

HISTORICIZING ORTHODOXY

Jay Berkovitz

Over the past two centuries Orthodox Judaism has emerged as the self-avowed standard-bearer of the Jewish religious heritage. It alone, its leaders have claimed, has remained faithful to the religious values and doctrines of the Jewish tradition, and for this reason, they assert, Orthodox institutions exclusively possess religious legitimacy. In the eyes of contemporary scholars, however, the relationship between tradition and Orthodoxy is considerably more complicated than most Orthodox Jews believe it to be. Following in the footsteps of Jacob Katz, scholars have ceased to depict Orthodoxy as the unaltered heir of traditional Judaism and has treated it as a product of the severe crisis that enveloped modern Jewry in the emancipation era. Moreover, Orthodoxy's claim to be the defender of historical Judaism is regarded by many people today as purely subjective, even fictitious.

Although the conflict between conservative and liberal interpreters of the Jewish tradition in recent centuries has often been quite fierce, it is now generally agreed that the common ground they have shared is far more extensive than is normally assumed. The social, cultural, and philosophical forces of modernity have affected all sectors of the Jewish community, leading to

an attenuation of Jewish loyalties as well as significant shifts in consciousness across the spectrum of belief and practice. Like proponents of

religious reform, traditionalists have struggled with the stark challenges of modernity, and although the two movements disagreed fundamentally on how these issues ought to be approached, they have both been confronted by similar hurdles: rampant assimilation, religious apathy, a sharp decline in ritual observance, and the erosion of rabbinic authority.

For scholars today, the question of the degree to which Orthodoxy embodied tradition or innovation has broad implications that rise above narrow disciplinary concerns

LIKE PROONENTS OF RELIGIOUS REFORM, TRADITIONALISTS HAVE STRUGGLED WITH THE STARK CHALLENGES OF MODERNITY, AND ALTHOUGH THE TWO MOVEMENTS DISAGREED FUNDAMENTALLY ON HOW THESE ISSUES OUGHT TO BE APPROACHED, THEY HAVE BOTH BEEN CONFRONTED BY SIMILAR HURDLES: RAMPANT ASSIMILATION, RELIGIOUS APATHY, A SHARP DECLINE IN RITUAL OBSERVANCE, AND THE EROSION OF RABBINIC AUTHORITY.

and denominational interests. How one assesses the distinctiveness of Orthodoxy and Reform as well as the historical role of Orthodoxy relates to larger issues concerning continuity and change, religious and halakic diversity, rabbinic authority, and the thorny question of essentialism as it applies to the Jewish tradition. I trust that the following remarks, which are historical in nature, will have some bearing on the broader questions raised here.

Perhaps the most significant

characteristic of Orthodoxy was the application of political considerations in the realm of halakic decision making. Beginning in the second decade of the nineteenth century, opponents of religious reform developed strategies that aggressively rejected relatively modest synagogue reforms of the sort that might have been overlooked several decades earlier. Moshe Samet argued in an influential 1988 *Modern Judaism* article that, in the face of these new challenges, Orthodoxy assumed a combative posture, which differed sharply from that of traditional Judaism in several respects: Orthodoxy represented a departure from the principle of a unified Jewish community; it exhibited mistrust toward modern culture; and it adopted an ultrastrict standard of ritual observance and interpretation of halakah. In this reading, pre-emancipation traditionalism was less militant and certainly less political than nineteenth-century Orthodoxy.

Rabbi Ezekiel Landau (1713–1793) is one figure who

may be taken to epitomize the old-style traditionalist. He permitted himself to read Talmudic and halakic sources without concern for the sectarian politics that would become paramount in the responsa of later Orthodox rabbis. For example, in a responsum on the kashrut of sterlet, one of the smaller species of sturgeon, Landau distinguished sharply between the basic requirements set forth in the Talmud, on the one hand, and stringencies added during the Middle Ages, on the other. The latter, he insisted, do not carry the

