have already experienced European-style life – could have been applied 'across the board' to many realms of life, with far-reaching consequences. But it seems that the rabbis of Egypt saw the adoption of European *halachic* precedent as a non-mandatory option. In other words, the scholars of Egypt believed that the fact that European rabbis dealt with European lifestyles in certain ways does not require the Jews of Muslim countries to respond in the same way. But, European-*halachic* precedents do comprise a resource that can enrich the variety of *halachic* options available to Sephardic *halachic* decisors engaged in formulating appropriate *halachic* norms for their flock.[46] Rabbi Ben-Shimon's decision, discussed above, exemplifies a judicious use of this resource.[47]

Shaving off the beard

Shaving off one's beard marked a salient change in the outward appearance of a Jewish man. In 1878, a few years before the British occupation of Egypt, Rabbi

Eliyahu Hazan responded to complaints by Jews from the city of Tunis against:

> The scholar the *dayan*, may God preserve him, who publicly embarrassed ... a communal dignitary for shaving his beard; although the dignitary protested loudly, saying that he cut it with scissors[48] ... indeed, many of the students in the *yeshivot* [Talmudic academies] do so, as long as they are not married.[49]

Rabbi Hazan responded that the *dayan* was wrong to attack the dignitary, when the transgression attributed to him was common among many. But as to the matter of shaving itself, he announces 'I look severely upon this deed of the young men [the *yeshiva* students in Tunisia], who have come to regard this thing as if it is completely permitted ...' It is true that according to the letter of the law there is no total prohibition on shaving with scissors, but 'in any case, once they shave with something similar to a razor, others among the common people will come to use an actual razor, as they [the general public] tend to learn from misdeeds'. (*ibid.*)[50]

It is interesting to compare this early statement by Rabbi Hazan with the only mention of the shaving issue in the writings of the rabbis of Egypt during the period of our discussion. In the first decade of the twentieth century, Rabbi Ben-Shimon describes the special qualities that a *shliah zibbur* (communal prayer-leader) for the High Holidays must be endowed with:

> And especially the community officials must take care not to entrust any prayer-leading or [*ram's-horn*] blowing duties to one who is known to shave his beard with a razor, an obstacle that has become very common-place in current times ... how will he come to entreat God, with his deceit clear in his face? For 'a speaker for the prosecution cannot become a spokesman for the defence'.[51]

There is no objection here to shaving with scissors, nor is there a general assertion that one who shaves with a razor cannot lead prayers during the year. The rabbi focuses only on the heads of the community's not appointing such a man as their delegate specifically during the High Holidays. It seems that during the thirty years between these two quotations the fashion of shaving had spread so widely that there was no more point to fighting it, except in special circumstances.

Dress and outward appearance: women

Uncovering of married women's hair

While Jewish men, who used to cultivate a handsome beard, started adopting a clean-shaven fashion, Jewish women, who used to vigilantly keep their hair covered, started revealing their tresses. This raised several problems. Thus, when married women were in the habit of covering their hair, one could tell that a woman had been divorced when she started appearing in public with her hair revealed. But, writes Rabbi Aharon Mendel Hacohen:

> Now that in these days, in our many sins, married women walk about with uncovered heads – what should be done, if the [divorced] woman comes to a town in which people know her as married to so-and-so[and it is not clear from her outward appearance that she is a divorcee]? How can the rabbi of that town permit her to be married?[52]

His conclusion was that the specifics of the certification of divorce given to the divorcees by the *beit din* must be changed appropriately, so that according to Jewish law that document would itself have the legal status of testimony to a divorce. In other words, the change in the behaviour of women, who stopped observing the norm of covering their head while they were married, entails a permanent modification of an official document of the rabbinic court.

Revealing clothes

But the women were revealing more than their hair. Rabbi Eliyahu Hazan writes:

> Upon my arrival in this town [Alexandria] I found this custom, of having the *chupah* [marriage] ceremonies at night. And I did not protest because they were doing so according to a learned, expert rabbi, the great rabbi who was my predecessor, may he rest in peace.[53] But as the days went by, I saw the many problems this causes. For the women come [to the ceremonies] almost half naked, in flimsy and insolent clothing, so that afterwards they can arise and dance.[54]

Obviously, the fashion of European evening dress had become common among the Jewish women of Alexandria. One hundred, or even fifty years before the end of the nineteenth century, it would have been unthinkable for Jewish women in a Muslim country to appear in public wearing such revealing clothes. Within a very brief time-span, a deep change had occurred in norms of dress and in public notions of female modesty. Rabbi Hazan recognised this as an unfortunate fact – a fact, that had however become so common, that there was no use in preaching its abolition: 'One's eyes darken when observing the calamity that has befallen our people – [but] we have not the power to protest and to say *a thing that is not heard ...*'(*ibid.* 48, c).

This last sentence alludes to a central issue in the laws of *tocheha* (rebuke): when a person sees his peer deviating from a Jewish religious norm, when and under what circumstances must he follow the command of the Torah 'Reprove your kinsman' (Leviticus, 19, 17)? In *Yevamot* (65, b) we find this answer:

> Rabbi Il'aa, according to Rabbi Elazar the son of Rabbi Shimon, said: just as a person is required to say a thing [of rebuke] that will be heard, so is a person required *not to say a thing that will not be heard*. Rabbi Abba says: it is an absolute obligation [not to say a thing that will not be heard], as it is written (Proverbs 9, 8) 'Do not rebuke a scoffer, for he will hate you; rebuke the wise man, and he will love you'.

Rabbi Hazan employs this expression, and in doing so alludes to the Talmudic discussion and *halachically* grounds his policy: even though he does not justify the behaviour of the 'high society' women in his community, he refrains from confronting them on this issue, as this might create antagonism towards him (and perhaps also towards the Torah), and creating such antagonism is much worse than refraining from rebuke.[55]

Both Jewish men and Jewish women had grown accustomed, during the period of our discussion, to dressing in European style and wearing their hair according to the fashion accepted in Europe. The last paragraph of Rabbi Hazan's points to a link between style of dress and style of recreation, i.e. women wear evening dresses in order to engage in social dancing. Let us now focus on recreational aspects of Jewish social life in Egypt, around the turn of the twentieth century.

Modes of recreation

Dance balls

In *fin de siècle* Egyptian Jewish society, lavish balls were a common mode of recreation. Well-to-do Jews were so enthusiastic about this form of recreation, that they sought to use any possible opportunity as an excuse for European-style dancing, and to satisfy this desire of theirs they changed a time-hallowed Alexandrian custom:

> For the custom of No Amon[56] was – since ancient times – to hold weddings during the day, as all the elders and dignitaries of the community can testify. Only just recently have they instituted this bad custom of performing the marriage ceremony at night, so that they can be ready and set for matters of sin, immediately after the *sheva brachot* [seven traditional blessings of the Jewish wedding ceremony] to rise to dance and to frolic before the bride, men and women, youths and maidens together.[57]

And in other words, also those of Rabbi Eliahu Hazan: 'this is the reason for scheduling the weddings at night: so that immediately after the *sheva brachot* they can go out together to frolic and rise to revel and the devil also comes among them to kindle the flames, of course'.[58]

Prima facie, the public's urge to dance need not entail rescheduling weddings to the night; could dancing not be added to the program of daytime weddings? But of course, this would be in total disregard of the cultural context of European social dancing: in this culture, dancing balls take place necessarily during the evening and the night. This social norm is linked to another one, mentioned earlier: formal European evening clothes are different from formal morning clothes, and it is specifically the evening clothes that were considered suitable for dancing. In any case, we have before us a social transformation, in the context of which the ceremony of marriage had become *secondary*, in a sense, to the agreeable end of a titillating and enjoyable social function.[59]

From the writings of the rabbis of Egypt it emerges that these transformations

had further consequences. Because dancing became a vital part of the 'social event' of marriage, people could no longer hold the marriage ceremony in their homes, as they used to do previously, since dancing requires a much larger space than is available in a residential house. Families that could afford to, rented a fancy hall in a hotel. But when this was not possible, whether because the family was less well to do or because a hall in a hotel was not available,[60] a coffeehouse or tavern was rented for the evening of the marriage.

However, holding the ceremony in undignified surroundings open to scrutiny by the local population had grave consequences. Rabbi Ben-Shimon explains:

> We have become disgraced to the eyes of our neighbours. For there is none among the nations that does so. For the Christians do not hold their wedding anywhere but in their churches, which are places of modesty. And the Ishmaelites – even more so, do not hold weddings anywhere but in private quarters. And so, it is only the Chosen People who have thus destroyed the boundaries of modesty.[61]

The rabbis of Egypt did not attempt to combat the very existence of social dancing; as Rabbi Eliyahu Hazan explained above, he did not want 'to say a thing that is not heard'. But, the rabbis did seek various ways of ameliorating what they perceived as a travesty of the marriage ceremony. When the physical settings of those ceremonies led to the Jews being disgraced in the eyes of the other ethnic groups in Egypt, Rabbi Ben-Shimon found an ally in the leadership of the community, which was very sensitive to maintaining a positive and respectable public image of the community:

> When matters came to the disgrace and desecration of the People's honour, the seven Heads of the Community arose and agreed to help us prevent this desecration of The Name. (*ibid.*)

And so this regulation was accepted in Cairo in the year 1906:

> According to the decision of the [Rabbinic] court of justice, and the decision of the seven Heads of the Community, we have made this rule and decreed this decree: that from this time (1906) forth no son of Israel shall be permitted to hold the *huppah* [wedding ceremony] in any hotel of any kind, and all the more so not in taverns or coffeehouses, God forbid, but only in the house of the bridegroom or in the house of the bride. And if their abode is too small to contain the people – they can choose a synagogue that they favour ... after having gotten permission from the *gabai* [chief administrator] of that synagogue. Or if their place is far [from any synagogue], they can take a yard that is completely empty of tenants and have the *huppah* there, if the place is secluded. And other than this, one may not hold the *huppah* and the *kiddushin* [the wedding ceremony] in any place. And God forbid that this boundary be breached and that Israel and its religion be brought to disgrace and shame among the Peoples, God forbid. (*ibid.* 179, b-180, a).

The emphasis in this regulation is on holding Jewish ceremonies and Jewish celebrations in places that are concealed from the eyes of strangers, since revealing (some) of the Jewish (European-influenced!) behaviours before the other peoples of Egypt causes sacrilege and disgrace. Using an 'empty yard' is a last resort; it is preferable to use the family home (as we remember, this is how Rabbi Ben-Shimon characterised the Muslim custom, above) or a synagogue (which is how the Christian custom was characterised).[62]

Rabbi Eliyahu Hazan, too, managed to align the heads of the Alexandria community on his side, arguing inter alia that holding the *huppah* at night contradicted local custom:

> We have decreed, in agreement with the holy Heads of the Community, God preserve them, to restore the original custom, i.e. holding the *huppah* perforce during the day. And we have already done so several times, and we have seen that by virtue of this, there are no breaches of propriety in our places. And especially, when the *huppah* is held in a synagogue, then the women arrive glowingly attired in respectable dress, and covered in a scarf according to the holiness of the place.[63]

This regulation does not limit the *site* of the function, but its *time*: the *huppah* must take place by day. Nevertheless, this change of time-frame does indeed undo the link between the marriage ceremony and a dancing ball, as dancing balls in the cultural context we are discussing were held only at night.

The two regulations, that of Cairo and that of Alexandria, were successful, in that they were executed consistently (according to the chief rabbis of the towns). But it is their success which reflects, symbolically, the dividing of Egypt's Jews into 'two worlds': the sacral arena, focused on the synagogue, which was quarantined from contemporary social developments; and the secular arena, in which a new social world was forming, very different in character from that of traditional Jewish society. This novel world was increasingly void of any dimension of sacredness and *halachic* norms.[64]

Bars

While the 'high society' of the community was out having balls, the other strata of society were not sitting idly by. Among them, too, were Jews who were attracted to new ways of recreation. Here is a description that reflects how some Jews in Port Said spent their free time, c. 1890:

> On Sunday night, the second of the month of Nissan, while I was passing by the bar owned by the woman Hannah Rosa daughter of Kalman, in the ninth hour before midnight, and with me was David Avraham, may God preserve him. And we saw there Ze'ev Ben-Yonah, may God preserve him, sitting by the table and before him glasses of beer. And by his side was seated the maiden Hannah, daughter of Chaim, and her mother also was sitting across from them. And they were drinking beer ... and we came in together

> and sat drinking beer for half an hour or so. And the aforementioned Ze'ev was flirting with the aforementioned maiden Hannah, in a frivolous way. And while doing so he took her hand under the table, and we heard these things said: 'you are consecrated to me according to the Law of Moses and Israel' [the Jewish marriage formula].[65]

Reading the full account in *Taalumot Lev* (*ibid.*) it becomes apparent, that the dramatic moment described above was a desperate attempt by a young man to win a damsel who had captured his heart. For some time she led him on and had caused him to hope that if he persisted in courting her he would have a chance of marrying her. The unrequited suitor testified that a day before this incident he had suddenly realised that he had no chance:

> I went there and sat with the girl, and I said to her, does she want to finish this business, and get married to me? And she answered me: 'why is marriage necessary? I am just as your wife, with no marriage!' and I said 'this I know, but I want it to be with sanction'. And she said to me: 'I will not take you as my husband, at all!' (ibid)

One must note the differing religious-normative positions, that are revealed here: the young woman makes it clear to her suitor that there is in fact no need for marriage, in order for him to be able to have intimate relations with her: 'I am just as your wife, with no marriage!' But it is the man who shows a deeper commitment to traditional norms and refuses this arrangement, as it is forbidden according to the Torah:

'I want [to have intimicy] with sanction,' he replies. Nevertheless, as we will see below, the young woman's willingness to have intercourse without marriage does not mean that she attaches no significance to the act of *kiddushin* [the wedding ceremony].

In any case, this refusal on the maiden's part did not stop her from turning to the enamored young man the next day and complaining: '[Why] do you not give me any gifts, like the uncircumcised men give me each time?' (ibid). And later, when testifying before an ad-hoc *beit din* that was constituted in Port Said to gather testimonies on this matter, she explained that when the young man put the ring on her hand she did not think at all that this was a marriage ceremony, but rather believed that this, at last, was the anticipated gift.

Let us, for a moment, reflect on the components of this picture. A bar in a port town, run by a middle-aged Jewish woman, apparently widowed or divorced. Her daughter pours beer and waits on the tables, while frivolously flirting with the customers. Moreover, the mischievous maiden tends to encourage the customers to develop more intimate relations with her, while linking this with an expectation for an appropriate 'gift'. All this is in the mother's sight and with her consent. And who are the customers at this pub? Both non-Jews ('uncircumcised') and Jews, who habitually come into the pub and spend hours drinking bottle after bottle of beer, while talking to the proprietress and to her 'maiden' daughter, Hannah the daughter of Chaim.

What, then, is new in this description? Not the fact that Jews spend their free time in a drinking establishment, as there always were elements in Jewish society, especially simple folk, who spent their time in similar ways. Furthermore, even in Egypt – despite its being mainly a Muslim country – there were 'taverns', which served alcoholic drinks, in addition to the coffee houses which were the more common pasttime. But, both in the coffee houses and in the 'taverns' of Egypt, it was inconceivable that the establishment should be managed by a woman, and even less acceptable that her daughter should be pouring the drinks and serving them to the tables.[66]

It would seem, then, that the description quoted above indicates the permeation of another, European style, bar-room into Egypt. Quite possibly, the location is not coincidental: Port Said is the northern terminal of the Suez Canal, and through it passed merchant vessels from all over the world, whose sailors and passengers sought places of recreation on shore, while waiting for passage through the canal. This hypothesis is strengthened by the maiden's mention of the gifts she is habitually given by the 'uncircumcised', i.e. the Christians. In any case, the characters in our story are Jewish; even if we say that these were rather 'marginal' elements (in the general Egyptian society, too, those who spend their times in taverns were relatively marginal elements, according to Toledano) the presence of such elements could not but radiate onto the society as a whole. Recognition of this can be seen in Rabbi Eliyahu Hazan's explanation of the need for a quick and unambiguous verdict on the validity of the betrothal ostensibly performed at the bar:

> For the wayward girl is openly sitting in this licentious place, and is quite content to be wanton ... therefore I have hurried myself to reply as soon as possible, for if, God forbid, the betrothal was valid, and she has the *halachic* status of a Married Woman – this should be publicised, so that no one will lapse with her.[67]

That is: the rabbi feels it to be his duty to protect the men of the community from the severe transgression of sexual relations with a woman married to another. His concern reveals an implicit assumption, i.e. that presumably some of the men of the local community habitually consorted with prostitutes, and therefore it was important that they knew to stay clear of this particular woman, if she was indeed married. Clearly, then, mainstream Jewish society was not at all hermetically separated from more 'marginal' local Jews.

Prostitutes

Through the discussion of recreation in bars we have moved, then, to discussion of another kind of recreation, namely: Jewish men's making use of Jewish prostitutes.[68] It is untrue to maintain that Jewish men's calling on prostitutes, or Jewish women's involvement in this profession, were phenomena unknown in pre-modern Jewish society.[69] Still, it seems that Jewish women's involvement in prostitution did indeed increase considerably during the nineteenth century. This should be attributed mainly to the crises suffered by many Jewish

communities in that period, particularly in Europe, crises that caused the tearing of the fabric of many families' lives, while hurling hundreds of thousands of Jews to the ends of the world and cutting them off from their homes and the communities in which they were born and raised. Many daughters were cut off from their parents, and many wives from their husbands. Under these circumstances there was an increase in the number of women who – sometimes as victims of various kinds of swindlers and con men – turned to prostitution.[70]

As in the Jewish world in general, so in Egypt: 'in this time, when traffickers in women are frequent ...'[71] writes Rabbi A M Hacohen concerning a phenomenon that was widespread at the time: women, who were separated without a *get* [religious divorce] from their husbands overseas, came (or were brought) to Egypt, to serve as prostitutes. So, too, Rabbi R A Ben-Shimon, when explaining why he had ordained a specific *halachic* restriction in relation to Jewish prostitutes, explains that 'during this time there is the fear that ... there are married women among these prostitutes'.[72]

From the writings of these three rabbis – Hazan, Hacohen and Ben-Shimon – emerges an unmistakable difference of principle between their attitude to Jewish women's providing sexual services, and their attitude to *married* Jewish women's doing so. The involvement of unmarried women in this occupation did not seem to them a cardinal problem; as opposed to this, they saw married women's prostitution as an extremely severe matter. The major difference, of course, is the severity of the transgression, according to the *halachic* scale of values: when a man has sexual intercourse with an unmarried woman, the *halachic* transgression is relatively trivial.[73] On the other hand, having sexual intercourse with a woman who is consecrated to another is a very grave transgression for both parties.[74]

Insofar as prostitution continued on the margins of Jewish society, the rabbis did not fight it, even when married women were involved, as they recognised their inability to obliterate the phenomenon: 'we cannot object, on account of the freedom and the liberty' (*Nehar Mizrayim*, ibid). Not so when these women wanted to express themselves in a more visible way in the institutions of the Jewish society. Rabbi Ben-Shimon recounts:

> It happened here [in Cairo] that a prostitute dedicated a *parochet* [curtain] for *heichal hakodesh* [the synagogue's Ark of the Law] from new cloth. However, this wicked woman wrote her name on it in gilded flagrant letters that were visible and readable from afar. And I told the heads of the community, may God preserve them, that this was very ugly and repulsive. All the more so, since this prostitute still practises her occupation, and there are, in our many sins, many Jewish young men who become caught in her net. And so, if her despicable name is written on the holy curtain – why, then, when these [young men] are in synagogue, and they raise their eyes to the curtain and see her name, they will undoubtedly come to sinful thoughts even during the prayers. And so [by permitting such a curtain to hang on the Ark] we [the heads of the

> community] are leading the public to sin, God forbid. Aside from the very thing itself being loathsome, i.e. having such a reminder of sin, lust and sordidness in the house of God. (*ibid.* 12, a)

There are two arguments, then, supporting Rabbi Ben-Shimon's resolute position. First, prostitution in and of itself is a 'sin of lust and sordidness' and so hanging a curtain, the fruit of prostitution, in the synagogue contradicts the sacred character of the place. Second, although it is known to all that young men of the community habitually consort with this prostitute, it is the duty of the heads of the community to prevent, as far as possible, these young men's thinking of this matter while they are in the synagogue during services.

From the sequel it becomes apparent that Rabbi Ben-Shimon believes the second reason to be the main one, as he decreed that there was no *halachic* norm requiring the rejection of donations from prostitutes for the sake of the synagogue. The condition he established, therefore, was that the donor's names should not be mentioned on their donation:

> It is proper for the *gabaim* of congregations to care for the honour of their Maker. And if these wicked people [prostitutes] should dedicate a curtain, or a Torah, or decorations for the Torah, and so on – they [the *gabaim*] should accept it from them, on the condition that their name is not written or mentioned on the holy artefacts ... and thus, when a certain prostitute dedicated a Torah to the synagogue, we accepted it, on the condition that her name was not written or mentioned ... [and so we applied the principle that:] 'It is the glory of God to conceal a matter' (Proverbs, 25, 2). ('Nehar Mizrayim, ibid)

The donation of a Torah is no small matter: of all the religious artefacts in a synagogue, the cost of a Torah is the highest. The ability to donate a Torah indicates, therefore, an especially high financial ability; in a society that limits women's participation in many financial arenas, one of the only ways in which they can independently achieve the financial ability to donate a Torah is through prostitution.[75]

Two significant elements should be noticed in the *halachic* decision quoted above. First: the prohibition of a prostitute's name appearing on an artefact she donates – is an innovation. Earlier decisors clearly permit the acceptance of gifts to the synagogue donated by women who are prostitutes, and do not stipulate that such permission is contingent upon the donors' anonymity.[76] In this context we must understand the use that Rabbi Ben-Shimon makes of the maxim 'it is the glory of God to conceal a matter', which is part of a verse from Proverbs.[77] The Talmud made use of this phrase in a manner unlike its straightforward meaning: viz. that it is advisable to hide a lenient law of the Torah from the public, if the motivation is to thereby uphold the honour of the Torah in the eyes of the people.[78] Rabbi Ben-Shimon uses this expression in its Talmudic meaning: apparently he feels that writing the donating prostitute's name on her donation, although permitted by *halachic* sources, would compromise 'the glory of God' in the eyes of the people, and so he forbids it.

What had changed, then, between the time of the earlier *halachic* decisors, who permitted writing the donor's name and did not see this as a compromise to the glory of God, and the times of Rabbi Ben-Shimon? Apparently, public convention had become more squeamish about mention of prostitution and deviant sexual activity. Possibly, this change should be attributed to what we know about the norms typical to the Victorian period in England, the same Victorian England that ruled over Egypt in the time of Rabbi Ben-Shimon. If so, this *halachic* innovation of Rabbi Ben-Shimon reflects influence of Victorian-English notions of moral propriety on the judgment of a *halachic* decisor in Lord Cromer's Egypt.

A second significant element that is expressed in the *halachic* decision before us, is Rabbi Ben-Shimon's attempt to 'protect' the synagogue from the permeation of 'ugly' influences from the mundane life of the community's members. This attempt reflects two complementary considerations: one, that a rabbi cannot change the mundane behaviors of his congregants through the power of *halachic* rulings; all the more so in the period of 'freedom and liberty'. Second, that the correct strategy in this new 'powerless' situation is to try to cordon off and maintain a 'sacral arena', in which holy and pure behaviour would prevail according to the rabbi's guidance and supervision. This area would be, ipso facto, clearly distinct from the routine of mundane life.

The regime of 'freedom and liberty' with regard to individual private preferences was introduced to Egypt by the British and it is, of course, an import from Europe. In Europe this regime expressed a sociopolitical world-view, according to which there should be a distinction between private and public, and between 'religion' – which was believed to be a private/personal thing, depending on conscience and not to be regulated by law – and the area of the responsibility of the 'state', which was concerned with maintaining the public sphere for the welfare of all citizens. This is to say: this notion of government recognises, on the one hand, the essentially secular nature of civil life, and on the other hand promotes the secularisation of society. The *halachic* decision that we discussed expresses, therefore, both the recognition by the decisor of a fundamental transformation occurring in the society in which his community is situated – i.e. the formation of a more clear-cut distinction between holy and secular realms – and the rabbi's choice of the means he deems appropriate for providing religious guidance for a Jewish community in an era of secularisation.

Conclusion

In this article we began by discussing *halachic* decisions that involve recognising certain issues as secular – whether in principle or in practice. With regard to such matters, Egyptian rabbis accepted contemporary reality as a 'given' that a decisor must acknowledge and not attempt to change. Thus the units of length, counting the hours and even counting the months and the years were acknowledged as secular matters[79]. Clothing was also excluded from the decisor's realm; thus, the way a person dressed in his daily life was recognised [de facto] to be a matter for individual discretion, even if it involved the ban on *shaatnez*.

Similarly, the laws of mourning were modified in light of the transformations in fashion. Other transformations, that were not to the liking of the religious teachers in Egypt – like shaving beards, exposing married women's hair, revealing dress for women, mixed dancing – were recognised de facto as matters effectively outside the rabbis' jurisdiction. All these decisors tried to do was, to prevent the infiltration of these behaviours into the area that they had defined as sacred.

In his book *Im Hilufei T'kufot* [With the Change of Eras], Azriel Shochat treats the beginning of secularisation among the Jews of Germany[80]. Almost all the phenomena we noted in Egyptian Jewry during the period of our discussion occurred in German Jewry as early as the beginning of the eighteenth century: a crisis in education that caused widespread ignorance of Jewish sources (*ibid.* pp. 123 ff.); men's dressing in the clothes of the non-Jewish surroundings (*ibid.* 52-53); women's wearing revealing fashionable clothing (*ibid.* 54-55); shaving of men's facial hair, with the unmarried men leading the way (*ibid.* 55-56); baring women's hair (*ibid.* 55); mixed dancing (*ibid.* 162-163); passing time in drinking-houses (*ibid.* 37-39); and even increase in prostitution (*ibid.* 167 and on).

Even more interesting than the correlation between the phenomena noted in Germany and in Egypt during the secularisation processes of a traditional society, is the clear contrast in the rabbis' responses to these phenomena. All these phenomena, with no exception, were the target of harsh diatribes – and of attempts at active prevention through *halachic* decisions and social regulations – by the rabbis of *Ashkenaz*[81]. But, as we have seen, the Sephardic scholars in Egypt adopted a different approach. Ultimately, the dynamic begun in eighteenth century Central Europe played itself out into internal religious schisms, leading to the contemporary denominational world of European Jewry and its descendants in North America, Israel, and other Ashkenazic diasporas. In Sephardic lands, communities remained unified, despite a significant degree of internal heterogeneity, until extended exposure to Ashkenazic-Haredi models began to create the phenomenon of Sephardic ultra-Orthodoxy.

How should we go about explaining these differences? One view, held by quite a few Orthodox scholars, and recently explicated with great clarity by Benjamin Brown,[82] attributes virtually all such differences to historical-social-political context. In other words, given the nature of European gentile politics, society and culture, the Orthodox/Reform schism was a virtually inevitable outcome: conversely, given the nature of Muslim politics, society and culture, the nature of Sephardic rabbinic non-schismatic accommodation of modern developments is perfectly understandable. In brief: the more radical the confrontation with secular modernity, the more radical the response – and vice versa.

Another view, which I espouse, considers such explanations to be both empirically flawed and both methodologically and philosophically unsound. Empirically flawed – because if so, radically securalised France [and not Germany] should have been the original hotbed of Jewish Reform and of Orthodox rejectionism, while the radicalised urban centres of European Jewry should have bred the most reactionary forms of ultra-Orthodoxy [which in fact

formed in the least modernised, most traditional provinces of Hungary].[83] Methodologically/philosophically unsound – because reducing differences in cultural response to differences in external stimuli eliminates intervening variables such as the values, beliefs and world views of the responders; on such accounts, rabbinic responses to change are effectively determined by external contexts.

My own view is that while external conditions have an effect on the considerations of *halachic* authorities, they do not determine the nature or the specifics of the rabbis' decisions. In interpreting and explaining these decisions, greater weight should be attributed to the extent they are affected by internal cultural traditions. That is, in our case, the nature and quality of nineteenth and twentieth century Sephardic religious culture and tradition are best interpreted as a continuation, *mutatis mutandis*, of attitudes and values stemming from the Sephardic/Oriental classic culture of medieval times. So, too, modern Ashkenazic rabbinic culture significantly expresses motifs and basic attitudes grounded in the ethos of medieval Ashkenazic tradition.[84]

Notes

1 Hugo Gold, 'Melbourne mourns Rabbi Lubofsky'.
2 Private communication by Andrew Strum.
3 Hugo Gold, *ibid.*
4 The article is a revised version of the sixth chapter of my book, *The Luminous Face of the East*, Tel Aviv [Hebrew], 2001, pp. 117-38.
5 See Nadav Safran, *Egypt in Search of Political Community*, Cambridge, 1961, p. 38.
6 See Gabriel Baer, *Social Change in Egypt, 1800-1914*, London, 1968, pp. 135-61.
7 The growing influence of European Jews in Egypt is evident in the religious literature even prior to the period of our discussion. Thus, during the second half of the 1850s a *halachic* inquiry was posed by the scholars of Alexandria to the *Rishon LeZion* Chaim Nissim Abulafia. The problem was 'that lately some rich individuals have returned to their land of birth, and they are respectable people and want to make innovations that have not been known or heard since the founding of that country [Alexandria], according to the customs of their land of birth, Edom [Europe; and probably, in this case, Italy] to suspend the dead from being buried 24 hours from the time of their passing. And the many residents of the country [the veteran members of the Alexandria congregation] are much enraged at the changing of their customs to be like those of Turkey ...' Rabbi Shalom Moshe Hai Gaguine, *Shu't [Responsa] Yismach Lev*, Jerusalem, 1878, 10, chap. 9.
8 For a presentation of the Egyptian Jewish community in the nineteenth century, including aspects of education and linguistic preferences, see Landau, Jacob, *Jews in Nineteenth Century Egypt*, New York: New York University press, 1969.
9 A classic treatment of this movement is: Malcom H Kerr, 1966, *Islamic Reform*, Berkeley and Los Angeles. For a briefer but more recent summary see William Cleveland, *A History of the Modern Middle East*, 2nd ed. Boulder: Westview Press, 2000, chap. 7.
10 Religious functionaries for the Jewish communities of Egypt were all 'imported' from other countries, mainly the Land of Israel. This was not a new phenomenon and such was the case also during most of the eighteenth century.

11 Introduction to his book *Nehar Mizrayim* [The River of Egypt], Jerusalem 1908. Rabbi Raphael Aharon Ben-Shimon was born in Rabat in Morocco in 1848 and died in Tel Aviv in 1928. He served as chief rabbi of Cairo between the years 1891-1921. For his biography see Zohar (*ibid.* note 11) pp. 182-90; Shraga Weiss, *Hahmei Hamizrah* [Rabbinic Scholars of the East], Jerusalem, 1982, pp. 269-86.

12 See H Cohen, *The Jews of the Middle East, 1860-1872*, Jerusalem, 1973, p. 108.

13 Leah Bornstein-Makowsky, in a review of the educational facilities in Egypt during Ottoman rule, found that in the sixteenth and seventeenth centuries there were *yeshivot* in Egypt only in Cairo and Alexandria, and these were 'quite small'. As to the eighteenth century, she found no evidence of the existence of any *yeshiva* in Egypt at all (see Leah Bornstein-Makowsky, 'Hakehila Umosdoteha' [The community and its Institutions], in: Jacob Landau (ed.), *Toldot Yehudei Mizrayim Batkufa Haothmanit* [The History of the Jews of Egypt During the Ottoman Period], Jerusalem, 1988, pp. 120-216. Education during this period is discussed on pp. 212-14). As to the religious world in Egypt during this period, Shlomo Zalman Chavlin summarises: 'in the eighteenth century, then, Egypt did not excel in the area of spiritual and religious creation' (Chavlin, Hayetsira Hatoranit [The Religious Creation], in: Landau, *ibid.* pp. 245-310, the quotation is from p. 283).

14 A decline that J Landau regards as a riddle requiring a solution; see : Jacob M Landau, 'The Decline of the Jewish Community in Eighteenth Century Cairo: A New Interpretation in the Light of Two Iberian Chronicles', in: Shimon Shamir (ed.), *The Jews in Egypt, A Mediterranean Society in Modern Times*, Boulder and London, 1987, pp. 15-29.

15 From a *halachic* responsum by Rabbis Masoud Hacohen, Yossef Ibn Simhon and Yossef Raphael Ibn Nun, which was written around 1898 and printed in: *Shu't [Responsa] Taalumot Lev*, Part 3, Alexandria 1903; Kontres Hashlichut [Section on Legal Agency] part 1. The quotation is from folio 86, b.

16 Compare Baer, in note 2 above, p. 160, who asserts that both in the urban centres and in the Egyptian social elite there was but very limited social interaction between Europeans and (non-Jewish) Egyptians.

17 I have written elsewhere on other aspects of this issue. See, for example [in English] '*Halachic* Responses of Syrian and Egyptian Rabbinical Authorities to Social and Technological Change', *Studies in Contemporary Jewry* 2 (1986), p. 18-51; 'Lowering Barriers of Estrangement: Rabbinite-Karaite Intermarriage in Twentieth Century Egyptian Halacha', in: Shimon Shamir (ed.), *The Jews of Egypt, A Mediterranean Society in Modern Times*, Westview Press, Boulder and London, p. 143-68; 'Sephardic Rabbinic Response to Modernity: Some Central Characteristics', S Deshen and W P Zenner (eds) *Jews Among Muslims: The Anthropology of Communities in the Pre-Colonial Middle East*, London: Macmillan and New York University Press,1996, 64-80.

18 *Yad Ra'm*, p. 130, by Rabbi Aharon Mendel Hacohen (Tiberias 1866–Haifa 1928) served as rabbi of the Ashkenazi community in Cairo during the years 1897-1910, and during the years 1910-27 served as *dayan* in the Sephardi *beit-din* of Cairo. His story is told in detail by Rabbi Chaim Naphtali Weissblum in his introduction to *Yad Ra'm* (the complete writings of Rabbi A M Hacohen), Tel Aviv 1960. See also Zvi Zohar, *Halacha Umodernizatsia* [Halachah and Modernization], Jerusalem, Shalom Hartman Institute, 1981, pp. 197-200.

19 'The science of measures' refers, probably, to geometry.

20 *Nehar Mizrayim* 78, b. In the Biblical account of creation, the period of darkness

precedes that of light, e.g. 'And there was evening and there was morning, the third day'. cf. Genesis, chap. 1. Similarly, days of the Hebrew calendar begin at one nightfall, and cease at the following nightfall.

21 *ibid.* 78 a.

22 *ibid.* 39 a.

23 See Emil Fackenheim's decisive words about the great deception embodied in this presentation: Emil Fackenheim, *Encounters Between Judaism and Modern Philosophy*, New York, 1978, pp. 3-6.

24 *Nehar Mizrayim* 127 a. Incidentally, the import of readymade clothes from abroad, despite Egypt's being one of the chief producers of cotton in the world, reflects the imperialist economic method.

25 *ibid.* 136, b. *Camize* = camise = shirt. *Jakita* = jacket. *Fanilla* = undershirt. *Capoti* = overcoat. The names for these garments are taken from a variety of European languages, and they are quoted by Rabbi Ben-Shimon in the form in which they were known in modern Arabic. This variety in itself reflects the European influences on Egypt in this area, as well as Rabbi Ben-Shimon's vocabulary in the matter of clothing.

26 Rabbi Eliyahu Hazan was born in Izmir around 1847, grew up and was educated in Jerusalem, served as chief rabbi of Tripoli [Libya] 1874-1888 and then as chief rabbi of Alexandria until his death in 1908. cf. Zohar (above, note 11) 177-82.

27 *Neve Shalom*, p. 15 a.

28 Yore Dea, Shafat, paragraph 5.

29 *Nehar Mizrayim*, 158, b.

30 The term *kilayim* is usually translated as 'forbidden mixtures'. In this case, the reference is to a mixture of wool and linen, regarding which Torah says: 'you shall not wear cloth combining wool and linen' (Deuteronomy 22, 11).cf. Samuel Cooper, 'The Laws of Mixture: An Anthropological Study in *Halachah*', Harvey H Goldberg (ed.), *Judaism Viewed from Within and from Without*, Albany: SUNY, 1987, 55-74.

31 *ibid.* 126, b.

32 Mishne Torah, rules of *kilayim*, chap. 10 *Halachah* 31; compare *Shulhan Aruch*, Yore Dea, chapters 103, 104.

33 *ibid.* 128, a.

34 Mishne Torah, *ibid.* chap. 10 *Halachah* 29.

35 Of course, the reason for the buyer's wearing the garment in the tailor's shop is to check if the size is right for the buyer, and what small alterations may need to be performed on the garment, by the tailor.

36 Of course, a decision in this spirit is not a *halachic* necessity, but rather a *halachic* implementation of a certain outlook on religion and values. A religious decisor might also have decided, that if the choices were between preserving an inclusive Jewish community, in which there was no general observation of sacred norms, and between the community's breaking up into sub-units – then breaking up was preferable. Indeed, this was the decision made by prominent Orthodox rabbis, like Rabbi S R Hirsch, in nineteenth century Europe. We thus have before us evidence of a difference between *halachic* schools of thought as to the stand Judaism should take on the issue of the continued unity of the nation under conditions of emancipation and freedom of opinion.

37 *Shulhan Aruch*, Yore Dea, chap. 387, a.

38 As evidenced by the position taken by Rabbi Eliyahu Israel (rabbi of Alexandria, died 1784) in his *halachic* compilation *Kise Eliyahu* (Livorno, 1811).

39 *Nehar Mizrayim*, 154, b.

40 For another example of *halachic* discussion of the way in which adoption of European dress affects the manner of sitting in a ritual context, see Rabbi Joseph Mesas, *Shu't [Responsa] Mayyim Chayim*, part I, no. 58.

41 Moed Katan, 15, a.

42 Ram'a's Additions to the *Shulhan Aruch*, Yore Dea, chap. 386, and the commentators ad loc. For a wide survey of the positions of European rabbis on this issue, see the chap. 'Atifat Harosh Beevel' [Head Wrapping During Mourning] in: Yitzchak (Arik) Zomer, *Olam Keminhago Noheg*, Jerusalem, 1996, Zalman Shaza'r Centre, pp. 191-207.

43 *Birchei Yoseph* on *Shulhan Aruch*, ad loc. Notice his reliance on the words of Rabbi Chaim Kafusi, one of the scholars of Egypt in the sixteenth century. And see Zomer, *ibid.*, at p. 206.

44 *Nehar Mizrayim*, 154, a.

45 On the other hand, in Eastern Europe it was customary in some circumstances to wear a hat even inside the house; therefore the *halachic* decisors there could suggest a homologous substitute to wrapping the head: 'but one is obligated to wrap' – like today, when the hat is pulled in front of the eyes for the whole seven days'. The first to suggest this custom was Rabbi Elazar Ben-Yehuda of Worms in *Sefer Harokach* (early thirteenth century), and his suggestion it was characterised as binding *Halachah* by the Ashkenazi commentators on the *Tur* (*Bayit Chadash, Prisha)* and on the *Shulhan Aruch (Siftei Cohen, Turei Zahav)*, Yore Dea chap. 386. In Egypt of the early twentieth century Jews did not cover their heads at all inside the house, and so there was nothing to offer as a homologous custom to wrapping the head. About the connections between our daily frame of reference and other frames that are constructed as a keying of our basic daily frame, see Erving Goffman, *Frame Analysis: An Essay on the Organisation of Experience*, Harper, New York, 1974.

46 It is interesting to compare this position with that of Rabbi Ovadia Yossef, according to which Sephardi Jews may not decide according to the R'ma and the Ashkenazic scholars of Europe, when these do not agree with Rabbi Yossef Caro. See chap. 16 in Zvi Zohar, *Heiru Pnei Hamizrach*, Hakibutz Hameuchad, Israel, 2001, pp. 312-52.

47 Another example is Rabbi Ben-Shimon's reliance on a ruling of the R'ma in order to enable Jews to cook food in non-Jews' ovens, under circumstances that arose when Jews moved to the suburbs of Cairo, see *Nehar Mizrayim*, 76, b.

48 According to Torah, as interpreted by Talmudic tradition, shaving the beard by razor is forbidden, but the achievement of a similar effect by scissors is permitted. cf. Leviticus 19:27, Maimonides, Code, Laws of Idolatry, chap. 12.

49 *Taalumot Lev*, vol. III,p. 98, fol. c.

50 cf. a similar view expressed by Rabbi Israel Meir Hacohen (the *Chafetz Chayim*) in the booklet *Tiferet Adam* at the end of his compilation *Nidhei Yisrael* [Israel's Dispersed Ones], Warsaw, 1895.

51 *Nehar Mizrayim*, 40, b. The phrase quoted in the last sentence is a Talmudic maxim, which explains why substances reminiscent of the golden calf (e.g. gold ornaments or cow-horn) should not be used on the High Holidays: their use will remind God of Israel's sins, and thus be counter-productive. So, too, a razor-shaven prayer leader will remind God of Israel's sinfulness, rather than of their merits ...

52 *Yad Ra'm*, 146, column b.

53 This refers to Rabbi Moshe Pardo. Born in Jerusalem around the year 1810, he was a *dayan* in Jerusalem, and in 1871, having returned from an assignment in North

Africa, was appointed rabbi of Alexandria in Egypt, a post he served until his death in 1888. His religious writings are: *Horaa Debeit Din* [Command of the Beit Din], Izmir 1872, discussing the laws of divorce (*gittin*); *Tzedek Umishpat* [Justice and Law], Izmir 1874, comments and commentary on the *Shulhan Aruch* Yore De'a; and *Shmo Moshe, halachic* Responsa. See further about him in Zohar, *Halachah Umodernizatsia* pp. 171-2; Moshe David Gaon, *Chachmei Hamizrach Be-Eretz Yisrael* [The Scholars of the East in the Land of Israel], volume 2, Jerusalem, 1938, pp. 541-2; Arie Leib Frumkin, *Sefer Toldot Hahmei Yerushalayim* [The History of the Rabbinic Scholars of Jerusalem], volume 3, Jerusalem, 1930, p. 312.

54 *Taalumot Lev*, part 3, 48, b.

55 About different understandings of the command of *tocheha* in the *Mishnah* and the *Talmud*, and about the socio-religious insights expressed by them, see my article: 'Three Traditional Modes of Understanding the Commandment of Tocheha (Rebuke) – and their Socio-Religious Implications', in: S Fishbane and Jack N Lightstone (eds), *Essays in the Social Scientific Study of Judaism and Jewish Society*, Concordia University, Montreal, 1990, pp. 105-21. cf. especially the 'third mode' on pp. 116-20, *ibid.*

56 The Egyptian city of Noh Amon, mentioned in the Bible, was identified by the ancient rabbis as Alexandria, cf. Jonathan Ben Uziel's translation of Jeremiah 46:25, Breshit Rabba 1:1. Thereafter, rabbinic texts employed the Biblical name to refer to that city.

57 *Taalumot Lev*, part 3, 58, 3.

58 *ibid.* 58, b. The expression 'Rose to revel' (*va-yaqumu leSaheq*) refers to an especially grave transgression: it is based on a word game that alludes to the Biblical description of the Sin of the Golden Calf: 'they sat down to eat and drink, and then rose to revel' (Exodus 32, 6).

59 It should be noted that the traditional Jewish life did not lack dancing. But these dances had a different quality from the social European dance in the late nineteenth century. About dancing in the Jewish community in which Rabbi Eliyahu Hazan grew up – that of Jerusalem – see Zvi Friedhaver, 'Hamachol Bayishuv Hayehudi Biyerushalayim Lifnei Milchemet Haolam Harishona [Dancing in the Jewish Community of Jerusalem Before World War I]' in: *Mechkarei Yerushalayim Befolklor Yehudi* [Jerusalem Studies in Jewish Folklore] no. 11-12 (1990) pp. 139-51.

60 For example, at the height of the tourist season, as Rabbi Ben-Shimon writes in *Nehar Mizrayim* 179, b.

61 *Nehar Mizrayim, ibid.*

62 About the response of the rabbis of Egypt to the possibility that using a synagogue for this purpose is a matter of 'the laws of the nations', see Zohar, *Heiru Pnei Hamizrach*, chap. 7 (pp. 139-58).

63 *Taalumot Lev*, part 3, 48, Taalumot Lev, vol.3, fol. 58, c.

64 For a discussion of the developments in the sacral world of the synagogue, see in Zohar, *Heiru Pnei Hamizrach*, chap. 7 (see note 51 above).

65 *Taalumot Lev*, part b, laws of divorces (*gittin*) chap. 3.

66 About taverns in Egypt, a few decades before the end of the nineteenth century, see Ehud R Toledano, *State and Society in mid-nineteenth century Egypt*, Cambridge University Press, 1990, pp. 243-7. Of women he writes: 'Women ... were barred from coffeehouses and taverns.'

67 *Taalumot Lev, ibid.* 38, b.

68 Like many 'leisure' activities, for one of the parties this is recreation while for the

other it is an occupation.

69 See for example: Yom Tov Assis, 'Sexual Behaviour in Medieval Hispano-Jewish Society' in: A Rapoport-Albert and S Z Zippersten (eds), *Jewish History: Essays in Honour of Chimen Abramsky*, P Halban, London, 1988, pp. 25-9 and see below, note 65.

70 About this issue see, for example: Bristow, Edward Jay, *Prostitution and Prejudice – the Jewish Fight Against White Slavery, 1880-1939*, Clarendon press, Oxford, 1982. And also: *Official Report of the Jewish International Conference on the Suppression of the Traffic in Girls and Women, held on April 5th, 6th and 7th, 1910, in London*, Wertheimer, London, 1910. The phenomenon of prostitution among Jewish women who immigrated to the United States in the late nineteenth century and the early twentieth, and in Jewish neighbourhoods in Eastern Europe, is described by: Irving Howe, *World of Our Fathers*, New York, 1976, pp. 96-8.

71 *Yad Ra'm*, 139, a.

72 *Nehar Mizrayim*, 100, b. Complete prostitute (in Hebrew, a complete *zonah*) = a woman who fornicates (in Hebrew – *zonah*) – under her husband. This as distinct from the more metaphoric use of the word – *zonah*, as meaning whore.

73 On condition that, if she is Jewish, she has immersed in the *mikveh* as required. Compare Assis, *ibid.* This is contrary to the social norm accepted by many in traditional Jewish society even today, according to which *any* sexual activity without marriage, and especially by women, is a grave transgression.

74 It is interesting to note that, according to Kauffman, this difference in attitudes is found also in Biblical attitudes towards prostitution/fornication. See *Toldot Haemunah Hayisreelit* [The History of the Faith of Israel], vol. 2, pp. 561-2. In any case, in the *halachic* sources of the *Talmud* and the Middle Ages there is indeed a completely different assessment of the gravity of the transgression of prostitution when the female transgressor is married, than when she is single. See, for example, *Shulhan Aruch*, Orach Chayim, chap. 153, paragraph 21, the Glossa of the Ram'a and the commentators ad loc.

75 As an example one can note the situation in the Jewish community of Damascus about this time (early twentieth century), where the excellent financial welfare of prostitutes was common knowledge. See Avraham Elmaliach, *Hayehudim Bedamesek Umazavam Hakalkali Vehatarbuti* [The Jews in Damascus and their Financial and Social Situation], Jaffa, 1912.

76 See Shulcan 'Aruch, Orach Chayim, chap. 153, paragraph 21, the Additions of the Ram'a and the commentators ad loc.

77 Proverbs, 25, 2. The straightforward (*pshat'* meaning of the verse is moot, and is taken by leading commentators [e.g. Rashi, Ibn Ezra, Radaq] to mean: it is not advisable to advertise to all the details of the exalted glory of God.

78 See Bavli, *Shabbat* fol. 153, b.

79 Except, of course, with regard to the determination of Jewish holidays.

80 The book's title page bears the subtitle 'Beginnings of *Haskalah* among German Jewry'. However, upon reading the book one shortly discovers that it discusses trends of secularisation in all the areas, and the intellectual one (*Haskala*) is but one of them.

81 These decisions and regulations are among *Shochat*'s important sources in determining the existence of the phenomena themselves.

82 Benjamin Brown, 2000, 'Sephardic/Mizrahi Rabbis and Religious Extremism: Towards a Re-Appraisal' [Hebrew], *Akdamot* 10, 289-324.

83 I argue this more extensively in my rejoinder to Brown: 'Orthodoxy is not the Exclusive Authentic Halakhic Approach to Modernity' [Hebrew], *Akdamot* 11 (October 2001), 139-51.

84 For a fuller development of this argument, see Zohar, *Heiru Pnei Hamizrah*, and especially chap. 17 (pp. 353-64). And see, too, Norman A Stillman, 1995, *Sephardi Religious Responses to Modernity*, Harwood; Jose Faur, 'Sephardim in the Nineteenth Century: New Directions and Old Values', in: *Proceedings of the American Academy for Jewish Research*, vol. XLIV, 1977, pp. 29-52.

Wheat, chickens and the expiation of sin, or vegetarian *kapparot*: the ancient origins of an obscure Egyptian Jewish high holyday custom

Andrew Strum

In the twenty years that Rabbi Ronald Lubofsky was my teacher and friend, he imparted to me and engendered in me a number of his multifarious interests.

