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TRADITIONALIST AND MASKIL.

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ABSTRACT

The Dual Role of Rabbi Zvi Hirsch Chajes: Traditionalist and Maskil

Bruria Hutner David

The name of Rabbi Zvi Hirsch Chajes (1805-1856) is familiar to those well versed in the history of Jewish culture, to students of the Talmud as well as to those who study the origins of the haskalah movement. Yet very few of these very same people would be able to offer a comprehensive intellectual or personal portrait of this colorful figure. This study undertakes a careful investigation of his writings and activities with the aim of identifying elements in his habit of mind.

In an era of cultural conflict between the two worlds of traditional culture and a more secular haskalah approach, he represented a rare oddity: a prominent rabbi in the Galician community of Zolkiew partaking, socially and intellectually, of the world of haskalah. How successful was he in synthesizing a harmonious blend of both worlds? It is the central thesis of this dissertation that in both thought and deed, Rabbi Chajes showed a tendency to vacillate between the two worlds. Although he identified with time-honored evaluations of Jewish culture, his views are often characterized by a subtle dualism so that he may be classified as the traditionalist amidst maskilim and at the same time as the maskil among traditionalists.

As a traditionalist he unequivocally upheld the Sinaitic origin of both Written Law and Oral Tradition; he defended the irrevocability of Talmudic legislation against the inroads of the evolutionary approach which viewed Talmudic law as but one link in a long chain, with no subsequent binding force. Yet, his emphasis on historical perspective--in itself a mark of the modern period--often caused him to echo an undertone of the very historic evolutionary approach which he condemned. It is not his avid interest in the subject of history as such which renders Chajes a "modernist"; it is rather points of his general perspective, such as his willingness to apply concepts of "adjustments" to religious laws, which justify the designation of "modernist."

A similar trend is noted in his discussion of aggadoth. While he would not go as far as some prominent Galician maskilim to claim that many aggadoth were "ugly" or foreign accretions to the Talmud, he did allow himself to downgrade many aggadic texts. Such critical evaluation serves as a point of differentiation between Rabbi Chajes and his East European rabbinical contemporaries.

On contemporary issues, too, he often shared the views of maskilim on such major matters as the proper economic pursuits for East European Jews, hasidism and secular education. It may be noted that the one contemporary issue--Reform Judaism--against which he took a firm and vocal stand,

was also opposed by many prominent contemporary Galician maskilim.

A parallel to this trend is found in Rabbi Chajes' personal contacts. It was a rare thing for a rabbi of his time to be regarded as an esteemed colleague by such orthodox luminaries as Rabbi Moses Schreiber and Solomon Kluger, as well as by haskalah leaders such as Krochmal. While the authenticity of Rabbi Schreiber's genuine respect for Chajes may be questioned, the fact remains that Chajes enjoyed the benefit of an extensive correspondence with this rabbinical authority. On the other hand, he communicated with Solomon J. Rapoport and other Galician maskilim as well as with Marcus Jost and Abraham Geiger of Germany. Obviously, the scope of Chajes' scholarship and interests placed him in a central position on the crossroads of Jewish scholarship in the nineteenth century.

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CHAPTER I

INTRODUCTION: RABBI ZVI HIRSCH CHAJES:
THE MAN AND HIS TIMESEuropean Jewry at the Turn of the
Eighteenth Century

The end of the eighteenth century marked the beginning of a new era in European history. In the political realm, the authority of absolute monarchs, hallowed by the tradition of centuries, was crushed; governmental control was to be transferred to the people. Socially, too, privileged classes and "estates" were abolished; the new ideals of equality and fraternity were to predominate. The very fabric of society was ripped apart, to be rewoven in more democratic forms.

The proclamation of such radically new principles did not remain unchallenged. The ensuing period was marked by a bitter struggle between revolutionary and reactionary forces, between liberals and conservatives. Outside of France, European rulers were determined to bolster the political theories of the eighteenth century, while the populace often advocated popular sovereignty and individual rights.

The new era also wrought fundamental changes in the framework of Jewish political, social and cultural life. The Jewish world, too, was swept by the revolutionary quake which shook western Europe. The new motto of "liberty, equality

and fraternity" spelled the downfall of economic and social barriers between Jew and non-Jew. In the wake of the revolution, ghetto walls came tumbling down. Ultimately, professions would open their hitherto locked doors to Jews. Citizenship rights would be granted to them. A Jew could now become a legitimate and recognized member of society. Accordingly, it became the life ambition of many Jews to be accepted by the "outside" world.