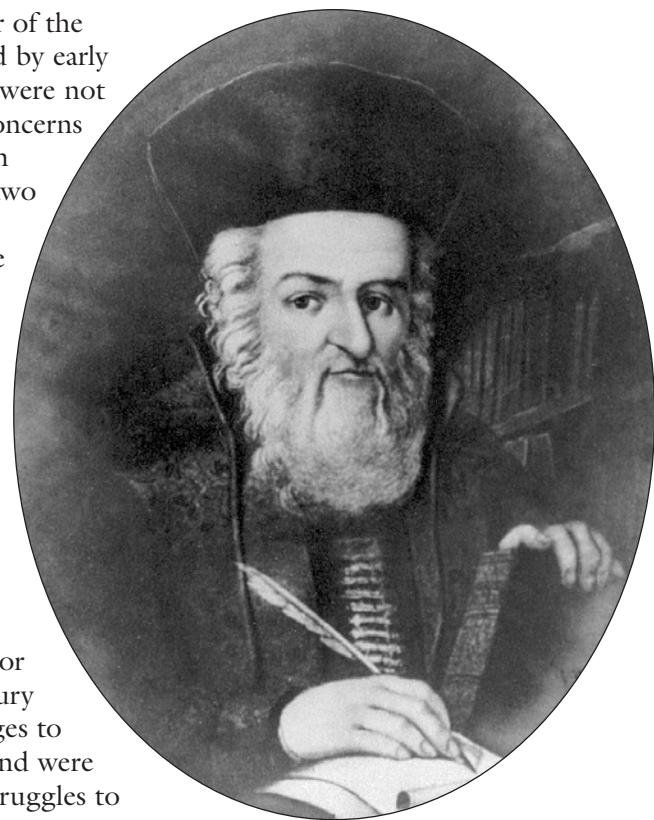
same authority as the former, and he therefore felt free to rule the sterlet kosher. Ascribing little importance to *hilkheta ke-batrai* (the law is like the later authorities), a principle that had guided the development of halakah in Ashkenaz throughout much of the medieval period, Landau ruled leniently in this particular case and with regard to other matters by privileging the earlier Talmudic sources, much as Rabbi Elijah b. Solomon Zalman (1720–1797), the Gaon of Vilna, did in his own halakhic writings.

The transition to a more rigid, politicized Orthodoxy in the nineteenth century was embodied in the persona of Hungarian rabbi Moses Sofer (1762–1839). In 1810, for example, Sofer rejected the decision of the rabbinical council of the Westphalian Consistory to abrogate the custom prohibiting *kitniyot* (legumes) on Passover. The leniency rested on the claim that the years of war constituted a *she'at ha-dehak* (a time of crisis) that made it difficult for Jewish soldiers to find kosher food for the holiday. Although this argument had been adduced periodically in the halakhic literature, as in a responsum of Rabbi Jacob Emden (1697–1776), Sofer firmly opposed it on the grounds that it was expressly forbidden to uproot customs that had been accepted by earlier generations. This and numerous other rulings of similar ilk exemplified the growing tendency to defend the walls of tradition against breaches of any sort.

Without intending to jettison the argument that Orthodoxy is a product of modernity, I would nonetheless propose that the claim concerning the exceptionality of the social and religious crisis in the early nineteenth century and of the innovative character of the Orthodox response has been overstated. A close reading of the pre-emancipation halakhic literature

suggests that a number of the conceptual issues raised by early reformers in Germany were not entirely dissimilar to concerns that had been voiced in rabbinic circles in the two previous centuries. In the area of ritual, as we have seen, Ezekiel Landau and the Gaon of Vilna, as well as others, vigorously disapproved of the multiple layers of halakhic accretion that had gained acceptance in standard practice over the centuries. As communal leaders, rabbinic authorities prior to the nineteenth century faced frequent challenges to community cohesion and were regularly involved in struggles to avert social and religious fragmentation. Furthermore, debates concerning the religious implications of scientific discoveries, gender, and the status of philosophy and mysticism were not unusual among halakists in the early modern period. These ideological disputes anticipated the better-known controversies of the nineteenth century.