Rabbi Lubofsky constantly sought to research, understand and explain the origins of Jewish customs and practices. To him, a custom became meaningful and worthy of propagation if he understood and could make others understand its origins and its relevance in time and place. At his *shloshim*, I recounted how, shortly prior to his death, he had a *petil techelet* added to the *tsitsit* of his *tallit* – the long lost blue thread prescribed in Numbers 15:38-38. This was not because he had adopted the customs of the Radziner *Hassidim* or of the Karaites, who purported to observe this commandment. Rather, it was because, upon reflection, he interpreted the essence of the commandment in the phrase '*ve-natenu al tsitsit ha-kanaf petil techelet ... u-re'item oto u-zechartem et kol mitsvot Ha-shem ...*' to be not so much the *tsitsit* (the fringe) but the *petil techelet* (the blue thread). His reason was that the word *oto* in *u-re'item oto u-zechartem* ('and you shall see *it* and remember all of God's commandments') is masculine and must therefore refer to the *petil techelet* which is in the masculine, rather than the *tsitsit* generally, which are in the feminine. So, in his opinion, it was really through the *petil techelet*, the blue thread, and by looking at it specifically, rather than the *tsitsit* generally, that he fulfilled the *mitzvah*. It was only then, having rationalised the reason for this, that he allowed a *petil techelet* to be added to his *tsitsit* and that he allowed himself to romanticise and to speculate about the *petil techelet* – about

its fate and its reintroduction; about the rediscovery of the *hilazon*, the sea creature, from which the colour *techelet* is derived; and about the various groups in Jewish history over time who reintroduced the *petil techelet*, such as the Karaites and the Radziner *Hassidim*, and how he was another link in that chain of history and development. And this is but one example.

Rabbi Lubofsky, although of unquestionably Ashkenazi origins, had a special place in his heart and in his mind for Sephardi Jewry – its history, its customs and its *weltanschauung*, its outlook on the world. He often referred to himself as a 'closet' Sephardi, for while his family history and customs may not have derived from Sepharad, much of his *weltanschauung* did so derive.

It is therefore fitting that, by way of tribute to my late teacher and friend, I address this paper to a topic that combines both of those of his interests – an obscure custom practised by Egyptian Jews prior to Rosh Hashana. My mother's family as well as my wife's family originate from Egypt and I have, and have always had, a particular interest in all aspects of Egyptian Jewry, which was the subject of many discussions with Rabbi Lubofsky.

Until its virtual dispersal in the two decades following the establishment of the State of Israel in 1948, the Egyptian Jewish community could rightfully claim its place as one of the oldest, if not the oldest, of the Jewish communities in the Diaspora. There was a continuous Jewish presence in Egypt from at least the fifth century before the Common Era, and possibly earlier. The Bassatine cemetery on the outskirts of Cairo, in which the Jews of Cairo have been buried since before the second millennium of the Common Era, is the oldest continuous Jewish burial ground in the Diaspora. And yet, despite its antiquity, Egyptian Jewry was one of the least homogenous Jewish communities, being a community to which there was a constant flow of migration. Thus, for example, at various stages during the second millennium of the Common Era, the community was generally divided between the *Shamiyin* (the so-called Palestinian Jews) and the *Iraqiyin* (the Babylonian Jews); then between the *Musta'arabeen* (the Middle Eastern Jews) and the *Ma'arabeen* (the North African Jews); then between the *Musta'arabeen* (the native Jews) and the *Sephardim* (the descendants of the Jews exiled from the Iberian Peninsula in the late fifteenth century); or between the *Musta'arabeen* and the *Lo'azim* (the foreign Jews generally). By the nineteenth century, the ranks of Egyptian Jewry were considerably swelled by migrants from Syria and Iraq, from Turkey and Greece, from the *Maghreb*, from Italy and from the Ashkenazi world. Nevertheless, there emerged over the centuries, a distinct *Minhag Mitsrayim* – an Egyptian Jewish rite, which was the subject of three books in the late nineteenth and early twentieth centuries: *Minhagei Mitsrayim*, by my ancestor Rabbi Yomtob Israel-Cherezli (Jerusalem, 1820-91; Chief Rabbi of Cairo, 1866-91), on the customs of the Jews of Cairo (first published in Jerusalem in 1873); *Neveh Shalom*, by Rabbi Eliahou Behor Hazan (Izmir, 1848; Alexandria, 1908; Chief Rabbi of Alexandria, 1888-1908), on the customs of the Jews of Alexandria (first published in Alexandria in 1893); and *Nehar Mitsrayim*, by Rabbi Raphael Aharon Benshimon (Rabat, 1848; Tel Aviv, 1928; Chief Rabbi of Cairo, 1891-1921), on the customs of the Jews of Cairo (first published in

Alexandria in 1908). Further, the customs of the Jews of Egypt were extensively referred to by Rabbi Shemtob Gaguine, a *dayan* of the Cairo *Beit Din* between 1913 and 1919, in his magnum opus *Keter Shem Tob*. None of these rabbis, however, refer to the following custom.

In many Egyptian Jewish families, including that of my mother and my wife, about a week to ten days before Rosh Hashana, grains of wheat (or, if not readily available, barley or lentils) are scattered on a piece of damp cotton wool in a small plate or shallow bowl which sprout in time for the New Year. Early in the New Year, usually after Yom Kippur, the Day of Atonement, ten days later, the sprouts are discarded. I have not encountered this custom in any other Jewish community outside of Egypt. While this custom is widespread amongst Egyptian Jews, surprisingly it is not referred to by Rabbis Israel-Cherezli, Hazan, Benshimon or Gaguine or in any other rabbinical works. Indeed, I have only found it referred to in writing, albeit briefly, by the late Egyptian Jewish historian Jacques Hassoun, in his article *Chroniques de la Vie Quotidienne* published by him, together with other articles, in *Juifs du Nil* (Editions Le Sycomore, Paris, 1981). Hassoun writes (at page 147):

> One week before the New Year, children place cotton wool in shallow bowls and plant wheat which will sprout just in time for the New Year.
>
> One week after the New Year, the eve of Kippour arrives. Two or three days before that date, the Jews, even those who live in the better suburbs, place chickens in their bathrooms or on their terraces. A rooster for each male member of the family, a hen for each woman or female child of the family, will be sacrificed on the eve of the Day of Atonement ...

In the first passage, Hassoun refers to the custom mentioned above, which is particular to Egyptian Jewry. In the second passage, Hassoun refers to the custom of *kapparot* largely practised throughout the Sephardi and Ashkenazi worlds.

What is the origin and the meaning of the custom of growing sprouts of wheat in the days prior to Rosh Hashana? Is it a *simana milta*, an omen in the nature of the others prescribed by the Talmud for Rosh Hashana? The Talmud prescribes that:

> at the beginning of each year a person should make it his habit to eat [alternatively, to look at] gourds, fenugreek, leeks, beets and dates.

See Tractate *Horayot*, 12a and Tractate *Keritut*, 6a.

While the prevalent custom is to eat certain foods at Rosh Hashana, the names of which are, or which are similar to, good omens (Tractate *Keritut*, 6a), there was a divergent view in ancient times whether one was required to eat these foods or merely to look at them (Tractate *Horayot*, 12a).

Thus, is freshly sprouted wheat merely a good omen for the New Year, which is to be looked at, in accordance with the view expressed in Tractate *Horayot*, 12a? Indeed, the custom of the old Sephardi families of France was to scatter

grains of wheat on the table at which the festive meals were eaten on both evenings of Rosh Hashana as a portend of abundance for the New Year. See *Erech Ha-Tefilot: Prieres des Grandes Fetes a l'Usage des Israelites du Rite Sefarad, Rosch Haschana*, French translation by A Crehange, Librairie Durlacher, Paris, 1927, pp 154–5.

Further, is the custom of Jewish origins or was it borrowed by the Jews of Egypt from their neighbours? Other religious communities in Egypt, including the Christian Copts (allegedly descended from the ancient Egyptians), practised a similar custom at certain of their festivals. In the Christian communities of the Middle East generally, and indeed in some Christian communities along the Mediterranean shores including as far west as Provence, in the south of France, wheat was germinated on Saint Barbara's Day on 4 December. Saint Barbara was a third century Christian martyr who was allegedly killed by her father, Dioscorus, for espousing Christianity. According to some traditions, she was martyred at Nicomedia (Izmit) in Turkey while, interestingly for present purposes, other traditions place her martyrdom at Heliopolis, in Egypt! It is also interesting to note that the ancient Coptic church of Saint Barbara in Fustat (Old Cairo), which dates back to the late seventh century, adjoins the famous Ben Ezra synagogue, known in earlier times as *Keniset el-Shamiyin* or *Keniset Yerushalmiyin* as it had been originally the synagogue of the Palestinian Jews.

The ancient Egyptians engaged in a similar practice in connection with Osiris, who was, inter alia, their god of fertility and of rebirth and renewal of life. Osiris was believed by the ancient Egyptians to grant all life from the underworld, from sprouting vegetation to the annual flood of the Nile. The *New Encycopedia Britannica* states:

> Osiris festivals symbolically reenacting the god's fate were celebrated annually in various towns throughout Egypt. A central feature of the festivals was the construction of the 'Osiris garden', a mold in the shape of Osiris, filled with soil and various drugs. The mold was moistened with the water of the Nile and sown with grain. Later, the sprouting grain symbolized the vital strength of Osiris.

The *Dictionnaire de la Civilisation Egyptienne* (Fernand Hazan (ed.), Paris) states, in relation to the Osiris festivals, that many aspects thereof celebrated Osiris' role as god of the land and its produce.

> They took place at the beginning of the fourth month of the Egyptian year, when the annual flooding of the Nile began to recede and the submerged fields began to re-emerge, ready to be sown. Small figurines in the form of Osiris were fashioned of moist clay and filled with grains, which were placed on a base. After a few days, the grains sprouted and a small growth appeared, the outline of which was in the shape of the clay figurine in which they had germinated (literally 'which had given birth to them') ... Thus, like its god, the soil of Egypt, after its annual death in the burning heat

> of summer, was reborn after the retreat of the floodwaters of the Nile, ready for a new growth of life. Do contemporary Egyptians, who still sow lentils on moist cotton wool to sprout for certain religious festivals, realise the ancient origins of this practice?

It is interesting to note that in Ancient Egypt this custom was practised at the time of the annual flooding of the Nile. Until their dispersal in the twentieth century, the Jews of Cairo (situate on the banks of the Nile) when the Nile first flooded each year, refrained from performing *nefilat apayim (tahanun)* or regular supplications (which are not performed on festive or celebratory occasions) and recited the *shehehiyanu* blessing, praising God for having kept them in life and preserved them and enabled them to reach that season. See *Minhagei Mitsrayim* (1873), p. 3a, para. 27 and *Nehar Mitsrayim* (1908), p. 6b, para. 4 and p. 14a, para. 4.

Did the Jews of Egypt merely adopt the custom of growing sprouts from their Egyptian neighbours? The answer might be found in the commentary of Rashi (France, 1040-1105) to Tractate *Shabbat*, 81b, where he states:

> In the Responsa of the Geonim I have found that [in the days of the Sages of the Talmud] they made baskets from palm fronds and filled them with soil and dung and twenty-two or fifteen days before Rosh Hashana *each and every one made one for each and every male and female child of the household* and sowed in it Egyptian beans [i.e. cow peas] or pulses and it was called purpesa [parpisa] and it sprouted. And on the eve of Rosh Hashana *everyone took his own and circled it around his head* seven times saying: 'This in lieu of this; this is my exchange; this is my substitute' and then threw it into the river.

There seems to be an internal inconsistency in Rashi's account. Was this custom practised only for the children of the household, as is first suggested, or for all members of the household, as is later suggested? Whatever be the answer, this practice in Talmudic times, as recounted by the Geonim and later Rashi, is remarkably similar to the Egyptian Jewish custom the subject of this article and as described above by Jacques Hassoun. It is, however, also similar to the ancient Egyptian practice. Was the Jewish practice in Talmudic times (if not before) somehow derived from or related to the ancient Egyptian practice?

This practice in Talmudic times is the origin of the custom of *kapparot*, the expiation of sin by its symbolic transferral. It has, since then, undergone several changes. Firstly, since Geonic times this custom has been practised with chickens (see Rabbi Solomon Ben Adret, responsum no. 395, who writes that it was so practised in the days of Hai Gaon (Pumbedita, Babylonia, 939-1038)). In more recent times, it has been alternatively been practised with coins which are then donated to charity. Secondly, while in Talmudic times it was practised on the eve of Rosh Hashana, since Geonic times it has been practised usually on the eve of Yom Kippur, the Day of Atonement. Thirdly, whereas the custom in Talmudic times was to throw the sprouts into the river, the custom since Geonic times has been to slaughter the chickens and generally offer them to the poor.

Fourthly, whereas the custom in Talmudic times was to circle the sprouts around the head seven times, the custom since Geonic times has been to do so only three times.

That the custom of *kapparot* was originally practised more for children rather than for adults (as is suggested by Rashi and by Hassoun) is also suggested by Rabbi Solomon Ben-Adret in his Responsa (no. 395).

Rabbi Jacob Hayim Sofer (Baghdad, 1870–Jerusalem, 1939) in his commentary to the *Shulhan Aruch* entitled *Kaf Ha-Hayim* discusses the Talmudic and Geonic/post-Geonic forms of *kapparot* (*Orah Hayim*, 605 – vol. 8, pp. 40b-41a, para. 22) and writes that:

> one who is unable to take a rooster and who does not have money to circle over his head in place of a rooster should do this,

i.e. circle sprouts over his head as in Talmudic days!

Rabbi Shemtob Gaguine in his *Keter Shem Tob* (vol. 6, pp. 221-3) remarks that the original custom of performing *kapparot* with sprouts was symbolic of the *korban minḥah*, the Temple offerings that consisted, inter alia, of wheat or barley flour or fine flour. The custom since Geonic times of using chickens further differs from the custom in Talmudic times in that it is expressly dissimilar to any of the Temple offerings, in which chickens were never used. It has been suggested that chickens came to replace sprouts as they were considered to be a substitute for the 'scape-goat' *azazel* which was used to expiate the sins of the people of Israel on the Day of Atonement (see *Keter Shem Tob*, vol. 6, p. 222). Another explanation may derive from the phrase *'ki ha-adam 'ets ha-sadeh'* (Deuteronomy, 20:19), which the Rabbis translate as 'For the tree of the field is the man', i.e. man's life depends on the products of the soil (*Sifre* 127). In this case, man's sins are expiated, and his life preserved, by the products of the soil, namely, sprouts of wheat.

If the surviving Egyptian custom derives from the original Talmudic form of *kapparot*, what then of the Geonic and post-Geonic form of *kapparot* with chickens? Would the Talmudic form have continued in the Geonic and post-Geonic era? In fact, in Egypt, the Geonic and post-Geonic form of *kapparot* with chickens was practised on the eve of Yom Kippur, as was and remains customary in other Sephardi and Ashkenazi communities, and/or on *Hosha'anah Rabbah* (see *Neveh Shalom*, p. 25a, para. 5; *Nehar Mitsrayim*, p. 43a, para. 2; *Keter Shem Tob*, vol. 6, pp. 223-4 and vol. 7, pp. 150-1). If the Geonic and post-Geonic form of *kapparot* was practised in Egypt, why might traces of the earlier, Talmudic form have survived?

The custom of *kapparot* in its Geonic and post-Geonic form with chickens was never universally accepted and was the subject of stringent criticism throughout the ages. Indeed, although I never discussed it with Rabbi Lubofsky, from my knowledge of him I am confident that he would have been firmly in the camp of its opponents.

There is no evidence that the custom of *kapparot* in its Geonic and post-Geonic form was practised in Egypt prior to the seventeenth century. There is no reference to it in Sa'adiah Gaon's prayer book, nor in Maimonides' *Mishneh Torah*. Both Sa'adiah Gaon (Fayyum, Egypt, 882–Sura, Babylonia, 942) and

Maimonides (Cordoba, 1135–Cairo, 1204) were, of course, pre-eminent medieval Egyptian rabbis.

Nahmanides (Gerona, 1195–Jerusalem, 1270) outlawed the custom of *kapparot* on the grounds that it was an idolatrous practice, *'darchei ha-Emori'*, the 'ways of the Emorites'.

The custom was criticised and forbidden by Rabbi Solomon Ben-Adret (Barcelona, 1235-1310) in his responsum no. 395.

Rabbi Jacob ben Asher (Germany, 1270–Toledo, 1340) in his *Turim* (*Orah Hayim*, 605) refers to the custom of *kapparot* without criticism. While written in Spain in the first half of the fourteenth century, the *Turim* reveals great deference to the Franco-German rabbinical school, from which the author hailed, in which the custom of *kapparot* was practised.

Rabbi David Abudarham, in his commentary (Seville, 1340), writes that the custom was practised 'in a few' communities in Spain but is silent as to whether this met with his approval or not.

Rabbi Joseph Caro (Toledo, 1488–Safed, 1575), in his *Shulhan Aruch* (first published in Venice in 1565) (*Orah Hayim*, 605:1) refers to the custom of performing *kapparot* with roosters for male children and states that it should be prevented. Chapter 605 is commonly headed *'Custom of Kapparot on the Eve of Yom Kippur'*. However, in an early edition of the *Shulhan Aruch*, printed in Venice in 1574 during the author's lifetime, chapter 605 is headed *Custom of Kapparot on the Eve of Yom Kippur – A Foolish Custom*. This acerbic criticism was deleted in later editions and remains absent from contemporary editions of the *Shulhan Aruch*. Given Caro's comment that the custom of *kapparot* should be prevented, it is not surprising that he referred to it as foolish custom. Indeed, Gaguine in his *Keter Shem Tob* (vol. 6, p. 224) suggests that the reference to *kapparot* being a foolish custom was deleted in deference to the Ashkenazi Rabbi Moses Isserles' approval of this custom in his commentary to the *Shulhan Aruch*, first published in Cracow in 1570.

Thus, until the sixteenth century, we encounter silence or criticism from the majority of the Sephardi world's rabbis, culminating with Rabbi Joseph Caro's comments in his *Shulhan Aruch*. It is not unlikely that, in these circumstances, the Geonic/post-Geonic form of *kapparot*, not referred to by the Egyptian rabbis Sa'adiah Gaon or Maimonides, and the subject of rabbinic criticism by later Spanish rabbis, was not practised in Egypt. In the circumstances, the survival of a remnant of the Talmudic form of *kapparot*, as recalled by Rashi in his commentary, is not implausible.

It was only in the seventeenth century that the Geonic/post-Geonic form of *kapparot* received enthusiastic rabbinic approval in the Sephardi world, with the appearance of *Sha'ar Ha-Kavannot* by Rabbi Hayim Vital (Safed, 1542–Damascus, 1620) in which he wrote that his teacher, Rabbi Isaac Luria (Jerusalem, 1534–Safed, 1572) had endorsed and practised this custom. Luria had, incidentally, spent his formative years in Egypt. With the exception of the post-Expulsion Spanish and Portuguese Jewish communities, the remainder of the Sephardi world was and remains heavily influenced by Lurianic Kabbalah and practice.

Gaguine (vol. 6, p. 223) writes that 'the Sephardim of the Land of Israel, Syria, Turkey and Egypt and all the cities of North Africa' seized upon the custom of *kapparot* as expounded by Vital in *Sha'ar Ha-Kavannot*. It was, however, not practised and generally frowned upon by the post-Expulsion Spanish and Portuguese Jewish communities which remained largely immune from Lurianic kabbalistic influence.

That a remnant of the Talmudic form of *kapparot* might have survived after the likely relatively late introduction of the Geonic / post-Geonic form of *kapparot* in the seventeenth century in the post-Lurianic era, is not surprising in a Jewish community as ancient as that of Egypt, which long predated the Talmudic era. Indeed, remnants of another otherwise long-forgotten ancient Jewish custom survived in Egypt in the *Seder el-Tawhid*, which was recited at midnight on Rosh Hodesh Nissan, the commencement of the Jewish month of Nissan (see *Nehar Mitsrayim*, pp. 27a-b). This custom can be traced to the Palestinian Jewish community in Cairo in the thirteenth century, and, prior thereto, to the surviving Jewish community in the Land of Israel, where the commencement of the new month of Nissan was celebrated as a quasi-holy day. See Ezra Fleischer, *Seder al-Tawhid* (1999) 78 Pe'amim 75-99.

We may never know whether the Egyptian Jewish custom of sowing wheat before Rosh Hashana, to sprout in time for the New Year, originates from the similar custom in Talmudic times or was merely adopted by the Jews of Egypt from their non-Jewish Egyptian neighbours and originates in ancient Egyptian times. To paraphrase Nahmanides (above): is this custom really *'darchei ha-Mitsriim'*, the ways of the Egyptians? Even if the latter be the case, the Jews of Egypt may have justified the adoption and practice of this custom at Rosh Hashana on the basis of its striking similarity with the custom practiced by their ancestors in Talmudic times. Further, it may be that the Jewish custom practised in Talmudic times (if not earlier) was adopted or somehow originated from the ancient Egyptian practice. Might there be some conceptual connection between the ancient Egyptian 'Osiris garden' and the Talmudic custom of *kapparot* with sprouts, making *kapparot* truly the 'idolatrous' practice referred to by Nahmanides but in a way not envisaged by him?

Rabbi Lubofsky, like the medieval Egyptian and Spanish rabbis referred to herein, who combined religion and rationalism, would have frowned on the custom of *kapparot*. I dare say, however, that, as with all Jewish customs, he would have been interested in the ancient and possibly Talmudic origins of the obscure Egyptian Jewish high holyday custom the subject of this article. It is to my regret and loss, however, that, as with so many other interesting issues that I have encountered since his death, I shall never be able to discuss it with him.

The moving of a *Sefer* Torah: A study in *Halachah*

Saul J Berman

There are many situations in which the question of proper standards for the moving of a *Sefer* Torah arises. A national organisation has a weekend convention from Friday through Sunday; a mourner needs to have a *minyan* in his house during *Shiv'ah*; a youth movement plans a *Shabbaton* at a conference centre; a *bar mitzvah* is going to be celebrated at a hotel over a *Shabbat*; or a Women's Service is going to be held in a location other than the Synagogue. In each of these cases it is appropriate to raise the *halachic* question of what are the conditions under which a *Sefer* Torah may be moved out of its fixed location within the Ark of a Synagogue. A particularly significant moment in which this question arises is on *Simchat* Torah when, in many synagogues, it has become customary to remove the Torah scrolls from the synagogue building in order to have additional locations for Torah reading, and in order to dance with the *Sifre* Torah in street processions. Even street processions in dedicating new *Sifre* Torah raise the same issue, as *Sifre* Torah are brought out into the street to greet the new Scroll.

A. The Talmudic period

A Tannaitic description of the moving of a *Sefer* Torah appears in the context of the reading of the Torah by the High Priest at the end of the service on Yom Kippur. The Mishna in Yoma 7:1, describes that event in the following fashion:

> The High Priest came to read ... The Chazan of the Synagogue[1] took a scroll of the Law and gave it to the Head of the Synagogue, and the Head of the Synagogue gave it to the Segan[2] (the second to the High Priest), and the Segan gave it to the High Priest. The High Priest stood and received it and read standing ... Then he rolled up the Scroll of the Law and put it in his lap and said 'More than what

> I have read to you is written here.' ... Thereafter, he pronounced eight benedictions ...'[3]

The Mishna in Sotah offers the same description of the reading by the High Priest[4] and then offers the same description again in regard to the reading of the Torah by the King at Hak'hel, with the additional step of the transfer of the Torah from the High Priest to the King who could then read while sitting.[5]

The Jerusalem *Gemara* expressed astonishment at the practice described in the Mishna.

> In all other situations you say, (the people) follow after the Torah, but here you say, the Torah is brought to them!? Rather, since they are great people, the Torah is exalted through them. But there (in Babylonia), they bring the Torah to the Exilarch? Said Rabbi Yose ben Rabbi Bun, there, since the seed of David is (genealogically) merged within them, we act towards him in accordance with the custom of his ancestors.[6]

The Amoraim did not spell out with precision the nature of the objection which they would normally have had to this practice, but the general parameters of their concern seem reasonably clear. They viewed it as obligatory to act towards a *Sefer* Torah with due respect. No explicit source for this duty is cited either here or elsewhere in Talmudic literature. The single most obvious source for this obligation would have been the text of *Mishna Avot* 4:6:

> Rabbi Jose said, he that honours the Torah will himself be honoured by his fellow men, but whoever dishonours the Torah will himself be dishonoured by mankind.[7]

However, there is no textual indication that the word 'Torah' in this Mishna has reference to a *Sefer* Torah. In fact, in the parallel passage in Avot DeRabbi Nathan, it is clear that the subject of the comment is God's Law.[8] So too, Rambam, in his commentary to *Mishna Avot*, views the meaning of the word 'Torah' as threefold: to honour the *mitzvot*, the Sages and the books composed to transmit Torah.[9]

Nevertheless, by the time Rambam records this requirement,[10] it is clearly well established. So well established was it, that hundreds of years later, Rabbi Yosef Caro was not at all distressed at the absence of a specific source, and was comfortable just in indicating that the duty is obvious, is self-evident.[11] Rambam's language is instructive. He says, 'It is a duty (*mitzvah*) to designate a place for a *Sefer* Torah and to honour it and beautify it in great excess.' It is likely that Rambam's source is precisely our passage in the Jerusalem Gemara, in combination with the parallel passage in Babylonian Gemara. But, we are ahead of the development, so let's return to the Jerusalem Gemara.

The Amoraim of Israel were clearly distressed at the idea that the *Sefer* Torah was being brought from its fixed place in the Ark of the Synagogue of the Temple,[12] to the middle of the courtyard. Their clear assumption was that the proper dignity of the Torah was reflected by the people coming to the location of the Torah rather than the Torah being brought to the people. While almost an

entire chapter of the Tractate *Sefer* Torah is focused on matters of respect to be shown to a *Sefer* Torah,[13] and while the bulk of that chapter is duplicated in *Masechet Soferim*,[14] this particular element of respect is not referred to in those texts.

There is also no record of rationale for this element of honour to be shown to the Torah. We may speculate that it is based on the power of the relationship between the reading of the Torah and the reenactment of Mt Sinai. Just as the Jewish people came to the location which God had already chosen as the locus of transmission, likewise, for all time to come, the people should come to the place where the Torah has already been located. Whether this is or is not the original rationale, the power of the practice itself was on a par with other forms of established modes of showing special respect to the *Sefer* Torah, such as standing in its presence[15] and not selling a Torah except for need of funds for study or marriage.[16]

In contrast to the objection of the Palestinian Amoraim to the movement of the *Sefer* Torah, the Gemara Bavli records a remarkable practice which followed the conclusion of the prayers of the High Priest.

> Thereupon, each would bring a scroll of the Torah from his house and read therefrom, in order to show the multitude its beauty.[17]

Contrary to the thrust of the Palestinian Gemara, the Bavli seems not to be distressed by the movement of *Sifre Torah* from homes to the Temple courtyard on the day of Yom Kippur itself. Is that because the purpose of the movement was precisely to display the dignity of the Torah scrolls, and therefore the act did not constitute any form of disrespect to the Torah?

If this is accurate, then Bavli and Yerushalmi are in complete agreement on three fundamentals. Firstly, a *Sefer Torah* requires dignified treatment. Secondly, for the normal reading of the *Sefer Torah*, the people should come to the Torah, not vise versa. Thirdly, where the Torah is moved to the people, it might still be permissible if the persons to whom it is brought are 'great', or if the very purpose of the movement is to display the beauty of the *Sefer Torah* itself.

B. The period of the Rishonim: Ashkenaz

Rashi, after explaining the application of the duty of beautification of *mitzvot* to the *Sefer* Torah, adds the following comment to the Bavli passage just quoted. 'They brought them there on the eve of Yom Kippur.'[18] To what problem was Rashi responding in this comment? At first glance it might appear that Rashi is concerned with the problem of carrying on Yom Kippur, analogous to the concerns which motivated Rabbinic legislation in regards to the blowing of Shofar or the use of Lulav and Ethrog on Rosh Hashanah and on Sukkot, respectively. However, this does not appear to be likely since the practice of bringing a *Sefer* Torah to the Courtyard of the Temple would have been done only in Jerusalem, and no real concern for breach of the law would have been present in that restricted context.

It seems more likely then that Rashi was concerned with the problem of the moving of a *Sefer* Torah to the people who were going to hear it read, and that

Rashi's solution to the apparent disrespect involved was that the *Sifre* Torah had been brought to the Temple courtyard on the preceding day. Thus, when the people came to the courtyard on the afternoon of Yom Kippur and heard each other reading from their beautiful scrolls, no disrespect was shown, since the people had still come to the Torah and not vice versa. Rashi was apparently not distressed by the fact that the simple language of the Gemara suggests that the *Sifre* Torah were just then, on Yom Kippur itself, brought to the Temple 'from his house'.[19]

A distinctive position based on the above passage in the Yerushalmi, was taken by Rabbi Isaac ben Moses of Vienna, a teacher of Maharam of Rothenberg, in his *Sefer* Or Zarua. He there comments on the discussion between Rabbi Nachman and Rabbi Isaac, recorded in *Gemara Berachot*, in which the former explains that he physically could not attend the communal services. The latter suggested that he should then have asked ten people to come to his home to make a *minyan* there.[20] *Sefer* Or Zarua then comments as follows:

> From this we see that it is proper and right for fearers of God, blessed be He, when he [sic!] is sick but still able to concentrate, that ten should come to pray with him. And, if he is the 'important man'[21] of his community, a *Sefer* Torah should be brought to his home, so that the ten who came to pray with him should read from it.[22]

Or Zarua then quotes the full text of our passage in the Yerushalmi, and notes that it is quoted identically in Yerushalmi Sotah. He then concludes as follows with an a fortiori:

> If to them [Kohen Gadol, King and Exilarch], it is brought for the sake of their dignity, then for this one [a sick person], who is under compulsion, certainly it should be brought to his home.[23]

Thus, while basing himself exclusively on the Yerushalmi passage, Rabbi Isaac Or Zarua makes a significant permissive bow in the direction of the Bavli. By contrast, Rashi, basing himself on the passage in Bavli, had made a significant turn towards the restrictive position of the Yerushalmi. Both, however, recognised clearly that there were circumstances other than those of readings by High Priest and King when a *Sefer* Torah could be permissibly moved without violation of the requirement of respectful treatment.

A significantly different and more restrictive position on this entire issue emerged in the writings of one of the students of Rabbi Meir of Rothenberg. Mordecai ben Hillel quoted an anonymous Responsum which has been commonly ascribed to his teacher, Rabbi Meir of Rothenberg.[24] The Responsum is as follows:

> [In regard to] persons who are held in prison, we may not bring a *Sefer* Torah to them even for Rosh Hashanah and Yom Kippur; as it says in [Gemara] Yerushalmi, Chapter 'Ba La' [Yoma, chap. 7].[25]

Mordecai then quotes, in full, the *Gemara Yerushalmi*, but with a critical inversion of the closing statement. Whereas our version of the statement of Rabbi Yose ben R Bun affirms the propriety of bringing the *Sefer* Torah to the exilarch;

in the reading of Mordecai, Rabbi Yose rejects the practice and demands that we 'not act towards him as towards his ancestors [the Kings)'. It is this inverted reading which served as the basis for the conclusion that the *Sefer* Torah should not be brought to prisoners, since according to this reading it was only for the High Priest and the King for whom an exception to the usual practice could be made.[26],[27]

While later Rishonim were clearly aware of the positions of the Or Zarua and the Mordecai,[28] no further significant exploration of their positions occurs until the early sixteenth century. A colleague of Maharam Padua was criticised by his friends for having allowed the formation of a special *minyan* in a private home for a 'great man' who took ill while visiting the community and could not attend regular services on the High Holidays and Sukkot.[29] The particular focus of their critique was the impermissibility of moving a *Sefer* Torah, in accordance with the position of the Mordecai.

Maharam Padua confirms that the position of the Mordecai is based on his variant reading of the text of the Yerushalmi. He then indicates that it was, nevertheless, quite common practice for individuals to have *minyanim* gather in their homes for holidays, on which occasion they would set aside a space as an Ark for the Torah, and that no one objected to such practice despite even the absence of a 'great man'. He further notes that his own father-in-law, Rabbi Judah Mintz (Mahari Mintz), used to commonly do this.

While the behaviour of Mahari Mintz would have been in consonance with the position of Or Zarua, while against that of Mordecai, the other persons, who were not great men, engaging in this practice, would appear to be in violation even of the more permissive position of the Or Zarua. Maharam Padua therefore offers the following resolution of the conflict between the literature and the practice. The objection to moving a *Sefer* Torah pertains only to a circumstance in which the Torah is brought from its fixed location in an ark, into the place where the people are already gathered, to be read from and then immediately returned to its original location. Only in such a situation do Yerushalmi, the Mordecai and the Or Zarua consider there to be a disgrace to the *Sefer* Torah. It is this which can only be done for 'great men' according to Mordecai, and additionally for a sick person according to Or Zarua.

Maharam Padua concludes:

> But in our custom, as in your case, to designate a reading table and an ark for a day or two, and to place the *Sefer* Torah within it, to then remove it [from the Ark] at the time of reading and to place it on the reading table, the reader thus removing it from its place to read on the table and then to return the *Sefer* Torah to the ark – it never occurred to any person to prohibit this since there is no disgrace to the *Sefer* Torah since there is designated for it an ark and a table for its being brought out and returned. And there is no difference between a temporary Synagogue and a permanent Synagogue. Therefore, you acted properly and you decided properly.[30]

Interestingly, Maharam Padua cites no prior authority in support of his distinction, albeit he seems to have been anticipated by the comment of Rashi to the Gemara Bavli in Yoma.[31] As indicated above, however, it is possible that Maharam Padua understood Rashi to be related to the carrying problem rather than to the issue of the dignity of the *Sefer* Torah. Under any circumstances, Rashi could be understood to have anticipated the proposition that so long as in the final event, the *Sefer* Torah is at the location of reading prior to the arrival of the people, there would be no disgrace to the Torah. Maharam Padua goes further in requiring the presence of a dignified setting for the storage and reading of the Torah as well as its prior arrival.

C. Period of the Rishonim: Sepharad

There appears to have been very little direct discussion of our issue among the *Rishonim* of Sepharad. As usual, the critical framework was already established by Rambam. Both his conceptual framing of the issue as well as his reading of the practical implications were distinctive from the approach taken in Ashkenaz.

Firstly, as to his conceptual framework. Rambam devotes almost an entire chapter in Mishneh Torah, Hilchot *Sefer* Torah, to the elaboration of the concept of '*Kavod*' due to the *Sefer* Torah. His opening statement is critical: 'A kosher *Sefer* Torah is to be treated with extreme holiness and great dignity.'[32]

Rambam does not indicate whether his concept of the 'holiness' of the *Sefer* Torah is a Deoraita or DeRabbanan status. But, be that as it may, the notion that a duty of *kavod* (treatment with dignity) flows from *kedusha* (holiness), is a consistent presence in Rambam's thought. The holiness of the person of the Kohen, demands that he be treated with special dignity.[33] The holiness of the premises of the Temple demands that it be treated respectfully.[34] The holiness of the time of *Shabbat* generates a special duty of acting towards it with honour and respect.[35]

Likewise, it is the presence of holiness invested in the *Sefer* Torah which yields the legal requirement that it be treated with that special regard which is identified as *kavod*. No single prior source had made the connection between holiness and dignity, but it was clearly an obvious connection in the mind of Rambam, and one which upon reflection, like most great discoveries, is obvious. While this connection between holiness and honour is clearly the source of the legal force of the duty of treating a *Sefer* Torah with special honour, Rambam does not omit the further conceptual connection between the public reading of the Torah and the giving of the Torah at Mount Sinai. In his description of the obligation of *Hak'hel*, the public reading of the Torah by the King, during *Chol Hamoed Sukkot* in the year following *Shmitta*, Rambam asserts:

> Strangers who do not recognise [the authority of the Torah], it is our duty to prepare their hearts and to make ready their ears to hear with awe and fear, with joy and trembling – as the day on which it was given at Sinai ... He [the listener] should see himself as if he were just now being commanded [to adhere to] it, and as if he were hearing it from the mouth of the Almighty, for the King is an agent to transmit the words of God.[36]

Interestingly, in these instances and in the five other texts in the Mishneh Torah where the Rambam discusses the dignity and honour with which a *Sefer* Torah needs to be treated, there is no reference to the issue of special regard to the process of moving a *Sefer* Torah.[37] In fact, there appears to be no specific echo at all of the Jerusalem Talmud in its concern that the people come to the *Sefer* Torah, and that the *Sefer* Torah not be brought to the people. Indeed, in the single responsum which Rambam wrote in which the honour of a *Sefer* Torah is addressed, Rambam could have, but failed to raise objection based on the issue of indignity in moving the Torah. In that instance, Rambam had been asked whether a litigant who was obligated to swear, but was ill, should have the *Sefer* Torah brought to him. Rambam might have objected to the proposed action on the grounds of the indignity of moving the *Sefer* Torah, but instead, he avoids the issue by contending that under any circumstances, a *Chumash* could be used as the object upon which an oath is taken.[38]

The relative silence of the Rishonim of Sepharad over the next few hundred years is striking. In contrast to Ashkenaz, the question of moving a *Sefer* Torah in the interest of enabling sick people or imprisoned people to participate in the reading of the Torah, is simply not addressed. The Talmudic passages of Tractate *Sukkah* and *Tractate Eruvin* are certainly discussed in their original contexts,[39] but no extrapolation is made to contemporary situations in which the underlying principle of constraint on moving a *Sefer* Torah as manifestation of its appropriate honour might have been applied. Discussion of honour due to the *Sefer* Torah in its use for study,[40] for public reading[41] and for administration of oaths[42], is certainly present – but without any indication of constraint on moving.

It is fair to say that the underlying conceptualisation of honour due to a *Sefer* Torah in Sefarad, has to do with its location and its decoration, demeanor in its presence and the mode of its storage – the static elements which make for manifestation of holiness of the object.

D. Codification: *Shulhan Aruch* and Mapa

It is no wonder that when Rabbi Joseph Caro meets up with the question of whether the law constrains the moving of a *Sefer* Torah to the homes of individuals, he finds a lacuna in the writings of his own Sephardic antecedents, and a rich debate among his Ashkenazic predecessors. As he composed the *Beit Yoseph*, his commentary to the *Tur*, he could not even identify a perfectly appropriate place to discuss such an issue, since Rabbi Jacob ben Asher had made no reference at all to the matter. He appends the discussion to Orach Chaim, Chapter 135 which is centred on the laws regulating the public reading of the Torah in the Synagogue services. He there quotes in full the position of Mordecai ben Hillel, forbidding the bringing of a *Sefer* Torah to persons in prison even on Rosh Hashana and Yom Kippur.[43] The version of the text of the Mordecai which he quotes, closes the passage in the Jerusalem Talmud with objection to the moving of a *Sefer* Torah for the Exilarch, thus implying that the *Sefer* could be moved only for the High Priest on Yom Kippur, but not for any other liturgical purpose.[44]

In his own subsequent codification, the *Shulhan Aruch*, Rabbi Joseph Caro simply quotes the legal language of the Mordecai as the undisputed law: ' Persons trapped in prison, we do not bring a *Sefer* Torah to them even on Rosh Hashana and Yom Kippur.'[45]

A more subtle discussion of this issue and its Ashkenazic sources, is presented by Rabbi Moses Isserlis in Darkei Moshe, his commentary to the Tur and Beit Yoseph.[46] He presents the issue in three parts. He begins by citing the generally permissive position of Or Zarua, via its citation by Yisrael of Krems in Hagahot Ashri.[47] Isserlis understands Or Zarua to allow the moving of a *Sefer* Torah both for any 'Great Person' (not only the Kohen Gadol), and for a sick person, even one who is not 'Great'. He then cites the restrictive position of Mordecai ben Hillel, but contends that even according to Mordecai, it would be permissible to move the *Sefer* Torah in honour of a 'Great Person'. This understanding of the position of Mordecai seems to be based on Isserlis' version of the text of Mordecai in which Yerushalmi is cited as approving the Persian practice of bringing the Torah to the Exilarch.

He then goes on, in his third section, to cite approvingly the position of Maharam Padua, that Mordecai's constraint pertains only to a situation in which the *Sefer* Torah is directly brought to be read to the assembled congregation. However, no objection could be made to the situation in which the *Sefer* Torah had been brought to a home a day or two earlier and placed in an ark or a chest, awaiting the arrival of the Congregation.[48]

The transition from commentary to code was simple for Isserlis. Appending his comment to Caro's restrictive position based on Mordecai, Isserlis says:

> This [restriction applies] only [if the *Sefer* Torah is moved] at the time of the reading. But, if the *Sefer* Torah is prepared a day or two in advance, it is permissible. And if [the person for whom the Torah will be moved] is an 'Important Man', then it is permissible in any manner.[49]

In this concise statement, the Rama encompasses two distinctive positions. Firstly, he adopts the position of Maharam Padua, that if a *Sefer* Torah is moved to a temporary location even a day or two prior to its use, then it is not disgraceful to the Torah, no matter what the need and no matter who the person in whose benefit it is moved.[50] It is striking that the Rama in the code, omits reference, made by Maharam Padua, and cited in his own prior work, the *Darkei Moshe*, to the prior placement of the Torah in an ark or chest. One would assume that respectful treatment of the Torah in its temporary location is in any case necessary, but that the prior arrival of the Torah is the critical element. This conforms with the essential thrust of the Yerushalmi, insisting that the people must come to the Torah, while the Torah ought not to be brought to the people.

A second essential element in the position of Isserlis in his Hagah, is the acceptance of the common element between Or Zarua and Mordecai, that even for immediate use (the distinction drawn by Maharam Padua), a *Sefer* Torah may be brought to the people, if the beneficiary is an 'Important Man'. He implicitly rejects the distinctive position of the Or Zarua, allowing for the moving

of a *Sefer* Torah for immediate use in the benefit of a person who was sick or imprisoned. Presumably, either of those circumstances could still allow for the preparation of a *Sefer* Torah a day in advance, eliminating the disgraceful rushing of a Torah into the presence of a previously gathered congregation. Thus, once the Maharam Padua's distinction is adopted, the leniency of the Or Zarua becomes largely unnecessary and is abandoned by the Rama.

The conceptual position of the Rishonim of Ashkenaz as expressed in the Maharam Padua and Rama, is clearly quite distinct from that of the Rishonim of Sefarad as expressed by Rambam and Rabbi Joseph Caro. Rambam, as indicated above, was focused primarily on static elements of honour. Rabbi Moshe Isserlis is clearly centered on the interactive and experiential elements of honour – reflected in the relationship between the congregation and the *Sefer* Torah. The people coming to the *Sefer* Torah preserves the Biblical model of the Giving of the Torah as the essential experience in every public reading. Therefore, so long as the Torah arrived before the congregation, even, according to Rama, if not specially placed in an ark at the temporary location, the honour of the *Sefer* has been safeguarded. Likewise, if the circumstances are such that the immediate need by a 'Great Man' can only be satisfied by the sudden bringing of the *Sefer* Torah, that too is justifiable since, clearly, the assembled congregation will be aware of the honour being shown to the Torah through the drive to assure that it will be read even under those dire and difficult conditions.

This latter element may be exactly what prompted Rabbi Solomon Luria to add an explanatory note to a passage in Rashi's commentary to *Gemara Sukkah* 16b. The Gemara there is exploring the question of whether hanging curtains, not attached at the ground, constitute a valid barrier for purposes of constituting an area as private domain within which it is permissible to carry on *Shabbat*. To support an affirmative answer to the question, the Gemara cites an occurrence in the city of Sepphoris, where:

> One time, they forgot to bring a *Sefer* Torah (to the Synagogue) on the eve of *Shabbat*. The next morning, they spread sheets over a row of pillars (to create an enclosed passageway from a home to the Synagogue) and brought the *Sefer* Torah and read from it.

This narrative is reported twice in the Talmud; in both instances, the sole issue of discussion was the efficacy of the hanging curtain as a barrier.[51] In neither instance does the Gemara challenge the propriety of moving the *Sefer* Torah for immediate use in the Synagogue. Rashi explains the physical arrangement of the relationship between the entrance to the house and the entrance to the Synagogue, but makes no reference to the issue of dishonour to the Torah in its being moved.[52]

Rabbi Shlomo Luria inserts the following additional phrase into Rashi's comment, 'Because it was their practice to hide the *Sefer* Torah in homes due to [fear of] non-Jews.'[53] Responding to the issue of propriety of moving a *Sefer* Torah just prior to its being needed for reading, Luria is suggesting a simple solution – the circumstances involve duress. Assuring the safety of the *Sefer* Torah itself from violence or theft by non-Jews would certainly be understood

by the congregation as behaviour honouring the Torah.[54] As in the position of Isserlis, for Luria the critical question in determining whether the Torah is being disgraced is the nature of the perception of the assembled congregation. As in the case of the 'Great Person', so in the case of duress, the *Sefer* Torah is in fact honoured by being moved to the great man, or in a manner which assures its security. Luria is using the same principles to restore the permissive stance of Or Zarua to its full effect. The recognition of the grounds of duress as a basis for permitting the moving of a *Sefer* Torah for immediate use, would justify also the moving of the *Sefer* for a sick person or a person imprisoned.

Thus, the period of the Rishonim comes to a close with two divergent conceptualisations as to the appropriate way to assure the honour of a *Sefer* Torah, and three positions as to the legal regulations which need to be observed. Luria supports the most permissive position of Or Zarua, that either the stature of the person in need or a circumstance of duress would allow the moving of the *Sefer* Torah. Caro supports the most restrictive understanding of Mordecai, that a *Sefer* Torah may not be brought to a prison nor even to a private home for a sick person. Isserlis supports a moderately permissive stance based in the position of Maharam Padua, limiting the permissive position of Or Zarua to the case of the 'Great Person', and limiting the restrictive position of Mordecai to moving for immediate use, as opposed to moving the *Sefer* a day or two in advance which would always be permissible.

E. Period of the *Acharonim*

For the next few hundred years the literature of *Halachah* in Ashkenaz continues to play out the implications of the position of Isserlis. Rabbi David b. Samuel Halevi (1586-1667), author of the TaZ, notes that he was unable to find any literary source for the critical distinction first made by Maharam Padua and adopted by Isserlis, allowing freely the moving of a *Sefer* Torah when it was done a day or two prior to its use. However, he was able to discern a powerful logic to the position. The disrespect which needs to be avoided is the Torah being brought to the people to be read to them. Therefore, TaZ reasons, if the *Sefer* Torah is brought in advance, it does not appear that it is being moved for reading, but rather for the relocation of the Torah to a new place. The Torah is then *kavua*, 'fixed', in its new location at a moment unrelated to the need of the assembly for reading. Then, indeed, the people will come to the Torah when the time for reading arrives.[55]

During the eighteenth century, two critical discussions elaborated on the Taz's notion of the *Sefer* Torah having to be *kavua* as appropriate manifestation of respect. Rabbi Judah Ashkenazi, in his commentary to the *Shulhan Aruch* entitled Baer Hetev, points out that time alone is not a sufficient indication of the dignified relocation of the *Sefer* Torah. Additionally, he argued, the *Sefer* must be stored in an ark or a chest – that container is its new fixed location.[56] Without citing the Maharam Padua, Ashkenazi has restored an element of practice which Maharam Padua had in fact required, but which Isserlis has not required.

More radical in his approach to this matter was Rabbi Jacob Emden. Firstly,

Rabbi Emden contends with an apparent contradiction between the law and the reality of communal practice:

> As to the practice in our lands, that on Simchat Torah we remove all of the *Sifre* Torah from the ark and even bring them from the Synagogue to another Synagogue in order to dance circuits with them and then to read from them – this is not included in the prohibition (against moving a *Sefer* Torah.) [57]

Why is this not forbidden? Because, Emden argues, this is precisely the continuation of the practice of ancient times referred to in Talmud Yoma, that on Yom Kippur afternoon people would leave the temple, return to their homes to get their scrolls of the Torah and bring them back to the temple courtyard to read from them.[58] The bringing of a *Sefer* Torah from a private home to a sanctuary where it will be read from to an entire assembly, is a distinctive honour to the Torah. He places great emphasis on the fact that the *Sefer* Torah, in the case of Gemara Yoma, is being moved from a private home to the Temple.

As lenient as Emden is in regard to the latter situation, he is conversely rigorous in regard to the moving of a *Sefer* Torah from a Synagogue to a private home, or even to a study hall. Emden maintains that temporary relocation of a *Sefer* Torah to a private home is utterly impermissible. Therefore, he calls on the religious leadership of his time to combat the pernicious practice of moving a *Sefer* Torah to the home of a mourner. He considers that to be an unequivocal disgrace to the *Sefer* Torah. His reasoning is quite straightforward. Seven days is not a sufficient period for the Torah to be considered 'Kavua', 'fixed' in a new location – indeed, the intention is clearly that it will remain there only for a short period of time. Nor is the insult to the Torah overridden by the inconvenience of the community.