It was into this framework that the haskalah movement was born and nurtured. While the social and political aims of liberty and equality were yet to be realized, the cultural aspects of Jewish life were already undergoing change. The "outside" world was impinging with ever greater force on internal Jewish life. The literature of the period, though not always outrightly militant, echoed the need for change and enlightenment in Jewish life.

Haskala aimed primarily at a studied adjustment of Jewish life to the modern world as a prelude to the social and political emancipation of the Ghetto Jew. Hence it called for a drastic change in the curriculum of the Jewish school in Germany and Eastern Europe, where secular studies were completely disregarded. . . . It strove to normalize Jewish life. It proclaimed the ideal of . . . agricultural pursuit . . . as . . . cure for the sorely tired Ghetto Jewry.

At times it even "sought . . . to shatter ancient forms and patterns of thought and behavior. In short, Haskala aspired to reform Jewish life socially, religiously and aesthetically."¹

¹Hillel Bavli, "The Modern Renaissance of Hebrew Literature" in The Jews, ed. by Louis Finkelstein, II (3rd ed.; New York, 1960), 894.

Baron defines haskalah as a pre-emancipation rapprochement with the environment.² It is this rapprochement, this union with the outside world which constitutes the core of the movement.

The tendency to turn towards the outside world and the resultant attempt to reform Jewish life led the orthodox camp to a bitter battle against haskalah. Hasidim and mitnagqdim, although opposed to each other, joined hands and closed ranks against their common maskilim enemies. The essence of the Jewish spirit would be jeopardized by the assimilatory tendencies of haskalah. The inner urge to be accepted by the non-Jewish world would wreak havoc in Jewish life. The unique nature of Judaism as a religious entity of its own and its structure of communal life would be challenged. Thus the translation of the Pentateuch into German by Moses Mendelssohn (1729-1786), the first fruit of haskalah in Germany, was banned by the leading rabbinic figures of the age. The battle extended from Germany and Austria, where it was headed by Rabbis Pinhas Horowitz and Ezekiel Landau, to Hungary, under the leadership of Rabbi Moses Schreiber, and eastwards

²Salomon W. Baron, A Social and Religious History of the Jews, II (New York, 1937), 164, 212. On this basis Baron debates the fact that "it has become customary to date the Jewish 'Aufklärung' from Mendelssohn. But all the fundamental tendencies of the Haskalah such as secular learning . . . historicism and the revolt of the individual against communal power, had become more and more marked in Italy and Holland long before Mendelssohn." Ibid., III, 139.

to Russia. It was indeed an age of storm and strife with far-reaching effects on the course of Jewish history.

Although the haskalah campaign ranged over the entire European front throughout the nineteenth century, the form it assumed varied from country to country. In this respect, too, Jewish development echoed and followed the pattern of the general enlightenment. It has been stated, as a general rule, that "the further west one went . . . the larger proportion of liberals one found, and conversely, the further east one went . . . the larger proportion of conservatives one encountered."³ The same holds true for the haskalah movement, except that Germany should be substituted for France.

It was in Germany that the greatest number of Jews were swayed by the forceful trends of haskalah--only to be followed by the greatest number of conversions. Gradually, the haskalah ideology moved across Europe, first to the Austro-Hungarian Empire, then to Lithuania, and finally to Russia. However, when it did penetrate the more eastern sections, it did not receive as hearty a welcome as in western Europe. It encountered strong resistance of the traditional orthodox masses of Jewry. An example may illustrate the point. In 1782, Emperor Joseph II issued his Patent of Tolerance, whereby--amongst other clauses--he ordered the abolition of the offensive body tax, granted permission to Jews to engage

³Carlton J.H. Hayes, A Political and Social History of Modern Europe, II (New York, 1929), 2.

in commerce, and to send their children to public schools. The Jews of Trieste, then under Austrian rule, responded with joy to the revolution in education introduced by the law. In Galicia, on the other hand, there was anger and consternation. This section was geographically part of Poland, a center of pulsating orthodox life. While the Partitions of Poland brought the greater part of that country under Russian rule, Galicia was annexed by Austria. These Polish Jews reacted with fury at the mere thought of abandoning the traditional setup of hadarim. The abolition of this system was the dream of the maskilim, but was viewed as a great catastrophe by the masses of Galician Jews.