It is certainly true that many among the nineteenth-century halakhic authorities viewed modernity with great suspicion, denied it a positive value, and erected rigorous halakhic safeguards to protect their flocks. But the fact that these efforts were more pronounced and better organized than any that preceded the nineteenth century should not imply that the latter were unprecedented. The privileging of *minhag* over halakah was emblematic of medieval Judaism, as in the case of the dietary laws and regulations denying menstruant women authorization to attend synagogue. On the latter issue, the strident criticism that this encountered in the works of Rabbi



Portrait of the Gaon of Vilna.
© Beth Hatefutsoth Photo Archive.

Ya'ir Hayyim Bacharach (1638–1702) and Landau illustrates the sort of dynamic that was in place well before the Orthodox-Reform controversies that surfaced in the nineteenth century. Similarly, the longstanding debate concerning the relative authority of mimetic versus text-centered traditions, also with roots well into the Middle Ages, suggests as well that the Orthodox-Reform discourse was less exceptional than has been assumed.

Orthodoxy, in short, has by no means been as monochromatic as the Katz-inspired model might seem to suggest. Nowhere is this clearer than in the recently published, monumental collection, *Orthodox Judaism: New Perspectives*, edited by Y. Salmon, A. Ravitzky, and A. Ferziger [Hebrew] (Jerusalem: Magnes Press, 2006). This volume provides us with a more variegated portrayal of Orthodoxy than any previously published work. The wide array of historical contexts

included reveals an impressive spectrum of practices and ideologies, as well as greater complexity in the relationship between Orthodox and Reform, ranging far beyond what we know from the German model alone. Germany Orthodoxy, we can see, was but one expression of resistance to the challenges of heterodoxy. Rabbi Samson Raphael Hirsch (1808–1888), insisted that complete separation from Liberal Judaism was essential for the preservation of traditional beliefs, and it was this view that induced the Orthodox secession from the general Jewish community in Germany in 1876. However, the scope of the separatist doctrine was not a matter of consensus among German Orthodox rabbis, particularly with respect to the question of whether there were any areas where Orthodox Jews could engage in joint endeavors with the non-Orthodox.

In neighboring France, for instance,

the idea of separation was entirely foreign to the social and political reality in which most Jews lived. In response to the challenges of religious indifference that threatened to weaken Jewish identity and affiliation in urban areas, Rabbi Salomon Ulmann (1806–1865) of the Central Consistory extended the boundary of Orthodox practice considerably by initiating a program of modest liturgical and synagogue reforms that included an halakic argument justifying the use of the organ on the Sabbath. The structural relationship between the Jews and the state, the authority vested in central institutions, and the abiding fear of replicating the profound divisions within German Jewry far outweighed the deep differences between the progressive and traditionalist Orthodox camps in France. The case of France exemplified a model of Orthodoxy in a non-German setting that was distinguished by a preference—driven both by pragmatism and

idealism—for pluralism over schism. The pioneering scholarship of Jacob Katz and the many whose work he influenced has left a lasting imprint on our understanding of the foundations of Orthodox Judaism and its history during the past two centuries. Greater awareness of the varieties of Orthodoxy will at once enhance and challenge that understanding. And further attention to the nexus between tradition and innovation in the early modern era will doubtless reveal more evidence of continuity between Orthodoxy and its dynamic prehistory.

Jay Berkovitz is professor of Judaic and Near Eastern studies at the University of Massachusetts Amherst. His most recent book is Tradition and Revolution: Jewish Culture in Early Modern France [Hebrew] (Mercaz Zalman Shazar, 2007).

The AJS is pleased to announce the **2007 Dorot Travel Grant Recipients**

Julia Watts Belser

University of California, Berkeley

Rachel Bergstein

Yale University

Daniella Doron

New York University

David Flatto

Harvard University

Elizabeth Goldstein

University of California, San Diego

Shiri Goren

New York University/Yale University

Richard Hidary

New York University

Ethan Katz

University of Wisconsin

Oren Segal

University of Michigan

Brigitte Sion

New York University

Ilana Szobel

New York University/Brandeis University

Ester-Basya Vaisman

Harvard University

Dorot Travel Grants were made possible by funding from the Dorot Foundation of Providence, Rhode Island.