In fact, the latter points are, according to Emden, adequately demonstrated by the fact that Rabbi Joseph Caro records as law the practice that upon the death of the Exilarch, the entire community would pray in the home of the deceased for the full seven days of the *shiva* period, but would adjourn to the Synagogue for the reading of the Torah on Monday and Thursday mornings and on *Shabbat*.[59] Even in honour of the Exilarch, the *Sefer* Torah was not brought to a private home, Emden insists.[60] Indeed, other than Simchat Torah for which there is a Talmudic precedent, Emden is even opposed to the temporary relocation of a *Sefer* Torah from one synagogue to another. His source for such objection is a passage in the Zohar to which no one had previously referred.[61]

The rigorous position of Rabbi Jacob Emden had only slight impact on the subsequent *Halachah*. Certainly the practice of bringing a *Sefer* Torah to the home of a mourner survived Rabbi Emden's assault.[62] However, it is possible that the influence of Emden may be felt in the insistence of Rabbi Yechiel Michel Epstein (1829-1908), in his *Aruch HaShulchan*, that even if a *Sefer* Torah could be brought in advance to the home of a mourner, and would there be placed in an ark, nevertheless, it should not be brought there unless it will be read from three times.[63] Epstein offers no source for this customary practice, but it would appear as if it were based on Emden's insistence that duration alone is not a sufficient

standard to establish the fixedness, the *keviut* of the *Sefer* Torah. The lacuna was then filled by a related notion of fixedness, the notion of *chazakah*, regularity, being established by performance three times.[64]

Rabbi Epstein did not fully accept the argument of Rabbi Emden. He contends that in the instance of the death of the Exilarch, a *Sefer* Torah could have been moved to his home and it would not have constituted a disgrace to the Torah. It's just, argues Epstein, that the Sages did not want to totally disrupt the communal services, and therefore insisted that people leave the home of the exilarch and return to the synagogue for the reading of the Torah.[65] He indeed accepts the position of Isserlis that prior arrival of the *Sefer* Torah is *halachically* sufficient to avoid disgrace to the Torah, but supports the more rigorous custom as a way of avoiding the fragmentation of the community on special occasions and particularly on holydays.[66]

The balanced position of Rabbi Moshe Isserlis is reaffirmed in its treatment by Rabbi Israel Meir HaKohen Kagan (1838-1933), in his *Mishnah Berurah*. First he bows in a more permissive direction. Without explicit reference to Rabbi Shlomo Luria, the Mishnah Berurah follows his lead in restoring the permissibility of moving the *Sefer* Torah based on duress – illness or imprisonment – as in the Or Zarua. However, he limits that permissibility to the situation where there are ten people in need, arguing that there is clear manifestation of honour to the Torah in the very fact that they desire to read from it.[67] He then bows in a more restrictive direction by suggesting that a *Sefer* Torah should not be moved just in order to increase the number of honours which would be available for distribution. Unless, he adds, the Synagogue or other charity would profit from the sale of such additional honours.[68]

Finally, the Mishnah Berurah affirms the core position of the Rama, that so long as the Torah was brought to the new location in advance of the reading, it may be brought and returned to its original location without violation of the duty of honour of the *Sefer* Torah. In fact, he logically extends the permissibility to include moving the *Sefer* Torah within the same day as its use, so long as it was brought to the new location before the people arrived, was read from and then respectfully returned to its space after the people had departed. In contrast to both Emden and Epstein, the Mishnah Berurah understands *kavua*, 'fixedness' in the new location to be respectful even if only for a single day.[69]

Rabbi Moshe Feinstein (1895-1985) cites approvingly the position of Mishnah Berurah in regard to the movement of a *Sefer* Torah for a single reading. In order to allow all of the family members to have honours of being called to the Torah, without disturbing the regular communal reading, Rabbi Feinstein allowed the moving of *Sefer* Torah to a private home for an *aufruf*.[70] Without citing him, Rabbi Feinstein explicitly rejects the contention of Rabbi Jacob Emden that disruption of the community is not a sufficient basis for justifying the moving of a *Sefer* Torah.

After many generations of silence in regard to Rama's second basis for permissibility of moving the *Sefer* Torah, in response to the need of an *Adam Chashuv*, an 'Important Person', Rabbi Feinstein addresses that issue as well. He

suggests as a second basis for permitting the moving of the *Sefer* Torah in honour of the groom, the contention that a groom is similar to a'king, and is therefore also an 'Important Person'. In typically short strokes, thrust and parry, he cites objection from the writing of the Vilna Gaon (1720-1797), who maintained that the *Adam Chashuv* of this law was only the Torah scholar,[71] and then support from a passage from Rabbi Shimshon b. Tzadok (TaSHBeTZ) (thirteenth century), who maintains that *Adam Gadol* of this law refers also to wealthy and prominent community leaders.[72] Given the latter position, a groom also might be considered an *Adam Chashuv*, and the Torah moved in his honour.

The generally permissive stance of Mishnah Berurah and of Rabbi Moshe Feinstein is further amplified in a Responsum of Chief Rabbi Ovadiah Yosef, Shlita. Rav Ovadiah was asked about the propriety of bringing *Sifre* Torah out into the street for the Israeli celebration of *Hakafot Sheniyot*, the second set of nighttime Hakafot after the Holyday of *Simchat Torah* had ended. In his usual concise, but comprehensive manner, Rav Ovadiah reviews the sources and then concludes:

> However, for the need of Simchat Torah it appears that there is no suspicion of prohibition whatsoever. Beloved is a mitzvah in its proper time, to cause the Torah to be beloved by all strata of the Jewish nation.[73]

Rav Ovadiah in this responsum draws heavily on Ashkenazi sources, which lead him to an evaluation of the human need which lies behind the purpose of moving the *Sefer* Torah. The issue of maintaining the dignity of the *Sefer* Torah is clearly not measurable in purely objective terms – it requires careful analysis of the nature of the interaction between the congregation and the Torah, analysis of why there is a need to move the Torah and how the community will perceive the event. In regard to Hakafot Sheniyot, Rav Ovadiah understood that the spiritual need of many layers of the Jewish nation, and the opportunity to cultivate the People's love of the Torah, created a circumstance in which the Torah was in fact honoured by being brought out to the people.

F. Conclusion

It is clear that there are many valid alternative approaches to the question of how to sustain the dignity and honour of a *Sefer* Torah while maximising its spiritual impact on the Jewish people. For the Rishonim of Sepharad the critical issue was the objective physical location and housing of the Torah. For the Rishonim of Ashkenaz, the critical issue was the gravity of the need and the interaction between the *Sefer* Torah and the congregation. For Rabbi Jacob Emden the 'fixedness' of the place of the *Sefer* Torah was the most essential factor, while for Rabbi Yisrael Meir HaKohen Kagan the very will of the people to hear the Torah read was the most powerful form of manifestation of honour to the Torah.

While a generally flexible approach has been powerfully present during this past century, no one conceptualisation and no single set of rules has totally dominated the marketplace of ideas and laws. It remains the proper purview of the intimate relationship between a Rabbi of a congregation in his capacity as

Mara D'Atra – Halachic decisor for the congregation, and the community as a whole – to explore the sources and to explore their honest feelings in order to arrive at a pattern appropriate to their particular circumstances. The spiritual quest is worth the effort.

Notes

1 For a careful study of the nature and functions of the Synagogue upon the Temple Mount, see the chapter of that title in Samuel Krauss, *Synagogale Altertumer*, chap. 11, pp. 66-71, Verlag Benjamin Harz, Berlin-Wein, 1922.

2 Vis. Solomon Zeitlin, *Studies In The Early History of Judaism*, vol. 1, p. 150, note 49, Ktav, New York, 1973.

3 Mishna, Order Moed, Yoma 7:1. The translation is modified from that of Philip Blackman, Mishnayoth, vol. 2, at p. 304, Judaica Press, New York, 1963.

4 Mishna Sotah 7:7. There are some interesting variations between the text in Yoma and the text in Sotah, as there are variations between each of the texts in the Mishnah of Talmud Bavli and the Mishna of Talmud Yerushalmi. Vis. Rabbi Dr Melech Schachter, *The Babylonian and Jerusalem Mishnah*, at pp. 85 and 201, Mosad Harav Kook, Jerusalem, 1959. These variations do not, however, impact on issues of our current concern.

5 Mishna Sotah 7:8.

6 Jerusalem Gemara, Yoma 7:1 (Venice edition, Yoma 44a). With only a single slight change the same passage appears in *Jerusalem Gemara Sota* 7:6 (Venice edition, Sota 22a). The translation here is in accordance with the exposition of this text by both Penei Moshe and Korban Ha'Edah. Alternative interpretations of this Gemara will be presented later on. This passage is extensively treated by B Ratner, Ahavat Tzion VeYerushalayim, Tractate Yoma, pp. 76-7, Vilna 1909, reprinted, Jerusalem, 1957.

7 Mishnayot, Order Nezikin, Tractate Avot 4:6, p. 518, Philip Blackman, Judaica Press, New York, 1965. The translation is modified, since Blackman translated the word Torah as 'the Law'.

8 Solomon Schechter, Avot De Rabbi Nathan, 3rd edition, version A, chap. 27, at p. 83, Feldheim Publishing Co., New York, 1967. Translation by Judah Goldin, *The Fathers According to Rabbi Nathan*, chap. 27, at p. 113, Yale University Press, New Haven, Conn.,1955.

9 Mishna with Commentary of Moshe ben Maimon, translated by Rabbi Joseph Kappach, Seder Nezikin, Tractate Avot 4:8, at p. 291, Mossad HaRav Kook, Jerusalem, 1965.

10 Mishneh Torah, *Sefer Ahavah*, Hilchot *Sefer* Torah 10:10. Rambam also treats this principle in 10:2 and 10:11. In the latter passage, Rambam directly quotes the Mishna in Avot 4:8 (by his numbering.)

11 Kesseph Mishna to Rambam, op cit., at 10:2, where he also then cites the Mishna in Avot as above.

12 The location of this may be the Gazit Chamber, which housed the Sanhedrin and was certainly a location in which prayer took place, as per Mishna Tamid 4:3. The *Sefer* Torah itself may very well have been one of the three referred to in the famous passage in the *Sifre* which describes the three *Sifre* Torah in the Azarah which were used to verify the correct text of the Torah. Vis. Saul Lieberman, Hellenism In Jewish Palestine, pp. 21-2, particularly footnote number 10, The Jewish Theological Seminary of America, New York, 1962. See also, Tractate Soferim, 6:4, at p. 169, ed. by Michael Higger, Makkor, Jerusalem, 1970.

13 Tractate *Sefer* Torah, chap. 2, in *Seven Minor Tractates of Jerusalem* (Heb.), ed. by Raphael Kircheim, Frankfort a Main, 1851, reprinted by Kedem, Jerusalem, 1970.
14 *Tractate Soferim*, chap. 8, ed. by Michael Higger, Makor, Jerusalem, 1970. see Higgers comments on pp. 15-16 as to the relationship between Tractate Soferim and Tractate *Sefer* Torah, and his disagreement with Weiss as to which was more ancient.
15 Makkot 22b and Kiddushin 33b.
16 Megillah 27a.
17 Babylonian Gemara Yoma 70a.
18 Rashi to Yoma 70a, s.v. lehar'ot chazuto larabim.
19 It might have been possible to propose that Rashi's text of the gemara omitted the word 'mi'beito'. Indeed, Rabinovitch records precisely such a reading in the Oxford manuscript of this passage in Yoma. Shlomo Z Rabinovitch, Dikdukei Soferim, Yoma 70a, at p. 204, note 9, Ma'ayan Hachochma, Jerusalem, 1960. However, this reading is unlikely since Rashi's contemporary, Rabbi Eliakim ben Meshullam Halevi (1030-1100), clearly records the word 'mi'beito' as part of his text and then offers the identical comment as that of Rashi, 'he brought it the day before'. Commentary of R Eliakim to Tractate Yoma, ed. by Dov Genachowski, at p. 215, Mekitzei Nirdamim, Jerusalem, 1964.
20 *Berachot* 7b.
21 The term used is *adam chashuv*. For background on the significance of this term see Saul J Berman, Adam Hashub: *New Light on the History of Babylonian Amoraic Academies*, Dine Israel, vols. 13-14, pp. 123-54, Tel Aviv, 1986-88.
22 *Sefer* Or Zarua, Hilchot Keriat Shma 5:9, at p. 22, reprinted Nehora Deoraita, B'nai B'rak, 1958.
23 *ibid.* The editor of this edition of *Or Zarua* erroneously marked this sentence as being quoted from the Yerushalmi Sotah by omitting a period. This is Or Zarua's own concluding distinctive contribution to discussion on this issue.
24 *Responsa of MaHaRaM of Rothenberg*, Defus Prague, ed. Moshe Bloch, no. 23, reprinted Tel Aviv, 1969. Responsa of Rabbi Meir Ben Baruch (Maharam) of Rottenberg, Responsa, Rulings and Customs, vol. 1. Rulings no. 118, at p. 183, ed. by I Z Cahana, Mossad Harav Kook, Jerusalem, 1957.
25 Mordecai ben Hillel, to Rosh Hashanah, chap. 1, paragraph no. 710.
26 Ratner, Ahavath Tzion VeYerushalayim, op. cit. at pp. 76-7 supports the reading of the Mordecai despite the fact that no single other Rishon recorded that version. This instance served as further evidence for Ratner that Mordecai, unique among the *Rishonim* of North Africa and Europe, had an accurate text of the Talmud Yerushalmi.
27 Both Bloch, op cit., and Cahana, op cit., in their recording of this Responsum, edit the text of Yerushalmi to conform to the standard reading, in which Rabbi Yose affirms the permissibility of bringing the *Sefer* Torah to the Exilarch. Apparently, according to their reading, even with this additional exception, the rule of the Yerushalmi remains that the *Sefer* Torah can only be moved for 'great' men, not for regular prisoners. It is beyond the purview of this paper to speculate as to whether, if this responsum was in fact penned by Maharam himself, it referred to his own predicament in his lengthy imprisonment.
28 Rabbi Israel of Krems quotes the position of the Or Zarua in his Hagahot Ashri to Rosh, *Berachot* 8b.
29 Responsa of Mahari Mintz and Maharam Padua, reprinted Jerusalem, 1980, Responsum no. 84, signed by Rabbi Meir ben Isaac z'l Katzenellenbogen (Maharam Padua).

30 *ibid.*
31 Above at note 17.
32 Mishneh Torah, *Sefer* Ahavah, Hilchot *Sefer* Torah 10:2.
33 Mishneh Torah, *Sefer* Avodah, Hilchot K'lei Hamikdash 4:1-2.
34 Mishneh Torah, *Sefer* Avodah, Hilchot Beit Habechirah 7:1-8, 8:1-12.
35 Mishneh Torah, *Sefer* Zemanim, Hilchot *Shabbat* 30:1-6.
36 Mishneh Torah, *Sefer* Korbanot, Hilchot Chagigah 3:6.
37 Mishneh Torah, *Sefer* Ahavah, Hilchot Tefillah 11:14; *Sefer* Hafla'ah, Hilchot Shavuot 11:13; *Sefer* Avodah, Hilchot Avodat Yom HaKippurim 3:10; *Sefer* Mishpatim, Hilchot Sechirut 1:4; and *Sefer* Shoftim, Hilchot Avel 12:3.
38 Responsa, R Moses b. Maimon. Edited by Yehoshua Blau, vol. 1, no. 63, Jerusalem, Mekitzei Nirdamim, 1957.
39 See for example, Responsa of Rabbi Isaiah Di Trani the Elder, edited by Abraham Joseph Wertheimer, no. 44. Israel, Yad Harav Herzog, 1975.
40 She'elot Uteshuvot Min Hashamayim, ed. by Reuven Margoliyot, no. 10, Jerusalem, Mossad Harav Kook, 1956.
41 Shlomo ben Aderet, Responsa, vol. 3, no. 281, Benei Brak, 1957.
42 Shlomo ben Aderet, Responsa, vol. 1, no. 747, Bnei Brak, 1957.
43 Beit Yoseph to Tur Orach Chaim, end of chap. 135, s.v. Katav haMordechai.
44 See text above and footnotes 25-7.
45 *Shulhan Aruch*, Orach Chaim, 135:14.
46 Darkei Moshe to Tur Orach Chaim, chap. 135, sec. 10.
47 See above at footnote 28.
48 See above at footnote 30.
49 Moshe Isserlis, Hagah to *Shulhan Aruch*, Orach Chaim 135:14.
50 The editor of this Hagah in the standard printed text of the *Shulhan Aruch*, sowed confusion by ascribing this part of the Hagah to 'Or Zarua (cited in) Hagahot Ashri, chap. 3 *Berachot*'. This part of his position is explicitly drawn from the Responsum of Maharam Padua, as Isserlis notes in his Darkei Moshe. The latter part of the Hagah is based on Or Zarua, cited by Hagahot Ashri, but in chap. 1 (not 3) of *Berachot*.
51 Talmud Sukkah 16b and Eruvin 86b.
52 Rashi, Sukkah 16b, s.v. Ela al pi Rabbi Yishmael beno. Rashi there confirms the *Halachic* permissibility of transporting the *Sefer* Torah in the passageway created by the curtains. Meiri to Eruvin 86b, s.v. Zeh shekatavnu, maintains that the moving of the *Sefer* was not permissible due to the inefficacy of the hanging curtains. He too does not raise the issue of the indignity caused to the *Sefer* by its being moved.
53 Rabbi Shlomo Luria, Chochmat Shlomo to Sukkah 16b. Early printed editions of the Gemara already insert Luria's comment into the text of Rashi, in parentheses, with notation of the source in Luria's commentary.
54 Without citing Luria on this point, Rabbi Moshe Feinstein, Iggerot Moshe, Orach Chaim, vol. 4, no. 21:1, adopts the same position, that threat of theft of a *Sefer* Torah is itself a disgrace, the avoidance of which would justify moving the Torah from its regular place to somewhere more secure.
55 David b. Samuel HaLevi, Turei Zahav to *Shulhan Aruch*, Orach Chaim, chap. 135, sec. 12.
56 Judah Ashkenazi, Baer Hetev to *Shulhan Aruch*, Orach Chaim, chap. 135, sec. 22.
57 Rabbi Jacob Emden, Mor U'Ketziah to Tur, Orach Chaim, chap. 135, at p. 57a, s.v. Sham besof ha'amud, New York, 1953.

58 Talmud Yoma 70a.
59 *Shulhan Aruch*, Yoreh De'ah, 344:18.
60 Rabbi Jacob Emden, *ibid.*, at s.v. Veyesh litmoah.
61 Id. Citing Zohar, Acharei Mot, 71a (not 71b.)
62 See for example, Rabbi Yekutiel Greenwald, Kol Bo Al Avelut, p. 277, par. 16. New York, 1956
63 Yechiel Michel Epstein, *Aruch HaShulchan*, Orach Chaim, chap. 135, par. 30-2.
64 See *Encyclopaedia Talmudit*, vol. 13, cols. 739-759, Jerusalem, 1987.
65 Yechiel Michel Epstein, *Aruch HaShulchan*, Yoreh De'ah, 344:11.
66 Yechiel Michel Epstein, *Aruch HaShulchan*, Orach Chaim, 135:32. One wonders what offensive communal behavior led Rabbi Epstein to this particular polemic.
67 Israel Meir haKohen Kagan, Mishnah Berurah to *Shulhan Aruch* Orach Chaim, chap. 135, sec. 47.
68 *ibid.* at sec. 48.
69 *ibid.* at sec. 49.
70 Rabbi Moshe Feinstein, Iggerot Moshe, Orach Chaim, vol. 1, no. 34, New York, 1958.
71 Rabbi Eliyahu ben Shlomo Zalman, Beur HaGRA to *Shulhan Aruch*, Orach Chaim 135:14.
72 Rabbi Samson ben Zadok, *Sefer* Tashbetz, no. 189, Warsaw, 1875, reprinted New York, Beit Hasefer, n.d.
73 Rav Ovadiah Yosef, Yechaveh Daat, vol. 1, no. 72, Jerusalem, 1976.

Feminism and orthodoxy: Frontiers of *Halachah*

J Simcha Cohen

Assessment of problem

One of the major issues impacting on modern orthodox Jewish life throughout the world is the proper *halachic* reaction to the concerns of Torah-observant feminists. Never before in the history of our people have women been so educated in Torah and Jewish lore. Almost every area of Jewish communal residence has a day school wherein boys and girls are taught Torah. The graduates of these schools flock to Israel where there are numerous institutes for advanced Jewish studies. Some institutes specialise in training young intelligent women in the same manner and using the same texts of Talmud that young men utilise in their *yeshivot*. As such, a new generation of scholarly young women well versed in Torah has emerged. These women return to their synagogues and communities and seek greater participatory roles in Judaism and ritual than their parents experienced. They do not wish to be deemed *halachic* second class citizens. At the same time, these women do not wish to recreate a brand of Judaism alien to or inconsistent with *halachic* Judaism. They honestly wish to expand their roles within the integral fabric of *Halachah*. Accordingly, they find offensive the negative reaction of many rabbis to their queries.

Prior to any analysis of the *halachic* status of their specific concerns, it is necessary to assess the traditional general *halachic* reaction to change and diversity.

Does *Halachah* condone diversity?

My response is, yes. In fact, it is endemic to the system itself.

Two examples

The prophet Amos warns the Jewish people saying, 'Behold, days are coming, says the Lord, and I will send a famine in the land, not a hunger for bread nor a thirst for water but to hear the word of God ... and they will run about to seek the word of the Lord and shall not find it..' (Amos 8:11, 12) Says Rabbi Shimon Bar Yochai, in the Talmud, *Chas v'shalom* – 'Heaven forbid that Torah will ever be forgotten from Israel.' If so, then what is the meaning of the above verse? It means that a time will come when *Halachah* will not be monolithic. There will be diversity ... (*Shabbat* 138b-139a)

The Maharal of Prague makes the following incisive comment on this Talmudic citation. '*Yisrael v'oraita, chad hu*-Israel and Torah are one.' (Zohar Parshat Acharai) Each impacts the other. The status of Israel – the Jewish people – is reflected in the status of Torah. Just as Jews are not physically united but dispersed throughout the world, so too is Torah not monolithic; it too is dispersed. (See *Tiferet Yisrael*, chapter 56, also Pachad Yitzchak, Purim, no. 31) As such, Galut-the exile, Diaspora has a spiritual component. As long as Jews are not physically united in Israel, diversity is a normal feature of the *halachic* process. As long as the *galut* exists, so too does diversity.

The Talmud records that Choni HaMagil was a Jewish Rip Van Winkle. After his legendary sleep, he visited the Bet Ha Midrash and heard the scholars bemoan his death; contending that Choni had the ability to resolve *halachic* problems. 'Ah, if only Choni was alive,' they contended. Choni approached them and informed them that he was, indeed, alive. The rabbis in the Bet Midrash disbelieved him. Choni departed dispirited and depressed. (Ta'anit 23a) Rabbi Chayyim Schmuelevitch, Dean of the Mir Yeshiva in Jerusalem, made the following poignant remarks. What is a Torah sage? Is he not one who has mastered Torah knowledge? Accordingly, Choni should have requested the rabbis to pose *halachic* questions to him. Choni's ability to resolve difficult Torah problems would have verified his status as a scholar. Perhaps, suggests Rabbi Schmuelevitch, certain problems cannot be resolved by sages of a previous generation. Each scholar, in each era, must rule on the problems of the day. There must be a charismatic relationship between master and disciple and the culture in which they reside. For this reason *Pirke Avot* delineates the chain of tradition in each generation. Moses, having received the Torah from Sinai, transferred it to Joshua, he to the Elders, they to the prophets and they to the Men of the Great Assembly. No era relied totally on the leadership of the previous generation; each had its own leadership. (*Sichot Musar* 5731, p. 19) Accordingly, differences may emerge due to the concerns and personalities of different generations.

It is important to note that diversity is not synonymous with deviance. Diversity relates to positions promulgated by proper research utilising accepted *halachic* principles of Jewish law. It is the result of the fact that Torah analysis may yield divergent resolutions. Deviance is the setting up of practices not based upon *halachic* principles or research. It may be merely a custom modelled after non-religious or secular practices. Such a position is not the goal of the modern

day orthodox feminists.

The true scholar is bound to obey the traditional rules of *halachic* discourse. This means that there may be times when the positions articulated may appear contrary to popular liberal practices. This concept is reputed to have been expressed as follows by the great exponent of the American orthodox rabbinate, Rabbi Joseph B Soloveitchik, former *Rosh HaYeshiva* of Yeshiva University. He noted that the basic belief of the Jew is the acceptance of *kabbalat ol malchut sha'mayim* – the acceptance of the yoke of heaven. Note the term – 'the yoke of heaven' – a harness. This teaches us that there may be times when Torah life may not be convenient. It may be uncomfortable, a heavy yoke. Judaism must still be observed and followed for it is an act of surrender of man to the will of God even when it is difficult to fathom.

In a book entitled *The Philosophy of Loyalty* by Professor Royce, the following illustration is noted. King Charles I wanted certain members of the House of Commons arrested. To implement his request, the king sent messengers to the Speaker of the House formally requesting the arrest of three of its members. The Speaker put the request to the House and the House voted to deny the request. The Speaker then sent word back to the king refusing to order the arrest. The king came in person with soldiers and barricaded the doors of the House. The king then mounted the desk of the Speaker and said, 'I order you to arrest the following three men who are in the House.' Again the Speaker put the question before the House of Commons and again the request was voted down. The Speaker thereupon fell upon his knees and exclaimed, 'Your majesty, I have neither eyes to see these men, nor tongue to speak your order, save as the House directs.'

So too in *halachic* research. *Halachic* scholars have neither eyes to see nor tongue to speak save as the traditions of our *Mesora* directs. We as individuals may perceive difficulties, but we are not permitted to depart from the Jewish Constitution as found in our Bible, Talmud, Codes and commentaries. The law must be assessed regardless of its popularity.

Reaction to change

The fact that certain issues may be permitted by *Halachah* does not necessarily mean that such will become accepted religious policy.

Halachic decisions depend upon a variety of factors. To set *halachic* policy requires a concern not only for the legal Talmudic principles but also for the ramification of the decision upon the status of *Kelal Yisrael*. Indeed, should a particular ruling be viewed as generating a negative impact upon the sphere of Torah, the holiness (*kedusha*) of *Kelal Yisrael* or the observance of *mitzvot*, rabbinic authorities would refrain from establishing a *halachic* policy in practice. Thus, what is permitted by law and what becomes *halachic* policy may be two different issues.

With such a general orientation to *halachic* diversity and change, it is yet necessary to postulate several theoretical considerations pertaining to the modern challenges posited by modern orthodox feminists.

The late Rabbi Moshe Feinstein, the great *halachic* scholar and, perhaps, the foremost decisor of Jewish law in contemporary times, once provided a classic guideline to assess the demands and concerns of women seeking greater participatory roles in Judaism. A woman who honestly wishes to assume religious obligations that neither the Bible nor the rabbinate has imposed upon her may do so, he ruled, providing such practices are proper according to *Halachah*. The roles women seek may be strange for women or even contrary to accepted behavioral patterns. But, if the women in their religious quest have a deep religious need that is being fulfilled by the act, then – *kol hakavod*, all honour to the women. They may assume such religious obligations. Thus, should a woman wish to don a large Tallit for she derives great religious fervor while wearing the Tallit, she may do so according to *Halachah*. In the event, however, should the woman have other concerns or ulterior motives, namely, she feels that the rabbis were unfair to women and the act of putting on a Tallit is a dramatic symbolic act of putting an end to the sexist, chauvinistic approach of rabbis who were unfair to women, then the act becomes not a symbol of religious devotion but an act classified as reeking of apostasy (apikursus). The woman should not be lauded but, rather, cast as a non-believer. (See, *LaTorah V'Horah, Choveret* 7, Ellul 5737, pp. 20-2)

This is an important consideration. It challenges a basic tenet of the world feminist movement. It states that any suggestion that the rabbis of the Talmud or *Shulhan Aruch* were in error, for they were simply men who did not care for the needs or sensitivities of women must be condemned as outrageous to Torah Judaism. To contend that the saintly Chafetz Chayyim, the Baal Shem Tov, the Vilna Gaon, Rabbi Akiva, Hillel or any of our great pious leaders were proponents of sexist ideologies is an insult to the standards and moral mores of Judaism. To impugn the high saintliness of our sages is a sin that no decent *halachic* scholar may tolerate. Indeed, Maimonades informs us that an apostate is one who denies the authenticity of the Oral Tradition as well as one who denies the authenticity of the scholars of the *Mesora*. (Maimonides, Hilchot Teshua, 3:8) In other words, to intimate that our sages had personal sexist prejudices is in effect a denial of the truthfulness of our Mesora.

At the same time, Rabbi Moshe Feinstein's ruling contains within it a unique liberal consideration. Many contemporary rabbis are of the belief that there should be a rabbinic decree to outlaw any practice that has not been observed during the past two thousand years. Indeed, they hold that the fact that something has not been done for so long is prima facie evidence that the act should not be practiced at all. Their position is comparable to the theory of the Hatam Sofer that 'all new items must be outlawed' (*Chadash asur*). Rabbi Feinstein apparently does not hold of this prohibition. Indeed, if the fervour is true religious zeal, Rabbi Feinstein rules that it may be permitted even should it be new or strange.

In addition, there is a serious question whether rabbis in contemporary times have the authority to establish new ordinances for *Kelal Yisrael*. Individual rabbis do have the right to establish rulings for their own communities but not for the

Jewish people per se. This concept is noted by Rabbi Moshe Shternbuch in a discussion concerning the adding of *Kinot* relating to the Holocaust on *Tisha B'Av*. He rules that in our contemporary society *rabbonim* have no right to establish ordinances or rules for the totality of Kelal Yisrael. Each rabbi may do so for his community. However, to proclaim that all Jewish communities must now include Kinot for the Holocaust is an ordinance that no one has authority to establish in modern times. (*Teshuvot V'Hanhagot*, Volume I, Siman 330)

Considering all the concerns articulated, do women have the *halachic* right to seek greater participation in such communal events as prayer and public Torah reading?

My assumption is that orthodox women are not asking to be treated like men or to act like men. They seek, rather, a greater participatory role than afforded to them in the past. It is recognised that not all orthodox women seek such an expanded role. Yet, many do. Assuming the motivation is sincere, that no aspersions on sages are cast and that there is no attempt to in any way violate *halachic* principles, the issue is whether the desire for expanded roles may be backed by *Halachah*. Women seek to be 'players' not just 'spectators.' Is this proper? This implies an *halachic* analysis without rancour or prejudice. This is a proper *halachic* issue of concern. It is a contemporary question that is relevant to orthodox practices.

Women's prayer groups

It is a well established fact of Jewish law that ten women praying together do not have the *halachic* status of a *minyan*. Indeed, the Mishnah Berurah (Orech Chayyim 199:15) as well as the Vilna Gaon (199:6) explicitly rule that the concept of a *minyan* or *tzibur* simply does not relate to women. This is an incontrovertible *halachic* fact and the consensus view of the decisors of Jewish law. As such, no matter the number of women present, the sections or phrases reserved for recital at a *minyan*, such as *Barchu*, *Kedusha*, and *Kaddish*, may not be said. This issue is not challenged. I recall Blu Greenberg, one of the foremost exponents of orthodox feminism saying that she espouses 'women's prayer groups' not women's *minyanim*.

Accordingly, the issue is whether there is anything contrary to *Halachah* for women to seek out prayer groups solely composed of women. Such prayer groups would not recite any section reserved by *Halachah* for a *minyan*.

Two concerns must be noted.

The Talmud rules that one should always opt to pray with a *minyan* or *tzibur* for God hearkens to such prayers and responds to them. (*Berachot* 6a) The guaranteed Divine response is assured to all present in the congregation regardless of gender. This implies that both men and women are assured of a Divine response. Based upon this precept, a woman who removes herself from praying with a regular *minyan* is basically opting to pray in a personal setting rather than in a format of communal prayer. Indeed, since women by themselves lack the status of a *minyan*. It means they do not have the rewards of prayer with a *minyan*. This suggests that a women's prayer group would not be graced

with the potency of a *minyan* wherein prayers are answered. Accordingly, women's desire to be 'players rather than 'spectators' would ipso facto lose out on the benefits of communal prayer. Are women aware of the personal costs of not praying with a *minyan*? Is this not a heavy price to pay for being a 'player' and not a 'spectator'?

In *Pirke Avot* it is written, 'Do not judge yourself to be a wicked person.' (Avot 2:18) Rabbi Chaim Volozner interprets this to mean that no one should pray by himself but only with a *minyan*. His argument is that should a person endeavour to pray by himself, he may be deemed unworthy. The reason is that for prayers to be heard by God the person must pray with great intention, awe, and fear of God. Any person involved in solitary prayer will be assessed as to whether he is deserving of a positive heavenly response. Lacking true piety, the prayers may be for naught and cast aside. Most Jews may not have the proper credentials to pass such a heavenly test. On the other hand, should one pray with a *minyan* great piety and intention is not essential. Coupled to this is the fact that the prayers of a *minyan* are always heard by God and not cast asunder. Due to the communal nature of the prayers each individual is not personally assessed as to his merits. Should one pray by oneself and find that God is not responding to the prayers, then one might judge oneself to be a sinner.(*Ruach Chayyim on Avot*)

Such concerns may be the basis of a negative *halachic* reaction to the establishment of women's prayer groups. Rabbinic scholars may feel that it is wrong for women to exclude themselves from the regular benefits of congregational, communal prayer.

A viable response may be that certain women derive such personal religious satisfaction and inspiration out of their women's prayer group that only in such a context will they pray altogether. They simply do not derive any religious feelings praying behind a *mechitza* or upstairs in a balcony. The women's prayer group becomes their conduit for prayer altogether. Accordingly, in such an instance, *Halachah* still favours the congregational *minyan* and the *halachic* benefits of such prayer, yet, should not outlaw women prayer groups for those who otherwise will not pray in a regular *minyan*. Thus, women's prayer groups should not be deemed an *halachic* substitute for normal congregational prayer. Also, in the event that a regular *minyan* is not available, women certainly may pray by themselves.

Upon reflection, however, a position may be advanced to suggest a unique observance that takes place at a women's prayer group that is of such a meritorious nature that it may offset the fact that prayer without a *minyan* lacks certain benefits.

Rabbi Yosef Cohen, a *dayan* in Jerusalem (and son-in-law of Rabbi Tzvi Pesach Frank, former Chief Rabbi of Jerusalem) was asked whether *Parshat Zachor* should be read for a *minyan* of women. Rabbi Cohen in response, articulated a distinction between *Parshat Zachor* and the reading of the *Megilla*. *Parshat Zachor* is a form of *Keriat HaTorah* which requires a quorum of ten males. Ten females would not meet this requirement. Yet, there is a custom to read the *Megilla* on Purim to a

gathering of at least ten females. This has no relationship to the sanctity of a *minyan*. This has to do with the fact that on Purim there is a special *mitzvah* of *Pirsum HaNes*, the obligation to publicise the miracle. Though ten females may not be classified as a quarum for a *minyan*, they do meet the concern for making the reading of the *Megilla* as a public event.(See *Harerei Kodesh*, glosses on *Mik'ra'ai Kodesh* by Rabbi Pesach Tzvi Frank, Purim, p. 86) Thus, ten women involved with the reading of the Megilla generate a *Pirsum HaNes*.

The *Shulhan Aruch HaRav* (the first Lubavitcher Rebbe) discusses the role of public prayer. He notes that even though praying with a *minyan* is basically a rabbinic ordinance, there is at all times a simultaneous observance of a major Biblical *mitzvah*. Every assemblage for public prayer, he rules, is tantamount to an observance of the *mitzvah* of *Kiddush HaShem*, the public sanctification of the Holy Name of God. (*Shulhan Aruch Orach Chayyim* 90:7)

Does this sanctification of God's Name occur only when a *minyan* prays? Or is the very fact that women come together to pray and praise God a form of *Kiddush HaShem*? Just like ten women constitute a quorum when *Pirsum HaNes* is required, so too should it be deemed a public *Kiddush HaShem*. Indeed, Maimonides explicitly notes that *Kol Beit Yisrael*, all members of the House of Israel are commanded to perform the *mitzvah* of *Kiddush HaShem* (*Hichot Yesodai HaTorah*, Chapter 5:1). The phrase, *Kol Beit Yisrael* indicates that women as well as men are involved in the *mitzvah* of sanctifying the Holy Name of God.

Accordingly, a women's prayer group may lack the efficacy of a *minyan* but it cannot be denied that it is a form of a *Kiddush HaShem*. It is basically women coming together to publicly pray and praise God. It may not be the most preferred means of expressing a *Kiddush HaShem* (that takes place at a regulare *minyan*) but it is still a women's pious public sanctification of God that should not be ruled as a forbidden practice.

Kriat HaTorah and women

Is an individual permitted to open a *Sefer Torah* to simply read from it? Is it permissible for an individual to utilise a *Sefer Torah* as a text for study? The Peri Megadim rules that the requirement of *Keriat HaTorah* for a *minyan* is only for permission to recite the *berachot* imposed on those who receive *aliyot*. In the event that no blessings are chanted, it is permissible to open a *Sefer Torah* to read or learn from it even should no *minyan* be available. (Rosh Yosef, Commentary, Megilla, 23b) Indeed, in ancient times it was common practice for men to utilise the *Sefer Torah* as a text for Torah study. Even in contemporary times, it is permissible to use a *Sefer Torah* for purposes of study. There is no sin in such a process. Accordingly, there should be no sin for women to open a *Sefer Torah* in order to read therein. There is no law prohibiting such an endeavour. Thus, in the event there is no *minyan* and no blessings are chanted, it would not appear to be any violation of *Halachah* in women reading from the *Sefer Torah* for themselves. To prohibit such a Torah session for women would require a special rabbinic ordinance prohibiting such an activity. As mentioned previously, it may be seriously questioned whether rabbis in contemporary times have the authority

to establish such a universal stringent ordinance.

Accordingly, reading of the Torah for women by women without blessings, should be permitted by *Halachah*.

At issue is the question as to whether women in a women's group may recite any blessing over the reading of the Torah altogether. Namely, are they only to be permitted to read the Torah and to be silent of any and all blessings? Or would *Halachah* permit a recital of a *berachah*?

It may be demonstrated that if women did not recite the *Birkat HaTorah* in the morning, they would be permitted to recite the *asher bachar banu* blessing when called to the Torah. Note the following:

The Tur (Orach Chayyim 47) discusses the various blessings that must be chanted prior to Torah study each day. He then notes:

> There is (yet) another *berachah* over Torah; namely *asher bachar banu* ['which selected us (the Jewish people) ... and gave us his Torah']. When chanting this blessing one should have intention (*kavanah*) for the revelation on Mount Sinai wherein He selected us from all the nations, brought us to Mount Sinai and heard His words ... and gave us His holy Torah which is our life and treasure.

The *Bach* contends that the Tur is actually providing a solution to a major *Halachic* problem: namely, why does Torah study require more *berachot* than any other *mitzvah*? Prior to the performance of any *mitzvah* only one *berachah* is chanted; that *berachah* is classified as a *birkat hamitzvah* (a blessing chanted before the observance of a *mitzvah*). Why is it necessary to chant the concluding asher bachar banu blessing? Once the Jew has concluded his first *berachah* (the second blessing is considered by many an extension of the first), why mandate an extraneous *berachah*? To this the *Bach* suggests the following:

The first *berachah* is a typical *birkat hamitzvah* chanted before the observance of any *mitzvah*. The second *berachah* (asher bachar banu) is not a birkat hamitzvah. It is a form of thanksgiving and praise for receiving Torah on Mount Sinai. Scripture states: 'Only take heed to thyself ... lest thou forget the things which thine eyes have seen, and lest they depart from thy heart all the days of thy life, but bring them to the knowledge of thy children and thy children's children. The day that thou stoodest before thy God at Horeb. (Deut. 4:7-10) Thus, concludes the Bach, the second *berachah* is a means of observing the Biblical mandate of never forgetting the relevation of Mount Sinai (Orech Chayyim, 47).

Accordingly, women were definitely an integral part of Klal Yisrael during the relevation at Mount Sinai. Indeed, the Torah states, '*Ko tomar l'vet Yaakov* (so say to the House of Jacob)' [Exodus 19:3] which Rashi interprets to mean that God wished women to be addressed prior to men at Revelation. Women were therefore informed about the Torah even prior to men. Thus, women may chant the 'bachar ban' *berachah* to commemorate their presence at the Divine Relevation of Torah itself.

As such, should a woman recite such a *berachah* when called up for an *aliya* at a special women's prayer group, it would not be deemed as reciting a *berachah* in vain.

The above consideration relates only to the *berachah* of *'asher bachar banu'*. It does not in any way permit the recitation of *Barechu* which is reserved for the presence of a *minyan*, lacking in a women's group. In addition, the *berachah* of *asher natan lanu* which is solely said at *Kriat Hatorah* at the conclusion of an *aliya*, is also reserved solely for recitation at a *minyan*.

A matter of concern is whether women may be called up to the Torah altogether. The Talmud indicates that at one time in history an ordinance was enacted to prevent women from receiving *aliyot*.

The Talmud states: Jews count towards the (seven prescribed readers of the Torah on *Shabbat*) ... even a woman. But the sages said a woman should not read the Torah out of consideration for the dignity of the congregation (*Kavod HaTzibur*). (Megillah 23a). This clearly prohibits women from receiving an *aliya*. Accordingly, the rabbis should frown upon a women's prayer group wherein women are called to the Torah.

The Artscroll edition of the Talmud cites the Ritva (4a) who provides the following rationale. He contends that if a woman is called up to the Torah it gives the impression that none of the men – who have the primary obligation to read the Torah – are capable of doing so. This would reflect negatively upon the congregation's level of knowledge.

This line of reasoning may be seriously questioned. Since when is it the obligation of the sages to uplift the kavod of men by deflating the kavod of women? The Talmud notes that a woman may recite *Birkat Hamazon* and include her husband in the *mitzvah* by her recitation. Yet the Talmud concludes that it is highly shameful that a man should be so ignorant that his wife recites on his behalf the *Birkat Hamazon* (*Berachot* 20b). Yet, at no time does the Talmud forbid a woman to recite the *Birkat Hamazon* for her husband. Why did the sages decide that it was not *Kavod HaTzibur* for a woman to receive an *aliya*? What is the shame or disrespect that takes place when a woman receives an *aliya*?

Some scholars contend that since one may not hear women sing (*kol b'isha erva, Berachot* 24a) the sages did not want a woman to publicly sing the Torah melodies in a congregation. If this be the underlying reason, then why did the Talmud contend that women were withheld from reading in the Torah due to *Kavod HaTzibur*? They should have openly stated that it was prohibited for women to sing in the presence of men. In other words, it was a violation of Jewish law, not a consideration of disrespect. In addition, it would appear that in a women's prayer group wherein women are permitted to openly sing, there should be no *halachic* qualms against women receiving an *aliya* or reading the Torah.

Every community has an obligation to read the Torah in the presence of at least ten Jews. No one may walk out, disturb others or act indifferent to the Keriat HaTorah, for such are acts of disrespect (see *Berachot* 8a). It is even probable that while in the synagogue one must be attentive to each word read to ensure that at least a *minyan* hears the Keriat HaTorah. Yet should an individual miss part of the Keriat HaTorah (or even all of it), there is no *Halachic* requirement to take out the Torah and read it again to enable him to fulfil his personal obligation.

Tosafot (Sukkah 52a) reports that the synagogue in Alexandria was so large that when a person had an *aliya* to the Torah, a flag would be waved to signal the conclusion of the *berachah* so that the congregation could respond by chanting Amen. Now, if the congregation could not hear the *berachot*, it is obvious that they also could not hear the Keriat Hatorah. Yet the synagogue conducted public readings of the Torah knowing full well that all could not hear the proceedings. The logical answer is that as long as a quorum of ten Jews heard the Keriat HaTorah, it was sufficient to meet the requirement. Those who did not hear the Keriat HaTorah were not obligated to reread the Torah. As long as they worshipped in a synagogue where the Torah was publicly read (even if they did not hear it), they were absolved from all personal requirements. Thus, Keriat HaTorah is a communal *mitzvah* (*Tzibur*) not a personal obligation.

On Purim. there is, a requirement to read the Megillah, even without a *minyan* (*Shulhan Aruch*, Orach Chayyim 690:18, Rama). There is no such stipulation for Keriat HaTorah throughout the year.

I believe that the reason the sages withheld women from receiving an *aliya* was based upon two intertwined concepts.

1. The sages believed that Keriat HaTorah was a communal ordinance, not a *mitzvah* personally imposed upon individuals.
2. Women, as previously noted, are exempt from all matters that require a *minyan*. Thus a women's prayer group would not recite *Barechu*, *Kaddish* or *Kedushah*. To the extent that Keriat HaTorah requires a *minyan*, a ritual process wherein women have no *halachic* role, the sages felt that it was simply improper for women to receive an *aliya* in a ritual designated solely for the *tzibur*. This gives credence to the Talmudic phrase that women receiving an *aliya* would be an act of disrespect to the *tzibur*. Namely, it would be disrespectful to the *halachic* concept of *tzibur* to have women who are exempt from *tzibur* matters be included in *Keriat HaTorah* which is exclusively a *tzibur* ritual.

A further analysis of the Talmudic citation in Megilla manifests a unique interpretation. The Talmud states, 'All Jews count toward the seven required *aliyot*, even a minor and even a woman. But the sages said, a woman should not read the Torah (out of consideration) for the dignity of the congregation.' (Megilla, 23a)

Tosafot in Rosh Hashana (33a) note that this permission for women to receive *aliyot* may refer to the period of time that only the first person and only the last *aliya* recited *berachot*. The middle *aliyot* did not recite any *berachot* at all. (See Megilla 21a.) As such, the woman referred to in the Talmud that was called for an *aliya* took place in neither the first nor the last *aliya*. This means that she did not chant any *berachah* at all. Of concern is whether the woman read the Torah even though she did not chant *berachot*. Note the terminology of the Talmud. 'A woman should not read the Torah.' The Talmud previously stated that a woman may be called as one of the obligatory seven *aliyot*. Why did not the Talmud state that a woman should not receive an *aliya* because of *Kavod HaTzibur*? Why does the Talmud only consider the aspect of reading, rather than the concern for

receiving an *aliya*? If concern was for the actual *aliya* then the Talmud should have once again explained why a woman should not receive an *aliya*. Perhaps the change of terminology is to emphasise that receiving an *aliya* and reading in the Torah are two distinctly different functions. Receiving a middle *aliya* in a period of time wherein the middle *aliyot* did not recite *berachot* was not deemed to be in violation of *Halachah*. The only concern was whether a woman who, indeed, receives an *aliya* would read the Torah publicly for the congregation. To this the Talmud responds that women never publicly read the Torah on behalf of the congregation because of *Kavod HaTzibur*.

According to this interpretation, women never publicly read the Torah in the presence of the congregation.

This clearly demonstrates that should women *daven* in a *minyan* composed of at least ten men there would not be any *halachic* permission for women to receive an *aliya*. One, there is an ancient ordinance to negate such a practice because of *Kavod HaTzibur*. Two, the woman would not be permitted to recite *Barechu*. Three, the woman would not be permitted to recite the concluding *Berachah* of *Asher Natan Lanu* which is only recited at *Keriat HaTorah* of a *minyan* and, therefore, women are precluded from its recitation. The rationale for women to be called to the Torah is that the women's prayer group is not deemed a regular *minyan*. It is not a *tzibur* service. It is, therefore, due to its lack of being a regular *minyan*, that women may do their own thing and not be deemed in violation of *Kavod HaTzibur*. Any innovative service giving both men and women *aliyot* would be contrary to *Halachah* and a sinful violation of Torah principles.

Conclusion

In the event women pray by themselves and no *tzibur* functions or prayers of a *tzibur* are recited there should be no *halachic* qualms against women reading the Torah for themselves, providing *halachic* guidelines are observed. Women's prayer groups are a form of *Kiddush HaShem* and should not be outlawed. They, moreover, should not take place in synagogues which were specifically set up for *tzibur* activitities and prayers of normal minyonim.

The above *halachic* conclusions are my understanding of the sources and the principles of *halachic* research. To those who may differ with this analysis, please note, 'I have neither eyes to see nor tongue to speak save as my understanding of Torah and *halachic* concepts so directs.'

Dedication

This *halachic* analysis is dedicated to the memory of Rabbi Ronald Lubofsky, a true scholar, a friend, whose brilliant acute mind coupled to a sensitive, passionate soul constantly sought the frontiers of Jewish law for the purpose of enhancing Jewish life. May his memory be a blessing.

Mixed choirs in Jewish worship

Raymond Apple

'Every land,' wrote Lord Jakobovits, 'has its *makkat ha-medinah*, its peculiar "local scourge" (cf. Bava Kamma 116b). In Germany the symbol of synagogue reform was the organ. In England the fight between the traditionalists and their opponents was joined over mixed choirs; in America, over mixed seating. In Hungary the original *casus belli* was the removal of the *bimah* (Torah reader's platform) from the centre of the synagogue' (*Jewish Law Faces Modern Problems*, in *Studies in Torah Judaism*, ed. L D Stitskin, 1969, p. 357).

The phrase, 'the symbol of synagogue reform', is somewhat misleading. It gives the impression that the author is speaking of the conflict between orthodoxy and the emergent reform movement. In fact that particular conflict centred around deeper, mostly theological issues, and its symbols were more complex. But when one positions the issues of the organ, mixed choirs, mixed seating and the removal of the central *bimah* in their correct context, it is clear that what Lord Jakobovits was describing was an internal conflict within orthodoxy, between two schools of orthodox thought, 'the traditionalists and their opponents' – those who stood for the status quo in everything, and those who advocated some, even merely cosmetic, accommodation with modernity.