Because of the traditional leanings of Polish Jewry, the haskalah of Galicia was often not as radical as that of Germany. While the Hebrew journal of German haskalah, ha-Meassef, expired before the lapse of one generation due to the quick acceptance of German as the language of communication, and while Leopold Zunz (1794-1886), the father of the Wissenschaft des Judentums movement in Germany, wrote his monumental works in German, the accepted literary language in Eastern Europe remained Hebrew. The Galician Jewish leaders of the Wissenschaft des Judentums movement, Solomon Rapoport (1790-1867) and Nahman Krochmal (1785-1840), furthered the development of Hebrew literature by their scholarly publications. Moreover, while most early German maskilim, imitating their non-Jewish compatriots, often emphasized Biblical studies and evidenced a disregard for the

Talmud, Galician maskilim based a great deal of their historical research on Talmudic sources. Even a cursory comparison of the contents of ha-Me'assef with Bikkurei ha-Ittim, the Hebrew journal of Austrian-Galician haskalah will reveal this difference. Still, these Galician scholars did espouse the cause of introducing changes in the Jewish educational system and fought for the "modernization" of the Jew.

As in the case of the enlightened maskilim, who included both moderate and radical members, the orthodox camp, too, was not entirely homogenous. While Rabbis Jacob Orenstein (1775-1839), Landau, and Schreiber were unequivocally opposed to the orientations of the new age, several rabbinical figures were willing to come to terms with it. Modern methods of scientific research were employed by these more temperate leaders to further the cause of traditional Judaism. The names of Rabbis David Hoffmann (1843-1921), Samson Hirsch (1808-1888) and Esriel Hildesheimer (1820-1899) in Germany were identified with this trend. There were, however, other prominent persons who also wished to reconcile the age-old values of traditional Judaism with the new spirit of individualism and critical research, but could not bridge the gap. Such figures often mingled with maskilim as well as with traditional Jews, keeping abreast of haskalah publications while still intensively pursuing Talmudic studies, and offering their own scholarly contributions in both areas. In the final analysis, however, their inner identification lacked stability. The result of such inner disharmony was a

pattern of inconsistency in their deeds and their writings and a frequent estrangement from socially accepted groups. They hovered between two worlds without being able to land, safely and securely, in either. To this homeless group within the traditional camp belonged Zvi Hirsch Chajes.

Rabbi Zvi Hirsch Chajes: A Biographical Sketch

Rabbi Zvi Hirsch Chajes was born 28 Heshvan, 1805, at Brody, Galicia, as the only son of Meier Chajes, a wealthy Florentine banker. The Chajes family traced its lineage to fifteenth century Jewish exiles from Portugal, who settled in Poland,⁴ Italy and Provence. Meier belonged to the Polish branch of the family, and had sojourned for fifteen years in Italy for purposes of business. The flourishing economic position of the father enabled him to offer an elaborate education to his son. Zvi Hirsch received tutorial lessons in traditional Jewish subjects which ultimately made it possible for him to become a disciple of the renowned Talmudist in Brody--Ephraim Zalman Margulies.⁵ More unusual for a Galician of that time and age, however, was the father's keen desire to advance the secular education of his son, including such subjects as languages, literature, world geography and history. Whereas Zvi Chajes barely knew Polish--a fact to

⁴For more data on this matter see Moshe Leiter, "Teshuvath Rabbah ha-Aharon shel Lvov," ha-Dorom, XVI (Tishrei, 5723), 94.

⁵See infra, pp. 367ff.

which he himself testified in the last years of his life--⁶ he acquired fluency in French and German. He was an avid reader of German and French publications which reached Galicia.⁷ In particular, he was attracted to historical subjects. Thus, the worldly Italian background of his father coupled with his residence at Brody, a city which even prior to the official advent of the haskalah era "served as a symbol for aspirations to culture and worldly knowledge,"⁸ facilitated the development of Zvi Hirsch's secular tendencies.

The cultural milieu of Brody remained a dominant factor throughout Chajes' life and prodded him on, as an autodidact, to pursue both his traditional and secular education. Another conducive factor--his father's wealth--enabled Chajes to pursue his studies independently. In contrast to Rapoport and Krochmal, who complained of having to sacrifice their scholarly pursuits in an effort to eke out a living, Chajes enjoyed the financial support of his father as late as 1849, years after he had been installed in the rabbinate.⁹

⁶Zvi Edelman, Gedulath Sha'ul (Warsaw, 1925), p. 57. Yet see Zvi Hirsch Chajes, Mavo ha-Talmud ("The Student's Guide Through the Talmud") trans. by Jacob Shachter (London, 1952), xi. He credits Chajes with a knowledge of French, German, Italian and Polish.

⁷Jacob Bodek, "Reb Zvi Hirsch Chajes," ha-Maggid, I, No. 9 (1856-1857), 33.

⁸Nathan M. Gelber, Brody, Vol. VI of Arim ve-Imahoth be-Yisra'el, ed. by Judah L. Fishman (Jerusalem, 1955), p. 179.