The aspect of that conflict which this paper addresses is mixed choirs. Since this was a peculiarly English problem – an English *makkat ha-medinah*, at least in the eyes of those who opposed it – it was fought out by reference and appeal to that peculiarly English institution, the chief rabbinate. Other communities had and have their chief rabbinates, but only in England did the office of chief rabbi stand for and insist upon a firm policy of centralised religious government. Only in England, and for a long period in the widespread British Empire, were Jewish religious questions handled not in terms of what Jewish law stood for, but what the chief rabbi said. Where the chief rabbi's writ ran, there his word was law. No one could be appointed to a ministerial post without the chief rabbi's certificate.

No one could conduct a service without the chief rabbi's approval. No one could call himself rabbi without the chief rabbi's authority. No marriage could take place without the chief rabbi's authorisation. No alteration could be made to the liturgy without the chief rabbi's agreement. Nothing was kosher unless the chief rabbi said so. There were, of course, grumbles from the right and the left; for some, the chief rabbi was too strict, and for others too lenient. But probably only in the mixed choir issue did several of the chief rabbis allow themselves to do two things at once – both to disapprove and to condone – until eventually a stronger stand, coinciding with greater traditionalist trends in the establishment orthodox community as a whole, eliminated mixed choirs altogether, with only one exception. This is the story which now follows.

Choirs have a long lineage in the history of Jewish worship. In the Temple in Jerusalem there was instrumental and choral music, directed and provided by the Levites. There was a limit on the number of instruments in the Temple orchestra, but the number of singers was not restricted – there was a minimum of twelve, but no maximum (Arach. 11a, 13b; Sukk. 50b-51a).

The singing was considered more crucial than the instrumental music. The choristers, like the other Levites, commenced training at the age of twenty-five, entered active service at thirty and retired at fifty (Num. 4:3, 8:24-25; Hull. 24a). It is unlikely that there were women in the Temple choir; instead, boys were recruited 'to add flavour to the music'. They were known as 'assistants to the Levites', though by a play on words, their critics called them 'tormentors of the Levites', since they had high, unbroken voices, and the other choristers could not reach such high notes (Arach. 13b).

Outside the Temple, there were 'singing men and singing women' (e.g. II Sam. 19:36, Eccl. 2:8, Ezra 2:65, Neh. 7:67). But they probably did not sing together as mixed choirs but separately, such as at the crossing of the Red Sea where the men sang first, and then the women (Ex. 15:20).

After the Temple was destroyed, the rabbis discouraged the use of music as a mark of mourning, and the special exemption whereby instruments could be played in the Temple on the Sabbath fell away. Now, until the modern period, choral singing was almost unknown and such choirs as did exist were usually merely small groups of male vocal assistants to the cantor.

With the coming of the emancipation, congregations in various European countries increasingly demanded synagogues with decorum, dignity, vernacular sermons and musical sophistication. Despite the occasional grumbles about choirs turning congregants into almost passive spectators, it was generally found that a synagogue choir with an organised repertoire made important contributions to the service.

It provided variety. The voice of the cantor, no matter how beautiful, could become monotonous or at least lose its impact when heard alone, unaccompanied, over the course of a major service.

A choir, with its rich variety of vocal and harmonic colours, refreshed the ear. It helped to renew interest in the liturgy and enhanced the emotional experience of the congregation. And when the cantor resumed chanting, even he benefited

from the contrast.

The Reform movement not only emphasised choral music but introduced female choristers (as well as gentile singers and organ music) into the synagogue. The use of female singers aroused bitter antagonism from orthodox rabbis, who opposed it on the basis of two *halachic* prohibitions – the first, against hearing women singing during prayer; the second, against the combination of male and female voices.

The first principle is found in a discussion of things which must be avoided because they cause sensual excitement.

In this context, Samuel said *kol b'ishah ervah*, 'a woman's voice is seductive' (*ervah* literally means 'nakedness' or 'shame'; Jastrow's *Dictionary*, vol. 2, p. 114, translates the Talmudical phrase: 'hearing a woman's voice is indecency') (Ber. 24a; Kidd. 70a).

Upon this principle the *halachic* codes based a prohibition against hearing a woman sing during the reading of the *Shema*, i.e. during prayer (Maimonides, *Issurei Bi'ah* 21:2; *Shulhan Aruch, Orach Chayim* 75:3 and *Even HaEzer* 21:1; cf. Ganzfried, *Kitzur Shulhan Aruch* 5:16, 152:8).

The second principle is built upon the first. 'Rabbi Joseph said: 'When men sing and women join in, it is licentiousness; when women sing and men join in, it is like a fire in tow, i.e. flax (or hemp)' (Sotah 48a). Rashi explained that when men sang and women joined in, it was licentious because *kol b'ishah ervah:* when women sang and men joined in, it was even worse, as the men made a conscious effort to listen to the female voices. If the two evils could not be abolished at once, the second should be abolished first.

When the Reformers introduced female choristers, many leading orthodox rabbis – including westernised rabbis known for their wide general culture – ruled that the innovation was not permitted.

The Chatam Sofer (Moses Schreiber, 1763-1839, rabbi in Pressburg) answered an enquiry from Vienna by declaring that not even when a State occasion was celebrated in synagogue could female singers be permitted to join in with the men.

The combination of voices, he wrote, would arouse impure thoughts and affect concentration on prayer, and such an act of worship would not find favour before God (Chatam Sofer, *Choshen Mishpat*, responsum 190).

Zvi Hirsch Chayes (1805-1855, rabbi in Zolkiew) was one of the builders of the *Wissenschaft des Judentums*, the scientific study of Judaism. He wrote that when a mixed choir took part in Jewish worship, a person who attended the service transgressed against the Torah and did not fulfil the duty of prayer (*Minchat Kena'ot*, 7b note).

Dr Azriel Hildesheimer (1820-99, rabbi in Berlin and founder of the Hildesheimer seminary) says that of the various kinds of choir the mixed choir is *hamechu'ar shebahem*, 'the most revolting of them'. He adds: 'God forbid that one should enter such a building' (*Der Israelit*, vol. 7, 1866, p. 648).

A further aspect is that in a mixed choir, men and women sit together or close to each other, which is unacceptable to *halachic* tradition. Though the two

issues – mixed singing and mixed seating – are not specifically linked by Norman Lamm in his essay on 'Separate Pews in the Synagogue', his observations concerning the separation of the sexes are also relevant to the question of mixed singing:

> For *kavvanah* (concentration) to be present in prayer, it is necessary to eliminate every source of distraction. When the mind is distracted, *kavvanah* is impossible, for then we cannot concentrate on and understand and mean the words our lips pronounce. And as long as men will be men and women will be women, there is nothing more distracting in prayer than mixed company ... It is too much to expect of a man, sitting in feminine company, to concentrate fully upon the sacred words of the Siddur and submit completely to God ...
>
> If a synagogue is to retain its character as a holy place, it must possess *kedushah*, or holiness ... By separating oneself from sensual thoughts and wants, one achieves the state of holiness ... The very fact of mixed company, makes holiness impossible.
>
> – *A Treasury of Tradition*, ed. N Lamm & W S Wurzburger, 1967, pp. 256-9

From early in the nineteenth century, choirs and sermons were advocated in English synagogues as part of a campaign for more attractive and decorous services. The first synagogue choir was introduced into the Spanish and Portuguese Synagogue in Bevis Marks in the 1830s. The Ashkenazim, centred upon the Great Synagogue in Duke's Place, followed suit. In neither Sephardi nor Ashkenazi synagogues were female singers contemplated. Cathedral choirs were male, and, like other aspects of Christian liturgy, this influenced a Jewish community in process of anglicisation. The controversies between the orthodox community and the Reform congregation established in 1841 ruled out anything as untraditional as women in orthodox choirs. For all his western attitudes, Nathan Marcus Adler, chief rabbi from 1845-90, constantly insisted on traditional observance and would not have allowed female choristers. He also introduced in 1847 a series of regulations for synagogue government, which bound congregations under his jurisdiction to accept his rulings. However, his son and successor, Hermann Adler, seemed to some to be more amenable to liturgical change, and it was in his term of office that in 1892 the community was wracked by contention over mixed choirs.

The controversy centred upon the emergent Hampstead Synagogue, though somewhat tentative steps to allow female singers appear to have been made a year or so earlier in the East London Synagogue. The founders of the Hampstead Synagogue had a vision of something more than a suburban house of worship. Beginning in the late 1880s, while Nathan Marcus Adler was still alive, they formulated an ideological platform that became known as the Hampstead movement. Liturgical reform within orthodoxy was their aim. They wanted to dispense with public prayers for the restoration of sacrifices. They wished to

abandon or modify other parts of the liturgy. They wanted their services to have an accomplished musical quality, towards which a mixture of male and female voices would contribute. They proposed to appoint a minister with unconventional views, Rev. Morris Joseph. Hermann Adler, though personally on good terms with Joseph, vetoed the proposed appointment. He made some concessions on the liturgy, but did not accede to all of the committee's requests. He did not favour the introduction of a mixed choir, but though he refused to allow mixed choral singing at the laying of the foundation stone of the synagogue and the consecration of the building, condoned it thereafter. (In an editorial dated 26 August 1892, the *Jewish Chronicle* remarked caustically, 'Women's voices are ... tabooed, though they may lose their objectionable character when the Chief Rabbi is not within ear-shot'.)

Adler's ambivalent attitude remained to haunt the chief rabbinate for many decades. Congregations elsewhere decided that if the chief rabbi could tacitly accept a mixed choir at Hampstead, they could allow themselves the same dispensation. It was the example of Hampstead that was quoted by the advocates of mixed choirs, and Adler's name that was invoked as raising no strong objections. It is true that Adler did not fight mixed choirs too strongly, and he even congratulated the wife of an orthodox minister, Rev. (later Rabbi) Francis Lyon Cohen when she sang liturgical items on the concert platform.

Adler's policy was presumably motivated by the fear that Hampstead might move into the Reform camp, and the condonation of a mixed choir was a price worth paying.

This point is borne out by remarks made by Dayan Moses Hyamson of the London Beth Din in his evidence to a committee of enquiry set up by the New West End Synagogue, London, to consider the introduction of a triennial cycle of reading the Torah; the accepted tradition is to follow an annual cycle.

Mr E Lesser had asked Dayan Hyamson, 'There is another point and that is the introduction of female voices into the choir; that is forbidden in the *Shulhan Aruch*. That was sanctioned by the late Chief Rabbi.' Dr Hyamson replied: 'It was not sanctioned by the late Chief Rabbi. He was not consulted by synagogues which introduced the innovation, and for the sake of the peace of the Community, he did not explicitly forbid it' (*Transcript of evidence, Elkan Adler collection at the Jewish Theological Seminary of America*, New York, p. 112).

Adler's teacher, S J Rappaport of Prague, had held the view that as long as it was only in matters of liturgy and ritual that the Reformers introduced changes, the door was still open for them to return to the observance of the Torah, but any interference with the laws of marriage and divorce could not be tolerated (*Tochachat Megulah*, Frankfort, 1846, no. 21, pp. 26-7). In similar fashion Adler himself may have felt it better to turn a blind eye to mixed choirs and similar innovations than to risk losing congregations to non-orthodox movements which rejected much wider principles of *halachah*.

A United Synagogue lay leader, Arnold Hertzberg, has argued that Adler 'took the view that *kol b'ishah ervah* applied only to secular music', but this is unlikely. Adler could not have been unaware of the explicit terms in which

Maimonides and the *Shulhan Aruch*, cited above, apply the rule to religious worship. Israel Zangwill was nearer to the mark when he wrote, 'The Rabbinate, whose grave difficulties in reconciling all parties to its rule ... pronounced it heinous to introduce English excerpts into the liturgy; if, however, they were not read from the central platform, they were legitimate; ... an organisation of mixed voices was allowable, but not a mixed choir ... Poor Rabbinate! What with rabid zealots yearning for the piety of the good old times, radicals dropping out, moderates clamouring for quiet, and schismatics organising new and tiresome movements, the Rabbinate could scarcely do aught else than emit sonorous platitudes and remain in office' (*Children of the Ghetto*, 1892, book 2, chapter 9).

By the time J H Hertz became chief rabbi in 1913, mixed choirs had begun to proliferate, and Hertz followed Adler's line. In a cable to a congregation in Cape Town on 2 July 1934, he declared, 'Mixed choirs introduced into some constituent bodies 40 years ago. Dr Adler though not approving did not veto. I have followed same course.' Israel Brodie, chief rabbi from 1948-65, had officiated with a mixed choir – not only as rabbi but as *chazzan* – in Melbourne from 1923-37, and in the early years of his chief rabbinate he attended services at which mixed choirs sang, though later he took up a stricter position. By the time Immanuel Jakobovits became chief rabbi in 1967, the official line was uncompromising, and only one mixed choir, at Princes Road Synagogue, Liverpool, remained in an English orthodox synagogue by the end of his term of office. Some congregations, such as the New West End in London, justified the unmixing of their choirs on musical grounds, but this may have been a subterfuge to prevent open rebellion on the part of their less orthodox members. On the whole, however, the replacement of mixed by male choirs was admitted to be because of pressure from the authorities or the recognition of growing traditionalism in the community, or both. Even Hampstead finally admitted that it would find it difficult to secure the services of a minister if it retained its mixed choir. (It should be noted that a number of London synagogues with mixed choirs have now closed down, but not specifically because of their choirs. In each case membership numbers had declined because of demographic changes, and the new centres of Jewish population grew up in a more traditionalist era in which any choir would automatically be a male-only preserve.)

What motivated London synagogues to follow Hampstead's lead in introducing mixed choirs? There are two aspects to the answer. Some congregations had what might be called mildly ideological reasons – not the religious emancipation of women as such, but the then modernist view – supported by their ministers – that impressive musical services required soprano and alto voices in the choir in addition to tenors and basses. They argued that much of nineteenth century Jewish choral music composed in central Europe by Salomon Sulzer and Louis Lewandowski had mixed choirs in mind. This appears to have been the view of the Borough Synagogue in south London, where Francis Lyon Cohen was the minister, but not without opposition from amongst the congregation; in 1899 A May wrote voicing the objections of the

more orthodox members to 'a most undesirable and injudicious proceeding'. The mixed choir at the East London Synagogue, which continued long into the twentieth century, commenced during the long ministry of Rev. Joseph F Stern, who was known for his liberalising tendencies; it is possible that the choir symbolised the cultural struggle of an anglicised establishment congregation fearing that it would be swamped by the influx of eastern European Jews from orthodox backgrounds. The prestigious New West End Synagogue, served by highly regarded modern-thinking ministers such as Rev. Simeon Singer and Rev. Ephraim Levine, continued with its mixed choir until 1963, when a change was made for ostensibly musical, not *halachic* reasons (the *chazzan*, Rev. Raphael H Levy, complained of *kvitchedikke nekayvos*, 'screeching females'). The Central Synagogue in the West End also maintained its mixed choir until 1961 when Rev. Simon Hass was the renowned *chazzan*; traditionalist trends played a large part in the decision to make a change, although the choir was also said to have deteriorated musically. The North London Synagogue had a mixed choir for many years. Even the historic Hambro Synagogue in the City of London allowed itself a mixed choir, but only for the children's services on Sabbath afternoons. The neighbouring Great Synagogue in Duke's Place (transferred elsewhere in the East End after enemy bombing destroyed its historic sanctuary) had highly impressive choral services which attracted large crowds, especially on Friday evenings, but it refused to compromise its orthodoxy by allowing female singers. Other congregations which debated but rejected the idea of mixed choirs included Brondesbury and Golders Green.

The second reason for the introduction of mixed choirs was the lack of male choristers, especially during wartime. Hammersmith and Bayswater did not have mixed choirs until 1914 and 1915 respectively, when they could not find enough male singers. Bayswater eventually turned the mixed choir into a mark of pride. There were grumbles when in 1963 Chief Rabbi Brodie would not attend the centenary service unless a male choir sang for the occasion; eventually Chief Rabbi Jakobovits succeeded in persuading the board of management not to have a mixed choir in the new synagogue opened in 1972 in Maida Vale. Hammersmith maintained its choir until 1984. By that stage it had dwindled to two ladies and an elderly male choirmaster and was disbanded because of non-viability, to be replaced by congregational singing. The independent orthodox congregation, the Western Synagogue, introduced a mixed choir in 1915 for lack of enough male singers, but reverted to a male choir some years after World War II.

The London story began with Hampstead and must conclude with it. The mixed choir there was generally of such a high musical standard that the *Jewish Chronicle* journalist Chaim Bermant, who lived nearby for some years, called it 'the best in the country'. Not until the late 1960s would anyone dare broach the issue of changing to a male choir, and members sprang to the defence of the *status quo* by arguing, in the words of Clive Cohen, that the choir was 'loved and cherished passionately and with reverence'. On Yom Kippur, 1972, when the question was broached from the pulpit, some of the congregation actually booed the rabbi. At times in the 1970s and 1980s, when the congregation was without

a minister, it was reluctantly recognised that there would be few if any candidates while the mixed choir persisted, and in 1986 the change to a male choir was finally made. Choirmaster and choir at once moved down the road to St John's Wood to the New London Synagogue, where the minister was Rabbi Louis Jacobs, whose theological views were not approved of by the establishment. It should be added that during the Hampstead debates, some members blamed Chief Rabbi Jakobovits for expecting the congregation to solve the problem itself and not giving them a firm *halachic* ruling.

Outside London a few but not many establishment congregations had mixed choirs. Probably the most noteworthy were Birmingham and Liverpool. In both cases the introduction of female choristers was a wartime measure. In the Singer's Hill Synagogue in Birmingham, the change to a mixed choir occurred in the 1940s because the choirboys had been evacuated; a male choir was reinstated about 1956. The Princes Road Synagogue, Liverpool, accepted female choristers from 1941 because numbers in the male choir were so depleted. They still (2001) have a mixed choir, the last to survive in any British orthodox congregation.

In South Africa, mixed choirs were a bone of contention early in the twentieth century between the two rival rabbis in Johannesburg, J H Hertz and J L Landau. Landau attacked Hertz for allowing 'choirs of women', though Hertz had found a mixed choir in his synagogue in 1898 and had urged that 'the ladies' voices be removed from the choir'. Eventually the mixed choir went. Hertz also left, first for New York and later to become chief rabbi in London. Mixed choirs do not appear to have been widespread in South Africa, though Cape Town must have been thinking of it at one stage: witness Hertz's 1934 cable, mentioned above. The Cape Town Hebrew Congregation has had a male choir since 1912, generally with a large segment of boy sopranos. Choral renditions were part of major celebrations such as the opening of the original synagogue in 1863 and the consecration of the present synagogue in 1905, but it does not appear that there were female singers.

In Australia mixed choirs were a major issue, reflecting the London situation. Indeed female singers were accepted in synagogues in Australia long before the advent of mixed choirs in England. These were among a number of local liberalisations introduced into synagogue services in Australia without authorisation from London. There must have been an advantage in having a chief rabbi who was so far away. However, when eventually the continuance of mixed choirs was debated, defenders of the *status quo* often asked, as they did in England also, 'But if mixed choirs are not *kosher*, how could the chief rabbis and other men of obvious orthodoxy allow them?' ... or, when anyone, rabbis or layman, proposed a change, 'Why do you have to be more *frum* (pious) than the chief rabbi?'

The predecessor congregation of the Great Synagogue in Sydney emphasised the musical dimension of worship from at least as early as the consecration of its synagogue in York Street in 1844, when Isaac Nathan, known as the father of Australian music, had charge of the musical program. The composition of the choir changed to and from a mixed choir several times – in 1862, when Rev.

Alexander B Davis was inducted, it comprised 'numerous amateurs and professional ladies and gentlemen of the Jewish faith' – until it settled down as a mixed choir in 1875 when the foundation stone of the present majestic synagogue was laid. The building was consecrated in 1878 in a ceremony with a mixed choir of 49 voices and a 22-member orchestra. The music was under the direction of Sydney Moss. Francis Lyon Cohen, rabbi from 1905-34, took a great interest in the choral music and some of his own arrangements entered the repertoire. Until the 1970s no rabbi or minister raised strong objections to the choir, relying on the English *status quo*. When I took office I asked for a male choir to be reinstituted and made a rabbinic ruling requiring this. There were mutterings that the synagogue would lose members to the liberal congregations, but this did not eventuate. The change required the reorganisation of the choral music; at first there was an attempt to recruit boy singers to replace the sopranos, but later it stabilised as an adult male choir.

There were brief periods when the Central Synagogue, Sydney, had a mixed choir. At times it used the services of the mixed choir of the Great Synagogue for special non-Sabbath occasions, and though the Central attempted to limit its own choir to men and boys, the lack of choirboys meant that in 1937 it was decided to form a mixed choir. In the early 1940s the choirmaster was Louis Shifreen, previously at the Great Synagogue, who had women singers in his choir, though some of the more orthodox members objected. When Rabbi Elchanan Blumenthal was released from internment camp to become rabbi of the Central Synagogue, he refused to take up the office because of the mixed choir. After World War II the congregation recast the choir with male singers only. The North Shore Synagogue had a mixed choir during much of the ministry of Rev. William Katz. Many of the congregation, accustomed to the German liberal tradition, were comfortable with this. Rev. Katz saw the choir as an important element in creating a congregational spirit and with his family devoted much effort to the musical arrangements. Cantor Andre Winkler was responsible for a change to a male choir, partly because the female choristers were being criticised for inappropriate dress. The Kingsford-Maroubra Synagogue had a lady conductor, Rosie Hersch, but the singers were male. Outside Sydney, a choir was established by Rabbi Dr Benjamin Gottshall at the Newcastle Synagogue in 1950; apart from men, there was one lady singer, but two members of the congregation raised objections and the choir stopped functioning after a few years.

The two leading establishment congregations in Melbourne, the Melbourne and St Kilda Hebrew Congregations, both had mixed choirs for many years. In fact, there were times when the two choirs combined for special services, and other times when there were suspicions that one congregation was poaching choristers from the other. In St Kilda a mixed choir was formed in 1874 'to enhance the services'. Adrian Bartak, who joined the choir at the age of four in 1953 when his mother was chief contralto, admitted to 'a slight feeling in my childish mind that we were not quite *kosher*. Other *shules* were mildly critical of us and the choir did not sing on a *Shabbat* when a visiting rabbi attended'. Rabbi Jacob

Danglow, who held office for fifty-two years from 1905, had no problems with the choir, though it bothered his successor, Rabbi Dr Simon Herman, who asked the choirmaster if the pitch of the music could be lowered. There were few men in the choir and Rabbi Ronald Lubofsky, who assumed office in 1963, was critical of the musical standards and wanted to change to a male choir. For a while there were two choirs – male on some Friday evenings and all eves of festivals, and mixed on *Shabbat* and festival mornings. After some unpleasantness, the choir became totally unmixed in 1984.

The Melbourne Hebrew Congregation was founded in 1841. Within a few years the question of a choir was raised; there was choral participation at the consecration of the first synagogue in 1848, but no permanent choir resulted. From time to time choirs (of men and / or boys) were started but were constantly reorganised. In 1881 a move to establish a mixed choir was defeated, though its proponents believed it would be an improvement on the previous 'inharmonious vocal accompaniment of a troop of rusty hobadhoys'. By 1894 it was accepted as 'desirable to have male and female voices in the choir' and Rabbi Dr Joseph Abrahams let the proposal go through. Thereafter the congregation had a mixed choir with female soloists, and the rabbi praised 'the excellence of its musical qualities'. For a while in the late 1930s the ladies were retired from the choir but they were soon back. A decade later there were discussions about a male choir to accommodate the views of recently arrived Holocaust survivors, but not until 1952 was there 'a clean break from a mixed choir'.

At times the Perth Hebrew Congregation had a mixed choir. Early in his career, Rabbi David Isaac Freedman established a choir of young men and women. In the 1930s a member of the congregation, Fishel Hertz, entered the choir loft, sat himself down and refused to move unless the women left the choir. His victory was only partial; in the 1940s, Rabbi Louis Rubin-Zacks introduced a mixed choir once a month for a late Friday evening service, though women were no longer allowed in the main synagogue choir.

At times Adelaide Synagogue had a mixed choir.

The Brisbane Hebrew Congregation, despite its long history, has not always had a choir. In the 1930s, Rev. Nathan Levine had a mixed choir for weddings, national anniversaries, etc., but not for Sabbaths and festivals. Rabbi Dr Alfred Fabian had a boys' choir for a time. Rabbi Dr Benjamin Gottshall had a male choir in the 1960s. In the 1980s, the (mixed) Shir-Li choir took part in a few anniversary services. Recently there has been a Friday evening choir in two sections – males on the *bimah*, women in the ladies' gallery. This makes Brisbane the only orthodox synagogue in Australia that now has even occasional female choristers. Outside Brisbane, the only other Queensland congregation that ever had a mixed choir was Toowoomba.

In New Zealand, choirs waxed and waned. Wellington never had a mixed choir, but occasionally assembled a choir of men and boys. A noteworthy event was the High Holydays of about 1937 when there was a boys' choir, trained by the director of the Royal Wellington Choral Union. Auckland had a mixed choir for a short period in the 1940s, but usually when a choir existed it was composed

of boys trained by Rabbi Alexander Astor, whose enthusiasm often suffered a setback when the boy sopranos lost their sweet tones as their voices broke.

At times there were choirs in Christchurch and Dunedin. The Dunedin choir in the late nineteenth century had 23 members, male and female, who formed the basis of the Dunedin Jewish Choral Society. When there was no choir the congregation, at least for a time, were instructed 'not to read or sing aloud with the minister'.

Mixed choirs – apart from Princes Road, Liverpool – are a thing of the past in orthodox congregations. When such choirs were disbanded, tribute was always rightly paid to the devotion of the female choristers, though they often remained bemused at their fate. In more recent years, however, different avenues of participation in religious life have opened up for Jewish women, and whilst orthodoxy will, for *halachic* reasons, not see women cantors or choristers in the future, there is increasing acknowledgment of women's spirituality in many communities.

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Faith and science in the third millennium

Moshe Kaveh

Judaism is the world's most ancient monotheistic religion. The introduction of monotheism was the greatest revolution in ideas that the world has known. The transition from paganism to belief in a God 'who is incorporeal and has no bodily form', was more revolutionary than the transition from classical to modern physics. God cannot be defined in terms of human reality, and therefore He stands above science, which describes the laws that govern reality.

According to this approach, there cannot be a contradiction between science and belief in God, for science describes only physical reality, and therefore cannot describe God. In addition, Judaism introduced two principles into the tenets of religion: God is the creator of the universe, and God extends His providence over the world. These two principles were subsequently adopted by Christianity and Islam.

These two assumptions, which give God the specific functions of Creator and Sustainer of the world, were strongly attacked during the classical era of science in the eighteenth and nineteenth centuries, but they withstood these attacks and even received further support in the scientific twentieth century. What can we learn from the conflicts that took place between science and religion?

If we define the laws of science as expressing the 'will of God', there can be no contradiction between science and religion. Even though the laws of nature belong to the realm of science, every natural law, if confirmed by scientific criteria, must be accepted by religion as a divine law coming from the Creator of the Universe. Despite this, throughout the generations religious figures have been strongly critical of various laws of nature, as we shall see below.

On the other hand, from time to time scientists have launched attacks on religion, even though such contradictions cannot exist according to the

fundamental definitions of each discipline. As I have said, although the conceptual separation of science from religion should have brought about coexistence between the two, the course of history has proven their relationship to be far more complex.

Before moving on to the twentieth century, let us review the great confrontations between religion and science in preceding centuries. Before the seventeenth century, in addition to the two fundamental religious principles noted above, it was generally believed, particularly among Christian clerics, that Man stood at the centre of Creation. This approach placed the Earth in the centre, and dictated that all the stars and planets revolve around it. Along came Copernicus, Kepler and Galileo, who stated that all the planets, including Earth, revolve around the sun.

Instead of accepting this scientific assertion as a new understanding of the laws of nature and an expression of the will of God, the Church viewed this approach as heretical. Because of the Church's hegemony, Galileo was imprisoned. Without doubt this was the low point in the Church's confrontation with science. It was not until the end of the twentieth century that the Pope proclaimed the wish of the Church to ask forgiveness of Galileo.

Today every child knows that Man is not at the centre of the universe, nor is this an article of faith in any religion.

Let us look at the opposite case, in which science sought to dictate to religion. In the seventeenth century, when Newton calculated the orbits of the planets around the sun, it was not clear why the solar system should be stable. Most remarkably, Newton's answer was that 'God keeps watch over the system' so that it remains stable.

Such an answer could only have been given by a scientist who believed science had reached the 'ultimate theory' and that the role of God was to fill in the gaps. This is undoubtedly a mixing of science and religion; indeed, such an answer is surprising from someone of Newton's calibre, held to be the greatest scientist of the seventeenth century and one of the great scientists of all time.

What happens when a scientist believes he has attained the ultimate theory and that, unlike Newton, the gaps need not be filled in? This is precisely what happened to the great scientist Simon Pierre Laplace. In the early nineteenth century, Laplace succeeded in applying Newton's law of universal gravitation to describe the orbits of the planets as mathematical equations. When Laplace showed his theory to Napoleon, the latter asked him, 'Where is God in your equations?' To this Laplace gave the haughty answer for which he is known: 'There is no need for God in my equations'.

Laplace's century is called the century of determinism, when scientists attempted to deny the two fundamental tenets of monotheistic religion. The thesis that there exists a Creator of the Universe went through difficult times. Clearly, in the case of Laplace, one could also argue that God created the world according to Laplace's equations, which describe the planetary orbits as we observe them. The difficulty lay in how to reconcile scientific determinism, which held that the laws of science also unequivocally determine the future, with the

belief that God intervenes in the world and can change the future. Many leaders of the world's three monotheistic religions maintained that one could not have natural laws that contradict the tenets of faith, such as divine providence and free choice.

In addition to all this, Judaism had introduced the notion of Creation as a religious tenet, as expressed in the first verse of the Torah: 'In the beginning, God created heaven and earth.' In the nineteenth century the universe was perceived as infinite, fixed and unchanging, and the notion of Creation, especially *ex nihilo*, seemed scientifically impossible. Most of the answers given in the nineteenth century in an attempt to reconcile these contradictions satisfied neither the philosophers, nor the scientists, nor the clergy.

In the mid-nineteenth century Charles Darwin expounded his theory of evolution, that weak animals become extinct and strong ones survive through a process of natural selection. According to this theory, human origins go back to an evolutionary process taking billions of years, from the microbe to Man. This theory evoked a frontal attack from all religions. Not a single religion was willing to claim that these were divine laws; in other words, a situation had emerged in which laws of nature had to obtain approval by the clergy.

Apparently religious leaders learned a lesson, for when in the twentieth century, Arno Penzias and Robert Wilson showed that the universe was created by the Big Bang, they accepted the assertion, explained by believing scientists as proof that 'In the beginning, God created heaven and earth', that is, that one could equate the Big Bang with God's laws and that the Big Bang equals Creation.

Despite the aggressive stand that science took towards religion in the nineteenth century, religion survived to enjoy the scientific revolution of the twentieth century, which proved once more (for whoever still needed such proof), that we are very far from having reached the 'ultimate scientific theory'. The twentieth century appears to have made both camps somewhat more tolerant, as attested by the number of endowed chairs and centres for the study of religion and science in universities throughout the world.

* * *

The twentieth century is characterised by greater humility than the classical science of previous centuries, which had viewed itself as omnipotent and capable of predicting everything. Some religious leaders even claimed that science in the twentieth century had 'repented' and returned to belief. Two surprising laws in our time took science down from the level of the 'divine' to that of the human.

According to the notions of modern physics, nothing is absolute and everything (except the velocity of light) is relative, even time! This is Einstein's theory of relativity. Second, quantum theory holds that nothing is certain. The fundamental law is Heisenberg's uncertainty principle, which states that the location and the velocity of a particle cannot be known simultaneously.

These two theories are not intuitive, and the world they describe is not what we see or feel! The transition from a world of determinism to a world of probability, governed by quantum theory, actually elicited the unflattering

remark from the greatest scientist of all time, Einstein, who said 'God does not play dice'.

If all this were not enough, 'the Messianic Era' had almost arrived when Science discovered Creation. The twentieth century came close to acknowledging and understanding that the universe had been created by the Big Bang – that moment when the universe was born. Since according to Einstein, space and time are linked, the beginning of the universe geometrically also marks its beginning temporally. Before the existence of the universe, time did not exist. In other words, what we have here is creation *ex nihilo*. Creation of the universe, according to the theory of relativity, is also the 'creation' of time. Thus *Bereishit*, 'In the beginning' of time, is a most accurate description for the inception of the universe.

The most brazen remark of the twentieth century belongs to Stephen Hawking of Cambridge University, who maintained in his book, *A Brief History of Time: From the Big Bang to Black Holes*, that if time did not exist before the Big Bang, there could be no cause for creation of the universe (because there existed nothing before Creation), and therefore he asked, 'Where is there place for a Creator of the Universe?' This remark calls to mind the haughty words of Laplace in the nineteenth century. Science now recognised Creation yet still had its doubts whether God was its cause.

Clearly if we ascribe to God characteristics which belong to the world of reality embodied by our universe, then these characteristics did not exist before the Big Bang, because then there did not exist any reality as we know it according to the laws of nature. But there is no such problem in Judaism, which defines God as abstract – He not only 'has no body', He even 'has no bodily form'. The notion of space cannot be ascribed to such a being, and therefore neither can time. The name of the Holy One, blessed be He, attests that He 'was', 'is', and 'will be', as we say in the liturgical poem, *Adon Olam*. In other words, He is independent of the notion of time.

In like manner Maimonides explains the paradox between 'God's knowledge', which covers the past, present and future, and the idea of free choice. Therefore, God in Judaism is not tied to physical existence, the absence of which before the Big Bang or the presence of which thereafter could change the fact of His being. This is attested by the words of the wonderful poem, *Yigdal*: 'Primal to all that was created / First, with no beginning to His beginning.'

What has the present century to say about the idea of man having been created and there being a 'God who extends His providence over him'? Our new understanding of Creation has not solved the problem of faith. Science will never be able to prove religious tenets, and likewise religious tenets must not negate the laws of science.

Even though there is consensus among scientists that the world was created, there is still controversy over who created the world. The natural religious response is that God created the world. But there are scientists who maintain that one need not come to this conclusion; that the world could have created itself spontaneously (by quantum fluctuations, for example).

Steven Weinberg, Nobel Laureate in physics, made the following atheistic statement: 'The universe seems pointless'. According to such a view, there is no Divine Providence.

Weinberg's view is based on the uncertainty of the end of the universe. If gravitational forces turn out to be sufficiently strong to halt the expansion of the universe, then at some time in the future the universe will collapse to a geometric point! If gravitational forces turn out not to be strong enough, then the universe will continue to expand forever and will die for lack of 'nuclear fuel', e.g. the sun and all the stars that provide light as a result of thermonuclear reactions will cease to do so in another few billion years. According to this theory, we will reach a universe that has burned up all its energy, a 'dead universe'. This is the pessimistic view of the future.

In contrast to this approach, there is an optimistic view that is known as the Anthropic principle, from the Greek *anthropos*, meaning Man. According to this approach, the laws of the universe were determined for the benefit and wellbeing of mankind: truly Divine Providence. This view maintains that the creation of Man was accompanied by so many rare occurrences of such low probability that Man could only have been created by miracle. The key remark is that of Freeman Dyson, who said, 'It appears that the universe knew we were coming.' In other words, the universe was planned in such a way as to make the creation of Man possible.

According to the anthropic principle,[1] it can be shown that if the slightest changes had occurred in the parameters that describe the universe, such as the nuclear force or the gravitational force, or the radius of Earth's orbit around the sun, or in the chain of events that preceded the creation of Man, such as the force of impact of the meteor which struck Earth (causing dinosaurs but not mammals to perish), a universe with human life would not have been possible. As the famous physicist Sir Fred Hoyle put it, 'The universe was planned in a very intelligent way.'

One of the surprising things about the anthropic principle is that scientists are now trying to predict new laws that will be consonant with this principle, namely laws of nature that make human existence possible. In 1990 Fred Hoyle hypothesised that the carbon nucleus must have an energy level of 7.7 million electron-volts, otherwise human life (which is made of carbon chains) would not have come about on Earth.[2] Following Hoyle's hypothesis based on the anthropic principle, it was indeed found *experimentally* that the nucleus of the carbon atom has precisely this energy level, known as the 'resonance energy of carbon'. Richard Feynman, Nobel laureate and one of the greatest physicists of the twentieth century, remarked on this finding, 'If one can make such successful predictions, it is a sign we are beginning to understand the universe.'

Clearly the anthropic principle buttresses the religious approach that believes in Divine Providence. Opposing this is the atheistic approach, which maintains that an almost infinite number of universes may have been created, but none of them, save for ours, was able to survive. Not only does such a thesis come closer to mysticism than to science, its shortcoming lies in requiring almost infinite

energy in order to create a single successful universe; the atheistic approach must go to all this effort simply in order to avoid acknowledging that there is a Creator who planned the most successful universe from the outset. Moreover, if we accept the approach that numerous universes were created, that of course does not negate the existence of a God who created them. This idea, incidentally, is reminiscent of the well-known Talmudic statement that God created many worlds and destroyed them, until He finally created our world.

The Anthropic principle has been accepted by a large part of the scientific and clerical communities of the world, who point to the amazing affinity between religion and science, the former using the term 'Divine Providence', and the latter speaking of the 'anthropic principle'. In this sense we can say that today numerous scientists either consciously or unconsciously hold by 'Divine Providence'.

In conclusion, we see that the Jewish religion has entered the third millennium stronger than ever. Without doubt, we have reason to be proud. Scientific theories have come and gone, civilisations have arisen and fallen, views of the world have changed, but the Jewish faith has stood strong, ready to face the challenges ahead.

In every generation science will undoubtedly continue to seek the 'ultimate theory'. Since the laws of nature are expressions of the will of God, it is the role of scientists to seek to discover them. These laws will also give order to religious thought, invaluable to religion, as Maimonides wrote: 'Knowledge of the Divine cannot be attained except ***after*** [mastery of] the science of nature'. In other words, understanding the laws of nature can lead to knowledge of the Lord.

The converse is also the case; in the third millennium, science will need religion more than ever. The discovery of the genetic code, genetic engineering, cloning and the possibility of understanding the beginning and end of life have all raised moral questions and can once again cause science to be overly haughty and as a result want to 'play God'. In this millennium, religion will have a weighty role to play in maintaining the delicate balance between the 'omnipotence' and the morality of science.

Notes

1 Several articles and books have recently appeared on the Anthropic principle. For example, J D Barrow and F J Tipler, *The Anthropic Cosmological Principle*, Oxford, 1986. C Domb, 'Religion and Science' (preprint). N Aviezer, *BDD Journal* vol. 5 (Bar-Ilan University Press); S J Gould, *Wonderful Life*, New York, 1989.

2 cf. his research on nuclear reactions in very high temperature stars.

When one life overrides another: Separating Siamese twins in English and Jewish law

Daniel Sinclair

1. Introduction

Mary and Jodie, the Siamese twins in the present case, were born in St Mary's Hospital, Manchester, England on 8 August. Mary's heart was barely functional and she depended upon Jodie's normal heart for her blood supply. The twins' physicians were unanimous in their prognosis that unless they were surgically separated, neither twin would survive for more than six months. The proposed surgery involved separating the twins' blood vessels, with the result that Mary would die within seconds of the operation. The physicians believed that Jodie's chances of surviving and enjoying a normal life were good enough to justify carrying out the surgery. They were also of the opinion that any delay in carrying out the operation would result in a much less favourable outcome for Jodie. The parents, who were devout Catholics, objected to the separation on religious grounds, and the matter went to the Family Division of the High Court which overruled the wishes of the parents and permitted the surgery.

In September 2000, the Court of Appeal upheld the decision of the Family Division and also permitted the separation, notwithstanding the fact that only one twin would survive.[1] In effect, the court held that in certain circumstances, it was legally permissible to kill one innocent person in order to save the life of another innocent person. One of the main grounds for so doing was the doctrine of necessity.[2] According to this doctrine, there are certain situations in which a killer may plead the defence of necessity to a charge of murder. The classic and generally uncontroversial example of necessity is self-defense. Here, the killing

is justified both in terms of the attacker's intention to inflict a serious bodily injury on the intended victim, and the respect society accords to the basic instinct of self-preservation. Another more controversial example, cited in the older works on the Common law of England, [3] but specifically rejected in the later ones,[4] is the killing of one innocent person in order to save the life of another innocent person. The justification for applying the doctrine of necessity in this type of situation is of a purely objective nature and depends upon the circumstances of the case. Typical examples of justifying circumstances are sacrificing the few for the sake of the many and killing someone who will definitely die even if no action is taken, for the sake of saving an individual who has a chance to survive. The decision of the Court of Appeal is, therefore, a path-breaking one in that it officially restores a defence which has not been part of English criminal law for some four hundred years, albeit in the limited circumstances of the surgical separation of Siamese twins.

In order to support their departure from the previously held view regarding this type of objective necessity, the judges cited positive recommendations for its acceptance in the reports of various Law Commissions on the defence of necessity, the opinions of learned writers on its application to cases similar to that of the Siamese twins and, in particular, the *Halachic* argument that in a case where one Siamese twin was 'designated for death' by virtue of its physical inability to survive, it was permissible to kill that twin in order to save the life of the potentially viable one. The *Halachic* argument was made in relation to a case decided in Philadelphia in 1977, in which the parents were Orthodox Jews and their consent to the separation of their Siamese twins was conditional upon halachic support for the procedure. That support was forthcoming and the reasoning upon which the halachic ruling was based was that one of the twins could be identified as being 'designated for death' and hence, killing it to save the other twin's life was permitted. In this respect, Jewish law played a part in expanding the doctrine of necessity in modern English criminal law and also made an important contribution to contemporary bioethics.

The following sections of the article deal with the facts of the case in greater detail; the decision of the first-instance court; the Court of Appeal's critique of the reasoning of the first-instance judge; the defence of necessity as it was applied to the separation of the twins by the Court of Appeal and the halachic position as established in the above-mentioned Philadelphia case.

2. The facts of the case and the decision of the Family Division of the High Court

Jodie and Mary were born connected to each other in the lower abdominal region. Each of them possessed a complete set of limbs and organs. May's heart, however, was much weaker that that of Jodie and the medical view was that Mary was, in fact, being kept alive by Jodie's heart. Had Mary been born a singleton, she would not have survived. Mary's lungs were also much weaker than those of Jodie and there was some evidence to the effect that her brain was less-developed than that of her sister. Without surgical intervention to separate the two children,

both would die within a period of about six months. The physicians did not wish to wait for a complication to occur before doing surgery, since that would make the chances of success much smaller. As it is, the separation of this type of Siamese twins is a long and complex procedure, entailing a considerable amount of follow-up surgery and other treatments. The considered medical opinion, therefore, was to do the operation as soon as possible.

The legal issue which gave rise to the case was the fact that Mary would die as a direct result of the separation. Her own heart was far too weak to maintain a proper blood supply and within seconds of severing the connection between her circulatory system and Jodie's aorta, Mary would be dead. In effect, the doctors would be killing Mary in order to allow Jodie a chance to survive. This is certainly not an easy idea to countenance from either a legal or a moral perspective. Indeed, it was not acceptable in terms of the twins' parents religious convictions. The parents, both of whom were practising Catholics from a small island near Malta, refused to consent to the separation on the grounds that it conflicted with their religious beliefs. It was because of their opposition to the doctors' decision to separate that the case came to court.

The first court to hear the case was the Family Division of the High Court which overrode the parents' wishes and held that that the separation was perfectly legal. The court reiterated the well established principle in both family and medical law, that the proper basis for resolving conflicts between parents and doctors over the treatment of a child is that of the child's best interests.[5] In this case, the court found that it was in the best interests of Jodie to live. Somewhat surprisingly, it also found that it was in the best interests of Mary to die. Among the arguments used in order to downgrade Mary's interest in life was that her retarded development would cause her to suffer as a result of being attached to her normal sister. Jodie would pull her around in order to expand her contact with the world. Mary's world would always be much narrower and she would become a mere appendage of Jodie, lacking any capacity for the realisation of her own much more passive will. This would result in distress and frustration on Mary's part and, as result, it was in her best interests to die.

In terms of the criminal law issue of killing one innocent twin in order to save the life of the other, the judge made an analogy with a person being kept alive through artificial nutrition. In the latter case, the House of Lords had ruled that it was permissible to disconnect an individual in a persistent vegetative state [6] from his source of artificial nutrition, if it could be shown that this course was in the best interests of the patient.[7] Similarly, it was permitted in the present case to disconnect Mary from Jodie's heart since it was not in her best interests to remain connected.

3. The decision of the Court of Appeal and the defence of necessity

The court began by emphasising that Siamese twins were not to be regarded as monsters or sub-humans, but as perfectly human individuals entitled to the full protection of the criminal law. A similar approach is found in the *Halachah*.

According to R Jacob Reischer, an early eighteenth century authority, such twins are to be regarded as full and separate individuals for all halachic purposes.[8] R Reischer cites a Talmudic view that Adam and Eve were originally created as fully formed conjoined individuals and only later on were they separated.[9] Since the Bible specifically refers to them in their joined condition in the plural i.e. 'male and female did He create them ... and he called their name Adam', [10] it is evident that Siamese twins are separate individuals.

The Court of Appeals also found for the physicians and overrode the wishes of the parents. However, the grounds for the decision were entirely different to those of the first instance court. Indeed, the court specifically rejected the grounds offered by the first instance judge for his decision. In relation to the application of the criterion of the child's bests interests, the Court of Appeals held that it was not up to a court of law to decide that a particular life was not worth living and that death was in that person's best interests. The only question which may legitimately be answered by a court in this type of case is whether or not the treatment being proposed is for the benefit of the patient.[11] In medical terms, it was quite clear that killing Mary would, and could not be of any benefit to her. On the other hand, it was in Jodie's best interests to be separated, since that was the only way in which she might be able to achieve the prospect of long-term survival. The only way of resolving this clash of best interests between two children was to 'choose the lesser of the two evils and so find the least detrimental alternative'.[12] Since Jodie alone possessed the potential to survive, her life and interests overrode those of her sister, Mary, who was 'in the words of the rabbinical scholars involved in the 1977 case in Philadelphia ... "designated for death" because her capacity to live her life is fatally compromised'. The correct course, therefore, was to separate the twins.

In terms of the criminal issue of murder, the first instance judge was wrong in comparing the situation to that of a patient attached to an artificial respirator. There is no analogy. Artificial respiration is a medical procedure governed by medical law which permits its removal once it is established that the procedure is no longer in the patient's best interests. It was nature which joined Mary to Jodie and made her life dependent upon that of her sister. Separating the twins and killing one of them is, therefore, no different, in principle, to any other act of murder. The question which then arises is how did the court justify its decision to go ahead with the separation?

According to Lord Justice Brookes, the answer to this question lies in the above-mentioned aspect of the doctrine of necessity which justifies killing one innocent person in order to save the life of another, when objective circumstances dictate the choice of the victim.[13] In the present case, the objective fact justifying killing Mary was that it was she who was in any event, 'designated to die'. The separation of Jodie and Mary did not, therefore, constitute an act of murder.

However, as already observed, the use of this form of the necessity as a defence in the criminal law has not been part of English common law since the middle of the seventeenth century. Since then, it has been specifically rejected by both learned authors [14] and leading precedents. In the seminal case of *R v Dudley and*

Stephens in 1884, [15] three mariners and a cabin boy were shipwrecked on their way to Australia. After eighteen days in an open boat, their supplies of food and water having run out, the two accused suggested killing the boy and eating him in order to survive. Two days later, the boy, who at this stage was extremely weak, was killed. The three men then fed on the boy's flesh. Four days later, they were rescued. The accused were indicted for murder, the third mariner having turned Queen's evidence. Dudley and Stephens were found guilty of murder and were sentenced to be 'hanged by the neck until dead'. They were, nevertheless, promptly pardoned by Queen Victoria, who commuted their death sentences to six months' imprisonment.[16] It is noteworthy that the Court was not prepared to accept a defence of necessity, even in the form of the well established 'custom of the sea' according to which lots would be drawn in order to select a mariner who would be sacrificed in order to save the lives of the rest of the crew.[17] This approach was concisely summed up by Justice Cardozo, who wrote that there is no 'principle of human jettison' in the Common law.[18] The precedent in *Dudley and Stephens* was followed by the House of Lords in 1987 in the leading case of *R v Howe*.[19]

It is also important to note that the Queen did pardon the sailors. Dudley eventually made his way to Australia and settled in Sydney and his place of residence may be visited to this very day. Clearly, the killing of the cabin boy was not regarded by the public as a heinous act and the necessity doctrine did, indeed, manifest itself at the level of royal clemency, even if it did not find expression in the law. As pointed out by one commentator 'the most persistent English attitude to the problem raised by the necessity plea – intellectually unsatisfying though it may be – is that hard cases are best dealt with by the prerogative of mercy'.[20]

In order to support his departure from precedent, Lord Justice Brookes cited a number of suggestions made by various Law Commissions to the effect that this type of necessity ought to be recognised as a defence in special circumstances, e.g. where many lives could be saved by killing one individual, or in a medical situation of the type under discussion in the Siamese twins case.[21] He also referred to academic writers and, in particular, to the discussion of a case in which a ferry capsized in the North Sea and a group of survivors were waiting in the water to climb a ladder to safety. A young man froze half-way up the ladder, probably as a result of a combination of cold and fear, and no one was able to continue climbing to safety. Realising that they could not last much longer in the icy waters, one of the survivors, an ex-soldier, pushed the unfortunate youth off the ladder and to certain death. As a result of his action, the rest of the group survived. In the opinion of the academic writers, the ex-soldier's action did not constitute murder under the common law, since it was justifiable in terms of the defence of necessity.[22] These writers also sought to distinguish the ferry case from that of the shipwrecked mariners. In the latter case, Lord Justice Coleridge had based his opposition to the necessity defence on two main arguments. The first was that there was no objective reason necessitating the choosing of the cabin boy rather than another sailor. The second was the threat to the principle

of the value of human life posed by a lenient decision.[23] Neither of these arguments applied in the ferry case. There was a clear, objective reason for causing the death of the frozen youth, and the circumstances were so unusual that a lenient decision could not be said to be a threat to the value of human life and its preservation. Lord Justice Brookes applied the same reasoning in the Siamese twins case. He began with the halachic concept that Mary was 'designated for death' and went on to argue that her killing was an objectively justifiable necessity. He relied upon the highly unusual nature of the case in order to avoid any charge that his decision would result in the lowering of the value of human life.

Lord Justice Ward chose a different line of argument in order to justify the separation. In his view, not intervening in order to save Jodie's life was just as much a matter of murder as cutting the aorta which provided Mary's life-blood. Murder may, after all, be carried out by omission as well as commission. This approach, however, led him to the conclusion that if, in a hypothetical case, parents at the gates of a concentration camp were offered the possibility of saving one of their two children, they would be guilty of murder if they refused to choose and entered the gates with both their offspring. The judge immediately pointed out that the parents would not actually be prosecuted, but in terms of strict legal logic, they would still be murderers. This conclusion flows logically from Lord Justice Ward's approach. It is, however, rather harsh and his reference to the non-prosecution of such parents indicates that he himself is aware of the emotional harshness of his position. In the present writer's view, therefore, Lord Justice Brooke's necessity-based approach is the more attractive one. Now, Lord Justice Ward also used the notion of Mary being 'designated for death' in his judgment, and it is to a full discussion of this concept and its halachic basis that the following section is devoted.

4. Separating Siamese twins in Jewish law: The 1977 Philadelphia case

In this case, Siamese twins with joined hearts were born to an Orthodox Jewish couple living in Lakewood, New Jersey. One of the twins had a normal four chamber heart whereas her sister's heart consisted of two chambers only.[24] As in our case, one heart was sustaining two babies and without the separation and sacrifice of the weaker sibling, neither twin would survive. The physician in charge of the case was Dr Everett Koop, who was later to become the Surgeon-General of the United States. He recommended separation and assembled a large team of experts for what was then, and still is, a highly complex and uncertain procedure. The operation was due to be performed at the Children's Hospital in Philadelphia. The parents, however, would not consent to the separation without halachic approval and the medical team waited until the late R Moses Feinstein, the leading *Halachic* authority in North America at the time, issued a ruling to the effect that the procedure was *halachically* permitted. The operation was a success but, unfortunately, the surviving twin died some two months after the separation from hepatitis contracted from a blood

transfusion.[25]

R Feinstein did not leave a written *Responsum* detailing his decision, but the halachic cases upon which he based it were widely reported at the time,[26] and his son-in-law, R Moses Tendler, published a reconstruction of his late father-in-law's reasoning.[27] R David Bleich also discusses the details of R Feinstein's ruling in his article on conjoined twins in Jewish law.[28] We will begin with an account of the two cases upon which R Feinstein's decision was based, and proceed to offer our own analysis of that decision.

The first case is a Talmudic one concerning a group of defenceless travellers faced with a choice between certain death for the entire company, or the survival of the majority at the cost of handing over one group member to be killed. The ruling in this case is that if a victim is named by those threatening the group, i.e. he is 'designated for death', then that individual may be handed over.[29] This is the source of the concept of designation for death which the English judges found so useful in dealing with the separation of Mary and Jodie. The second case is a hypothetical one involving a pilot ejecting from a burning plane and successfully opening his parachute. As he is sailing to the ground, a second pilot, whose parachute failed to open, passes him and grabs hold of his leg. The parachute is only capable of bringing one person safely to the ground and if both of them maintain their grip, neither one will survive. According to R Feinstein, the first pilot is permitted to dislodge the second one and send him hurtling to certain death in order to save his own life. The English judges appear to have understood this case to be a variation on the theme of designation for death and another illustration of the principle that in certain cases, Jewish law recognises that one life does, indeed, override another. Our conclusion will be that the two cases deal with different aspects of the problem, and both are necessary for a complete understanding of the halachic approach to this type of tragic choice.

Both cases, however, require deeper analysis in order to grasp their proper significance for the halachic position on the separation of Siamese twins. In relation to the traveller's case, there is a view in the Talmudic sources, that even if a particular individual is designated, he may not be given up unless he is also deserving of death, i.e. he is guilty of a capital crime. This view is adopted by Maimonides in his codification of the *Halachah*[30] and is followed by many authorities.[31] Clearly, the weaker twin in both the Philadelphia case and the one dealt with by the Court of Appeal was not guilty of any capital crime, and the relevance of the traveller's case is, therefore, questionable. This problem, however, may be resolved by following the opinion of R Menahem Hameiri and creating a new category of designation for death, defined in terms of the absence of physical viability rather than the existence of a judicial sentence of death. In commenting on the traveller's case, R Hameiri states that in his view, 'it is quite evident that if one of the members of the group is stricken with a fatal medical condition, then that individual may be sacrificed for the sake of the rest of the company'.[32] Under Jewish law, a person whose medical prognosis is certain death within twelve months is known as a *terefah* and there is no death penalty

for his murder.[33] The killing of a *terefah*, is, nevertheless, a serious moral offence and is punishable by divine sanction.[34] However, where there is a sound moral justification for sacrificing a *terefah* for the sake of saving viable life, then the *Halachah* would appear to permit it, and the traveller's case is an example of such a justification.[35] The same may be said of the Siamese twins case. The weaker, non-viable twin may be justifiably sacrificed for the sake of saving her potentially viable sister. In both the Philadelphia and the English cases, the twin with the defective heart has less than twelve months to live and is a *terefah*. In both cases, therefore, the life of the *terefah* may be given up for the sake of her potentially viable sibling.

There is, however, another complication. The traveller's case deals with handing over an individual, not with direct killing. In the Siamese twins cases, the issue is the direct killing of one sibling in order to save the other. Once again, it would appear that the traveller's case is not analogous to the Siamese twins situation.[36] In order to resolve this problem, it is necessary to turn to the parachute case and it is probably for this reason that R Feinstein used both cases in his decision. In halachic terminology, the second pilot in that case is a pursuer or *rodef*. Under Jewish law, it is permitted to kill, in a direct manner, any person who is pursuing another person with intent to kill them. The threat to the pursued person must be direct and immediate and all other means of preventing the killing must have been tried prior to taking the pursuer's life.[37] There are, however, situations in which the law of the *rodef* applies even if the pursuer does not intend to kill the person being pursued. Maimonides applies it to therapeutic abortion and justifies killing a foetus for the sake of saving the mother, on the grounds that the foetus is 'like a pursuer threatening its mother's life'.[38] Thus, therapeutic abortion comes within the ambit of the law of the pursuer, notwithstanding the fact that the foetus has no intention whatsoever of killing its mother. The same, presumably, goes for the Siamese twins. The weaker one is considered 'like a pursuer' in relation to the stronger one and may, therefore, be killed in a direct manner in order to keep her sister alive.

There is, however, an obvious distinction between the two cases. According to *Halachah,* a foetus is not a legal person until birth.[39] The reason for dispensing with the element of intention in relation to a foetus, therefore, is that its mother is a full person under Jewish law, whereas the foetus is not.[40] Hence, it would be *halachically* acceptable to make the life of the foetus subservient to that of its mother, even without the pursuer argument. There is no *halachic* basis for dispensing with the element of intention in the parachute case, since both pilots are legal persons under Jewish law. The parachute case, therefore, does not appear to be capable of providing a complete solution to the question raised above regarding the direct killing of the weaker Siamese twin in order to save her potentially viable sibling.

In order to resolve this issue, we must return to the traveller's case. In that case, the rationale for giving up the weaker twin was her absolute lack of viability. It may be argued that in the parachute case, the second pilot is treated as a pursuer, notwithstanding the absence of intention to kill the first one, because

he is not a viable and would have been dead had it not been for the first pilot's parachute. The two cases complement each other and both are necessary for the resolution of the Siamese twins issue. The traveller's case provides the rationale for sacrificing the non-viable twin for the sake of her viable sister, and the parachute case applies the feature of direct killing associated with the law of the *rodef*, to the case of the twins.

Both cases are necessary for a full understanding of the halachic approach to the separation of Siamese twins joined in such a way that one must die in order that the other one may live. The major theme in the halachic discussion is, nevertheless, the notion that the one which is 'designated for death' by purely objective circumstances may be given up in order to save his or her potentially viable sibling. In this respect, the Court of Appeal certainly applied the halachic principle appropriately in a legally complex and emotionally wrenching case.

5. Conclusion and personal note

This article explores a problem common to both general and Jewish law and morality. The case with which it deals combines common law and halachic reasoning in order to resolve an issue involving our most fundamental values and emotions. In this respect, it is a fitting contribution to a volume dedicated to the memory of the late Rabbi Ronald Lubofsky. His intellectual horizons were extremely broad and he combined traditional learning with modern scholarship in a harmonious and compelling manner. He took great delight in uncovering the links between Jewish and general knowledge and in discovering ways in which the two realms complement and enrich each other. It was a privilege to have known him and a pleasure to have maintained contact over the years. May his memory be a blessing.

Notes

1 *Re A (Children)* 2 WLR (2001) 480.
2 For a recent analysis of this doctrine in the context of the criminal law, see F McAuley and J McCutcheon, *Criminal Liability*, Dublin, 2000, chap. 17.
3 See F Bacon, *Elements of the Common Laws of England*, London, 1630, in Montague (ed.) *Works*, London, 1831, vol. 13, 160.
4 See the sources cited in note 14 below.
5 See *Children Act*,1989, chap. 1, section 1; *Re B (A minor)* (1981) 1 WLR, 1424.
6 This term is used to denote someone who has lost all brain function with the exception of the brain stem which controls the so-called vegetative functions i.e. breathing; regulation of heart beat; the sleep cycle; digestion and the reactions to light.
7 *Airedale National Health Trust v Bland*(1992) 1 All ER 821.
8 *Responsa Shevut Ya'akov* 1 no. 4. See J D Bleich, *Bioethical Dilemmas*, Hoboken, 1998, chap. 11 for a full discussion of Siamese twins in Jewish law.
9 *Eruvin* 18a.
10 *Genesis* 5:2.
11 'The question is always whether the treatment would be worthwhile, not whether the patient's life would be worthwhile. Were one to engage in judgments of the latter sort, and to conclude that certain lives were not worth living, one would

forfeit any principled basis for objecting to intentional killing.' (J Keown, 'Restoring Moral and Intellectual Shape to the Law After Bland', 113 *Law Quarterly Review* (1997) 485.)

12 Re A (note 1) 525.

13 See note 2 above.

14 See M Hale, *Pleas of the Crown* (1763) 151; W Blackstone, *Commentaries on the Laws of England* (1857) 4, 28.

15 (1884) 14 QBD 273.

16 For a detailed account of the facts, the trial and the aftermath, see B Simpson, *Cannibalism and the Common Law*, Chicago, 1984.

17 See Simpson (*ibid.*) 249 and N. Hanson, *The Custom of the Sea*, London, 1999. The practice of drawing lots has a Biblical precedent, see *Jonah* 1:7. This practice was, apparently, fully condoned by the Admiralty and the Board of Trade prior to the case, and it is noteworthy that Dudley and Stephens made no attempt to conceal their cannibalism. It would appear that the main reason for the case coming to court was to discourage a practice which did not sit well with Victorian moral sensibilities.

18 *Law and Literature and Other Essays and Addresses*, New York, 1931, 113.

19 (1987) 1 AC 417.

20 P Glazebrook, 'The Necessity Plea in English Criminal Law', *Cambridge Law Journal* (1972a) 118-19.

21 See *A Criminal Code for England and Wales*, 1989, Law Commission no. 177, 1, 4(4), 45c; *Offences Against the Person and General Principles*, 1993, Law Commission no. 218, 35:6.

22 See J Smith, *Justification and Excuse in the Criminal Law* (London, 1989) 77-8; A Ashworth, *Principles of Criminal Law*, Oxford, 1999, 153-4.

23 In the words of the Home Secretary, Sir William Harcourt, 'We cannot give *carte blanche* to every ship's captain, when he runs low on provisions, to eat his cabin boy'.

24 For purposes of the decision it was assumed that the defective heart could be assigned to one twin and the defective one to the other and there was no question of one common organ shared by two individuals (Bleich (note 8 above) 297).

25 See D Drake, 'The Twins Decision: One Must Die So One Can Live', *Philadelphia Inquirer*, 6 October 1977.

26 See Drake, *ibid.*; G Annas, 'Siamese Twins: Killing One To Save The Other', *Hastings Centre Report* 17 (1987) 27-8.

27 See *Letorah Ulehora'ah: Sefer Zikkaron*, New York, 1979, 114.

28 Note 8 above.

29 *Tosefta, Terumot* 7:20; *Talmud Yerushalmi, Terumot* 8:4.

30 *Hilchot Yesodei Hatorah* 5:5.

31 See *Bayit Hadash, Yoreh Deah* 157; *Turei Zahav, Yoreh Deah* 157:7.

32 *Beth Habehirah, Sanhedrin* 74a.

33 *Sanhedrin* 78b; Maimonides, *Hilchot Rozeah* 1:8.

34 Maimonides, *ibid.* Also see D Sinclair, *Tradition and the Biological Revolution*, Edinburgh, 1989, chap. 3.

35 See Sinclair, *ibid.*

36 This problem is raised by the commentators; see *Responsa Noda Biyehudah* 2, *Hoshen Mishpat* no. 59.

37 *Deuteronomy* 25:12; *Sanhedrin* 8:7; *Sanhedrin* 72b; Maimonides, *Hilchot Rozeah* 1:6; *The Principles of Jewish Law* (ed. M Elon), Jerusalem, 1974, 474.
38 Maimonides, *Hilchot Rozeah* I:9.
39 *Rashi, Sanhedrin 72a; Ramban, Niddah 44b; Beth Habehirah* 72b; *Responsa Radbaz* 1 no. 695.
40 *Hiddushei RHayyim Halevi, Hilhkot Rozeah* 1:9.

Or else I'm dead: Reflections on reproductive medicine

Louis Waller

I

Rabbi Ronald Lubofsky, *z"l*, loved the text of the *Tanach*. He believed that the words, plain and simple, conveyed the Divine and the God-inspired meaning to its readers. He was, himself, entirely familiar with all the commentaries and all the glosses which cluster around the text, and he had his clear preferences. He valued those which explicated the text itself, and he did not rely on those which emphasised the esoteric, or which entered into numerology. In his *d'rashot*, his sermons and his lectures he conveyed his view, and his many insights, to his congregants and his students, and to the Jewish and non-Jewish public, with enthusiasm and pellucidity. Rabbi Lubofsky also believed in the contemporary relevance of the books which constitute the corpus of the Jewish heritage. Among his many interests, Jewish medical law and ethics ranked high.

This essay is a tribute to him, in those contexts, of his love for the words of the Jewish people's foundation text and its constitutional instrument, on a subject which has been at the core of human relations since the days of the Patriarchs.

II

Alone in their home, wife and husband face each other. They talk. She says: 'Behold now, the Lord hath restrained me from bearing. I pray thee, go in unto my maid; it may be that I may obtain children by her.'[1]

Her maid's name was Hagar, Hagar the Egyptian. She became the mother of Ishmael, Abraham's first-born son. The woman who spoke was Sarai, who became Sarah.

One of Australia's greatest law reformers, who became the distinguished

head of one of its most important appellate courts and now sits as a Justice of the High Court of Australia, embodied the name of Sarah's maid in the title of his Memorial Oration to a Congress in Obstetrics and Gynaecology:

'From Hagar to Baby Cotton – Surrogacy 85'[2]. The first verses of Chapter 16 of the Book of Genesis, with which I began, gave Mr Justice Michael Kirby his text, and his first comment: 'This tale of surrogacy is amongst the earliest recorded.'[3]

Others, here and elsewhere, have employed the same example for the same purposes.[4]

It is unusual to find Bible stories used, in any sort of way, as precedents for contemporary arrangements. Even specific sentences from the best-known parts of Scripture rarely find their way today into political or social or legal or even ethical discourse – when conducted outside the walls of houses of worship. Lord Atkin's reworking of the parable of the Good Samaritan, – 'and the lawyer's question, "Who is my neighbour?", receives a restricted reply' – in his justly famous speech in *Donoghue v Stevenson*, the case of the snail in the ginger-beer bottle, which even the dimmest law student remembers, is a *rara avis*, a very uncommon episode indeed.[5] And that was handed down seventy years ago.

The first book I ever owned was a book of Bible stories – Old Testament stories, sensitively chosen as my Christmas present by the remarkable women who ran the St Kilda and Balaclava Free Kindergarten in 1939.[6] I grew up with Bible stories, with the Bible. My father told me about Abraham and Isaac, Jacob and Esau, Moses and Pharoah, David and Goliath, in those kindergarten years. My Jewish education was almost entirely undertaken in the St Kilda Synagogue and its Hebrew School, in which I became a young teacher.[7] So it is not surprising that in my own reading and thinking about the question of surrogacy, placed among the whole gamut of new birth technologies which set our community, and the world, abuzz in the last decades of the last century, I was immediately impressed by the use of the Hagar story. And there was Rachel, wife of Sarah's grandson, too. There the text seems even more impressive. When we read Chapter 30 of Genesis, we learn:

> And she said, Behold my maid Bilhah, go in unto her; and she shall bear upon my knees, that I may also have children by her.[8]

As a result, Bilhah bore Dan and Naphtali, two of the twelve sons who gave their names to the tribes of Israel, who was Jacob.[9]

Were these in truth cases or instances of surrogacy? Surrogacy is a word used today to describe an arrangement whereby a woman agrees to bear a child for another person or persons, to hand over the newborn baby to its father and his wife who will raise it as theirs.[10] Let us return to other sentences in that same text, in the first half of the first Book of the Bible:

> And Sarai, Abram's wife, took Hagar her maid the Egyptian ... and gave her to her husband Abram to be his wife. And he went in unto Hagar, and she conceived. And when she saw she had conceived, her mistress was despised in her eyes.[11]

Ishmael is never called the son of Sarah. His fate is cast with that of his mother, with that of Hagar. Dan and Naphtali are never called the ***sons*** of Rachel.[12] When Sarah, long past the normal age of child-bearing, gave birth to Isaac, the contempt Hagar had earlier shown her infertile mistress no doubt encouraged Ishmael to mock his half-brother and Abraham's first, beloved wife. What does Sarah do? 'Cast out this handwoman and her son', she shouts, 'for the son of this handwoman shall not be heir with my son, even with Isaac.'[13] We may remember what followed immediately, and the aftermath.

In the enumeration of Jacob's children, the text tells us this:

> These [Dan and Naphtali] are the sons of Bilhah, which Laban gave unto Rachel his daughter ... [14]

It was a polygynous society, in which the monogamous union of Isaac and Rebecca was a remarkable exception. Sarah urged her beloved Abraham to take a second wife. Rachel urged her beloved Jacob to take a third. Later Leah, when her child-bearing days seemed to be over, urged him to take as a fourth wife her own maid.[15] If Hagar bore for another, it was for Abraham, to whom her mistress had given her in marriage. So it was with Rachel and Bilhah. Jewish legend embellishes the marital character of both these unions. In the *Aggadah*, or body of allegorical interpretation on the Bible, Hagar and Bilhah are both accorded impressive pedigrees. The latter is described as Rachel's half-sister, born to Laban and one of his concubines. Hagar and Bilhah were both made freed women before their marriages.[16] We, today, must weigh surrogacy in scales in which no Biblical weights may be loosely thrown.

My purpose, however, in all of this is not to begin again to canvas surrogacy arrangements in Australia at large, or even in Victoria. My opinions appear elsewhere.[17] The recommendations of Victoria's IVF Committee, over which I was privileged to preside, on surrogacy were unanimous and unequivocal. In its third and final Report in 1984 the Committee said:

> [C]ommercial surrogacy arrangements, that is, where a fee is to be paid to the woman who bears the child, are completely unacceptable as part of an IVF program in the Victorian community ... Whatever terms are employed it seems clear ...that it is the buying and selling of a baby which is really the core of the arrangement. The buying and selling of children has been condemned and proscribed for generations. It should not be allowed to reappear, and no technological assistance available to infertile couples, should be afforded to such arrangements.[18]

The Government of Victoria, with the support of the Opposition, quickly accepted that view and the recommendations expressing it. Section 30 of the *Infertility (Medical Procedures) Act* 1984 – the pioneering statute on new birth technologies in this country, and in the common law world – gave effect to it. Since 1984, the local debate has been largely concentrated on voluntary or altruistic surrogacy. It has been enlivened by the case of the Kirkman sisters in Melbourne in 1988.[19] Even such 'surrogacy for love' arrangements, especially,

perhaps, where close relatives – mother and daughter, sister and sister or sister-in-law – take part, may result in serious disputes about rejection or relinquishment, or concerns about the free participation of the woman who bears a child for another. In March 1991, the Australian Health Ministers Conference and the Council of Social Welfare Ministers agreed to support legislation to give all surrogacy arrangements no legal standing whatsoever. The Ministers specifically adopted recommendations to:

- enact State and Territory legislation to make it an offence to enter into any contract or agreement involving the payment of money or reward for surrogate motherhood services; and
- prohibit with a criminal penalty the provision of technical or professional services for surrogacy services, and advertising relating to surrogacy arrangements.[20]

The Australian Ministers have, in large measure, clearly endorsed what Victoria already had in its legislation. They have also signalled that they will support legislation which goes beyond those provisions. Their decisions announce the discerned views and values of Australian society, in the most emphatic fashion.

In the *Infertility Treatment Act* 1995, which supersedes the Act of 1984, the provisions on surrogacy are made more rigorous. Section 59 states that:

> A person must not make, give or receive a payment or reward in relation to or under a surrogacy agreement or the arrangement of a surrogacy agreement or an arrangement or act as a surrogate mother.[21]

III

My first purpose has been to argue that there may be no model, no example, of a real surrogacy arrangement in the stories of Hagar and of Bilhah. What I contend, however, is that there is another element in both. It is one which does descend to us and which does affect us today. Let me return to the text. In Genesis 11:30, well before we meet Hagar, there is this terse verse:

> 'But Sarai was barren; she had no child.'

A little later, God addresses Abraham in these words:

> 'I am thy shield, and thy exceeding great reward.'

Listen to Abraham's response to his Creator, in that ineffable moment of personal communication:

> 'O Lord God, what can you give me, seeing I go childless ... To me thou hast given no seed ... '[22]

God retorts that Abraham will have a child. But no child comes. Then, years later, his beloved Sarah urges Abraham to take another wife, to enlarge his household, with all that entailed. And Abraham, reluctant, agrees.

In the story of Rachel, his first love for whom Jacob labored for seven more years after Laban deceived him, there is this exchange, from which I have taken

the title of this paper:

> 'And when Rachel saw that she bore Jacob no children, Rachel envied her sister. And she said unto Jacob: Give me children, or else I am dead.'[23]

The Authorised Version reads 'or else I die', which emphasises the future tense of the verb. The Hebrew text, however, permits me to render it – *v'im ayin meta anochi* – in the sense of 'I am as good as dead.' That cry of desperate pain – no children, no real life, even a living death – provoked Jacob's angry response:

> 'Am I in God's stead, who has withheld from thee the fruit of the womb?'[24]

Both Sarah and Rachel, and their husbands, and Rebecca and Isaac too, experienced the anguish and deprivation of infertility. The awful word 'barren' enunciates the emptiness of their life. They wanted a child. They could not have children together. That pain, that sense of incompleteness, that particular feeling of hopelessness about the future, generated the responses of the great matriarchs that their beloved husbands each take another woman as wife. They were ready to share their beds, so that there might be a child in the extended family, so that they could see something of a future generation. It is the agony of childlessness which in my view is the true lesson taught by these Biblical episodes.

There is a later story which re-emphasises the same theme. In the first chapter of the Book of Samuel, the great prophet and consecrator of Israel's first monarch, we encounter his mother Hannah, one of the two wives of Elkanah.[25] At the sanctuary in Shiloh, the High Priest Eli, thinking her drunk because her lips moved, 'but her voice was not heard', rebuked her. She answered that it was misery, not drink, which made her pray with such wordless fervour.[26] She wanted a child – and swore that if God answered her plea, 'I will dedicate him to the Lord for all the days of his life ... ' And when she had her son, Hannah brought him, just weaned, to the service of God.

Samuel's mother's plight before his birth is sharply delineated in a couple of verses. Her husband's other wife, P'ninah, had children. 'And her rival also provoked her sore, for to make her fret, because the Lord had shut up her womb.'[27] Hannah's husband's attempt at consolation – 'Am I not better to thee than ten sons?' – was of no avail.[28]

In a telling rabbinic commentary on this simply told story, Hannah's brief prayer to God begging for a child, is enlarged in these words:

> Sovereign of the Universe, among all the things that Thou hast created in a woman, Thou hast not created one without a purpose – eyes to see, ears to hear, a nose to smell, a mouth to speak, hands to work, legs upon which to walk, breasts to give suck. These breasts that Thou hast put on my heart, are they not to give suck? Give me a son, so that I may suckle with them.[29]

An American rabbi, himself a partner in an infertile marriage, wrote a book he entitled *And Hannah Wept: Infertility, Adoption and the Jewish Couple*. After narrating the story of Hannah's supplication, he confirmed this feeling:

> 'I am amazed by how well the Rabbis of the Talmud captured the sense of injustice aroused by infertility. I have felt it personally ... Like so many Biblical tales, the story of Hannah remains timeless. It reflects not only the great pain and sadness felt by a woman unable to conceive but also the feeling of envy towards more fertile friends and neighbours and the gnawing sense of injustice.'[30]

Those feelings, those emotions, those senses, my colleagues and I who constituted the Victorian IVF Committee discerned, and sought to understand, insofar as we who were not partners in infertile marriages could do that. Talk with infertile couples, and later with infertility support groups, underlined them. In our first Report, delivered three months after we began, we wrote this:

> Infertility affects the lives of some 250,000 couples in Australia, that is, about 10% of the married population. For many of them, it is a serious, even tragic deprivation.[31]

It was in response to that experience of deprivation, that sense of injustice, that we unanimously concluded that in vitro fertilisation in the most common situation, using only a couple's gametes, was acceptable in Victoria. Our subsequent recommendations on employing donor gametes and donor embryos were all fashioned within that compass of assisting couples to circumvent their infertility, to try to redress that sense of injustice, to seek to quell that cold fire of anguished deprivation. The vulnerability of so many infertile couples stimulated us to emphasise the importance of comprehensive information, a prelude to informed consent (now universally recognised, emergency apart, as the licence for medical interventions and surgical operations) and the necessity of specially modulated counselling about the nature of the novel processes and the possible disappointments attendant on them. Our several recommendations received the approval of the Government and the support of the Opposition and found legislative expression in that statute entitled the *Infertility (Medical Procedures) Act* 1984. Its long title states that it is 'An Act relating to the regulation of certain procedures for the alleviation of infertility or to assist conception ... '

The first major decision taken by the Standing Review and Advisory Committee on Infertility, established by the Act of 1984, at its early meetings in November 1985 was to recommend that GIFT (gamete intra-fallopian transfer) – then a novel technique for the alleviation of certain kinds of infertility – be endorsed for use in Victoria subject to similar controls and regulations as those applied to IVF. The Minister for Health readily accepted our advice on GIFT, and issued directives to the relevant hospitals. In the 1987 amendments to the 1984 Act, statutory provisions clearly covering GIFT and related procedures were introduced.[32]

So far I have considered the condition of infertile couples and our contemporary local responses. The community has recognised the acceptability of many novel birth technologies and of donor insemination, as procedures to circumvent that condition. Commercial surrogacy, however, is clearly unacceptable, and even other kinds may be discouraged. There is one further, vital consideration I wish to consider briefly.

IV

I shall herald it with a final story plucked from that same rich storehouse. Imagine the splendid court of Solomon, King of Israel.[33] He has just succeeded to the throne of his father of David, who plucked five pebbles from the brook, and with one laid low the giant, terrorising Philistine. He will have the unique privilege of building the Temple in Jerusalem. Two women seek an audience with their King. The Book of Kings describes them as harlots. One woman speaks. Both of them live together, she says. Both gave birth together. Three days later, alone in their house, the other woman overlaid her child, and found it dead. The Bible proceeds:

> And she arose at midnight and took my son from beside me, while thine handmaiden slept, and laid it in her bosom, and laid her dead child in my bosom. And when I rose in the morning to suckle my child, behold, it was dead. But ... it was not my son, which I did bear.[34]

The other woman speaks:

> 'Nay, the living is my son.'
>
> 'No: the dead is thy son, and the living my son.'[35]

What did Solomon do? The text is unforgettable. He said: 'Bring me a sword.' It is brought.

> 'Divide the living child in two, and give half to the one, and half to the other.' 'Then spake the woman whose the living child was unto the king, for her bowels yearned upon her son, and she said, 'O my Lord! Give her the living child, and in no wise slay it.' But the other said, 'Let it be neither mine nor thine; divide it.'[36]

And what was Solomon's decision? 'Give her the living child, and in no wise slay it; she is the mother thereof.'[37]

Is this not an electrifying exemplification of what we denominate as 'the best interests of the child'? The aim of IVF, of GIFT, is the birth of a child, of a healthy child. That child's interests must at least be considered, in a society like ours which attributes to itself the adjective 'civilised'. We do not countenance the absolute inhumanity involved in trade and commerce in children, in babies. Our adoption statutes and our commercial surrogacy legislation announce these values, in terms of clearcut prohibitions. Victoria's infertility legislation, however, seeks to address some very specific interests of those children we all hope will be born as a result of current, and future, birth technologies.

In our second Report, the IVF Committee stated:

> 'Whether or not a person pursues her or his origins, it should be possible for everyone to discover them ... Children born as the result of the successful use of donor gametes in IVF, should be able to discover some information about their origins.'[38]

We went on to state that:

> In view of the strong interest of the child, the Committee has decided that comprehensive information about donors whose gametes are successfully used in an IVF program shall be maintained in a registry established and controlled by the Health Commission (now the Health Department Victoria) ... The Committee believes that the establishment and maintenance of the Health Commission's registry will become a matter of common knowledge in the Victorian community. This will permit any person to request information about her or his own genetic background from the registry on such terms and in such circumstances as the Commission from time to time determines ... All members of the Committee agree on the importance of counselling the couples in an IVF program using donor gametes about the value of honesty in the family they are seeking to establish. They agree as well that the couple should be helped, where appropriate, to develop an approach which will make it as easy and natural as possible for them, in their family, to tell the child about her or his origins.[39]

The 1984 legislation embodied recommendations flowing from those views in its sections on information and what is called the Central Register. The establishment of that Register, and transmission of information for storage in it, have been attended by some uncertainty and some apprehension. Hopefully, the apprehension has now been laid to rest and the uncertainty dispelled. The primacy accorded to the welfare and the genuine interests of those children to whom I have drawn our attention may, sometimes, cause apprehension and real pain to their parents and also to those who have donated gametes. Comprehensive information and careful counselling, at all stages, should do a great deal to minimise, if not altogether to remove, those hurts. Solomon's judgment vividly reminds us of the paramount importance of the life, the whole life, of the child in that controversy – and of how that baby's mother was ready to subordinate her legitimate claim, expressing her interest, so that the child could live.

The current legislation incorporates all of these provisions, and entrusts the maintenance of the Central Register to the Infertility Treatment Authority. The Act of 1995 creates a further voluntary register – the Donor Treatment Procedure Information Register. The establishment of this Register in 2001 will enable people who have been born from donor procedures and donors and their families but whose particulars are not included in the Central Register, which was inaugurated on 1 July 1988, to include and to discover genealogical information. The Authority is obliged to publicise the establishment and the purpose of this Register.[40]

I have not only referred to some of the major issues, and our community's responses to them, to the work of the IVF Committee, of the Government and of the Parliament and of the Standing Review and Advisory Committee on Infertility and of the Infertility Treatment Authority; I have, in some sense at least, reflected on them, and considered again the conclusions, the consensus, and judgments reached in those unforgettable meetings in which it was my

good fortune to play some part. Let me end with a reflection on one other aspect of the life of Solomon. In a dream he had early in his kingship, God appeared and said, 'Ask what I shall give thee.'[41] Solomon replied: 'Give therefore thy servant an understanding heart to judge thy people, that I may discern between good and bad ... '[42] When his decision in the 'whose baby' case was published, 'All Israel ... feared the king; for they saw that the wisdom of God was in him, to do judgment.'[43] An understanding heart. The King renowned for wisdom did not ask for more knowledge. He did not seek to be the cleverest person in the world, or in his own country. He looked to his heart, not just to his head. I hope that all of us who have been privileged to be participants in this process of seeking to order these remarkable, novel developments in reproductive medicine, involving as they do those first moments of life, have been, in some small measure, at least, possessed of understanding hearts, as we have come to our judgments in the interests of the infertile couples, the children they so ardently seek to bear, and the community, in which all of us live, together.[44]

Notes

1 Gen. 16:2.
2 M D Kirby, 'From Hagar to Baby Cotton – Surrogacy 85', (1985) 26 *Aust & NZ Jo. Of Obst. & Gyn.* 151.
3 *ibid.*
4 See references in Herbert T Krimmel, 'The Case against Surrogate Parenting', The *Hastings Center Report*, October 1983, p. 35. And see Louis Waller, 'Borne For Another', (1984) 10 *Mon. LR* 113 (The Eighth Oscar Mendelsohn Lecture, Monash University, March 1984).
5 Luke 10:29, in [1932] AC 562 (House of Lords).
6 See Simon Smith, *Looking After the Little Ones* (2001).
7 See Louis Waller, 'Growing Up Under Rabbi Danglow – Memoirs 1940-1956' (1988) 10 *Jo. of the Aust. Jewish Hist. Soc.* 265. This essay was adapted from a speech delivered at the Rabbi Danglow *Shabbaton*, marking the one-hundredth anniversary of his birth, on 29 November 1980. Rabbi Lubofsky, *z"l*, then senior minister of the St Kilda Hebrew Congregation, presided at the *Shabbaton*.
8 Gen. 30:3.
9 Gen. 30:6-8.
10 See section 3 and sections 59 and 60 of the *Infertility Treatment Act* 1995 (Victoria).
11 Gen. 16:3-5.
12 Gen. 35:25.
13 Gen. 21:10.
14 See n.12, above.
15 Gen. 30:9.
16 Louis Ginzberg, *Legends of the Bible*, 1975, pp. 108-9, 121-2, 172-6.
17 See n. 4 above, and see n. 19, below.
18 Report on the Disposition of Embryos Produced by In Vitro Fertilization, August 1984, para 4.11.
19 See Louis Waller, 'Australia – The Law and Infertility', in Sheila A M McLean ed. *Law Reform and Human Reproduction*, 1992, pp. 29-31.
20 *ibid.*

21 Section 59 of the *Infertility Treatment Act* 1995.
22 Gen. 15:2.
23 Gen. 30:1.
24 Gen. 30:2.
25 1 Sam. 1:1-9.
26 *ibid.*
27 1 Sam. 1:13-16.
28 1 Sam. 1:6-8.
29 T B *Berachot*, 31b.
30 M Gold, 1985, at p. 5. And see Linda Fiske. *The Child Within – Surviving the Shattered Dreams of Motherhood*, 2001.
31 Interim Report, September 1982, p. 4.
32 See Waller, n.19 above, at pp. 27-9.
33 See 1 Kings, c.3.
34 1 Kings 3:20.
35 1 Kings 3:22.
36 1 Kings 3:24-26.
37 1 Kings 3:27.
38 Report on Donor Gametes in IVF, August 1983, para. 3.29.
39 Ibid, para. 3.32.
40 See *Infertility Treatment Act* 1995, sec. 82. A recent amendment enables the Authority to receive information in respect of donor procedures carried out before 1 July 1988: *Infertility Treatment (Amendment) Act* 2001, Part 7A.
41 1 Kings 3:5.
42 1 Kings 3:9.
43 1 Kings 3:28.
44 Assisted reproductive technologies have been generally accepted in Jewish communities throughout the world. In Israel a number of hospitals and clinics offer ART programs. There is a substantial literature on *halachic* aspects of IVF, donor procedures and surrogate mother arrangements. A continuing controversy on donor insemination has led to many articles and opinions in Orthodox Jewish rabbinic writing ; the periodical *Tradition* contains a number. Lawyers, and those who are not but are interested in modern *Halachah* and its interaction with secular legal systems, may wish to read several recent articles: Elliot N Dorff, 'A Jewish Approach to Assisted Reproduction Technologies' (1999) 21 *Whittier Law Rev* 391, and Louis E Newman, 'The Challenges of New Reproductive Technologies for Jewish Ethics' (1992) 25 *Creighton Law Rev* 1651.

Shirah: How it solves the theological problem of praise

Benjamin Blech

> *The loftier the religion or science, the more exalted is its music.*

That is how the Hassidic giant, Rabbi Nachman of Bratzlav, put it. And that was surely why Rabbi Ronald Lubofsky, my revered *m'chutan* of blessed memory, so mightily appreciated and immersed himself in the beauty of music and the spirituality of song. Indeed, hearing Rabbi Lubofsky as he cantorally led the services, confirmed for everyone present the truth of Reb Nachman's insight that 'music evokes the spirit of prophecy' as well as the remarkable conclusion of the Zohar that 'There are palaces that open only to music'.

The emphasis on song is Biblically demonstrated most powerfully in the passage we refer to as the *Shirah*. The Sabbath on which we read this particular section, Exodus 15: 1-19, is in fact named after it and called *Shabbat Shirah*.

The Jews who had just been miraculously delivered from their Egyptian oppressors and were privileged to see them perish, expressed their feelings in song:

> Then sang Moses and the children of Israel this song onto the Lord, and spoke, saying, 'I will sing unto the Lord, for He is highly exalted; the horse and his rider has He thrown into the sea ...'

What is perplexing, though, is that the very opening verse that verbalises their gratitude contains within it the rationale that ought to have *halachically* proclaimed its utterance illegal!

In explaining the phrase, '*Ki Ga'oh Ga'ah* – For He is highly exalted', Rashi, the super commentator of the Torah, clarifies its meaning in this manner: 'He is exalted above all exaltation, for beyond all the songs and all the praises that I might offer there is yet more that could be said about Him.' According to this,

then, the very song that purports to praise the Almighty commences with the observation that we will be unable to fulfil this task properly!

If indeed it is impossible to praise God in a way that befits His infinite exaltedness, then according to a passage in the Babylonian Talmud (Berakot 33b) it seems obvious that it should have been forbidden for Moses and the children of Israel to give utterance to even the majestic words of tribute that comprise the *Shirah*. Better theologically to say nothing than to suggest that these limited phrases capture the totality of the Almighty's qualities. The sages of old long ago understood that with regard to conveying the greatness of God, less is more.

The Talmud tells the story of 'a certain reader [who] went down in the presence of Rabbi Hanina and said, "Oh God, The Great, Mighty, Terrible, Majestic, Powerful, Aweful, Strong, Fearless, Sure and Honored." The Rabbi waited till he had finished, and when he (the reader) had concluded, he (Rabbi Hanina) said to him, "Have you now completed *all* the praise of your Master?"'

For Maimonides, Rabbi Hanina's objection was codified as 'the law of negative attributes'. Any attempt to confine God's attributes to a word or even a large number of descriptives is to imply that one has fully summarised all that the Creator of the universe is. To speak of a man as 'rich and tall' suggests he lacks intelligence, charm and countless other virtues which would have been mentioned if they were applicable. When a matchmaker praises a young woman by speaking of her as possessing 'fine character', the prospective groom quickly realises from the obvious omission that she is far from beautiful.

According to Maimonides, therefore, the only thing we can do to express our understanding of God is to employ phrases which speak not of what He *is* but rather to clarify what He is *not*. That is why we say, for example, 'He has no semblance of a body, nor is He corporeal; nor has His Holiness any comparison ...' (From the summary of the famous '13 Principles of Faith' expounded by Maimonides in his *Commentary to Mishnah*, Sanhedrin, Chapter 10, as condensed in the Yigdal prayer recited in the morning service as well as, according to the custom of many congregations, at the conclusion of Sabbath and Holiday Services.) To say any more than what He is *not*, is to begin to encroach on His infinite virtues, and turn intended compliments into insults.

This conclusion of Maimonides, limiting the permissibility of what may be said about God, appears to have a much earlier source than the previously quoted passage from *Berakot*. The concept is not only Talmudic but also clearly alluded to in the Book of Psalms by King David. In Chapter 65, Verse 2, David writes: 'To You (God) silence is praise.' For as Judah of Kfar Neburya explains it in the Jerusalem Talmud (*Berakot* 9.1): 'Silence is often the highest form of praise. To praise a flawless pearl is to deprecate it. To use words to describe the indescribable is to demean it.'

How remarkable, then, to note that Rashi quotes *this very verse* from the Book of Psalms to clarify another phrase from, of all places, the *Shirah* itself as Moses and *B'nei Yisroel* violate this self-same directive! Chapter 15 Verse 11 reads: 'Who is like unto Thee, oh Lord, among the mighty, who is like onto Thee, glorious in

holiness, fearful in praises, doing wonders?'

Rashi explains 'fearful in praises' as follows: 'It is fearful to express His praises lest one diminish them, as it is written in Psalms "to You silence is praise".'

The question begs to be asked once again: If praise of God is to be feared because it will never do justice to His infinite attributes, how dare the Jewish people presume to perform this very deed even as they allude to its impertinence? At the very time that they proclaim the virtue of the sound of silence, they transgress with the lyrics of the sound of music!

Two solutions suggest themselves. One stems from the content of the lyrics; the other from the context of song in which the words find expression.

The 'law of negative attributes' has one major exception. Although we aren't allowed to describe God's attributes we can certainly record his actions. Attributes are adjectives which seemingly summarise the entire being; actions are obviously limited to a retelling of specific events that do not imply the lack of other qualities.

In the example given above about the way a matchmaker might speak of a woman to a potential mate, describing her as personable or as having good character lets the listener immediately realise that beauty is not mentioned for good reason. On the other hand, to exclaim, 'Did you see what she did? She invited ten needy people to her home and prepared a five course meal for them,' records an awed reaction to a remarkable scene by an appreciative onlooker who was not at the time concerned with discussing the magnificence of her physical appearance.

The verse that declares it is 'fearful to praise God', lest the limitations of language affront rather than flatter, are followed by the phrase, 'Doing wonders'. That is, in fact, the immediate solution to the question raised by the words preceding. Yes, it is fearful to praise him – unless we restrict it to a recounting of His wondrous actions.

So too, in the opening words of the *Shirah* which begin by immediately admitting that, 'He is exalted beyond exaltation', and that no praise will suffice, we conclude: 'The horse and his rider has He thrown into the sea.'

The *Shirah* declares its justification for praising God by immediately limiting itself to references concerning the deeds of the Almighty – the events and the divine intervention the Jews had just witnessed.

The *Maharal* in his book *G'vurot Hashem*, illustrates this idea by adding to the very parable of the Talmud in *Berakot* 33b that serves as source for the law that added praises are not permitted. Rabbi Hanina, who criticised his student with the words, 'Have you now concluded *all* the praise of your master?' ends his reproach with a *Mashal*: 'It is as if an earthly king had a million *denarii* of gold, and someone praised him for possessing silver ones. Would it not be an insult to him?' Yet, the Maharal continues, if the king specifically bought new vessels of silver to add to his collection, it would not only be permissible but in fact mandatory to express admiration for the king's purchase.

God 'acquired' the Jews by redeeming them. This is a story that demands not only remembrance but also exultation from those who experienced it.

Even more relevant, perhaps, as justification for this outpouring of praise, aside from its *content* is the *method* in which it was offered. 'Then *sang* Moses and the children of Israel.' They didn't simply say the words. How pertinent is the observation of Aldous Huxley: 'After silence, that which comes nearest to expressing the inexpressible is music.'

Song, by definition, adds another dimension to the simple meaning of the words. Normally, the study of Torah demands that we follow the rule of *ayn mikra yotzay m'yeday pshut'* – a verse cannot be separated from its literal interpretation. We are to study the Bible with the four-fold system of PARDES – *P'shat, Remez, Drush* and *Sod*. There is first the simple meaning; then the allusion; then the deeper interpretation; and last, the mystical meaning. All four approaches in unison express the full intent of the text. The sequence, however, must be followed in accord with this acronym. The literal meaning may not be dismissed. In fact, it must always come first.

That is why there was such objection to the seemingly erotic book by King Solomon, the *Song of Songs*. How could we possibly accept into the Holy Bible a work that includes references to breasts, to thighs and to kisses?

Yet, the Rabbis finally agreed with Rabbi Akiva that 'If the rest of the Torah is holy, then this [the *Song Of Songs*] is the holy of holies'. What appears on the superficial level to be a love story between a man and a woman is a metaphor for the great love between God and his people. And what of its literal meaning? How can that be ignored? The answer is made clear in the book's very title. It is a song – and the relationship of a *shir* to the rest of the Torah can be compared to the relationship of poetry to prose.

If the famous words of Wordsworth were prose, then the person who says, 'My heart leaps up and I behold a rainbow in the sky' would best be advised to immediately see a doctor. Once we know that this is meant as poetry, however, we readily grasp that the words are clearly *not* intended to convey their literal meaning.

At the Charles Elliot Norton Lecture Series of 1973, the internationally renowned conductor, Leonard Bernstein, made this very same observation:

> Language leads a double life; it has a communicative function and an aesthetic function. Music has an aesthetic function only. In other words, a prose sentence may or may not be a part of a work of art. But with music there is no such either-or; a phrase of music is a phrase of art. It may be good art or bad art, lofty or pop art, or even commercial art, but it can never be prose in the sense of a weather report.

Jewish law requires that the *Shirah* be written in a distinctive and highly unusual manner. In every *Sefer Torah*, its phrases are followed by a series of purposely unfilled blank spaces. In fact, the blank spaces outnumber the ones written by the scribe. The intent is clear: In this song, there is more left unsaid than said.

A song stands *between* words and silence. Silence, as we have said, is indeed the highest form of praise. The prophet Habakkuk adjures: 'Let all the earth

keep silence before Him.' (Habakkuk, 2,20) Words, on the other hand, although having the advantage of content, suffer from being too confining. It is only song that satisfies both requirements: to praise while at the same time emphasising that the singer means far more than what a literal reading of the lyrics implies.

Music is the poetry of sound. As Victor Hugo put it, 'Music expresses that which cannot be put into words and which cannot remain silent.'

That is why Jews were permitted to express their praise without transgressing the *halachic* mandate which forbids using finite words for the Infinite. Music has the power to override this prohibition.

This idea may well serve as the highest tribute to Rabbi Ronald Lubofsky. He was blessed with incredible eloquence in his use of words. He was equally blessed with his gift for music, which Thomas Carlyle calls 'the speech of angels'. It is with the angels that Rabbi Lubofsky now resides. And it is with them that he is so amply qualified to converse – not only with words but in their own language of *Shirah* as well.

The role and disposition of the priesthood

Jeffrey M Cohen

A word of tribute

I regard it as a great privilege to have been invited to contribute towards this most fitting memorial to the late, and sorely lamented, Rabbi Ronald Lubofsky: a larger than life, colourful, warm and friendly personality, a handsome and imposing man, physically; and a man of stature, rabbinically and intellectually.

If I were to say that I had the privilege of sleeping with him, I have no doubt that this would demand instant clarification. I do so, therefore, with alacrity.

On one of the Rabbinic Forum's missions to Israel that I attended in the 1980s, we had the pleasure of Ronnie's participation. Spending a *Shabbat* at Efrat, we were accommodated at the new Visitors' Centre that was not yet completed. The result was that there were insufficient bedrooms for the entire delegation, and two had to share each twin-bedded room. My partner was Ronnie; and when we retired, supposedly to sleep, on the Friday night, we began talking, and talking, well into the night. We put the Rabbinate to right several times, and of course solved all Israel's religious and political problems. And we continued on *Shabbat* afternoon from the point where sleep had brought our deliberations to a close, very late the previous evening.

I treasure that memory, and the several trips that he and Shirley made to London to visit our mutual, and now lamented, close friends in my Stanmore community, Ella and Sidney Stern.

Ronnie was a wise and cultured man, with a most lively mind. He was a great orator, and had a great sense of humour. He had catholic interests, and mixed comfortably with people of all shades of opinion and levels of observance. He did so much with his life, and was a natural leader and a courageous upholder of *Torah im derech eretz*, which he dubbed, as I recall, 'a sane and enlightened Orthodoxy'. That was his legacy. It is worth cherishing!