⁹Zvi Hirsch Chajes, Kol Sifrei Moharatz (Morenu ha-Rav Zvi) Chajes (2 vols., Jerusalem, 1958), p. 861. Hereinafter referred to as Kol Sifrei. See also p. 136.

Chajes' pursuit of knowledge won him high praise and recognition. By the age of thirteen, he had already earned the reputation of a prodigy, "and how could one not prophecy that he would become the crown of the age."¹⁰ The prediction came true, and at an early age Chajes was ordained by Margulies¹¹ and subsequently won the unusual distinction of being appointed District Rabbi of Zolkiew, Galicia, at the youthful age of twenty-four.¹² He is also reputed to have been the first Jewish rabbi to pass an official university test of philosophy "with excellence." Some authorities even claim that an official doctorate was conferred upon him.¹³

The greater part of Chajes' adult life was spent in Zolkiew. His rabbinic position in Zolkiew afforded him the occasion to exchange correspondence with such rabbinical luminaries as Rabbi Moses Schreiber. Although Chajes' initial contacts with maskilim, such as Isaac Levinsohn (1788-1860) and Rapoport, were made in Brody, it was in Zolkiew that he developed an intimate relationship with Krochmal. In fact,

¹⁰ Isaac Ber Levinsohn, Be'er Yitzhaq (Warsaw, 1902), p. 98.

¹¹ Bodek, "Chajes," p. 33. However, see infra, p. 368, note 13.

¹² Although Shachter, Student's Guide, xii, offers 1827 as the date of Chajes' appointment to Zolkiew, Chajes himself cites 1829 as the date. See Allgemeine Zeitung des Judentums, IX (1845), 702.

¹³ Shachter, Student's Guide, xii. This is, however, contested by Meir Balaban, "Iggereth Reb Zvi Hirsch Chajes leShir," in Abhandlungen zur Erinnerung an Hirsch Perez Chajes (Vienna, 1933), p. 178.

it was Krochmal, acting in the capacity of Parnas, leader of the community of Zolkiew, who was instrumental in Chajes' acceptance as rabbi of that district. Written contacts were also made from here with other scholars in Judaica, such as Marcus Jost (1793-1860) and Abraham Geiger (1810-1874) in Germany and Isaac Reggio (1784-1855) in Italy. Moreover, it was in Zolkiew that Chajes wrote all of his published works. It was here that he wrote responsa, published historical and bibliographical research, and produced a systematization of Talmudic principles. From here he waged his bitter battle against the Reform movement. His anti-hasidic tendencies also came to light in this community. And it was from the central district of Zolkiew that he sent official responsa to the government encouraging the pursuit of agriculture on the part of Polish Jews. There was barely an issue, theoretical or practical, upon which Chajes was to take a stand which did not engage him during his stay at Zolkiew.

Although the years at Zolkiew proved so fruitful and productive, Chajes made several attempts to change his position. He offered his candidacy for the rabbinate at Pest,¹⁴ twice at Alt-Ofen,¹⁵

¹⁴In 1833. See Solomon Rosenthal, "Mikhtav," ha-Tzofeh le-Hokhmah Yisrael, XV (1931), 176.

¹⁵In 1831 and 1834. Alt-Ofen was one of the three districts of Budapest. A letter dated Heshvan 5595 in which Chajes seeks the intervention of Schreiber in this candidacy was reprinted by Israel Beth Halevi, Rabbi Zvi Hirsch Chajes (Tel-Aviv, 1956), pp. 81-85. Hereinafter referred to as Chajes. It is of interest to note that during this period, Alt-Ofen

at Prague¹⁶ and at Bonyhard.¹⁷ In each of the cases, he desperately sought the intervention of influential figures to support his candidacy. His strong desire to be accepted in Prague even cost him the friendship of Rapoport. Rapoport, too, contended for the seat in Prague, and a bitter rivalry ensued. Despite Chajes' endeavors and campaigns, he was rejected in each of the above places. Not until 1852 did he find a new position in Kalisz,¹⁸ then under Russian rule. His practice of the rabbinate in this city was tragically shortened by an illness which forced him to leave the city for purposes of medical treatment and which ultimately caused his untimely death in 1855 in the city of Lemberg. He was survived by five sons and one daughter.¹⁹

already had a vigorous reform party. See Jewish Encyclopedia (1901)--Alt-Ofen.

¹⁶Balaban, "Iggereth Chajes," p. 175.

¹⁷Beth Halevi, Chajes, p. 91.