* * *

The duties of the priests are stated prosaically in the Torah. They were primarily custodians of the Sanctuary and administrators of the sacrificial cult. In addition, they were charged with administering certain rituals, such as the daily blessing of the people in the name of God,[1] the transportation of the Ark,[2] the sounding of the shofar[3] and the trumpets[4] on festivals, the giving of the bitter waters to the suspected adulteress,[5] the determination of the sum to be donated by a person who brings a trespass-offering[6] or who vows to give his own value to the Sanctuary, [7] and the diagnosis of whether or not a skin eruption was the dreaded leprosy. [8]

While several laws of the Torah were addressed initially to Aaron as well as Moses, with the instruction that they conjointly relay them to the rest of the community, [9] it is somewhat mystifying that the transmission of most of the very rituals with which the priests were particularly involved, namely the ordeal of the suspected adulteress, [10] the Priestly Blessing, [11] the lighting of the Menorah[12] and, most surprising of all, the investiture of Pinchas and his progeny as an hereditary priesthood, [13] was made exclusively to Moses! This is particularly mystifying in the light of the fact that God had no compunction in bypassing Moses, and addressing a charge exclusively to Aaron, when communicating the law regarding the duties and emoluments of the priests and Levites! [14]

So the picture that emerges is of Aaron being favoured, on but a small proportion of occasions, with being a recipient, together with his brother, Moses, of specific ordinances or rituals, though it is outside the scope of this article to speculate as to why he was included in just those particular instances. Our purpose is rather to attempt to determine whether the priests had a wider role than their narrow cultic function, and, secondly, whether there was any specific character trait or disposition which the Torah might have intended to cultivate within the priesthood, and, if so, whether the specific regulations governing priestly activity may be seen to further that objective.

While we have noted that a number of Torah laws were communicated to Aaron, an analysis of the subsequent Biblical sources relating to the priesthood suggests that, outside its cultic function, it did not in fact fulfil the role of professional Torah teacher that Aaron himself had clearly discharged and which is generally attributed to the priesthood as a whole.

This latter perception owes much to the famous quotation from the prophet Malachi: *Ki siftei kohein yishm'ru da'at v'torah yevakshu mipiyhu*, 'For the priest's lips shall preserve knowledge, and they shall seek out the law from his mouth'.[15] We must first remind ourselves, however, that Malachi lived around 500 BCE – over seven hundred years after the Pentateuchal period – and that he was addressing the priests of his own day rather than defining any prescribed or assumed priestly role. Secondly, such an interpretation of the Malachi verse fails to place it in the context of a number of his other prophecies wherein Malachi remonstrates with the priests of his day, inveighing against them for gross dereliction of their cultic responsibility, for example by bringing on the altar

blemished sacrifices that they would not deign to present to their Persian local governors. [16]

One has only to read the opening of Malachi chapter 2 to appreciate the depth of his fury with the spiritually flawed offspring of the glorious tribe of Levi. The prophet even threatens to curse the priests and hurl the dung of the festive offerings in their faces. [17] And it is against that back-cloth that he hails Levi, the progenitor of the priesthood, 'in whose mouth was a law of truth, unrighteousness was not found on his lips ... and he turned many away from iniquity'. [18] And it is with that ideal concept in the forefront of his mind that he immediately proceeds to affirm that 'the priest's lips should preserve knowledge and they should seek Torah from his mouth'. [19] These words should be construed, therefore, as arising out of the contrast between the ideal priestly role and its contemporary reality.

With reference to Malachi's period, that of the return from the Babylonian exile, one historian of the Biblical period appositely states that, 'as the law gained in importance, the priest lost something of his pre-eminent position ... Since this function [teaching the law] could be discharged by anyone skilled in the law ... his importance, great though it was, became overshadowed by that of the doctor of the law'. [20]

Implicit in the Malachi verse, therefore, is the challenge to the priests of his day to remedy that situation, to put their house in order and to rise to meet the pressing need of the hour. The restored community found itself lacking totally in leadership and cohesiveness. Cultic and ceremonial activity was rapidly losing its appeal for the idealistic returnees, and was being replaced by a deepening commitment to Torah as a unifying spirit and by a desire to participate fully and personally in a vibrant religious way of life, rather than being mere spectators of a Temple ritual. The experience of the Babylonian exile, the absence of a Temple for more than eighty years and the many practical difficulties in the way of rebuilding the Temple, would have all helped immeasurably to foster the search for a replacement spiritual focus. And it was that manifest interest in learning more about their religion from its primary source, the Torah, that inevitably encouraged Ezra (actually identified with Malachi, according to one view in the Talmud) [21] and Nehemiah to leave Babylon and spearhead a religious and cultural revival in the Holy Land. This was centred on the Torah scroll which Ezra had brought with him for that purpose and which he proceeded to impose upon the Judaean community in the context of a solemn covenant. [22]

It was against this background that Malachi asserts that the lips and mouth of the priest *should become* the future oracles of Torah. Their pedigree made them the logical choice as implementers of such a reform. After all, in the past they had discharged a religious and cultic role, and they were numerically sizeable enough to constitute themselves into a network of teachers of the law. All that was required was a change of heart and emphasis, from ritual to study, and from cult to Torah teaching.

Our thesis, that the priests had not, in practice, served as Torah teachers of the nation, other than in the Mosaic period, receives support from the reference

in the book of Judges to a total spiritual hiatus after the death of Joshua and his contemporaries: 'A new generation arose after them who knew not the Lord or what he [Joshua] had done for Israel'. [23] And the same situation occurred throughout the period of the judges. During the regular invasions of the country, the imported idolatry took quick root, and the return to the ancestral God was brief and intermittent, lasting only for as long as a military leader/judge was able to throw off the yoke of the enemy and restore the fortunes of the nation and its traditional faith. [24] There was clearly no priestly attempt to remedy that situation by teaching the people Torah. Quite the contrary: from episodes such as that of the young Levite who acted as a personal priest at the idolatrous shrine at the home of Micah, [25] as well as from the account of the sons of Eli [26] and the prophecy of doom on his line, [27] we get a glimpse of a priesthood, for the most part spiritually neutral and inactive, and at times even totally debased.

The situation improved in the period of the monarchy, aided by the spiritual focus and stimulus of the Temple; but even then the picture is of the priest restricted to occupying the narrow function of cultic officer, with the prophet assuming the much wider role of custodian and exemplar of Torah values and heritage. As there was only a small number of prophets – even allowing for the 'sons of the prophets' or members of the various prophetic guilds – it is not surprising then that knowledge of Torah during the period of First Commonwealth was at a pitifully low ebb, to the extent that it was regarded as a most significant and rare find when a Torah scroll was discovered during the reign of King Josiah (622 BCE). Teachers of Torah were clearly few and far between throughout that entire period – and the priests were conspicuous by their lethargy to remedy that situation and their serious dereliction of a sacred duty.

The situation during the first half of the Second Commonwealth was not much better. Ezra and Nehemiah's reforms (*circa* 440 BCE) do not seem to have lived up to their initial promise, and the priestly, aristocratic and exclusivist Sadducean party's seizure of the reins of power, which continued until the Maccabean period (*circa* 165 BCE), ensured that whatever Torah education was promoted would have been slanted in the direction of Temple ritualism, would have been rooted in their rejection of any oral tradition, and interpreted from the perspective of a strictly literal interpretation of the Torah text. The Sadducees would also have strongly discouraged universal Torah education for the masses, viewing an educated laity as a threat to their own priestly authority and power.

That the priests had not been involved in the dissemination of Torah teaching perhaps explains why the Midrash saw fit to spare their blushes, claiming (in accordance with the view we are here expounding) that they were never in fact entrusted with such a mission, and crediting the tribe of Issachar, instead, with being the students and teachers of Torah, supported in that role by the tribe of Zevulun. [28] Clearly, if Issachar had gained such unrivalled knowledge, then, according to rabbinic perception, his was the solemn responsibility of disseminating it by 'raising up many disciples'. [29]

Now, if the priests were not specifically immersed in Torah, then it follows

that they were, likewise, not especially qualified to discharge judicial office. This, then, requires us to analyse one further source which seems to suggest otherwise. This is a verse derived from a prophecy of Ezekiel who preached in the era just prior to the return from Babylon:

> And they [the priests] shall teach my people the difference between the holy and the common, and cause them to discern between the unclean and the clean. And in a controversy they shall stand to judge; according to my ordinances shall they judge it. [30]

In this vision of the restoration, Ezekiel, like Malachi, might have been expected to draw upon the situation of past centuries as the building-blocks for his new vision for the future. On what historical basis, we may wonder, did he look to the priests to serve in such a judicial role in the restored homeland?

Jacob's death-bed vision had actually highlighted the judicial role of the tribe of Dan. Yet, in the same breath, he also extends that prerogative to representatives of any other tribe: 'Dan shall judge his people *as one of the tribes of Israel.*' [31] This is reinforced in Deuteronomic law where judges and court officers are to be appointed 'in all thy gates ... tribe by tribe'. [32] Now, although Deut. 17:8-13 also makes provision for a High Court, to deal with cases too hard for the regional courts, and although the former is to comprise both priests and judges, yet these two categories are enumerated as distinctly separate offices: 'And thou shalt come unto the Levite priests, *and unto* the judge that shall be in those days ... And the man that doeth presumptuously, in not hearkening unto the priest that standeth to minister there before thy God, *or unto* the judge ... '[33] The implication is clearly that, at the Central Sanctuary, the priests – perhaps out of deference to their position and religious authority in that place – were permitted to sit with the professional judges. Throughout the rest of the country, however, the judicial role was not an automatic concomitant of their status.

But how then do we explain the reference, in Moses' final blessing, to a tribe of Levi that 'shall teach Jacob Thine ordinances (*Yoru mishpatecha leya'akov*) and Israel Thy law (*vetoratcha leyisrael*)?' [34]

Our answer involves noting that Moses is not here actually specifying the priests, but is rather extending that mission to encompass the entire tribe of Levi. Secondly, any reference to the act of 'judging' is conspicuously missing here. The reference is to broader religious 'teaching', rather than to the discharge of judicial office. And this is clearly implied in the paralleling of the words *mishpat* and *torah.*

These two terms have to be defined with reference to the opening words of this passage regarding Levi: 'Thy *Tummim* and Thy *Urim* [be entrusted] to Thy pious one.' [35] The context refers then, not to general judicial administration, but rather to the periodic requirement of having recourse to a special type of 'judgment' and 'Torah', namely that provided supernaturally by the highlighted letters on the High Priest's breastplate in order to decide on uncertain major national, political or military issues. In relation to *that specific petition only,* the (High) priest is called upon to dispense *mishpat* and *torah.*

The term *mishpat* here is to be linked to the phrase *choshen hamishpat,*[36] the

term used to denote the breastplate where those *Urim* and *Tummim* were located. The word *mishpat* is also regularly employed in the sense of 'procedure', 'practice',[37] as opposed to judicial hearing, decision or sentence; and the term *torah* in this context has the more specific sense of 'a body of priestly direction or instruction relating to sacred things'.[38] The word *torah* is found again in several passages in the sense of general 'instruction', 'guidance', 'direction',[39] as in the verse, 'Do not forget the instruction of thy mother (*torat immecha*).'[40]

So if the priests never became, or were never intended to become, a class of scholars with a pedagogical role, we may wonder what precise function they were, in fact, intended to serve. In our opening remarks we referred to their manifold Temple duties. The challenge in *Avot* to become 'as the disciples of Aaron, loving peace and pursuing it'[41] suggests that the priests' main role was pastoral. They were meant to promote the wellbeing of the nation in the broadest possible sense, including attention to the medical and emotional health of the individual member, becoming his or her confidante and mentor, social worker and counsellor. They would have gone far beyond the mere offering of the sin-offering on behalf of a penitent; they would have helped with his or her rehabilitation. Not only would they have offered the Thanksgiving Offering on behalf of a grateful donor – they would probably also have helped organise the family celebrations which accompanied it. Their task was to resolve disputes, to bring succour to the suffering and to restore the bereaved to faith and normality. Clearly many of their functions would have overlapped with those that the prophetic guilds sought to discharge. And that may also have accounted for the occasional tension between those two groups.

For those who might consider it strange that a fairly unlearned priestly fraternity should have been able to gain status within the community through the discharge of a purely pastoral and cultic role, it is appropriate to note that many parallels to such a situation exist in other religions. Indeed, in not too bygone an age, learning played second fiddle to the pastoral and functional ministrations of the Anglo-Jewish 'Reverend'. Only the Chief Rabbi was permitted to bear the title 'Rabbi'. He was the High Priest – the sole repository of learning.

* * *

A few years ago, the international press carried the report, from a learned journal, of a unique priestly gene that had been isolated and which had been dated back to the Aaronic period. So we can take it as read that when we speak of priests we are talking about a homogeneous and identifiable genetic 'type'. We are entitled to enquire, therefore, whether there might be something unique about the nature of the priesthood, or some characteristic traits, which the Torah regulations governing their calling may be seen to presuppose or foster.

We believe that the answer is indubitably in the affirmative. Our starting-point has to be the laws governing the priesthood, and the sort of life that the Torah maps out for its members. The priests seem to have been singled out to be cocooned and detached from the harsh realities of life. They owned no land,

and were not burdened, therefore, with eking out a livelihood. They received their twenty-four priestly gifts *(Matnot Kehunah)* from the tithes of their brethren's harvested grain and first fruits, and from the goodly meat cuts from the various offerings brought to the Sanctuary. They did not have that constant worry, therefore, of how they would succeed in feeding themselves and their families. The priests alone were able to bask in the sunshine of a serene optimism.

This was enhanced by the world of purity and purification rites which the priest inhabited. His was the task to ensure that the Israelite camp was kept free from plague or disease. Any skin eruption or discolouration was brought to him, and his responsible task was to act the role of physician, and keep leprosy at bay. In addition, he led the joyful songs of praise to God in the Sanctuary and Temple, and had to be possessed, therefore, of a vision of a healthy, wholesome and happy society, and of the passion to endeavour to make it a practical reality. He was to be a symbol and embodiment of peace, love and harmony. This underlies the statement in the *Zohar* that 'any priest who is not beloved of the people may not administer the Priestly Blessing'.[42] And this latter precondition accounts for the wording of the blessing recited by the priests before uttering their Biblically mandated formula of blessing: 'Blessed art thou ... who has commanded us to bless His people, Israel, *out of love.*' Indeed, the Midrash states that 'All the laws of the priesthood were promulgated by God from Mount Sinai amid great joy.'[43]

The cultivation of such a positive, happy and optimistic state of mind – informing the priest's relationship both with God and Israel – might explain why he was to be surrounded exclusively by fine-looking colleagues, to the extent that any priest possessed of any of the physical disabilities listed by the Torah[44] was disqualified from officiating at the sanctuary.[45] It was not that the Torah was discriminating against the handicapped, but rather that the sight of people with disabilities would inevitably impair the priest's carefree and joyful spirit.

A similar disqualification faced the priest guilty of manslaughter. Although his act was unpremeditated, it would forever prey on his mind, and deprive him of that happy disposition which was a prerequisite of his calling.[46] This might also explain why it was forbidden for a priest to marry a divorced woman, who might well carry over into her second marriage the baggage of her previous sad experiences. This could so easily impair the priest's peace of mind. The same rationale might underlie the prohibition of his marriage to a harlot, notwithstanding his love for her and his belief in his ability totally to reform her. The apprehension, especially during periods of tension in the marriage, that she might so easily slip back into her former ways, could prove a constant barrier to the priest's cultivation of a carefree state of mind.

This might also explain the imposition of an uncharacteristically harsh punishment for the priest's daughter who behaved immorally.[47] The explanation that 'she profanes her father' does not in fact mean that she disqualifies him thereby from priestly office. That being the case, we may wonder why her behaviour was construed as so much more heinous than the case of a non-priest's

daughter who behaved in that way! Rashi interprets it to mean that her conduct brings public humiliation upon her father;[48] but this again begs the question, for surely a non-priest's father (and mother) would feel a similar degree of humiliation! According to our interpretation, however, she has, in fact, seriously impaired the contented frame of mind that the priest is expected to enjoy, exude and foster among his people.

For the same reason, the priest was kept at a distance from the upsetting sight of the dead body, and did not preside at funerals. His sole involvement in that context was to perform the purification rite of the Red Heifer for those who had been in direct contact with the dead, to enable them to attend at the Sanctuary. The optimistic priest was the facilitator for the bereaved person's return to normality. Undoubtedly, they would have poured out to him all their grief and anger. And it was the priest, with his happy state of mind and optimistic disposition, who was best placed to lift their spirits and restore their faith and hope. Indeed, the only time the priest is allowed to set aside his joyful spirit and step outside of his cocoon is at the death of his own immediate first-degree relatives. Psychologically, he had to be enabled to confront and lament his own loss in order to liberate himself from his own grief and be restored to his former happy emotional state.

The Torah seems to be concerned to provide us with people who will serve as a counterbalance for the grim reality of life. Men who will dream for us and retain an optimism about life. Men who will assure us that, in spite of man's inhumanity to man, we must affirm life; we must live in hope for better and more peaceful times. Because, otherwise, we could so easily despair of any future for the world. Indeed, the very first priest mentioned in the Torah, Melchizedek, attempted to do just that. When Abraham returned, undoubtedly fatigued in body and spirit, from the battle of the local monarchs, Melchizedek, 'the priest of the Most High', came out to meet him and 'offered him bread and wine'.[49] That single and simple gesture already foreshadowed the challenge and objective of the priesthood, namely to raise the spirits of individual and the community in time of crisis. Significantly, both wine and bread were believed in antiquity to have that particular property. In the words of the psalmist, 'Wine maketh glad the heart of man, making the face brighter than oil, and bread stayeth man's heart'.[50]

We detect an ironic reference to that particular role of the priesthood that we have highlighted, as underlying the words of the prophet Jeremiah:

> Prophets and priests are frauds, every one of them;
> they soothe the hurt of My people, but only superficially,
> when they say, 'everything will be fine',
> when it is not fine![51]

Jeremiah may well have been outraged by what he perceived as the false comfort and naive reassurance given by the priests to the people living at that turbulent period leading up to the destruction of the Temple and the Babylonian captivity. But his words do reveal to us one of the important roles that the priests

saw themselves as called upon to discharge: to still the nation's apprehensions and, at the personal level, to dispense comfort, faith and confidence.

To be able to do that sincerely and naturally is not given to everyone. It has to be cultivated. Men have to be groomed for that ability. They have to be products of an environment that is conducive to it, having been reared in a giving, loving, sharing fraternity, cushioned from as many as possible of the most unpleasant realities of life, as close as possible to an ideal world where people are easily healed by the touch of their hand and where the bereaved and impure are purified by the word of their lips.

It says much for a religion that its spiritual leaders are meant to be the embodiment of such a positive philosophy, and charged with promoting a spirit of spiritual joy and celebration. And it is no coincidence, therefore, that the main Biblical source of all the priestly regulations should be followed by the *Parashat haMoadim*, the list of our festive holy days[52] when we celebrate our past with joy and look forward to the future with genuine priestly optimism.

Notes

1 Nu. 6: 22-26.
2 Deut. 10:8;31:9,25.
3 Lev. 23:24; 25:9;Nu. 29:1.
4 Nu. 10:10.
5 Nu. 5:11-31.
6 Lev. 5: 15,18,25.
7 Lev. 27:8.
8 Lev. chap. 13-14.
9 See Ex. 12:1-2;Lev. 11:1; 13:1; 14:33; 15:1;Nu. 2:1;4:1,17; *19:1,et al.*
10 Nu. 5:11-31.
11 Nu. 6:22-27.
12 Nu. 8: 1-4.
13 Nu. 25:10.
14 Nu. chap. 18.
15 Mal. 2:7
16 See Mal. 1:8.
17 Mal. 2:3.
18 Mal. 2:6.
19 *ibid.*
20 John Bright, *A History of Israel* (London, SCM Press Ltd, 1960), p. 422.
21 See Tal. *Meg. 15a.*
22 See Neh. 8: 1-8, 19; 9:3.
23 Ju. 2:10.
24 Ju. 2:11-19.
25 Ju. 17:7- 18:31.
26 I Sam. 2: 12ff.
27 I Sam. 2:30-36.
28 See *Rashi* on Gen. 49: 13-15.
29 *Pirkei Avot* 1:1.
30 Ez. 44:23-24.

31 Gen. 49:16.
32 Deut. 16: 8.
33 Deut. 17: 9,12.
34 Deut. 33: 10.
35 Deut. 33:8.
36 Ex. 28:29.
37 See I Sam. 2:13; 27:11.
38 Brown, Driver, Briggs, *Hebrew and English Lexicon of the Old Testament* (Oxford, Clarendon Press, 1907), p. 436. See Ho. 4:6; Jer. 2:8; 18: 18; Ez. 7:26; *Hag. 2:11,et al.*
39 See Pro. 3: 1; 4:2; 6:20,23; 31:25, *et al.*
40 Pro. 1:8.
41 *Pirkei Avot* 1: 12.
42 *Zohar Bemidbar*, p. 147.
43 *Sifre Korach* on Numbers 18:21.
44 Lev. 21:16ff; 22:4.
45 See Talmud *Megillah* 24b.
46 See Talmud *Berachot* 32b.
47 See Lev. 21:9.
48 See *Rashi ad loc.*
49 Gen. 14: 19.
50 Ps. 104:15.
51 Jer. 8:11
52 Lev. chap. 23.

Reflections on loving God

Carl M Perkins

Introduction

What does it mean to love God? It is challenging enough to describe the experience of loving another human being. (Poets are said to be more successful at this than philosophers.) Yet it is even more difficult to communicate what it might mean to love the Divine. When the object of one's love is so elusive that His face cannot be seen – even by His most intimate and faithful servant[1] – the challenge is all the greater.

Nonetheless, loving God is a familiar concept to the observant Jew. After all, the second verse of the *Shema*, the collection of passages (Deuteronomy 6:4-9, Deuteronomy 11:13-21 and Numbers 15:37-41) that the observant Jew recites twice daily, implores us to do just that: *'You shall love the Lord your God with all your heart and with all your soul and with all your might'* (Deuteronomy 6:5).[2]

But how? What, really, does it mean to love God? Is it *similar* to loving another human being or is it qualitatively *different*? Is loving God a goal to which we aspire, or is it a responsibility imposed upon us? If the former, what is the best way to attain it? If the latter, how is it possible to command love? And how does one or should one *demonstrate* one's love of the Divine?

There is much complexity to this important and sublime collection of issues and, consequently, much has been written concerning Jewish perspectives on loving God.[3] In this essay, we offer three brief reflections on the topic.

Part One: Falling in love with God

> Hear, O Israel! The Lord is our God, the Lord alone.
> And you shall love the Lord your God with all your heart, with all your soul, and with all your might.

> Take to heart these instructions with which I charge you this day.
> Impress them upon your children. Recite them when you stay at home and when you are away, when you lie down and when you get up.
> Bind them as a sign on your hand and let them serve as a symbol on your forehead;
> Inscribe them on the doorposts of your house and on your gates.
>
> (Deuteronomy 6:4-9)

A cursory review of the above text, the first paragraph of the *Shema*, suggests a host of questions: Is the love of God an obligation? Perhaps it is ... but perhaps it isn't. It could be that, as we are accustomed to understand these verses, '*Hear!*' (v. 4) and '*Love!*' (v. 5) are two distinct commands (*mitzvot*). But if so, what is the relationship between them? Why does the command to love follow the command to listen?

It is also true that the words 'And you shall love', can be understood simply to describe what naturally follows from listening to, understanding, or paying attention to, the declaration that God is one.[4]

Continuing on in the text, what is the relationship between, on the one hand, loving God, and, on the other, taking to heart God's instructions, reciting them, binding them as a sign on the hand and a symbol on the forehead, and writing them on one's doorposts and gates? Are those other actions necessarily independent commands (as they have been codified in Jewish law) or might they also be understood to be consequences flowing from the apprehension and the love of God?

Sifre Devarim,[5] an early rabbinic midrashic commentary on the Book of Deuteronomy, attempts to explore these questions. Nowhere does the *Sifre* explicitly define what it means to love God. In an admirable display of religious humility, Rabbi Judah is quoted as admitting, 'I do not know just how one is to love God.' (Piska 33) The *Sifre* does, however, seem to understand 'Love the Lord your God' as a command and to favour a behavioural approach to its interpretation. It understands the love of God to be expressed in concrete behaviours – namely, the performance of *mitzvot*:

> You shall love the Lord your God (Deut. 6:5):
> Do ['it' or 'them'; i.e. the *mitzvot*] out of love.
>
> (Piska 33)

It is clear from this passage that the *Sifre* understands Deut. 6:5 to be a *mitzvah* that is expressed through actions. One is not being commanded to have a particular emotion or a 'feeling' towards God; rather, one is to perform God's commandments 'out of love', rather than out of fear. But what does this mean? The text of the *Sifre* continues:

> Scripture makes a distinction between one who performs out of love and one who performs out of fear. He who performs out of love receives a doubled and redoubled reward, as it is said, *Thou*

> *shalt fear the Lord thy God, Him shalt thou serve* (10:20): A may (serve B) because he is afraid of him, but when B needs him, A abandons him and goes his own way. You, however, must perform out of love.
>
> (Piska 32)

Although no further elaboration of what it might mean to 'perform out of love' is provided, this passage suggests that loving God is communicated through *the way* in which one performs the mitzvot. If one performs them out of a concern for the (negative) consequences of non-compliance (i.e. out of 'fear'), one is nonetheless credited with their fulfilment. But if one performs them truly willingly and selflessly, one is said to perform them lovingly, and is therefore entitled to additional rewards.

What then is the relationship between the obligation to love God (Deut. 6:5) and the subsequent verses in the passage? These must describe the actions which can lead one to love God:

> Scripture goes on to say, *And these words which I command thee this day shall be upon thy heart*, meaning, 'Take these words to heart, for thus will you recognise Him-who-spoke-and-the-world-came-into-being, and you will cling to His ways.'
>
> (Piska 33)

In other words, taking God's words to heart (and, presumably, performing the subsequently presented *mitzvot*, namely, 'teaching' the words and 'reciting' them, 'binding' them and 'inscribing' them) is designed to help one understand God and ultimately to seek to obey Him willingly as well. There is then a progression: the fulfilment of vv. 6-7 (taking the words to heart, teaching them, wearing them and posting them) leads to the fulfilment of v.4 (understanding), which leads to the fulfilment of v.5 (clinging to God's ways). This is in accordance with the rabbinic notion that from proper behaviour flow proper attitudes.

There is another approach to the relationship of 'You shall love' and the statements, 'You shall teach' ... 'recite' ... 'bind' and ... 'inscribe'. One may look on the behaviours described in vv. 6-9 as the natural *consequences* of loving God, rather than as independent commands that ideally lead one to love God.[6]

How so? Comparing the love of God with romantic love is instructive. When one 'falls in love' with a beloved, one can become thoroughly occupied (and preoccupied) with him or her. If, for example, one has received poetry or a 'love letter' from one's beloved (perhaps somewhat anachronistic in the age of email), what does one do? One cherishes it, of course! One keeps it close to the heart, removing it only to reread, often and lovingly, those words of endearment. One posts the poetry of one's beloved throughout one's home. One thinks about and speaks of one's beloved all the time, whether at home or abroad, night or day. One wears reminders and tokens of one's beloved as precious ornaments.

Similarly, if and when one falls in love with God, one cherishes God's word. One naturally 'takes to heart' God's instructions and one is drawn to share them with one's loved ones, i.e. one's children. God's words are always on one's lips,

whether one is at home or abroad. One reviews God's words whenever one lies down to go to sleep and whenever one awakens to face a new day in the morning. One takes God's words and lovingly attaches them to one's forehead and arm, in order to feel oneself ever closer to God. One's home as well is marked with God's words, so as to signify the love of God felt and expressed within.

Understood in this way, vv. 6-9 are *descriptions* rather than *prescriptions*[7] – descriptions of behaviour that evidence true love of God. According to this view, if one wishes to know whether or not one truly loves God, one should examine one's conduct: if one is drawn to speak of God at all times, and to fulfil, in love, behaviours of the sort described in vv. 6-9 (not necessarily precisely the manner in which these actions are interpreted *halachically*) then one can be said to be in love with God. Consider the following passage from Maimonides' *Mishneh Torah* that develops this idea that the love of God is similar to human romantic love:

> What is the love of God that is befitting? It is to love the Eternal with a great and exceeding love, so strong that one's soul shall be knit up with the love of God, and one should be continually enraptured by it, like a love-sick individual, whose mind is at no time free from his passion for a particular woman, the thought of her filling his heart at all times, when sitting down or rising up, when he is eating or drinking. Even intenser should be the love of God in the hearts of those who love Him. And this love should continually possess them, even as He commanded us in the phrase, 'with all your heart and with all your soul' (Deut. 6:5). This, Solomon expressed allegorically in the sentence, 'for I am sick with love' (Song of Songs 2:5). The entire Song of Songs is indeed an allegory descriptive of this love.
>
> *Mishneh Torah, Hilchot Teshuvah* 10:3[8]

Part Two: Bringing others to love God – and loving them

Another way to show one's love for God is to convince others to love God. Although this fascinating idea finds its fullest expression in the works of Maimonides, its origin is early rabbinic. Consider the following selection from the *Sifre*:

> Another interpretation: *Thou shalt love the Lord thy God*: Make Him beloved to humanity ... (Piska 32)

In other words, one should express one's love of God by persuading other people to love God. But how? How does one demonstrate that one has made God beloved to other human beings?

> [Make Him beloved to humanity] as did our father Abraham in the matter referred to in the verse,
>
> *And the souls that they had made in Haran* (Gen. 12:5). But is it not true that if all the creatures in the world were to convene in order

> to create just one gnat and endow it with a soul, they would not be able to do so? Hence we learn that Abraham converted people, thus bringing them under the wings of the *Shechinah*. (Piska 32)

In order to make sense of this remarkable passage, one must understand the background of the quoted *Midrash*. The *Sifre* relies here on the rabbinic interpretation of an odd phrase in Genesis 12:5. In describing the retinue that Abraham and Sarah brought with them on their journey from Haran to the Promised Land, the Torah includes the phrase: *v'et ha-nefesh asher asu v'haran* – literally, 'and the souls that they had made in Haran'. The obvious question is how, literally, could Abraham and Sarah have 'made' souls? (After all, only God can truly 'make' a soul!)

The only other context in which souls are said to be 'made' is conversion. According to the Jewish tradition, 'a convert is like a newborn child.'[9] Thus, various *Midrashim* conclude that Abraham and Sarah engaged in teaching and other activities that succeeded in persuading men and women to embrace Judaism. Consider, for example, the following *Midrashic* text:

> '*And the souls that they had made in Haran*' (Gen. 12:5). Rabbi Eleazar b. Simon said ... These are the proselytes whom [Abraham and Sarah] converted. And why does the text use the word 'made'? To teach you that if anyone brings near an idolater and converts him, it is as though he had created him. And why does it say, '*they* made'? R Huna said: Abraham converted the men and Sarah converted the women. Abraham would receive them at his house, give them food and drink, deal lovingly with them and bring them under the wings of the Divine Presence.[10]

Relying on this midrashic tradition, the *Sifre* sees Abraham as distinguished in creating new Jews. It also is aware of the midrashic tradition that Abraham was a lover of God.[11] Taken together, it is not a stretch for the *Sifre* to see Abraham's outreach efforts as a fulfilment of his love of God.

Maimonides, who had great respect and admiration for *gerei tzedek* – sincere converts to Judaism[12] – develops this notion further. He makes clear that he understands the *mitzvah* of loving the convert to be of supreme importance, and that its fulfilment is a form of the fulfilment of the *mitzvah* to love God:

> To love the proselyte who comes to take refuge beneath the wings of the *Shechinah* is the fulfilment of two affirmative precepts. First, because he is included among neighbours (whom we are commanded to love). [See Leviticus 18:19.] And secondly, because he is a stranger, and the Torah said, 'Love you therefore the stranger' (Deut. 10:19).[13] *God charged (us) concerning the love of the stranger, even as He charged us concerning love of Himself, as it is said, 'You shall love the lord your God' (ibid.* 6:5).
>
> *Mishneh Torah, Hilchot Deot* 6:4[14] (emphasis added)

Part Three: Doing the right thing – for its own sake

As we have seen, Maimonides follows the *Sifre* (which he repeatedly quotes) in understanding the charge to love God (Deut. 6:5) behaviourally. He also agrees with and develops the notion, expressed in the *Sifre*, that an important way to fulfil this *mitzvah* is to encourage men and women to embrace Judaism, and to love those who do.

There is yet a third way in which Maimonides develops an understanding of the love of God expressed in the *Sifre*. The *Sifre* had argued that loving God means fulfilling *mitzvot* 'out of love', but it hadn't clarified precisely what that might mean. Maimonides does. He argues that to serve God out of love means to serve God *lishmah* – that is, for God's own sake, and not for any material benefit. In a beautiful passage in the *Mishneh Torah*, he elaborates:

> Let not a man say, 'I will observe the precepts of the Torah and occupy myself with its wisdom in order that I may obtain all the blessings written in the Torah, or to attain life in the world to come; I will abstain from transgressions against which the Torah warns, so that I may be saved from the curses written in the Torah, or that I may not be cut off from life in the world to come.' It is not right to serve God after this fashion for whoever does so, serves Him out of fear ...
>
> [Rather,] whoever serves God out of love occupies himself with the study of the Law and the fulfilment of commandments and walks in the paths of wisdom, impelled by no external motive whatsoever, moved neither by fear of calamity nor by the desire to obtain material benefits – *such a man does what is truly right because it is truly right, and ultimately, happiness comes to him as a result of his conduct.* This standard is indeed a very high one; not every sage has attained it. It was the standard of the patriarch Abraham whom God called His lover, because he served only out of love. It is the standard which God, through Moses, bids us achieve, as it is said, 'And you shall love the Lord your God' (Deut. 6:5). *When one loves God with the right love, he will straightway observe all the commandments out of love. Mishneh Torah, Hilchot Teshuvah* 10: 1-2 [emphasis added]

* * *

Those who knew the late Rabbi Ronald Lubofsky, *zichrono livrachah*, must imagine that Maimonides had had him in mind when he penned those lines. For if there was one quality that struck one upon meeting Rabbi Lubofsky, it was his joyful embrace, thoroughly lacking in any and all ulterior motives, of all things Jewish.

Sadly, I had the privilege of meeting Rabbi Lubofsky only once. It was his love of *mishpochology* (his word) that drew us together. During one of his and Shirley's visits to America, he telephoned me out of the blue, identified himself as a long-lost relative, and asked if we could meet. It was delightful. Sure enough, he confirmed that we were not only *landsmen*, but *mishpocha*! It was as if he,

Shirley, my wife, Elana, and I had known each other for many years. Rabbi Lubofsky's vast range of knowledge and interests, his perceptive (and forgiving) understanding of human beings, the ease with which we *shmoozed* – these will not be forgotten. More significantly, neither will be his infectious love of the People, the Torah and the God of Israel. *Yehi zichro baruch.* May his joyful love continue to inspire us.

Notes

1 For the impossibility of Moses' (fully) seeing God, see Exodus 33:18-23; for Moses as the intimate and faithful servant of God, see Numbers 12: 7-8.

2 All translations from the Bible are based on *Tanach: A New Translation of The Holy Scriptures according to the Traditional Hebrew Text*, The Jewish Publication Society, Philadelphia and Jerusalem, 1985, 1999.

3 For a review of various perspectives on the love of God within the Jewish tradition, see Louis Jacobs, *A Jewish Theology*, New York, 1973, pp. 152-73.

4 The Hebrew word *shema* can mean 'listen', 'understand', or 'heed', as well as the more familiar, 'hear'. See *Sifre*, Piska 31; B *Berachot* 13a ff.

5 *Sifre on Deuteronomy*, Louis Finkelstein, editor, JTS, New York, 1969; translations are based on: *Sifre: A Tannaitic Commentary on the Book of Deuteronomy*, Translated from the Hebrew with Introduction and Notes by Reuven Hammer (Yale Judaica series; v. 24), Yale University Press, New Haven and London, 1986.

6 I am grateful to Rabbi Reuven Kimelman of Brandeis University, Waltham, MA, USA, for sharing with me his elaboration of this insight. See his 'The Shema Liturgy: From Covenant Ceremony to Coronation', in *Kenishta: Studies of the Synagogue World*, edited by Joseph Tabory, Bar-Ilan University Press, 2001, pp. 9-105; esp. pp. 16-21.

7 For another example of a passage which, though generally interpreted as a *mitzvah*, can also be interpreted as a promise, see Leviticus 19:2 and Rashbam's commentary thereon (s.v. '*and you shall be holy*').

8 Translation based on *A Maimonides Reader*, Isadore Twersky, editor, Behrman House, New York, 1972, p. 84.

9 B Yevamot 22a.

10 Gen. R. 39:14; for similar passages, see *The Book of Legends (Sefer Ha-Aggadah)*, Bialik and Ravnitzky, translated by William G Braude, Schocken, New York, 1992, p. 33.

11 'R Meir says: Scripture says, *Thou shalt love the Lord thy God, with all thy heart* ...: Love Him with all your heart, as did your father Abraham, of whom it is said ... *Abraham, ohavi* [literally, 'he who loves me'](Isaiah 41:8).' (Piska 32)

12 See his Letters to Obadiah, excerpted in: *A Maimonides Reader*, pp. 475-7.

13 The Hebrew word *ger*, generally translated as 'stranger' when it appears (as here) in a Biblical text, takes on the meaning of 'convert' or 'prospective convert' (to Judaism) during the rabbinic period.

14 Translation based on *ibid.*, p. 60.

Integrating the spiritual and the psychological: A Jewish perspective on the search for wholeness

Ralph Genende

Foreword

I am delighted to offer this paper in honour of the late Rabbi Ronald Lubofsky. From the time I arrived in Australasia, Rabbi Lubofsky's outspoken, articulate and unorthodox Orthodox views were an inspiration to me. One of my first speaking invitations in Melbourne was initiated and introduced by Rabbi Lubofsky. The subject was conversion, which is an integral part of this paper ...

Overview

The notion of wholeness (*shelemut* in Hebrew) is basic to Judaism and informs its primary sources; this is evident, for example, in the Book of Genesis and the character of Jacob.

The attainment of wholeness is tied in with the concept of *teshuvah*, loosely translated as repentance but more precisely as achieving authenticity. *Teshuvah* can be seen as a four-step process which may be of particular interest to any counsellor interested in the notion of a personal or spiritual search. It should also alert the rabbi to the psychological dimensions of the striving for wholeness.

This paper also looks at the process of religious conversion to Orthodox Judaism. Religious conversion may be about a change in a person's belief systems but at its heart is a radical change in identity which affects the whole person. Indeed, religious conversion can be seen as a paradigm of the quest for wholeness – it is a rich and subtle process of change and conflict, growth and transformation.

Introduction

Most religious traditions have in common the search for an underlying unity of being. One of the oldest of these, Judaism, has at its heart the thrust or quest for wholeness.

This is evident in the struggle of the Biblical archetypes: Abraham, Isaac and particularly Jacob. It is also reflected in other Jewish writings, e.g. Jewish mysticism or *Kabbalah* with its notion of the *sefirot* or reflections of unity and the *mussar* school with its quest for synthesis. Indeed, every page of Judaism's vast literature is permeated with the theme of oneness and unity (Lamm 1967).

The divine unity – the oneness of God – is the source of a unity that encompasses all existence. It is also a catalyst for the human striving for wholeness. The religious persona within Jewish tradition is one who constantly strives to improve the present, heal the past and come to terms with difficult areas of self. The person of faith is constantly recreating him or herself. Similarly a person entering the Jewish community by undergoing a religious conversion experiences a personality transformation that can be seen as a way of healing and 'wholing' identity.

One person's search for wholeness – a Biblical journey

Spiritual development in Jewish tradition is equated with personal development. The notion of wholeness in the Hebrew scriptures, the Torah, is derived from the word *shalem* which implies an integration of the physical or material, the intellectual, emotional and the spiritual.

To be whole is not to live without conflict or opposition – that is death – but to integrate the diverse aspects of one's psyche. *Shelemut* is a fusion of the oppositions, a marriage of the diversity within self. It demands a recognition of conflicting drives and aspirations and finding a way of fusing them together.

One of the earliest references to the word *shalem* is in the book of Genesis (23,18) in the story of Jacob: 'And Jacob came in peace (*shalem*) to the city of She'chem; which is in the land of Canaan.'

It is not a coincidence that this is the first reference to *shelemut* or wholeness because Jacob in Jewish tradition is the father of *shelemut*. He is identified with wholeness because he is the child (and then the adult) who so famously struggles with himself. He is the most complex of the Biblical patriarchs.

Jacob is, in E M Forster's terminology, a whole character as opposed to a flat character. His personality is fleshed out (in the book of Genesis) more than that of the other patriarchs. Unlike Abraham and Isaac we know of his prenatal development, we follow his growth into a studious adolescent and then a muscular youth. We witness his life-long struggle and rivalry with his brother (e.g. Genesis 25: 29-33), we are privy to his complex relationship with his mother (e.g. Genesis 27: 6-17), we are in the room when bald-faced (yet hairy armed) he deceives his ageing father ... (Genesis 27) and we are with him during the dark night when he wrestles with a stranger (his alterego?) to emerge with a new name and a new sense of purpose and destiny (Genesis 32: 25-33).

In Jewish tradition Jacob is therefore no simple trickster. He is rather a man who struggles throughout his life to come to terms with himself; to bring together the disparate parts of his life and his personality.

Aviva Zornberg (1996) has brilliantly tracked the psychological development of Jacob, showing how his struggle with Esau is a struggle for veracity and how his 'deception' is not so much about the trickery of an innocent (Esau) as the education of a naïve Jacob. The story of Jacob and Esau is thus how Jacob learns to live in Esau's world – he can only do this when he can accept the 'Esauness' of his own personality and incorporate the vitality and cunning of his twin brother. To quote Zornberg: 'Jacob then is really Esau as he lays claim to the perceived energies of his twin brother' (172).

The Bible is, in many ways, a record of the journeys of singular men and women who strive to come to terms not only with their Creator, but also with their own creativity and creaturehood. The stories of Abraham and Sarah, Isaac and Rebecca like those of Samuel, Elijah, Deborah and Jeremiah are thoughtful and challenging illustrations of the quest for wholeness. By carefully considering these records we can gain insights into our own contemporary search for a more balanced and holistic way of being and of working with others.

The story of Jacob with regard to Esau and later in his relationship with his father-in-law, when he learns to take on the cunning of Laban in order to discover his own strength, is one such powerful example. The opposing forces which struggle within Jacob are not of a destructive nature. To the contrary, out of the contradictions and antinomies there emerges a strong sense of self distinguished by its consummate wholeness. To adapt Soloveitchik's (1983) words: 'The deep split of the soul prior to its being united may at times raise a man to a rank ... which for sheer brilliance and beauty is unequalled by any level attained by the simple whole personality who has never been tried by the ranks of spiritual discord'. (4) In summary, Jacob's struggle reflects several aspects of the quest for wholeness.

- The path to wholeness is strewn with obstacles, self-doubts and dark forces as well as bitter rivalries and conflicts.
- The quest for wholeness is always a challenging process demanding courage and energy since it forces us to dig deep into ourselves and face our darker sides. In the words of W B Yeats, 'Why should we honour those who die on the field of battle? A man may show as reckless a courage in entering the abyss of his own self.'
- It is also a rewarding process, bringing a richer and more purposeful sense of self.
- Seeking wholeness is a dynamic, ongoing and lifelong process.

In the book of origins we therefore begin to discover the origin of wholeness. At the core of this wholeness is the divided self. It is only when we confront ourselves and face the reality that we are pulled by conflicting drives and dreams, that we can begin the long journey to wholeness. As Hassidic Rabbi, Nachman of Bratslav famously put it: 'There is nothing more complete than a broken heart.'

So many broken pieces on the way to becoming whole ...

The search for wholeness and *teshuvah*

The search for wholeness in Judaism is seen as a life task, a life journey. It is closely identified with the concept of repentance – *teshuvah* in Hebrew. *Teshuvah* is itself inextricably linked to the idea of returning to one's true self or healing the past. In Jewish tradition (unlike the classical Christian idea of original sin) the individual at birth is not evil but possesses a fabulous capacity for good and growth and his or her own unique paradigm of personal development. The Hebrew word for repentance – *teshuvah* – contains within it the word *shuv* which means a return to this pristine potential of birth. Underlying this is the notion that one who has deviated or attached oneself to alien influences, to a false self (in the Winnocotian [1965] sense), still has the power and ability to return to one's own true authentic self. A contemporary Jewish scholar, Adin Steinsaltz (1980), expressed it this way: 'before man was created, he was given the possibility of changing the course of his life ... *Teshuvah* is a return to one's own paradigm, to the prototype of the ... person' (127).

Atonement is thus a process of pursuing at-one-ment. This is of special interest to the psychotherapist or counsellor since the therapeutic endeavour is seen by so many as a search for authenticity. This is particularly so for existential psychotherapists like Rollo May (1969, 1977), the humanistic school of psychotherapy (e.g. Victor Frankl (1971, 1974) and Eric Fromm (1967, 1980) and, of course, the Gestalt approach pioneered by Fritz Perls (1978). Indeed, both Eric Fromm (1967) and Frankl (1974) have written on the convergence of the religious and psychological paths.

Teshuvah can be regarded as a four-step process (Greenberg, 1985):

In the first instance one recognises the failures and divisions of the past, the things that pull one down. This could be related to the awareness of personal difficulties that is usually a prerequisite for the counselling process. On a deeper level this stage of *teshuvah* means acknowledging the unpleasant and immoral aspects of ourselves, the parts we would like to pretend do not exist or have no impact on our lives – our unacceptable impulses and shameful actions as well as our inferiorities. This is what C G Jung (in Hopcke 1989) called the shadowy side of personality which contradicts who we would like to see ourselves as and how we would like others to see us.

The first step of *teshuvah* is facilitated by the mechanism of confession. Individuals are urged to verbally articulate the nature and details of their failings. Maimonides (Peli, 1980, Twersky, 1971), the great Jewish philosopher of the twelfth century, writes in his Laws of Repentance that the penitent should verbalise his or her specific wrongs, saying: 'In truth I have sinned against such and such a person and done such and such to him' or 'I have transgressed before Thee and have done thus and thus'. The power of the confession lies in its recognition of words as a potent tool for change – a familiar idea of course to therapists some seven centuries later! While the penitent makes his or her confession either to him or herself, to others (especially if it concerns other people) or to God (in private) s/he can be encouraged to do so by the rabbi (Soloveitchik, 1980) who becomes an agent for change much like a counsellor.

The father of the Mussar movement (nineteenth century), Rabbi Yisrael Salanter (in Goldberg, 1987), in anticipation of encounter or therapy groups, urged his students to form groups in which individuals would be assisted by the other members to recognise and acknowledge their flaws and failures.

The second step is a sense of regret for the past. Soloveitchik (1980) describes this as a feeling of sin, a feeling of encroaching illness. Sin is a type of spiritual pathology:

> As there are pathological, physical illnesses in which the tissues cease to function normally and the cells begin to grow wildly, so sin is a sign of a spiritual pathology whose outcome is the disintegration of the whole personality. As in physical disease, so in the spiritual disease of sin. Sometimes a man attempts to erase, to belittle or to deny pain, because of overt or covert fear. Pains begin to engender dread, but man's first reaction is to dismiss them or to belittle their significance. But belittling them will not diminish their importance, on the contrary, had he taken immediate notice and begun to have them treated, it is possible that a cure for his spreading illness would have been found. (29)

Soloveitchik further compares this feeling of pain to grieving and mourning. Just as grieving brings with it a vague, almost primitive sense of loss, and develops into a strong feeling of nostalgia, so the repentant personality reaches towards wholeness (or repentance) through a sense of sin which initially fills them with a powerful longing and sharp feelings of mourning. 'The feeling of sin,' says Soloveitchik, is 'not a moral experience'; it transpires rather or mainly on the emotional, experiential and instinctive planes.

Put differently, in Jewish thought sin is firstly not only a matter between the individual and God, but it affects the very consciousness of a human being. The word for sin in Hebrew – *chet* – denotes being 'off the mark' and being out of touch with one's true self. It is therefore not only a moral category but a depiction of a damaged self, and it is this awareness of being emotionally and psychologically scarred that prompts people to actually change. Only when we begin to feel (or own) our pain can we begin to heal it. Secondly, it is this pain which prompts us to return to our true and genuine selves. As Kierkegaard has commented, we can only search for that which was once lost; we can only long and ache for that which we once possessed. The second step of *teshuvah* is thus about how a divided self recognises itself as such and in so doing reaches out for the wholeness it once possessed.

Clearly this phase of regret can be identified with the psychic pain and often indefinable feelings of loss that bring people to therapy and perhaps more importantly are a necessary condition for change in the counselling process.

The resolution not to repeat the sin, the third step of *teshuvah* or repentance as with **the *fourth* step which is restraining oneself in the face of the same temptation** or situation would also be easily identified by many therapists (and particularly those with a more cognitive and behavioural approach) as the client's progress from a self-defeating behavioural pattern to integration and real change

of self. The **third step** demands a change in one's state of mind, the fourth a change in one's behaviour. Collectively these two steps are regarded as the decision to change.

Whereas regret deals with the past, resolution, the **third step**, deals with the future. The force, direction and coherence of this step are largely determined by the clarity and strength of the initial recognition concerning the past. (Steinsaltz, 1987) Similarly, in order for the feelings of remorse (the second step) to be meaningful, they need to be accompanied by the belief in the possibility of change. As counsellors well know, recognition of and remorse for one's failures can actually cause a deepening sense of depression and even repression of feelings: the individual may begin to feel so degraded that s/he decides to blot out altogether the source of the degradation. As the *Chassidic* Gerer Rebbe (in Greenberg, 1988) once said, 'He who thinks and thinks again about the evil he did, his thoughts are full of the evil ... so that he is completely sunk in the evil ... If you sweep dirt here or there it always remains dirt ... Therefore it is said "Leave evil and do good".'

The liberating insight of the third step is that one has the strength and capacity to change the past. This tremendous sense of empowerment is neatly captured by Steinsaltz (ibid):

> Knowing that the door is always open and that there is a way through it, knowing that there is no irredeemable situation, can itself serve as a goad to *teshuvah*. (7)

The step of resolution can be seen as a turning-point: the moment of reattachment to one's prototype, the breaking free of the restrictions and limitations imposed by environment and education, and the redirection towards one's true purpose and self.

Of course, as Steinsaltz (1980) has noted, if this primal search does not transcend the urge to be free and has no vector it can be spiritually exhausting and may never lead to a genuine discovery of the true self. He adds, 'In this respect ... has the Torah been perceived as a system of knowledge and insights that guide the individual Jew to reach his own pattern of selfhood' (128).

The fourth step is a more obvious counterweight to the shortcomings of the third stage. Resolutions are after all no more than that – good ideas and good intentions. Routine and habit are very powerful and do not disappear simply because one has decided to change. (This is, of course, one of the criticisms levelled at so-called insight therapy.) Restraint is the determination and courage to be different and to act differently in the face of the routine and the habitual. Whereas the decision to change can be seen as a flash, a sudden insight, the process of change and transformation encompassed in the fourth step can be long and difficult. Steinsaltz (1987) cogently summarises the process of *teshuvah*: '[it] is like a person on a journey who at some point decides to change direction. From that point on, his steps will be carrying him toward a different destination. The turn itself is accomplished in a second yet the new path, like the one abandoned, is long and arduous.' (7)

Teshuvah occupies a central place in Judaism and has many facets. It has always been part of the normal religious world or environment of Judaism and recognised as a potent tool for self-correction and self-renewal. In contemporary times it has taken on another meaning for assimilated or secularised Jews (completely outside of the religious fold) who rediscover Judaism and return to their historical roots and origins. They are called *baalei teshuvah* – returnees to Judaism. This has demanded fundamental changes in their ways of thinking and living.

Teshuvah would then speak to different Jews in different ways but it has one common denominator: it has to do with change, growth and self-transformation. This is obviously not only relevant to Jews but fundamental to all who seek to develop themselves and become more whole. The word *teshuvah* also means 'answer' and in a sense it is *the* answer to the seeking spirit. *Teshuvah* is a life journey that all individuals share.

Conversion and the search for wholeness

The process of *teshuvah* involves finding one's authentic self, connecting to the previously unexplored source of one's being and the Source of all being. A similar or closely connected phenomenon is that of religious conversion. Indeed in his classical treatment of the subject, William James (1902) suggested that conversion can include a heightened or renewed commitment to a religion which the individual already belongs to. By contrast Glanz and Harrison (1978) argue that there are fundamental differences between assuming a new faith or ideological framework ('conversion') and returning to a previously neglected identity ('consolidation' or *teshuvah*).

Notwithstanding the differences, what conversion and *teshuvah* have in common is the search for and the thrust toward wholeness.

For the purpose of this discussion, conversion will refer to individuals who change their faith and the focus will be on those who adopt Orthodox Judaism as their religion.

A non-religious therapist faced with a client in the process of conversion could well find the equation of conversion and wholeness somewhat perplexing and even bizarre. After all, conversion is popularly thought of as a sudden, involuntary and irrational major life change. It appears to lead to a divided rather than a complete self.

While conversion can sometimes reflect underlying pathology, there is much to suggest that conversion can be a healthy and integrative process. It may well be, as Boise (in Witzum, 1990) observed, that people of religion note the healthy and anxiety-relieving effects of such change and that mental health workers emphasise the pathological nature of the process. Notwithstanding this, in his comprehensive survey, Silverstein (1988) concludes that conversion significantly reduces pathological symptoms and that converts are as functional as, or better off than non-converts.

Judaism (and subsequently Christianity [Nock, 1933]) has long considered the nature of conversion as a total and ultimately positive metamorphosis, but

it does seem (in the Jewish Orthodox model at any rate) that in order for conversion to be most effective (and lasting) it should be a slow and considered process. It is a step-by-step procedure, effecting deep changes in personality and behaviour (Genende, 1994).

The emphasis is on the word *process* with all the pain, growth and adventure that it suggests (Lichtenstein, 1990). From my own research into conversion it is apparent that conversion to Orthodox Judaism entails a profound personal transformation with wide-ranging social and interpersonal ramifications. Conversion changes the identity of the convert, often alters behaviour patterns and usually provides a moral framework. It invariably challenges partnerships, family (especially parental) relationships and close liaisons.

In other words, while conversion may ultimately lead to a sense of completion, in order to achieve this one has to undergo much pain and perplexity. In William James' (1902) words it is the process whereby 'a self hitherto divided and unhappy becomes united and happy'.

In 1994 I undertook a study of people who had converted or were converting to Orthodox Judaism in Auckland (Genende, 1994). The study included a combination of in-depth individual interviews, a group program and evaluation interviews. The results reflect how conversion can be seen as a paradigm for the quest for wholeness in that it is a rich and subtle process of change, conflict, growth and transformation.

This was manifest in several ways. Firstly, the process of conversion changed the very identity of the candidate. Identity is the core of the individual; it refers to the way people think and feel about themselves. The person converting does not merely alter personal beliefs or adopt some new rituals; rather he or she experiences an all-encompassing process of change. The results clearly demonstrate substantive affective changes, deep moral and spiritual changes and actual behavioural changes. They can be summed up in the remark made by one of the candidates:

> This conversion has completely changed my life. I don't think there's anything I do now that's quite the same. This has given a different perspective of life, the importance of children ... it touches your very soul.

Secondly, since conversion entails a transformation of identity, it is hardly surprising that it also has drastic effects on the relationships of the convert. The study highlighted the challenges that conversion brought to the converts' relationships with their partners. It forced them to carefully consider the nature of their partnerships, to communicate about difficulties, to make decisions and to work through issues together. At the same time conversion put enormous stress on partnerships; almost all couples reported that they experienced relationship difficulties during the conversion process.

When a couple has a fragile relationship, it is likely to suffer as a result of the conversion process. This was demonstrated by one of the couples in the study. As the conversion progressed, it compelled them to consider the strength of

their commitment to one another. The boyfriend (of the convertee) was faced with a partner who was changing – adopting new ideals and behaviours, characteristics that he was unsure he approved of or even liked. He began to place difficulties in the path of her conversion, frustrating her ability to participate fully in the program. This subsequently led to heightened tension between them and explosive outbursts of anger. The couple were referred to counselling and they later withdrew from the conversion course. (These results also provide some substance to the supposition of Bulka (1989) that conversion can cause marriages to disintegrate.)

By contrast, this study also illustrated that the conversion process can strengthen a couple's relationship. It became evident that when a couple already had a good relationship, they were not only able to withstand the storms and stresses of conversion, but actually improved their relationship. The enhancement of a relationship was succinctly summed up in the comment of one convert:

> This has really made a difference to our relationship. If you can get through conversion and survive all the hassles and difficulties, you can then face anything. The hassles really make you take a good look at your relationship; they helped us grow together.

The conversion process not only challenges partnerships; it also tests other close relationships. Most candidates reported difficulties with their families and especially their parents (reinforcing the findings of Huberman, 1981 and Ross, 1989).

In general, parents resented and were opposed to the decision to convert. Even those who were not churchgoers or religious tended to regard conversion as a repudiation of their value system. As a result, many parents felt a sense of failure and loss. For example, a convert described that his parents felt hurt, angry and bewildered that their son had rejected them for Judaism. Their pain was accentuated by the fact that he was the eldest son in a very old and traditional family. As the eldest son, there were many expectations of him, that as a convert he would be unable to meet.

By way of contrast many others mentioned their parents' perplexity at the conversion, and a respectful or resigned puzzlement was common. This response could imply a muted criticism, but more importantly it shows the realisation of parents that they had no choice but to accept the decision of their children.

A minority of parents endorsed the decision to convert, especially if it would further their child's happiness. As one convert put it:

> In the early days, my father said to me you must decide yourself what you are going to do ... our home will always be open to you ... we won't pressure you ... we'll respect what you choose – it's your future happiness.

Family therapy has long asserted the powerful and compelling influence of the family of origin on a person's behaviour (Goldenberg & Goldenberg, 1990). One of the implications of my study is that a candidate may well bring unfinished

family business into the conversion process. This, in turn, can impede the natural progress of the process. In such cases the rabbi may help the individual come to grips with these family issues and, if necessary, refer him or her to counselling.

From this discussion on conversion, it is evident that it entails a rich and subtle process of change and conflict, growth and transformation. It is this transformative nature of conversion that makes it so important for any student of the nature of wholeness. Individuals seeking wholeness need to recognise that the search can change their identity and seriously impact on their most important relationships. They also need to be aware of the unfinished business they may be bringing with them. Like the convert, the pilgrim of wholeness sets off on an unknown journey probing the limits of self, inviting challenge, courting conflict and changing the balance of relationships. As in the story of Jacob, it is a spiritual journey but it has many practical, social and emotional consequences for the traveller. The search for wholeness should also take the traveller beyond the confines of self. The nature of true wholeness suggests being at one with the wider community in which we live. There needs to be a shared sense of wholeness with your community and ultimately with wider society. If one has problems with one's community one cannot attain *shelemut*.

This was reflected in my study on conversion. The individual passage of converts was influenced by the type of social support they received from the Jewish community and the kind of recognition they got from the wider non-Jewish public. Converts who did not feel accepted by either, struggled with their sense of identity. As one candidate put it, 'Often I've felt an outsider from the Jewish people and from the non-Jewish ... sometimes I've felt like I'm not from anywhere.'

The words of *Shule*vitz (1991) sum up not only the experience of a convert but of every pilgrim on the path towards wholeness: 'the convert is on the horns of a dilemma – between the divisions of the old and the new ... When someone converts it's not a seamless joining; [they are] estranged from the old ... but not yet integrated into the new' (57).

Implications for counsellors and therapists

1. The counsellor is in a unique position to help a client who is converting deal with relationship and personal issues and cope with the profound changes that they are undergoing. The counsellor can work alongside the rabbi, to help the client on their path to wholeness.
2. The contention of this paper is that religious conversion not only indicates a vital and positive yearning for growth and wholeness, but also sheds light on the search for wholeness. While particularly helpful with a religious client, the therapist can draw on this concept when working with any client where identity transformation is central. It is a useful illustration of how personal changes impact on close relationships as well as relationships with the wider community. In a sense any individual undergoing profound personal changes is 'converting' from one way to another.

3. Conversion is a complex and multifaceted process reflecting the interplay of the psychological and the spiritual. The spiritual quest both reflects and influences issues of self and identity, interpersonal relationships, family of origin and connection to community. An appreciation of the process of conversion can only enhance a counsellor's understanding of the interdependency of the therapeutic and the spiritual.
4. Conversion can serve as a model and aid to the therapists in their own search for wholeness. It highlights some of the practical obstacles on the way to achieving integration. It also emphasises the slow and considered nature of any process of true transformation. In summary, it can be an asset to the counsellors in their personal striving and in helping edge others towards wholeness.

This study also has several **implications for rabbis**:

(a) They should be educated in the psycho-social features of the conversion process.
(b) Where necessary, they could be trained in basic counselling skills in order to recognise and facilitate problems that arise and know when it is appropriate to refer to a counselling professional.
(c) They should be alerted to the implications of the conversion process as more than a learning of new information and acquiring new beliefs and behaviours but a radical transformation of the individual and elemental to their pursuit of wholeness.

Conclusion

Before the *Chassidic* master, Rebbe Zusia died, he said, 'When I die and come fact to face with the heavenly court, I shall not be asked why I was no Abraham, nor shall I be asked why I was not more like Jacob nor why I was not Moses. No. What worries me is that I shall be asked why I was not Zusia.'

Like Zusia, the challenge for all those who strive for wholeness is to unlock their own unique potential. Judaism offers numerous insights into our own contemporary search for a more authentic and holistic way of being. Its emphasis on *teshuvah* and its precise program of attaining atonement (and at-one-ment) are of particular relevance for counsellors seeking their own wholeness of being. It will also be useful in their work with others. Similarly, religious conversion is a process of self-transformation which will speak to all involved in changing themselves and facilitating others seeking to change. For members of the clergy, an understanding of the therapeutic dimensions of *teshuvah* and conversion will enhance their own search as well as their ability to help their clientele in their striving to be more real and more whole human beings.

In conclusion, to paraphrase Hillel's advice in the ancient *Ethics of the Fathers*, let us all be disciples of Aharon, who loved peace and wholeness and actively pursued it his entire life.

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The impact of the Jewish-Christian dialogue upon Christian and Jewish thought

David Rosen

During the last almost two millennia, the Jewish people have overwhelmingly lived within Christian and Muslim societies. Those interreligious encounters that have taken place during the course of that time have almost invariably been of a polemical character. Nevertheless, there have been notable examples of positive dialogue and especially of constructive cooperation, particularly under Islam. Indeed, the historical relationship of Judaism with Islam has generally been less vexed than that with Christianity, paradoxically precisely because it is less 'umbilically' attached to Judaism than the latter. As Pope John Paul II put it (12 March 1979), 'our two [Jewish and Christian] communities are connected ... at the very level of their respective identities'. Yet, that has also been the very source of conflict as well, as the two have competed for those claims rooted in their shared Biblical sources.

Nevertheless, the development of the interreligious dialogue this century and most especially during the last fifty years has, for Jewry, overwhelmingly been with the Christian world! This is not just because the relationship with Israel has been vitiated by the politics of the Arab-Jewish conflict, but has much more to do with the sociocultural context that facilitates such dialogue. Such a context has developed in modern times in what is broadly called 'Western society' and here too Jewish-Muslim dialogue has begun to develop its own modern course. However, in what might superficially be called the 'Eastern Christian' world, the dialogue has hardly advanced any more than it has with the majority of the Muslim world. In addition, precisely because of that aforementioned 'umbilical' relationship of Christianity with Judaism, once the sociocultural

context does facilitate the dialogue, there is a unique amount of 'theological baggage' to unpack.

'Nostra Aetate', the document produced by the Second Vatican Ecumenical Council, stands very much as the embodiment of the modern transformation in Christian-Jewish relations in general and Catholic-Jewish relations in particular. Of course, 'Nostra Aetate' emerged out of a historical context. A nascent Jewish-Christian dialogue in the earlier part of the century emerged out of European emancipation and enlightenment which encouraged a critical and scientific perspective of history. However, it was the impact of the Shoah – the extermination of a third of European Jewry in ostensibly Christian lands – that gave the whole endeavour of Christian-Jewish reconciliation and its concomitant theological implications, the greatest impetus of all.

The fruits of dialogue

The first document of its kind produced together by prominent Christians and Jews as an outcome of the dialogue, is known as 'The Ten Points of Seelisberg', issued in 1947 by the newly formed International Council of Christians and Jews in the wake of the Second World War and in the shadow of the Shoah.

In 1993 that same organisation (now representing some thirty national constituent bodies), through its Theology Committee (comprising Catholic and Protestant theologians and Rabbinic scholars from the three different main streams of contemporary Judaism) produced another historic document entitled 'Jews and Christians in search of a common basis for contributing to a better world'. A comparison between these two documents highlights the significant developments over the last fifty years in the Jewish-Christian dialogue.

These 'Ten Points of Seelisberg' were published, as mentioned, under the fresh impact of the Shoah and an increasing awareness among Christian theologians that what Jules Isaac had described during his famous meeting with Pope John XXII as 'teaching of contempt' towards the Jews, was not irrelevant to that tragedy. Accordingly, in addition to repudiating the ideas that the Jewish people were – let alone remain – corporately guilty for the death of Jesus and have been spurned by God, The Ten Points sought primarily to warn and exhort against the defamation of the Jewish people and the misuse of Christian teaching and Scripture to such purpose. Thus, special emphasis is placed in the document on the Jewishness of Jesus, his disciples and the first Christian martyrs.

While such points and exhortations seem more than obvious to us today, they were not without their critics at the time. Similarly, the road to the promulgation of 'Nostra Aetate' was not without many hurdles, including theological ones (see J Osterreicher, *The New Encounter between Christians and Jews*, New York, Philosophical Library, 1986).

Thus when we view the 1993 ICCJ document in retrospect, we may indeed remark upon the distance the dialogue has traversed in, historically, a very short period of time. It has gone from the necessarily defensive and proscriptive aspects, through the path of increasing mutual understanding, towards shared cooperation; and has contributed to the beginnings of theological reflection upon

the other – and in that light, upon ourselves.

Christian self-reflection, in light of this dialogue

The Christian component of the ICCJ document of 1993 reflects the profound development in self-criticism. One of the most dramatic examples of this was the statement made by Cardinal Edward Cassidy at the meeting of the International Catholic-Jewish Liaison Council (ILC) in Prague in the summer of 1990 – words which were echoed by Pope John Paul II at the meeting of the ILC in Rome later that year to celebrate the twenty-fifth anniversary of the promulgation of *Nostra Aetate* – 'the fact that anti-Semitism has found a place in Christian thought and practice calls for an act of *teshuvah* (repentance) and of reconciliation on our part ...'! The Pope's statement was made all the more significant by his powerful condemnation of anti-Semitism as 'a sin against God and against humanity'!

The self-reflective spirit has, of course, been substantially born out of scholarly endeavour, that has itself not only helped develop the dialogue, but also impacted upon it profoundly. Indeed, in 'Nostra Aetate' the Sacred Synod declared its desire 'to foster and recommend, that mutual understanding and respect which is the fruit above all of Biblical and theological studies as well as of fraternal dialogues'. Furthermore, the 1975 Guidelines for Implementing the Conciliar Declaration 'Nostra Aetate' issued by the Vatican Commission for Religious Relations with the Jews, established by Pope Paul VI in October of the previous year, further clarifies this exhortation. Not only did it declare that 'Christians must strive to learn by what essential traits the Jews define themselves in light of their own religious experience' but also called for 'research into the problems bearing on Judaism and Jewish-Christian relations ... particularly in the fields of exegesis, theology, history and sociology'. Furthermore, in relation to 'higher institutes of Catholic research', the Guidelines indicated that 'wherever possible, chairs of Jewish studies will be created and collaboration with the Jewish scholars encouraged'.

While the authors of this document might have anticipated a much wider implementation of this latter expectation, the burgeoning of relevant scholarship has had an enormous impact upon Christian understanding of Judaism and the nature of the relationship between the two faiths. The extent of reflection is evident in the ICCJ document's summary of current Christian theological thinking that seeks to deal with 'obstacles stemming from shared roots', including the problems of 'supercessionism' and the idea of the displacement of the Jewish people and its relationship with the land, by the Christian Faith. Also subject to critique is the extent to which the attribution of the Messianic proclamation is appropriate. While we are all well aware that not all Christian theologians would subscribe without qualification to everything contained in this particular section of the document, it nevertheless is surely a testimony to the extent of greater understanding, sensitivity and consideration for the other, as well as constructive self-reflection, that has ensued from the dialogue.

However, beyond that bilateral relationship, it may be argued that the very

examination of the part of the Church of what *Nostra Aetate* declares to be her 'bond with the Jewish people', served as a major impetus for the consideration of the Church's relationship with other faiths, with the recognition 'of the riches which the generous God has distributed among the nations' (Decree on Missionary Activity, #11). This indeed is the contention of a contemporary Catholic scholar who has noted that the result of such dialogue is that 'the [Church's ongoing] call to bear witness to the Gospel, is however [now] accompanied by an understanding that elements of truth and holiness are being reflected in the lives of many people. Gone is the "religious imperialism" of recent centuries' (Laurence E Frizzell, 'Jewish-Christian Relations and the Dialogue with World Religions', *SIDIC*, vol. 28 no. 2, 1995). Significant in particular in this regard, has been the Christian examination of the character of its 'mission' in the modern context and its distinction from 'proselytism' (or more precisely 'proselytisation', as expressed in the *WCC Document on Christian Witness, Proselytism and Religious Liberty* (New Delhi, 1961) and the 1970 Joint Working Document between the Roman Catholic Church and the World Council of Churches). Also particularly notable in this regard is Professor Tommaso Frederici's 'Study Outline of The Mission and Witness of the Church', prepared for the Holy See's Commission for Religious Relations with the Jews and delivered in Venice in 1977 at the sixth session of the International Jewish-Catholic Liaison Meeting. These insights are accordingly echoed in the ICCJ document.

Naturally, the impact of the dialogue upon theological understanding and teaching has, more often than not, been less explicit. At the very least, however, it places on the table the theological questions that were hardly if at all considered theretofore. Most pertinent in this regard in the context of this bilateral dialogue, is the widespread acknowledgment that the full theological implications of the very declaration in *Nostra Aetate* based on Paul, that the Covenant between God and the Jewish people is not and never will be abrogated, still await discovery. What precisely is the theological nature of our mutual relationship in this light? As Cardinal Martini declared in an address to the ICCJ International Colloquium in 1984 'today it is still not clear how the Church's mission and that of the'Jewish people can enrich and integrate one another without neglecting the essential, unrelinquishable features of their own existence ...'

Nevertheless there is a profound sense of the moral imperative that arises out of this 'common bond' – with wide ramifications for inter-faith relations at large – and I will refer to these shortly.

Jewish thought in light of the dialogue

The 1993 ICCJ document acknowledges that Jews come to the dialogue almost invariably from different perspectives and generally with different interests from those of their Christian interlocutors. Indeed, the document refers to 'the obvious asymmetry' in the relationship between Judaism and Christianity', which makes the bilateral encounter less obvious and of less pressing theological consequence for the Jew. Such perception leads Frizzell (loc. cit.) to the reasonable conclusion that 'although Christian-Jewish' dialogue often has led members of Jewish

groups to meet each other, Jewish approaches to other religions probably derived little from the Christian experiences'. He points out that there were more prominent geo-political, cultural and intellectual factors stimulating Jewish thought.

However, as indicated above, not only is the relationship with Christianity unique for Jewry in terms of its historical links and complexity, but no other religion has been given greater Jewish scholarly attention in modern times. While this may not have been the major direct impetus for promoting relations with other religions, nevertheless in addition to the indirect effect, the encounter has indeed impacted significantly upon Jewish theological thought, with implications beyond the bilateral relationship.

As already mentioned, while the predominant experience of Jewry under Christianity down the ages was not a happy one, nevertheless there were encounters of a positive nature that succeeded in impressing Jewish religious scholars not only of the religious legitimacy of Christianity, but even of some divine purpose, role and destiny, in the salvation of humankind. Some of these perceptions are referred to in the ICCJ document.

Yet it was under the impact of the European enlightenment that emancipated Jewish thought became bolder in this regard. Classic examples in the earlier part of this century are the German scholars Franz Rosenzweig and Martin Buber. It was Rosenzweig who took up the implications of those earlier viewpoints (mentioned in the ICCJ document) of Maimonides (twelfth century) and more especially Rabbi Menachem HaMeiri (fourteenth century) and even more explicitly for example, Rabbi Moses Rivkes (seventeenth century) and Rabbi Jacob Emden (eighteenth century) indicating some special relationship of partnership in the divine economy.

However, the first part of this century did not only facilitate the greater integration of the Jew in society, but also the most violent and diabolical rejection of the Jew in humankind's history, in ostensibly Christian lands and culture! Accordingly, attitudes within the Jewish community towards Christianity become even more polarised. For many, precisely the need to obviate the threat of such tragedy required greater engagement with society at large and dialogue with its dominant religious ethos. For others, the tragedy only intensified their desire for isolation, especially from that religious ethos that was perceived by them as inextricable from, and even the inspiration for, gentile hostility. Indeed, contemporary attitudes regarding the dialogue, reflect to a large degree the sense of relationship with the modern world as a whole. In other words, the more comfortable the Jew feels in the contemporary world, the more positive his/her attitude is likely to be towards the Jewish/Christian dialogue. Somewhat paradoxical in this light then, is the fact that some of the most prominent Jewish advocates of the inter-religious encounter – themselves products of modern culture – see the importance of the dialogue precisely in the need to provide a common front against modern secularism (cf. E Fackenheim, 'These Twenty Years', in *Quest for Past and Future*, London, 1968; and D Novak, *Jewish-Christian Dialogue – a Jewish Justification*, Oxford, 1989). Yet, precisely because Jewish

involvement in the dialogue has substantially resulted from modern acculturation, the major developments in Jewish theological reflection in this regard, have taken place within the non-Orthodox streams of Judaism, principally in the direction of affirming religious pluralism in general (e.g. S Greeenberg, *Pluralism and Jewish Education,* 'Religious Education', Winter 1986; and J B Agus, *Dialogue and Tradition: The Challenges of Contemporary Judeo-Christian Thought,* New York, 1974).

There have been, however, significant attempts to accord a unique place for Christianity, acknowledging that 'a new revelation has taken place outside the Covenant with Israel and the revelation to her' (Hans Joachin Schoeps, *The Jewish Christian Argument,* New York, 1963), as well as interpretations much in parallel to those among Christian theologians who see the two as different Divinely intended expressions of the one Covenant (cf. W Herberg, 'Judaism and Christianity, their Unity and Difference' and 'A Jew looks at Jesus' in B W Anderson, ed. *Faith Enacted in History – Essays in Biblical Theology,* Philadelphia, 1976). Thus the idea of Covenant is used in modern Jewish theological thought in three notable different ways, to articulate a theological understanding of the nature of the relationship in terms of Divine Purpose: the pluralistic concept of multiple Covenants in which Judaism and Christianity are two among a potentially unlimited number; the idea of there being just the two alternative Covenantal paradigms; and the view of the One Covenant that has two divinely intended expressions. (See also, S Siegel, *Covenants – Old and New,* Jewish Heritage, Spring 1967; and J Agus, *The Covenant Concept – Particularistic, Pluralistic, or Futuristic?,* Journal of Ecumenical Studies, 18:217-30).

While as mentioned, within Orthodox Judaism there is a predominant reticence against entering into dialogue with Christianity, analytical observation discerns the reasons as more psycho-historical and sociological than theological, even if there is some use of the latter as justification (see Z. Yaron, 'An Orthodox Jewish Israeli Views Interfaith', *Tradition,* vol. 6, 1964, reprinted in *A Treasury of Tradition,* New York, 1967; and D Rosen, *Why is the Search for a Common Religious Basis for Jewish-Christian Communication and Cooperation Necessary?,* Martin Buber House Publication, Heppenheim, no. 20, Winter 1992-93).

Nevertheless, there are Orthodox Jewish rabbinic scholars and thinkers who seek dialogue with Christianity not only on a multi-faith basis, in keeping with Rabbinic Judaism's teaching that all humankind is covenanted with God in the Noachic Covenant, but who furthermore acknowledge a special theological relationship between the two. Notable in this regards are the Orthodox scholars Michael Wyschograd, who declares that 'Jews must try to understand Christianity's role in God's redemptive work' and Rabbi Irving Greenberg, who has called upon Jews as well as Christians to affirm the 'fullness of the faith claims' of one another ('*The Relationship of Judaism and Christianity: Toward a New Organic Model*', in *Twenty Years of Jewish-Catholic Relations,* ed. E J Fisher, A J Rudin, M H Tannenbaum, New York, 1986). An additional theological category for affirming a special mutual responsibility is also provided in terms of shared values and obligations under the rubric of the traditional Jewish understanding

of the supreme Biblical obligation 'to Sanctify the Divine Name' (cf. David Rosen, loc. cit.). This idea finds its expression in the ICCJ document as a Jewish perspective of the theological basis for the bilateral dialogue, in addition to the universal bases for such.

The call to common action

Indeed, the dialogue finds the widest theological common ground within Jewry, as well as between the two communities, when it addresses not only ethical questions within the bilateral relationship, but our shared responsibilities towards society at large. Accordingly, the ICCJ document refers to the Jewish recognition of 'a common agenda indicated by those tenets and values which Jews and Christians hold in common due to their shared Biblical and historical roots' (cf. Norman Solomon, *Forward Together,* Martin Buber House Publication, Heppenheim, no. 20, Winter 1992-93).

This self-same perception runs as a golden thread through the pronouncements of the Magesterium concerning interreligious dialogue in general and Christian-Jewish relations in particular. One of the most profound statements in this regard was that made by Pope John Paul II in Mainz in 1980, referring to this aspect as the 'third dimension' of the dialogue, describing it as the 'sacred duty of Jews and Christians'. ' ... As children of Abraham' said the Pope '[we] are called to be a blessing to the world (Genesis 12 v.2) by committing [ourselves] to work together for peace and justice among all peoples'. Naturally, the significance of referring to Abraham as our common parent and role model, infers clearly that Jews and Christians are bound together with Muslims in this 'sacred duty'.

Similarly the 1985 *Notes on the Correct Way to Present Jews and Judaism in Preaching and Catechesis in the Roman Catholic Church,* drawn up by the Holy See's Commission for Religious Relations with the Jews, declare that: 'We must accept our responsibility to prepare the world for the coming of the Messiah by working together for social justice, respect for the rights of persons and nations, and for social and international reconciliation. To this we are driven, Jews and Christians, by the command to love our neighbour, by a common hope for the Kingdom of God, and by the great heritage of the Prophets.'

This is indeed the primary focus of this 1992 ICCJ document which is entitled *Jews and Christians in Search of a Common Religious Basis for Contributing Towards a Better World.* To this end, the document outlines the particular view of humanity, of the world and of God, as well as the particular ethos and set of values, that Jews and Christians share.

In so doing, the broader theological bases for interreligious cooperation are further expanded to the point where a shared religious definition of where the borderlines of religious pluralism lie, is required and given. Nevertheless, the expansive impact of the dialogue upon theological thought and vision finds its expression in the concluding paragraph:

> From their common basis, Jews and Christians make their contribution to the discussion on the future moral and spiritual

shape of our world. Essential in this context is theological humility. Members of each religious community should concede that God may have other ways to relate to human persons and communities than those in which God has been revealed to their own community. They should be aware that there are valid expressions of the encounter with the Divine other than their own. When encounter with the Divine takes place in another religious community, there, too, men and women tread on holy ground.

Religious pluralism: Our last frontier

Robert Anderson

What is religious pluralism?

There is a sense in which religious pluralism is a fact of modern life, not least in a nation such as Australia in which, generally speaking, there is an acknowledgement that our society is and should be multicultural and where there exist a plethora of distinct religions. When we speak of *cultural* pluralism in our modern context we have a fairly clear idea of what we have in mind. At the core of that understanding is the notion that each and every group has the right to express its cultural identity in a way that is unhindered by and not subject to interference from any other group, provided that its actions do not contravene the laws of the land and do not offend common decency.

But what is meant by *religious* pluralism? Is its so-called fact of life status sufficient to withstand, in our time, the attitudes of the past where certain religions acted without reference to or regard for others which, in fact, they deemed to be inferior? What, then *is* religious pluralism? There may be some profit in, first of all, attempting to convey what is *not* meant by that description. Religious pluralism does not mean the acceptance of relativism. It is not some kind of simplistic unity. It is absurd to suggest that all religions are the same. It is even more so to posit an ideal religion to which we all aspire. Nor do we achieve what is meant by religious pluralism merely by being tolerant of all religions. It goes far beyond tolerance. It involves moving beyond one's own world-view to a positive appreciation of that of others. It eschews the judgment of others. Indeed, it requires an affirmation of the other.

It is likely that the practitioners of most religions would accept that presentation of the meaning of religious pluralism. The difficulty, however, is that the acceptance of what we believe religious pluralism to be may mask very uncomfortable attitudes to it, particularly at official or hierarchical levels. Some

religions, by their very nature, are quite content to live out their existence without reference to any other. Whereas, it is clear from past and even present experience that not all religious bodies are prepared to be so accommodating. It would be patently naïve of us to assume that a general assent to the existence of religious pluralism necessarily reflects the attitude of each and every religious authority. This is what is hinted at with the inclusion of the words 'our last frontier' in the title of this essay. What is in mind is not so much a wide expanse to be conquered as an agenda item to be faced up to.

Judaism, Christianity, and religious pluralism

In any listing of the major world religions, those that would appear to represent the problem of the last frontier are the monotheistic faiths. Moreover, those which state their relationship to the deity in terms of covenant and election would appear to be singularly vulnerable to the charge of religious exclusivism. Whether this is necessarily so or not is open to question. The most obvious way to test this is to look at two faiths which are undoubtedly monotheistic and covenantal and which, in addition to employing the language of divine election, have certain sacred scriptures in common, namely, the Hebrew Bible. What was it in their understanding of these concepts and in their Biblical interpretation that led to such demonstrable differences in their attitudes to those beyond the borders of their own faith?

To speak of Judaism and Christianity having the Hebrew Scriptures in common can be quite misleading. Indeed, it is largely because of this commonality that the two religions have lived out their relationship in a state of unremitting antagonism. To admit certain traditional writings into a corpus of sacred literature is one thing. However, it is quite another matter when questions of authority and interpretation arise. For all the claims of the Church, ancient and modern, that the two testaments, the so-called Old and the New, together constitute the canon of its sacred scriptures, the attitude towards these writings and the use made of them within all the various churches run counter to such assertions. The reluctance to give up the use of the pejorative 'Old' when referring to the Hebrew Scriptures is one clear attestation of the gap that exists between Judaism's appraisal of this literature on the one hand and that of Christianity on the other. The measure of authority to be afforded this so-called Old Testament and the hermeneutical principles to be employed in its interpretation are two issues that have taxed the minds of ecclesiastics, both hierarchical and theological, down through the centuries. It is true that there have always been individuals within the church, mainly specialists in Hebrew language and Biblical studies, who have been more comfortable with the Hebrew Bible; nevertheless, even they do not have that sense of personal and national empathy for these writings which is so marked a feature of the academic work of their Jewish colleagues. Moreover, the influence of the scholars within the various churches has been minimal, and the damaging eclectic use of the Hebrew Bible has continued almost unabated. One need look no farther than the stipulated lectionaries to have ample proof of that judgment. By concentrating, in the main, upon those sections of

the ancient scriptures that served its own dogmatic interests, the church has blinded itself to those influences which may have prevented the development of a religious exclusivism which admits the truth of no religion but its own.

There are within the Hebrew Bible certain assertions and certain events which, if noted carefully, should warn us against premature judgment of the worth and dignity of others and, by implication, the worth and dignity of the culture and religion of others. One such is the dictum found in the opening chapter of the first book of the Torah that human beings are created 'in the image of God'. Whatever the precise connotation of these words, they stand as the encapsulation of the over-arching status conferred upon all humans by the Divine Creator. Attempts to render this truth in less anthropomorphic language do not detract from its enduring significance. There is nothing in the immediately succeeding chapters, nor anywhere else in the Hebrew Bible, which alters this human status or calls in question the implied divine-human relationship. It is not all that may be said, or that needs to be said on the matter, but it should be allowed to stand as the measure of all else that follows. Certainly it should not become merely one item in a so-called salvation history that serves the purpose of Christian dogmatics. In a sense, what we have in the first chapter of the book of Genesis is the primary covenant, that between God and the whole of creation.

What follows the announcement of this primary covenant is a series of stories, the purpose of which is to counter any romantic notions about the way in which human beings behave whatever their created status. They are replete with descriptions of how things actually are in a world where human beings are free to exercise their own wills. We do these stories a great disservice if we attempt to pass them off as the product of naïve aetiology. One point that demands full recognition is that the primary covenant stands secure and not even the most reprehensible human behaviour can annul it. Indeed, the purpose of the Flood Story is to underscore the notion of divine faithfulness. The delightful reference to the 'bow in the clouds' conveys nothing if not that very point. This second covenant, the Noachic Covenant, removes any threat of divine arbitrariness. However sophisticated we may become in our understanding of the universe and in our theological statements, so long as we continue to find room for a deity, we should not wish that deity to be less than faithful to the created order and we should have good reason to suspend belief if God were thought to act in a capricious or arbitrary manner. Not even the most pessimistic reading of recent history would invite that prospect.

In Jewish tradition the divine covenant with Noah takes on an added significance. It opens the way for an understanding of the human-divine relationship in a way that does not require conversion to Judaism. The Noachide Laws – seven in all – are presented by the ancient Rabbis as binding upon all human beings. Thus they are a constant reminder to Jews that the deity is not bound to or circumscribed by any one religious tradition. By and large these Laws and their significance have received little attention from Christian scholars and remain virtually unknown. If some attention were given them, it is likely that just as the Torah has been dismissed traditionally within Christianity as no

more than a means of earning one's own salvation, so too would these seven specific precepts be summarily dealt with. At the heart of this attitude is the persistent Christian failure to recognise that such a perception of the keeping of Torah within Judaism is no more than an unfortunate caricature that is the result of imposing upon one religion the particular salvific system of another.

The prohibition of idolatry, which is both the Second Commandment of the Decalogue and the first law of the Noachide Code, was vehemently proclaimed by the great Hebrew prophets. In the early stages of the historic Mosaic faith it is doubtful whether the type of monotheism of which we speak today was a conceptual possibility. Rashi's translation of the Shema would give some support to that interpretation. That is, that in early times it was not the existence of others' gods that was being denied but rather their efficacy so far as Israel was concerned. For the latter there was one God and one God only. In the world of that time, deities were both nationally and spatially limited. It was recognised that just as Israel swore allegiance to its deity, so too did its neighbours bind themselves to the God who protected them and directed their fortunes. The alien gods of Jezebel may have been trespassing upon the land of the God of Israel but they were sufficiently real for the prophet Elijah to need to contend with them and make a display of their impotency. However, a hundred years later, by the middle of the eighth century BCE, the gods of the nations were beginning to have their very existence called into question by prophets such as Amos, Hosea and Micah. The Psalmist could dismiss the gods, the *'elohim*, of the nations as no more than *'elilim*, idols (Psalm 96:5). The mockery of the gods of the nations, even those of Judah's victors, the Babylonians, reaches its zenith in the book of Isaiah in chapters such as 41 and 46. Thus the incipient or practical monotheism of earlier times, which left room for the existence of gods beyond Israel, has now blossomed to the stage where there is no room for any deity alongside the One True God. The *Shema* has now taken on a different complexion.

But has the banishment of their gods left the nations without hope? Is Judaism presented in the Hebrew Scripture as the sole path to a knowledge of God? What basis is there for forming an opinion one way or another? The evidence appears to fall far short of being unequivocal. The closing chapter of the book of Zechariah, which is apocalyptic in character and eschatological in tone, may be interpreted as decidedly nationalistic, even particularist. On the other hand, it may be seen as a universal call for others to share in the divine blessings upon Jerusalem and the exodus experience of the Jewish people. It is not the religion of Judaism that is extolled but God as 'the King, the Lord of hosts' (Zech.14:16, 17). The concluding book of the prophetic canon, traditionally accepted as the last contribution of its kind, the Book of Malachi, contains these words:

> For from where the sun rises to where it rests, my name is honored among the nations, and everywhere incense and pure oblation are offered to my name; for my name is honoured among the nations – said the Lord of hosts.
>
> (Mal. 1:11 JPS Translation, 1978).

The interpretation of this verse is not as straightforward as first appears. The making of offerings at a place other than the Jerusalem Temple is contrary to the requirement of the sacrificial codes of the Torah. The honouring of the divine name 'among the nations' may be no more than a reference to the presence of loyal Jews within the diaspora. There have not been lacking those Biblical commentators who have seen in this statement more than a hint of religious absolutism. Even if that were so, it is not the type of absolutism that requires conversion to one particular religious system and should rather be seen as part of the increasing recognition of the universal nature of the God of Israel. Certainly the verse stands as an impressive reminder that the Creator may not be confined to any one people, a point that is made time and again in the Biblical literature of the post-exilic period. It is thus true to the proclamation of the great prophets of the past who saw the covenantal relationship as an election not to privilege but to responsibility.

There has been much written of late on the nature and extent of Jewish proselytism at the turn of the era, that is, during the two centuries or so before the Common Era and the same period of the Common Era. That it is a complex issue continues to be attested by the measure of disagreement that it has engendered. The enormous size of the Jewish diaspora at this time has to be accounted for one way or another. It has been estimated that the Jewish constituency, in diaspora and homeland combined, accounted for one-eighth to one-tenth of the total population of the Roman empire. This transcribes into a figure that ranges from five to seven million. This is less remarkable when the geographical extent of the diaspora is taken into consideration. It extended from one end of the empire to the other, from Spain in the west to Asia Minor in the east, southwards to Egypt and along the North African coast, embracing all of the important Mediterranean islands. There were huge and well established Jewish communities in all of the major cities of the empire, some such as those of Alexandria and Antioch dating back to around 300 BCE. The place of the family in Jewish society, along with the abhorrent pagan practice of exposing unwanted newly born infants to the elements, meant that the Jewish percentage of the total population was bound to increase. But those factors plus natural increase would scarcely account for the existence of five million or more Jews in the empire at the turn of the era.

Just as complex, perhaps even more so, is the issue of the relationship of diaspora Jews to their gentile and mostly pagan neighbours. Political and social factors exacerbated the difficulties, particularly in Alexandria. Vehemently anti-Jewish sentiments arose in Egypt and these were paralleled in the writings of some of the well-known Roman satirists such as Juvenal and Martial. A large body of literature expressing Roman and Greek attitudes to Jews and Judaism has recently been collated and edited.[1] What is more or less clear from a perusal of this literature is that the animosity towards Jews on the part of some had as its source a concern that Judaism was proving to be attractive to some sections of pagan society, including its upper echelons. The reasons for this appeal were Judaism's monotheism, its lofty morality and what is referred to as its 'claim to

antiquity', that is, its patently ancient origins and long history.

It is difficult to account for the huge Jewish diaspora on the grounds of natural increase alone. Hence most scholars are drawn to the conclusion that Jewish proselytising did exist. However, the documented evidence for incidents of such practice are few and far between. There is, for example, a reference in the New Testament (Matthew 23:15) to the zeal with which 'scribes and Pharisees ... cross sea and land to make a single convert'. But this may have to do not with conversion of gentiles to Judaism but conversion of their fellow Jews to Pharisaism. However, coming as it does within a notoriously anti-Pharisee chapter, it is doubtful that any argument at all may be based upon it. A Latin source refers to an expulsion of Jews from Rome in the year 139 BCE because of their proselytising activity though this was probably limited to a small group.

Mention of converts to Judaism is to be found in Rabbinic literature as well as in that of the Church fathers. Provision was made for their acceptance into the Jewish community on a basis of equality with the native-born Jew though there were barriers to certain offices. The sources also make mention of other gentiles to whom was given the epithet 'God-fearers'. These were attracted to Judaism but engaged in some of its practices only and hence did not submit to the rigours of conversion.

The conclusion must be that proselytism was practised by some Jews, in some places, and at some times. At various times it was outlawed by imperial fiat. It was left, however, to the combined power of state and church to proscribe it totally towards the close of the fourth century of the Common Era. What must also be noted is that Jewish proselytism was a sporadic phenomenon. There was nothing either in the Hebrew Scriptures or in later Jewish writings that called for missionary activity directed towards non-Jews. The reasons for this have been alluded to in this essay. Perhaps among them was the nature of the inner development of monotheistic belief whereby there was acknowledged, if not the gods of the surrounding nations, at least the integrity of others to worship as they saw fit. One important circumscribing factor, however, was – at least in later times – the notion of the Noachic Covenant. Within this covenant for all people stood the Sinai Covenant whose provisions and responsibilities were incumbent upon one people only, the People of Israel. Most conspicuous and most demanding of all the responsibilities is to be 'a light to the nations' (Isa. 42:6). It is not the bearer of the light that is important, but its Source.

The type of Judaism reflected in what has been written above approximates what is usually referred to as traditional Judaism. It is the religion of the Ezra tradition, dependent upon the work of the Zugot, the Tannaim, the Amoraim and their successors. It is associated with the rabbis so closely that it may be referred to as Rabbinic Judaism. If there is one singular influence within its development it is that of the Pharisees. So predominant did Rabbinic Judaism become that it is often regarded as having won the day long before it did. Moreover, because of the centrality within this tradition of the Torah, both written and oral, of the *Mishnah* and *Gemara* and of the *Midrashim*, the existence of other religious literature from the second century BCE to the second century CE is

easily overlooked. This is literature that emanated originally from Jewish circles, whatever the means of its preservation and transmission. What these writings indicate is that the Judaism of this 'turn of the era' period was far from being monolithic. Indeed, multifaceted is the descriptive term that should be used.

In addition to the Dead Sea Scrolls material that reflected the beliefs and practices of the Qumran Community, the caves have yielded writings of groups with which presumably the covenanters had something in common. Much of this so-called apocryphal and pseudepigraphical literature was already known to scholars, but mostly not in the original languages and often with later Christian alterations to suit particular dogmatic purposes.

Of particular interest in all of this non-Biblical and non-Rabbinic material is the evidence of a strong influence of apocalypticism. Though this particular outlook is often equated with an emphasis upon the End-time, that is not its primary constituent. Of central significance for the phenomenon of apocalypticism was the belief that certain figures were the recipients of esoteric divine knowledge. This not only set one group of religious observants over and against all others but it arrogated to that group an exclusive access to truth. When this is coupled with eschatological fervour, it becomes a rather heady mixture, tolerating no rivals and admitting no other avenue to the deity.

Apocalypticism was in the air, so to speak, when the Qumran Community broke with the Jerusalem Temple, when Christianity arose, and when Rabbinic Judaism was emerging. It so happens that the last-mentioned was little affected by it. But that is not the case so far as Qumran and Christianity are concerned. Because of its disappearance after 68 CE, the Qumran Community may be passed over and our interest concentrated upon the essential nature of Christianity. It may be an exaggeration to claim, as one notable Christian scholar has, that 'apocalyptic is the mother of all Christian theology' but even his fiercest critics would not deny that apocalypticism is strongly represented in early Christian thought.

There is much that Judaism and Christianity share, for example, the Hebrew Bible, the notion of a covenantal community, a sense of divine election as well as a messianic hope that looks forward to the Kingdom of God. But upon closer examination that commonality is seen to be superficial only. This is clear beyond question when the divergent uses of the Hebrew Scriptures are noted. Traditional Judaism holds the Torah, the Five Books of Moses, to be inviolable; whereas the approach of the New Testament writers was to mine the whole of the Hebrew Bible in a search for putative messianic references which were applied to Jesus of Nazareth, though it is very unlikely that he saw himself in that light.

The sum of the matter is that the farther the early Church moved away from its context within Hebraic thought and practice into those of the Hellenistic world, the more it tended towards absolutism. It followed the pattern of the group that breaks away from the religious body from which it arose. The main issue becomes the justification of its separate existence. This requires opposition to and denunciation of its religious source. The legitimacy of its cause can occur only at the expense of the other and, in time, of all others. One of the problems

facing the early church in its pagan context was its patently recent origin, a point that did not go unnoticed by those whom it sought to convert. This was one further reason for its attempt to usurp the Hebrew Scriptures. Not only were Jews accused of having broken the ancient covenant, they were dispossessed of it to the point where the claim was made that the True Israel was now the Christian Church, the sole Elect People of God.

These influences, apocalypticism with its claim to esoteric divine knowledge and its emphasis upon eschatology, and the growth and outcome, at least initially, of a sectarian mentality, set Christianity over and against not only Judaism but all other faiths. There was no such reminder as in the Noachide Laws that the grace of God may extend beyond the borders of one's own religion. Unfortunately the Christian Church has found great difficulty in freeing itself from what Rabbi David Hartman has referred to as the 'dangerously arrogant notion that there is one redemptive scheme for all humanity'.[2]

Conclusion

Genuine religious pluralism will exist only when and where no one religion trespasses upon the domain of another; when and where all threat of proselytism has been removed. The factors that motivated some religious bodies in the past – among them the desire to save others from eternal damnation – surely have no currency in this age. Moreover, the advances in physical sciences, together with reflection upon their significance, have presented us with an appreciation of the universe that countermands all religiously absolutist claims.

Not all religions have engaged in officially recognised and organised missionary activity, but those that still are disposed to do so should examine closely the reasons for this and the process by which it developed. In the case of Christianity it should be recognised that the situation that gave rise to its claims over and against Judaism no longer pertains. There is no good reason for the perpetuation of a self-understanding that arose in a sectarian context. Nor is there any good purpose to be served in adhering to doctrinal and creedal statements that reflect a religious, intellectual and cultural milieu so far removed from that of today. Challenges remain for all the major religions, but the societal and political forms they now assume call not for competition but for cooperation. Together the great faiths might work for the betterment of the human condition that is summed up in the Hebraic expression *tikkun ha olam*, 'mending the world'.

I feel sure that Ronald Lubofsky would agree with the main thrust of this article. His was a mind that ranged across the larger issues of life and for this we were all in his debt, whatever our tradition. I count myself privileged to have been a friend and offer these words as a token of that friendship.

Notes

1 Stern, Menahem, *Greek and Latin Authors on Jews and Judaism*, 3 vols. Israel Academy of Sciences, Jerusalem, 1974-84.

2 Hartman, David, *A Living Covenant. The innovative spirit in traditional Judaism*, The Free Press, New York, 1985, p. 304.

Rabbi Ronald Lubofsky

Davis McCaughey

About fifteen or twenty years ago my wife and I were invited to dinner by Rabbi and Mrs Lubofsky. We remember the occasion with gratitude – the quality of the food and the wine, the warmth of the welcome and the stimulation of good talk; but chiefly perhaps we remember being shown into a room with walls shelved from floor to ceiling, and the shelves filled with books. I would not willingly show disrespect to the other gifts of that evening, but I cannot rid myself of the feeling of regret that I was unable to follow that initial impression of the study of that well-read man with some talk about books.

A few weeks before or after that incident I had a similar experience on arriving in San Francisco for a family wedding. I was taken to the home of the grandfather of the bride, and found myself in a house full of books, and with a host well acquainted with their contents but to whose well-stocked mind I had no access, because of lack of time.

Those pictures of extensive readers and their books have returned to haunt my dreams on many occasions, not least on reading two books by a learned American scholar of eighteenth century literature. The first of these, published in 1990 by Yale University Press, entitled *The Death of Literature*, raises questions which will long be with us if we read, value and perhaps try to teach others to value, books written in or translated into a common language whose authors would recognise that they share a common culture. In other words, bring together the authors of those books on the shelves of my friends in the Rabbi's house in Melbourne, or in that of my host in San Francisco, and they would have known that they could talk one to another, and given the opportunity and their inclination to do so, they might have spoken to me. I would have found this conversation memorable. Nowadays by 'talking books' we refer to books recorded on tapes and played back so that the blind 'reader' has access to that of which disability has deprived him or her. But long before the age of

electronically mediated communication, books could talk to each other, their authors listen to what others had said, or might yet say to them.

We gather these books around us in our homes and libraries in the hope that we may hear, or eavesdrop on, a conversation initiated long ago in another language, Biblical Hebrew or Greek perhaps, now translated so that we may have more ready access to what has been said. We find contributors to this essentially human activity expressing themselves in a diversity of modes or genres, grouped around a number of common interests or preoccupations. The most comprehensive sample of such groupings of twentieth century readers and writers known to me is the collection of critical essays and documents edited by Dennis Walder to serve the needs of Open University students following a course on 'Literature in the Modern World'. One sentence from Dennis Walder's 'Introduction' sends us back to literary criticism with hope that new life may arise beyond the grave to which some of his colleagues would seem to have assigned it: 'Worthwhile criticism sharpens and extends our "sensibilities", our thoughts and feelings about works of art or literature.'

Of the groups of men and women into which members of the human race would appear to divide themselves and still show signs of their places of origin in language, culture and art, some will find it easier to enter conversation with some others. There is sometimes a borrowing that goes on in use of terms, if not always a common understanding of how they may be used. Frank Kermode, one of the more interestingly talented critics writing in English, opened a review of James Barr, *Holy Scripture: Canon, Authority, Criticism* (Oxford 1983) and Brevard Childs *Introduction to the Old Testament as Scripture* (London 1979) with the following words:

> For reasons that are not immediately obvious, the question of canons is at present much discussed by literary critics. Their canons are of course so called only by loose analogy with the Biblical canons, so it may be of more than strictly clerical interest that there is a major row going on among professionals who deal with the real thing. This powerfully written book by James Barr is for the most part a polemic against a new wave of Biblical criticism called by its proponents 'canonical criticism', and to get the hang of Barr's book one needs some idea of what he is attacking.
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> (*London Review of Books*, 2-15 February 1984, 3-4)

Those who write, read or publish within literary conventions or traditions to which we still attach the adjective 'literary' put themselves at risk. What they write may be admitted to a respected body of writing to which we still attach the descriptive value-laden noun 'literature'; or they may be excluded, consigned to a bin marked non-cyclical rubbish. The community that recognises and learns from a particular body of writings may have other things, language and traditions of various sorts to hold it together. It will be through their literary productions that they make their contribution to, and share their insights with other members of the human race.

It is sometimes said that Jews and Christians are divided by a common book. I would prefer to say that we share a common reverence for the gift of speech, of words spoken and heard. It is scarcely surprising that a reminder of this important characteristic of our humanity has in recent days been brought before us with renewed insistence by some who have had to live their lives and face their deaths, and of those whom they most dearly love in conditions of extreme loneliness, in which literature itself is declared to be dead. I think of Anna Achmatova living, writing, losing husband and son in Stalin's Russia, but never losing her threefold vocation, to be a woman, to be a Russian, to be a poet.

If we lose the freshness of words,
The simplicity of feeling,
Is it not like an artist losing his sight,
An actor – his voice and movement,
A splendid woman, her beauty?
But don't try to keep for yourself
What has been the gift of Heaven:
Our lot as we ourselves know
Is to squander, not to save.
Go alone and heal the blind,
And in the difficult hour of doubt,
See your disciples jeer and gloat
And know the indifference of the crowd.

– *Anna Achmatova* : a Poetic Pilgrimage by Amanda Haight
Oxford University Press, 1976

Rabbi Ronald Lubofsky z"l 1928-2000: A eulogy

Text of the eulogy delivered by Andrew Strum at the shloshim for Rabbi Ronald Lubofsky on 25 May 2000 at the Mizrachi Synagogue, Melbourne.

It's so easy and yet so hard to talk about Rabbi Lubofsky. It's easy because so much can be said about a man who had so much of value and interest to say. It's hard because nothing that can be said can ease the pain of his family or can fill the void that he has left in their lives, in our lives and in the life of our community. It's hard because to talk of him tonight is to starkly reinforce in one's consciousness the fact that he has indeed died and that it is not, as I have so often fleetingly thought in the past five weeks since his death, just an awful thought or a bad dream. And it's hard to orate about the consummate orator.

Much can and has been said about Rabbi Lubofsky the orator – about his sermons – always fascinating, challenging and sometimes controversial, but rightly so. I want to mention briefly, however, the same, if not greater, pleasure that I derived just from conversations with Rabbi Lubofsky. For unlike a sermon, a conversation was a two-way exchange. A question or a comment to him would always be answered or addressed but, whatever the topic, along the way he might refer or digress to *Torah, Tanach* generally, *Talmud, Midrash,* responsa, commentaries, philosophy, grammar, etymology, history and so much more. A conversation about one thing was a conversation about many things. It was like watching a painter paint or a weaver weave a wonderful multi-coloured work of art in front of one's eyes. Everything had its proper place. Everything had a reason. Everything was synthesised.

Over twenty years, I often had not only the privilege, but the pleasure, of getting to know Rabbi Lubofsky in this way. I first met him shortly after my bar-

mitzvah. I rang him, seeking his help with some genealogical research. We arranged to meet. He mustn't have caught my name over the telephone because, as I discovered many years later, with my thirteen-year-old voice, he and Mrs Lubofsky were surprised to see a little boy arrive on his bicycle at their door, rather than a little girl. From that first visit, he unreservedly offered me his friendship, his guidance and his knowledge and made his library available to me.

Little did I then know that that initial meeting and our relationship over the ensuing years would have such a determinative influence over my life as a Jew. He was an integral part of those formative years, during which I passed from childhood to parenthood. His love and passion for all things Jewish – whether religious, historical or otherwise – was infectious and he imbued in me a love and passion for all such things: for texts, learning, history, books, Judaica and music – as well as for the values which he espoused – breadth and depth of knowledge in all forms and from all sources, moderation and tolerance. To use a word of which he was fond, he significantly contributed to and shaped my *weltanschauung*, my outlook on the world.

One summer, during school holidays, he employed me, ostensibly to catalogue his library. He remunerated me with books. I had the better end of the deal. I don't think that I catalogued more than two or three hundred books over two or three weeks, but I had great fun! In later years, when browsing through his library, we'd laugh when we'd come across those pink and green cards in his books and I realised that he retained me, not so much to catalogue his library – a near impossible task – but to become familiar with his books.

Two initially apparently contradictory qualities come to mind when thinking of Rabbi Lubofsky. He was the epitome of the rationalist as well as the romantic. Each quality tempered but never overbore the other.

As a rabbi, the demarcation between *mitzvot* (comandments) and *humrot* (stringencies) was crystal clear and unswerving in his mind. He knew and would tell others what was required and what was not. He was very much of and inseparable from the temporal world in which he and his community lived. He knew that, in this day and age, *humrot* were not something to be imposed by rabbis upon their communities but something to be assumed by individuals if they wished to do so. He could see, with perfect vision, the proverbial 'wood for the trees'. He was unswayed by the prospect of censure by his rabbinic colleagues, for he was confident in the soundness of his knowledge, his opinions, his expertise and his experience.

When I say that he was both a rationalist and a romantic, let me give an example. He recently told me, with some pride, that he had had a *petil techelet*, a blue thread, added to his *tzitzit*. I asked him jokingly whether he had suddenly become a Radziner Hassid – for the Radziner Hassidim are among the few Jews who have reinstated this practice. He replied that no, if anything, I should accuse him of Karaism, for following a literal approach, rather than Hassidism. He said that he had thought long and hard about the commandment to put a blue thread in *tzitzit*: '*ve-natenu al tzitzit ha-kanaf petil techelet ... u-re'item oto u-zechartem*

et kol mitzvot Ha-shem ...'

He explained that he interpreted the essence of the commandment to be not so much the *tzitzit* (the fringe) but the *petil techelet* (the blue thread). His reason was that the word *oto* in *u-re'item oto u-zechartem* ('and you shall see *it* and remember all of God's commandments') is masculine and must therefore refer to the *petil techelet* which is in the masculine, rather than the *tzitzit* generally, which are in the feminine. So, in his opinion, it was really through the *petil techelet*, the blue thread, and by looking at it specifically, rather than the *tzitzit* generally, that he fulfilled the *mitzvah*. It was only then, having rationalised the reason for this, that he allowed a *petil techelet* to be added to his *tzitzit* and that he allowed himself to romanticise and to speculate about the *petil techelet* – about its fate and its reintroduction; about the rediscovery of the *hilazon*, the sea creature, from which the colour *techelet* is derived; and about the various groups in Jewish history over time who reintroduced the *petil techelet*, such as the Karaites and the Radziner Hassidim, and how he was another link in that chain of history and development.

As a teacher, he was unlike any other. He had the singular ability, the amazing gift of bringing texts to life and of putting them in their historical context. Studying texts with him was not merely an exercise in learning and analysis, but also a tantalising journey into Jewish history. Never before nor since his *Midrash shiurim*, was *Midrash* so fascinating and so tantalising for me. At one stage, for week in and week out, over several months, we studied with him the opening verses of *Parashat Beshalach*. He opened up those verses for us and he delighted in doing so. Some weeks, he might only get through a couple of words in a verse, concentrating on etymology, grammar or digressing to another somehow related topic. For me, *Shabbat Shira* will always be associated with Rabbi Lubofsky, not only because of having studied those opening verses with him but because of the *Shirat Ha-yam*, the lovely and ancient Sephardi tune for which he introduced into the *k'riat ha-Torah* at St Kilda Synagogue.

At another time, he held a series of *shi'urim* where we studied the *she'elot u-teshvot* (responsa) of the *Radbaz* (Rabbi David Ben Zimra), the sixteenth century, Spanish-born, Egyptian rabbi. These *shi'urim* combined *Halachah* and history. These *shi'urim* typified Rabbi Lubofsky – the rabbi and the historian. We learnt not only *Halachot*, but also Jewish history, from these responsa, dealing with the day to day lives of sixteenth century Jews. We learnt the historical context in which these *Halachic* issues arose. He delighted in studying and teaching this interplay between *Halachah* and history and his delight was absorbed by his students.

He was the historian par excellence – for Jewish history, without Judaism which gave rise to it, is lifeless. It's like a body without a heart. But for him, Jewish history was an inseparable part of Judaism. It was the body within which the heart was contained. He was the embodiment of the synthesis of these elements. While he found all eras in Jewish history over the ages to be of interest, I think two eras for which he had a particular fascination and affinity were the Golden Age of Spanish Jewry and the subsequent flourishing of Jewish life in

Italy in the sixteenth and seventeenth centuries. This was not a coincidence. This was not only because these were particularly interesting eras in Jewish history. This was, I think, because he could personally identify and empathise with these eras – eras in which Jewish learning, literature (secular and religious), philosophy, arts and science flourished. Eras in which Jews could interact fully, and largely freely, in the wider, non-Jewish society in which they lived – compromising neither their membership of the Jewish community nor their membership of the general community. Eras in which the rabbi was not only the religious scholar, but the physician, the scientist, the linguist, the grammarian, the philosopher, the diplomat, the poet.

One cannot speak of Rabbi Lubofsky without reference to the Judaica collector which he was. His name was and will long remain synonymous with the word Judaica. He loved it in all its forms – books and artifacts – although he confessed to me on occasions that, ultimately, for him, books, which were his first love, took precedence over artifacts. Books require and dispense knowledge. One can pore over and delve into a book for hours and days. He loved not only the end but the means to the end. He loved Judaica, but he equally loved the hunt for it. It was almost a sport for him. And when he would recount his exploits in the hunt for it, there was invariably a twinkle in his eyes. It was as if he could smell it from afar. As if he were drawn to it like a magnet. He had an uncanny ability to find Judaica in the unlikeliest, remotest or most forsaken places one could only dream of. Who else would have unearthed a nineteenth century synagogue plaque with the prayer for Queen Victoria in a second-hand shop in an Australian country town with no history of a Jewish community? Who else would have located, in Jerusalem, the nineteenth century Moroccan *ketubbah* of my great-great-great-grandfather's brother? Who else would have found, only a few weeks before his death, at an antiquarian in the United States, the *ner tamid* of the now abandoned synagogue in Cairo of which my wife Dinah's family had been members? If it was there, he would find it. He most definitely did have a sixth sense. And he loved recounting his exploits to one and all, watching them transfixed in their disbelief at his luck, his hard detective work, or his sixth sense. But he also loved building up a group of Judaica collectors around him, here in Melbourne and in Australia generally, and he delighted in thereby putting Australia on the Judaica-collecting map. Had the forthcoming 'Romance of Judaica' exhibition at the Jewish Museum of Australia not been planned before he died, no more appropriate tribute to him by the museum could have been thought of after his death than such an exhibition.

The rationalist that he was made him wary of forgeries and fakes and sceptical of alleged provenances. But once satisfied of the authenticity and historical importance of a piece, the romantic that he was would take over. He would delight in speculating about who, in eras gone by, might have owned, held or used a particular piece. He would romanticise that a *tzedaka* box from a particular community in Eastern Europe might have belonged to the synagogue of a famed rabbi, might have been held by him. An interesting piece from a particular town would lead him to research the history of its Jewish community.

He ought not and would not want to only be remembered for his lofty, intellectual, pursuits though. There was an earthly and earthy side to him too. He loved life and all its manifold aspects. He loved to sing – as a *ba'al tefilah*; as a *ba'al koreh*; and as a chorister. He loved to use his hands – whether to rebind books and illuminate *megilot* or merely to build the extension to his diningroom table which he proudly showed me. He had a wonderful, occasionally mischievous, sense of humour. His sense of humour would pervade into all areas of his personality and interests – whether as a rabbi, as a historian or even as a collector. The last time we met for one of our regular chats, he told me with a grin and a twinkle in his eye, about an early twentieth century advertisement board for an obvious piece of bathroom plumbing that he had unearthed last year in a junk shop in some Canadian backwater. He had been sorely tempted to buy this antique advertisement board for the bathroom at Leaburn Avenue but the size of the board made it prohibitive to transport. Months later, back in Australia, he regretted not buying this piece and was trying to contact the vendor in Canada to see whether he still had it. In typical form, he was interested, not only in the object itself, but in the origin of the word derived from the surname of the inventor of the advertised product. Moreover, the inventor's surname was Germanic sounding and Rabbi Lubofsky wondered whether he was a Jew. Just imagine – not only a curio, but possibly a piece of Judaica to boot!

It's hard to believe that Rabbi Lubofsky is gone. The letters *zayin lamed* after his name look out of place. His fresh grave looks strangely small for a person who was so towering, both literally and metaphorically. A generation ago, to have died having surpassed the age of threescore years and ten was to have lived a full life. It is no longer so.

He was, to me, my rabbi, my teacher, my mentor, and, in later years, my friend. Through him I was truly able to fulfil the dictum in *Pirkei Avot* (1:6) of '*asei lekha rav u-knei lekha haver*' – to acquire a teacher, in every sense, as well as a friend, for myself. With his death, I suspect that I shall never be able to do so again in such a complete sense. For, while our community may be blessed with rabbis, teachers, *ba'alei tefila* and *ba'alei keria*, historians, linguists, grammarians, collectors of Judaica, and (possibly) orators, no one is able to synthesise and embody all these facets as naturally and as skilfully as Rabbi Lubofsky. He was the product of an era and of an ethos that is sadly fast disappearing when, in fact, those qualities of breadth of knowledge, of contextuality, of moderation are all the more relevant and ought be all the more attractive today.

If there is some small comfort that may be derived from this sad event, it may be in the fact that, when he died, like Moses '*lo kahata eyno ve-lo nas lecho* – his eye had not dimmed and his vigour had not diminished'. It is of immense sadness, however, that unlike the remainder of that verse, it cannot be said of Rabbi Lubofsky that he was '*ben me'ah ve-esrim shana be-moto* – one hundred and twenty years old when died', or even remotely near to such an advanced age. And, in the same way that the *Torah* then continues to state that the Children of Israel mourned for Moses for thirty days – *shloshim yom* – and then the days of mourning ended, so too have we mourned Rabbi Lubofsky for these past thirty

days culminating in his *shloshim* tonight. And, to paraphrase one of the following verses in the *Torah*, never again will there arise in our community a man quite like Rabbi Lubofsky *zichrono li'vracha*.

Notes on contributors

The Reverend Professor Emeritus Robert Anderson AM is an ordained Minister of the Uniting Church in Australia. He retired in 1993 after twenty-nine years as Professor of Old Testament Studies at Ormond College, University of Melbourne.

He has been Moderator of the General Assembly of the Presbyterian Church of Victoria (1973-74), Visiting Scholar at the Oxford Centre for Hebrew Studies (1981 and 1988), and Foundation Chairman of the Executive Committee of the Council of Christians and Jews (1985-91). In 1993 he was appointed a Member of the Order of Australia (AM), chiefly for his work in the area of Jewish and Christian relations. He received the Raoul Wallenberg Award for Humanitarian Services in 1996, presented by the Raoul Wallenberg Unit of Australian Bnei Brith.

Active in the area of relations between Jews and Christians for nearly four decades, most of this time in close collaboration with Rabbi Ronald Lubofsky. He is the author of numerous publications in this field.

Rabbi Raymond Apple AM, RFD, BA, LL. B, M. Litt. has been senior rabbi of the Great Synagogue, Sydney, since December 1972. Born and educated in Melbourne, he qualified as a rabbi in London and held historic London pulpits at Bayswater and then Hampstead before returning to Australia to assume his present post.

He is a leading spokesman for Judaism in Australia. He is senior rabbi to the Australian Defence Force and judge / registrar of the Sydney Beth Din. He teaches Jewish studies at Sydney University and Jewish Law at the University of New South Wales, and is joint honorary Master of Mandelbaum House at Sydney University. He is past president of the Organisation of Rabbis of Australasia, and of the Australian Jewish Historical Society. He holds office in the Council of Christians and Jews and in many other public bodies, and has had a lifetime of involvement in inter-religious and inter-community dialogue. In freemasonry, he is past grand chaplain of the United Grand Lodge of NSW.

His services to the community have been recognised by the award of AM (Member of the Order of Australia); the Queen's Silver Jubilee Medal; and the Reserve Force Decoration (RFD).

He and his wife Marian have four children and fifteen grandchildren.

Dr Mark Baker is Associate Lecturer in the History Department at the University of Melbourne where he teaches Modern Jewish History. He received his doctorate from Wolfson College at Oxford University and has twice been a fellow at the Hebrew University. He is the author of the prize-winning book, *The Fiftieth Gate* (HarperCollins, 1997) and was editor of the quarterly Australian Jewish magazine, *Generation*. He is currently CEO of MindAtlas, an e-learning company. He is also writing a novel.

Rabbi Saul J Berman is a leading Orthodox teacher and thinker. As a Rabbi, a scholar, and an educator, he has made extensive contributions to the intensification of women's Jewish education, to the role of social ethics in Synagogue life, and to the understanding of the applicability of Jewish Law to contemporary society.

Rabbi Berman was ordained at Yeshiva University, from which he also received his BA and his MHL. He completed a degree in law, a JD, at New York University, and an MA in Political Science at the University of California at Berkeley. He spent two years studying mishpat ivri in Israel at Hebrew University and at Tel Aviv University. He is married to Shellee Berman, and they have four children.

Rabbi Berman was the Rabbi of Congregation Beth Israel in Berkeley, California, from 1963 to 1969. He was an early leader in the Soviet Jewry movement, and an active participant in the Civil Rights movement. He was present at the demonstrations in Selma, Alabama in 1965. From 1969 to 1971, Rabbi Berman was the spiritual leader of the Young Israel of Brookline, Mass., where he organised the Torah Community Project, a study centred activist setting for students and young adults in the Boston area.

In 1971, Rabbi Berman was appointed Chairman of the Department if Judaic Studies of Stern College for Women of Yeshiva University. Under his leadership over the next thirteen years, it grew into the largest undergraduate Department of Jewish Studies in the United States. Focused on the study of original texts and the acquisition of independent learning skills by women, the program at Stern College impacted on Yeshiva High School education as well as the surge of Yeshivot in Israel serving American women students.

In 1984, Rabbi Berman accepted the position as Senior Rabbi of Lincoln Square Synagogue in Manhattan, where he served until 1990. During those years, he spearheaded an expansion of the adult education program, the creation of an extensive social action program based on *halachic* commitments, the growth of the Synagogue's Women's Tefillah Group, and the creation of new outreach programs to the unaffiliated.

In 1990, Rabbi Berman returned to academic life, as Associate Professor of Jewish Studies at Stern College, and as an adjunct Professor at Columbia

University School of Law, where he teaches a seminar in Jewish Law. From 1995 to 1997, he served as Scholar in Residence at the JCC on the Palisades in New Jersey. In 1997, Rabbi Berman became Director of Edah, a new organisation devoted to the invigoration of modern Orthodox ideology and religious life.

Rabbi Berman is a contributor to the *Encyclopedia Judaica* and is the author of numerous articles which have been published in journals such as *Tradition, Judaism, Journal of Jewish Studies, Dinei Yisrael*, and many others. His writings on the subject of women in *Halachah* and on issues of halachah and contemporary issues have been often reprinted.

Rabbi Benjamin Blech. In a national survey, Rabbi Blech was recently ranked sixteenth in a listing of the fifty most influential Jews in America. A recipient of the American Educator of the Year Award, he has been an associate professor of Talmud at Yeshiva University since 1966. A tenth-generation rabbi, Rabbi Blech is a frequent lecturer in Jewish communities around the world. Closer to home, he has appeared on national television (including the Oprah Winfrey Show), and written for *Newsweek, The New York Times* and *Newsday*, as well as a wide and varied number of scholarly publications. He is Rabbi Emeritus of the Young Israel of Oceanside congregation, which he served for thirty-six years.

Rabbi Dr Jeffrey M Cohen was born in Manchester, England, in 1940. He studied at the *Yeshivot* of Manchester and Gateshead, and at Jews' College, London, where he gained a first class honours degree (1963), a Master of Philosophy and Minister's Diploma (1965), and a Ph. D from Glasgow University (1978). He has held several rabbinic, educational and academic appointments, including lecturer in Hebrew Literature at Glagow University and lecturer in liturgy at Jews' College, and has authored fifteen books and more than three hundred articles for learned and popular journals. He has been rabbi of the Stanmore and Canons Park Synagogue, the largest Orthodox congregation in Britain, for the past sixteen years, and is in regular demand as a lecturer and reviewer. He and his wife, Gloria, have four children and ten grandchildren.

Rabbi J Simcha Cohen is Chief Rabbi (Mara D'Atra) of the Mizrachi Kehilla in Melbourne, Australia. He is a descendant of eighteen generations of rabbis and was ordained by the renowned rabbinic sage, Rav Yitzchok Hutner, the Rosh Yeshiva of the Rabbi Chaim Berlin Rabbinical Academy in Brooklyn, New York. Rabbi Cohen has a number of university degrees and is a member of the noted American Honor Society, Phi Beta Kappa. He writes weekly columns on Jewish law and morality for the Anglo Jewish publication, *The Jewish Press*, with more than eight hundred articles published. He is the author of six books on Jewish law and served at the helm of major Jewish organisations. Rabbi Cohen served as a pulpit rabbi for congregations on both the East and West coast of America and has resided in Melbourne since 1996.

The Right Honourable Sir Zelman Cowen AK, GCMG, GCVO, QC, DCL was born 7 October 1919, Melbourne, educated Scotch College and University of Melbourne where he took degrees in Arts and Law. After war service in the

Australian Navy, he took up a Rhodes Scholarship in Oxford. Some of the positions he has held are: Fellow of Oriel College, Oxford; Professor and Dean of Law, Melbourne University; Vice Chancellor of New England and Queensland Universities; Governor-General of Australia; Provost of Oriel College and Pro Vice-Chancellor, University of Oxford; Chairman of British Press Council; Chairman of Van Leer Institute in Jerusalem; National President of the Order of Australia Association and the Australia-Britain Society; Chairman and a Director of John Fairfax Holdings; and Chairman of Australian National Academy of Music. He has written extensively on legal, political and social themes, and is the recipient of knighthoods, honorary degrees, fellowships, and awards from Australia and overseas.

Rabbi Ralph Genende was born in Rhodesia (now Zimbabwe) and grew up in South Africa. Married to Caron, with three beautiful children: Eyal (15), Daniella (12) and Yonatan (8). He received *semicha* in South Africa about seventeen years ago after studying at *Yeshivot* in South Africa and Israel. Has a Master's Degree in counselling from Auckland University and is a trained counsellor. Has worked as Registrar for conversions for the Johannesburg Beth Din and was a chaplain in the South African Army. Was Senior Rabbi to the Auckland Jewish Community, New Zealand, for ten years, during which time he also served as President of the Council of Christians and Jews. Has been College Rabbi at Mount Scopus for four years and is also the rabbi of Kehillat Beit Aharon (The Arnold Bloch Synagogue).

Dr Jonathan Goldstein is Professor of History at the State University of West Georgia, Carrollton, Georgia. His books include *The Jews of China* and *China and Israel, 1948-98*, both published in 1999. The Sino-Judaic Institute underwrote the basic research for this article, which was completed while the author was Visiting Scholar at the Oxford (England) Centre for Hebrew and Jewish Studies.

Bill Gross was born in Minneapolis, attended Harvard College and Business School in Boston and after six years in Chicago made *aliya* to Israel in 1969 with his wife and three children. They live in Tel Aviv.

Collecting Judaica has been a major focus in his life and for the last ten years he has spent his full time in the field. The Gross Family Collection has been represented in almost seventy exhibitions in America, Europe and Israel. Bill Gross works today in research, cataloguing, writing and lecturing about Jewish objects.

Sylvia Axelrod Herskowitz is a graduate of Hunter College, New York and Herzliah Hebrew Institute from which she has degrees in art and Jewish studies. In her early years, she taught art and early childhood education, and worked for a pioneer firm in the modern design field, Richards Morgenthau. After her marriage to Rabbi William Herskowitz, they moved to Toronto, Canada, where she continued her art studies with Ron Satok, of the Ontario College of Art. In 1962 their family relocated to New York, and she became the program director and editor for Womens Branch of The Union of Orthodox Jewish Congregations

of America, travelling extensively throughout the US and Canada to organise and conduct women's conferences, also serving as editor, for ten years,of their bi-monthly newsletter. She also travelled for the National Association of Hebrew Day Schools, organising conferences and editing their weekly Torah Series. In 1976 she became the director of Yeshiva University Museum, which had been organised in 1973. Under her leadership, the Museum entered an era of tremendous growth, organising highly acclaimed exhibitions and programs, publishing prizewinning catalogues, and receiving major grants from such prestigious agencies as the National Endowment for the Humanities, the New York Department of Cultural Affairs, and the New York State Council on the Arts. She opened the galleries to the work of emerging Jewish artists and inaugurated an outreach art program for public schools in the immediate neighbourhood. She has served as Chair of the Council of American Jewish Museums, and as a reviewer for the National Endowment for the Humanities. In 2000, the Museum was invited to join the new Center for Jewish History, a partnership of five cultural and research institutions, located in a new complex in the Chelsea area of downtown Manhattan.

Professor Moshe Kaveh, the President of Bar-Ilan University since 1996, is an internationally-acclaimed physicist and one of the boldest, most original and dynamic leaders of today's Modern Orthodox community worldwide.

Professor Kaveh is best known for his 'three rules' for a united Jewish peoplehood: the supremacy of Klal Yisrael; the centrality of kevod habriot; and the primacy of peace over truth.

Fearlessly outspoken, Professor Kaveh has lobbied for support of the Neeman Commission's recommendations suggesting compromise on Jewish conversion procedures in Israel; opposed coercive religious legislation in the Israeli parliament; backed up the Israeli Supreme Court in face of assaults on its integrity by radical and Ultra-Orthodox politicians; and relentlessly pursued and promoted Jewish unity.

A Torah scholar and a provocative speaker, Professor Kaveh is also highly respected by Israel's rabbinical leaders and religious educators. In meetings with them and seminars that Bar-Ilan University frequently organises, Professor Kaveh has been a resolute advocate of enlightened and open religious education, including advanced Torah education for women. Professor Kaveh has said that 'we need religious education that prepares our young to tackle the challenges of the larger world, not education that teaches them fear of, and insularity from, the modern world'.

Before assuming the presidency of Bar-Ilan University in 1996, Professor Kaveh served as Chairman of the Physics Department, as Dean of the Faculty of Natural Sciences, and as Rector of the university. He also served two terms as chairman of the Council of Israeli University Presidents. An expert in disordered systems, Professor Kaveh is Chief Scientist of Bar-Ilan University's Minerva Centre in Mesoscopics, and director of the Resnick Institute for Advanced Technology, a home for the absorption and retraining of outstanding Russian immigrant scientists.

Professor Kaveh was recently elected to a third term as president of Bar-Ilan University.

Isi J Leibler AO CBE is a prominent international Jewish leader with a distinguished record of contributions to the cause of human rights. Currently resident in Israel, he holds the position of Senior Vice President of the World Jewish Congress. He headed the Australian Jewish community for many years prior to making *aliya*.

Isi Leibler was one of the founding activists in the international movement to free Soviet Jews; he persuaded the Australian government to raise the issue of Soviet Jewry at the United Nations – the first government in the world to do so.

He wrote *Soviet Jewry and Human Rights*, which created a schism in the international left and communist parties; developed close relationship with refuseniks and dissidents in the Soviet Union until arrested and expelled in 1980; was the first international Jewish leader invited by the Soviets to evaluate Gorbachov changes; and established first Jewish cultural centre – 'Solomon Mykhoels' – in Moscow and organised the first Hebrew song festivals in the Soviet Union.

Among his other achievements, Isi leibler made a major contribution in paving the way for diplomatic relations between Israel and China and India; organised Asian-Jewish Colloquiums with leading Asian and international Jewish scholars, including one on Sino Jewish cultural issues in Beijing before diplomatic relations had been established with Israel; held many senior positions on the executive of the World Jewish Congress; had personal meetings with many European and Asian heads of state and American presidents; and developed a close rapport with all Israeli Prime Ministers since Menachem Begin.

Isi Leibler was awarded CBE (Commander of the Order of the British Empire), AO (Officer of the Order of Australia), and an Honorary Doctor of Letters from Deakin University.

Mr Leibler is a prolific writer and lecturer on Jewish issues, including Israel-Diaspora relations, religious extremism and, most recently, Post Zionism. Some of his works have been translated into Hebrew, Russian, French and Spanish.

Isi Leibler is married to Naomi Leibler née Porush. They have four children and twelve grandchildren.

Rabbi John Levi is Rabbi Emeritus of Temple Beth Israel in Melbourne and Regional Director of the Australian and New Zealand Union for Progressive Judaism. He is a graduate of Melbourne and Monash Universities in Melbourne and of the Hebrew Union College of Cincinnati and Jerusalem. He was one of the founders of the Council and Jews in Australia, an International President of the World Conference for Religion and Peace and is a member of the Executive Council of Australian Jewry. He is the author of a number of books and articles on Australian Jewish history. These include the biography of Rabbi Jacob Danglow – *The Uncrowned Monarch of Australian Jews*, (Melbourne University Press, 1995). A revised version of *Australian Genesis-Jewish Convicts and Settlers*

1788-1860 has just been published by Melbourne University Press and a two volume *Biographical Dictionary of Colonial Australian Jewry 1788-1850* is in preparation.

Dr Helen Light has a doctorate in Classical Studies from Monash University. She has worked at the Jewish Museum of Australia since 1983 and has been Director/Curator since 1991. In this capacity she has curated or overseen more than sixty exhibitions as well as the four permanent exhibitions at the Museum and has shepherded the Museum's development into its new premises. Helen is involved in several professional bodies. She is a Churchill Fellow and a recipient of a Museum Achiever of the Year Award.

Sam Lipski has worked as a journalist, broadcaster, editor and publisher for more than forty years in the mainstream and Jewish media. From 1987 to 1998 he was the editor-in-chief and executive publisher of the *Australian Jewish News*, where he continues to write as a columnist. In 1998 he became the chief executive of The Pratt Foundation and in June 2000 he was appointed the president of the Library Board of Victoria.

Joshua Marrache is a seventh generation Gibraltarian Jew who presently lives in Israel. His Marrache ancestors migrated from Tetuan, Morocco to Gibraltar in the mid-eighteenth century. He also descends from other old Gibraltarian Jewish families including the Aboab, Toledano, Pariente, Beniso, Serfaty and Massias families. He has conducted extensive research into the history of the Jewish Community of Gibraltar and was responsible for the restoration of the old Jewish cemetery at Jews Rock on Gibraltar dating back to 1740. He has previously published a history of the Nefutsot Yehudah (or 'Flemish') synagogue of Gibraltar in memory of his late father, Samuel Abraham Marrache. He was the secretary of this synagogue during and after the presidency of Sir Joshua Hassan.

The Reverend Dr Davis McCaughey AC, MA (Cantab & Melb) DD (Edin) Hon. LL.D (Melb. & Queens Univ., Belfast, Monash). Hon. D. Litt (La Trobe), Hon. STD (Melb. Coll. Divinity), FACE, FAHA was born in Belfast in 1914, he was educated at Campbell College Belfast, Pembroke College (Cambridge), New College (Edinburgh), the Pres. Coll (Belfast). Dr McCaughey came to Melbourne in 1953 to take up appointment as Professor of New Testament Studies at Ormond College within the University of Melbourne, and from 1959 to 1979 was Master of Ormond College. In 1977 he was appointed the first President of the Assembly of the Uniting Church in Australia. From 1986 to 1992 he was Governor of Victoria. From 1992 he has been Professorial Associate in the Department of History at the University of Melbourne. Dr McCaughey is also a Life Member of the Council for Christians and Jews (Vic) Inc.

Professor Bertram Mond was born in New York City. He received his BA from Yeshiva University, his MA from Bucknell University and his Ph.D in Mathematics from the University of Cincinnati. He received his *Semicha* (Rabbinical Ordination) from the Rabbi Isaac Elchanan Theological Seminary of

Yeshiva University. In 1969, he emigrated to Australia and took up the position of Professor of Mathematics at La Trobe University in Melbourne. He held that positon for almost thirty years during which time he served, on occasion, as dean, acting vice-chancellor and editor of the *Journal of the Australian Mathematical Society*. He is currently an emeritus professor at La Trobe University and a research associate at the University of Melbourne.

Rabbi Carl M Perkins has been the spiritual leader of Temple *Aliya* in Needham, Massachusetts, USA, since 1991. Born and raised in Philadelphia, PA, Rabbi Perkins earned an AB, summa cum laude, at Haverford College. Before pursuing the rabbinate, he earned his JD, cum laude, at Harvard Law School, and practised law for several years in Boston. Rabbi Perkins was awarded a Wexner Fellowship to pursue rabbinical studies at the Jewish Theological Seminary of America in New York, where he was ordained and awarded a master's degree in Talmud and Rabbinics.

Rabbi Perkins is the author of the recently published revised edition of *Embracing Judaism* (The Rabbinical Assembly, New York, USA), originally written by his late father-in-law, Rabbi Simcha Kling. He has also published articles and sermons in *Conservative Judaism, Judaism, The American Rabbi, Sh'ma* and *Living Words*, an annual collection of High Holyday sermons. Rabbi Perkins is married to Elana Kling Perkins; they are the parents of Leora and Jeremy.

Rabbi Perkins' great-great-grandfather was Yitzhak Mordecai Lubofsky, the great-grandfather of the late Rabbi Ronald Lubofsky.

Rabbi David Rosen is the International Director of Interreligious Affairs of the American Jewish Committee. He was born and educated in Britain, continuing his advanced rabbinic studies in Israel, where he received his ordination (*semichah*). In addition to military service in the armored corps of the IDF, he served as Chaplain in Western Sinai.

From 1975 to 1979, he was the Senior Rabbi of the largest Jewish congregation in South Africa and rabbinic judge on the Ecclesiastical Court (Beth Din). He was also founder/chairman of the Inter-Faith Forum, the Council of Jews, Christians and Muslims.

From 1979 to 1985, Rabbi Rosen was Chief Rabbi of Ireland, where he founded, together with the Christian Primates of Ireland, the Irish Council of Christians and Jews. He was a member of the Academic Council as well as lecturer at the Irish School of Ecumenics.

He returned to Israel in 1985 to take up the appointment of Dean at the Sapir Centre for Jewish Education and Culture in the Old City of Jerusalem and subsequently became Professor of Jewish Studies at the Jerusalem Centre for Near Eastern Studies.

At that time he also served as the Anti Defamation League's Director of Interfaith Relations in Israel and as the ADL's co-liaison to the Vatican. In 1997 he was appointed to the position of Director of the ADL Israel office.

Rabbi Rosen is a founder of the Interreligious Coordinating Council in Israel that embraces some seventy organisations in Israel involved in interfaith

relations. He is a member of the Permanent Bilateral Commission of the State of Israel and the Holy See that negotiated the normalisation of relations between the two; and he serves as a member of the International Jewish Committee for Inter-Religious Consultations, which represents organised World Jewry in its relations with other world religious bodies.

Rabbi Rosen is the President of the International Council of Christians and Jews, the umbrella organisation for more than thirty national bodies promoting Christian-Jewish relations. The ICCJ's Abrahamic Forum promotes dialogue between Muslims, Christians and Jews. He is also a President of the World Conference on Religion and Peace, the all-encompassing world interfaith body (incorporating fifteen religions in more than fifty countries).

Suzanne D Rutland, author, historian and educator, is chair of the Department of Semitic Studies at the University of Sydney, where she lectures in Jewish Civilisation. Prior to that she pioneered a fully integrated program in Jewish studies teacher education at the University of Sydney where she completed her doctorate in Australian Jewish history in 1991. She has published numerous books and articles on Australian Jewish history, including *Edge of the Diaspora: Two Centuries of Jewish Settlement in Australia* (1988, 2nd ed. 1997, 2001, third printing), and *Pages of History: A century of the Australian Jewish Press* (1995). She is president of the Australian Jewish Historical Society (Sydney) and immediate past president of the Australian Association for Jewish Studies.

Professor Shalom Sabar is a professor of Jewish Art and Folklore and Chair of the Department of Jewish and Comparative Folklore, Hebrew University of Jerusalem. Professor Sabar received his Ph. D in Art History in 1987 at the University of California Los Angeles, and since 1988 has been teaching in the Hebrew University. Over the years he has been serving the university and public in various capacities, for example, advisor to the Ministry of Education on teaching Jewish culture in Israeli schools, Director of 'Misgav Yerushalyim – The Institute for the Study and Research of Sephardi and Oriental Communities'. Deeply involved in museum life in Israel, and especially active in ethnic Jewish museums in Israel and abroad. Serves as the editor and co-editor of several academic periodicals (for example, editor of *Rimonim* – the only periodical in Hebrew on Jewish art). Lectures widely in Israel, and in academic institutions, museums and Jewish communities abroad (esp. in the US), and guides tours to Jewish sites in Europe and North Africa.

Research interests: Jewish art and material culture in the Diaspora, especially among Sephardi and Italian communities and among the Jews in the lands of Islam; Biblical subjects and Hebrew inscriptions in European art; the image of Jerusalem in world art; the influence of Islamic and Christian cultures on Jewish material culture; the origin and development of Jewish ceremonies and rituals; Jewish magic and superstition; the synagogue over the ages; the image of the Jew in art.

Professor Sabar has published many articles and several books in these fields.

Professor Lawrence H Schiffman is Chairman of New York University's Skirball Department of Hebrew and Judaic Studies and serves as Ethel and Irvin A Edelman Professor of Hebrew and Judaic Studies. He received his BA, MA, and Ph.D degrees from Brandeis University. He is a member of the team that published the Dead Scrolls in the series, Discoveries in the Judean Desert, and is an editor of the journal *Dead Sea Discoveries.* He edited the *Oxford Encyclopedia of the Dead Sea Scrolls* and serves as a director of the Friedberg Genizah Project, which is designed to create a unified catalogue of all Cairo genizah fragments and publish its unpublished texts.

His publications include *The Halakhah at Qumran* (1975); *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony, and the Penal Code* (1983); *Who Was a Jew? Rabbinic Perspectives on the Jewish-Christian Schism* (1985); *From Text to Tradition: A History of Second Temple and Rabbinic Judaism* (1991); the jointly authored monograph, *Hebrew and Aramaic Magical Texts from the Cairo Genizah* (1992); *Reclaiming the Dead Sea Scrolls* (1994) and some 150 articles on the Dead Sea Scrolls and Rabbinic Judaism.

Jonathan Sheink is a graduate of Melbourne University, where he studied BA Hons. LL. B. He practised law in private practice in Melbourne until he made *aliya* with wife Chana in 1990. After seven years of employment as a legal adviser in the Ministry of Communications, he is now happily retired in Jerusalem where he can indulge in his favourite pastimes of Jewish studies and book collecting.

Rabbi Professor Daniel Sinclair, LL.B (Hons) (London), LL.M (Monash), LL.D (Hebrew University), Rabbinic Ordination, Jerusalem – Professor of Jewish and Biomedical Law at the Law School, College of Management, Rishon leZion and Visiting Professor in Comparative Biomedical Law at the Hebrew University, Jerusalem. Former appointments include Senior Research Fellow in Jewish Law at the Hebrew University, Rabbi of the Edinburgh Hebrew Congregation and Pincipal of Jews' College, London. Professor Sinclair has published widely in the fields of Jewish law, the jurisprudence of the *Halachah*, the influence of Jewish law on the legal system of the State of Israel and Comparative Biomedical law. His book, *Tradition and the Biological Revolution*, was published by Edinburgh University Press in 1989, and his current manuscript on Contemporary Jewish Biomedical Law is due to be published by Oxford University Press at the end of 2002. During his period in the United Kingdom, Professor Sinclair served as a member of the Ethics Committee of the Royal College of Physicians, and held the portfolio for medical ethics in the Chief Rabbi's Cabinet. In Israel, he advised the Law Committee of the Knesset on the issues of cloning and germ-line therapy.

Professor Daniel Sperber is Milan Roven Professor of Talmudic Research at Bar-Ilan University, Ramat Gan, Israel, and is recipient of the Israel Prize for his research in Talmudic history and the history of Jewish customs. He received his BA in Art History at the Courtauld Institute of Art, London University and his Ph. D in Ancient History and Hebrew Studies at University College, London. He has published more than twenty-one volumes covering the fields of Talmudic history, philology and everyday life, a series of six volumes to date on the history

and development of Jewish customs, and also many studies in Jewish art and iconography. A former dean of the faculty of Jewish Studies at Bar-Ilan University, he established the stream for Jewish art history in the same university, the Leiber Centre for Jewish Art exhibitions, and the first religious high school for girls with an emphasis on the arts. He has been a visiting professor at the Jewish Theological Seminar of America, Yeshiva University, New York, and Harvard University.

Professor Michael Edward Stone was brought up in Sydney. He holds the degrees of BA (Hons) from Melboure University, Ph. D from Harvard University and D. Litt. from Melbourne University. He is Gail Levin de Nur Professor of Religious Studies and Professor of Armenian Studies at the Hebrew University of Jerusalem.

Andrew Strum BA/LLB (Hons), Barrister-at-Law, first met Rabbi Lubofsky shortly after his Bar-Mitzvah. Over the following twenty years, Rabbi Lubofsky became his teacher, mentor and friend who fostered his interest in all things Jewish. He has published a number of articles in the fields of both the law and Jewish (in particular, Sephardi) history. He is married to Dinah. They have three children: Gabriel, Orly and Noa. It is to Andrew's great sorrow that his children will not enjoy the privilege he had – of studying with and learning from Rabbi Lubofsky.

Rabbi Marvin Tokayer served as a chaplain in the United States Air Force, stationed in the Far East, and subsequently served as rabbi of the Jewish Community of Japan, and director of religious, educational and cultural activities for all the Jewish communities of Southeast Asia and the Far East. He is the author of twenty-eight books, in Japanese, on Judaica, numerous articles on rabbinics and the far east for the *Encyclopedia Judaica*, and 'The Fugu Plan', the untold story of the Japanese and Jews during World War II. He is currently the Rabbi of the Cherry Lane Minyan, in Great Neck, New York.

Emeritus Professor Louis Waller AO LLB (Hons) (Melb.) BCL (Oxon) FASSA has been a public teacher of law since 1959, when he was appointed a Senior Lecturer in the University of Melbourne Law School. He held the Sir Leo Cussen Chair of Law in Monash University from 1965 to 2000, and was Dean of Law in 1968-70.

He was Victorian Law Reform Commissioner in 1982-84, and foundation Chairman of the Victorian Law Reform Commission 1984-85. He has been the Chairman of the Victorian Government's IVF Committee 1982-84, the Standing Review and Advisory Committee on Infertility 1985-93, and the Infertility Treatment Authority 1995-2001.

Professor Waller has been a prominent participant in fostering tertiary Jewish studies in Australia, especially in Monash University. He is a Governor of the Hebrew University of Jerusalem and Tel Aviv University. He is the author of books, articles and chapters on criminal law, evidence and law and medicine.

R J Zwi Werblowsky is Martin Buber Professor (Emeritus) of Comparative Religion, The Hebrew University of Jerusalem; Visiting Professor at universities and Fellow of Research Institutes in Europe (Netherlands, England, Germany, Switzerland, Spain), USA (Chicago, Harvard, Yale, Stanford), Japan and Australia (Univ. of Melbourne). 1975-85 Secretary-General, and 1985-95 Vice-President, of the International Association for the History of Religions (IAHR). Has published in the fields of Judaic and kabbalistic studies, East Asian religions and General Phenomenology of Religion.

Zvi Zohar heads the Rappaport Centre for Assimilation Research and the Strengthening of Jewish Vitality at Bar-Ilan University, and is a Senior Research Fellow at the Shalom Hartman Institute of Advanced Judaic Studies in Jerusalem, where he heads the Alan A and Loraine Fischer Family Center for Contemporary *Halachah*. He is also a founding faculty member of Paideia – The European Institute for Jewish Studies in Sweden. His research interests include all aspects of the anthropology, sociology, history and philosophy of *Halachah* (the Jewish normative system) and the social and cultural history of Jews in Muslim lands in modern times.

He has published more than forty articles in Hebrew and in European languages, in addition to book length studies in Hebrew which include: *Tradition and Change* (on the responses of Egyptian and Syrian rabbis to modernity), Jerusalem (Ben Zvi Institute) 1993; *Conversion and Jewish Identity* (an analysis of halachic understandings of conversion to Judaism, from Talmudic times to the present) (co-authored with Avi Sagi), Jerusalem (SHI and Bialik Institute), 1994; *Realms of Identity and Deviance* (an analysis of halachic positions vis a vis desecrators of the Sabbath, from Talmudic times to the present) (co-authored with Avi Sagi) Tel-Aviv (HaKibbutz HaMeuhad press) 2000; and *The Luminous Face of the East – Studies in the Legal and Religious Thought of Sephardic Rabbis of the Middle East*, Tel Aviv (HaKibbutz HaMeuhad press) 2001.

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Rabbi, historian and educator, Ronald Lubofsky AM was born and educated in London. He was Chief Minister of the St Kilda Synagogue, Melbourne for twenty-five years before taking an early retirement to pursue his multitude of interests. He was the founder, mentor and Life President of the Jewish Museum of Australia, a founder and President of the Council of Christians and Jews, the founder and President of the Melbourne Jewish Male Voice Choir and a founder of the Victorian Bookbinders Association. He was associated with Mt Scopus Memorial College for many years, both as a teacher, board member and President of the Board of Governors. He was a gifted teacher and speaker, possessed of a magnificent bass baritone voice, and was a devotee of all types of music. As a passionate Jew with a humane and compassionate outlook on life, he had a warm and wonderful sense of humour and was never without a twinkle in his eyes. A book collector since childhood, his vast library was his greatest pleasure and a valuable community resource.

ESHKOLOT pays tribute to his life and interests. Its fascinating array of articles by world-renowned scholars, virtually all of whom were friends, colleagues and associates, provides an unparalleled insight to all aspects of the Jewish world of yesterday and today, including history, art, rabbinics and contemporary issues, and will provide the reader with a broad insight into these fields.

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