¹⁸Jacob Bodek, "Keter Torah," Kochbe Jizchak, XVII (1852), 93. By the end of 1852, however, he had not settled in Kalisz. See his letter to Gabriel Pollak, dated Hanukah 5613, which was reprinted in Judah L. Fishman, ed., Rabbenu Mosheh ben Maimon, II (Jerusalem, 1935), 74. See also Edelman, Gedulath Sha'ul, p. 84 for a letter by Chajes in which he mentions Tamuz-Av of 1852 as the date of his acceptance to Kalisz.

¹⁹Leon, Hayyim, Shlomo, Yitzhag, and Wolf. Yitzhag served as rabbi of Brody, and was author of She'loth u-Teshuvot Sedeh Yitzhag (Brody, 1910). See article "Schreiben des Salomon Chajes aus Zolkiew" by Solomon Chajes in Kochbe Jizchak, XVI (1852), 42-52, and in XVII (1852), 66-68. Zvi Hirsch Chajes addressed responsa to both Hayyim and Shlomo. See responsa #71 and #75 in Kol Sifrei.

Chajes and His Contemporary Setting

The friction between old and new, traditionalism and scientific criticism clearly manifested itself in Chajes' life and works. On the one hand, he championed the traditionalism of orthodoxy and opposed the scientific-evolutionary approach of Reform Judaism. He remained loyal to Talmudic authority; yet he also urged the critical study of Jewish sources and often participated in the haskalah campaigns of his contemporaries. It is therefore not surprising to discover that he was admired and rejected by both old and new. Lauded by Levinsohn and Krochmal, he was repudiated by Reggio;²⁰ esteemed by Rabbi Moses Schreiber, he was denounced by the Belzer Rabbi.²¹

The blending of old and new in Chajes' writings should not be attributed solely to his secular education. Let us, for the sake of comparison, take another renowned East European scholar, David Luria (1798-1856), a contemporary of Chajes. He, like Chajes, mastered languages, including Greek and Latin, engaged in secular studies and often cited them in his numerous commentaries.²² Luria employed modern scientific criteria, such as stylistic patterns, in establishing

²⁰Levisohn, see supra, n. 10; Krochmal, infra, pp. 372ff.

²¹Schreiber, see infra, p. 443.

²²For example, see David Luria, Aggadath Shemu'el (Warsaw, 1851), p. 34.

dates or identifying authorship. He displayed a keen interest in midrashic works, helped unearth and discover many lost texts, and wrote several works on the methodology and system of midrashim, targumim and the Zohar. Although his emphasis on method in the examination of texts is wholly in the new spirit of the Wissenschaft des Judentums movement, no one has ever maintained that he, too, be classified as a representative of the modern age in Judaism. Despite his careful and painstaking research in bibliographic and midrashic studies,²³ one may not legitimately include him in the ranks of modern Jewish scientists, because he "was indubitably free from all extraneous influence."²⁴ His use of scientific approaches served the exclusive purpose of defending the old and refuting any modern critical notions which would downgrade the authoritativeness of early compositions. Thus--with all the force of modern critical methodology--he vehemently combatted the denial of bar-Yohai's authorship of the Zohar and the designation of Pirquei de Rabbi Eliezer as a pseudiepigraphic work. Although a resident of Lithuania, where the rays of haskalah penetrated later than in Galicia, he was aware of the currents of his age, so that he could even cite Rapoport.²⁵ Yet he

²³A list of all his works appears in David Luria, Qadmuth Sefer ha-Zohar (New York, 1951), p. 25.

²⁴Louis Ginzberg, Sudents, Scholars and Saints (Philadelphia, 1928), p. 196.

²⁵Pesiqta Rabbati de-Rav Kahane (New York, 1959), introduction.

undertook the challenge to "refute the heretics in their attempt to undermine the Talmud and midrashim."²⁶

Chajes' works, on the other hand, often bore an air of concession, despite his vehement opposition to many aspects of the Wissenschaft des Judentums movement. In his attempt to apply modern critical methods to the study of Judaica, he was not always restricted by such accepted rabbinical traditions as the Tannaitic authorship of the Zohar. Such a theory implied a downgrading of the authority of the Zohar; and it is precisely this point which motivated Luria to so staunchly defend its early composition. Similarly, Chajes' treatment of such topics as Talmudic aggadoth was, at times, tinged with an air of disesteem--characteristic of contemporary maskilim--rather than an attitude of deep veneration, characteristic of the East European rabbis of his era.

Undeniably, however, Chajes' primary identification was with tradition rather than with haskalah as such. Thus it is not surprising that Chajes enjoyed the prestigious rank as author of many celebrated works, that his Comments on the Talmud have subsequently been printed in most standard texts of the Talmud, and that he "won the respect and admiration of his contemporaries."²⁷

²⁶Luria, Qadmuth Sefer ha-Zohar, p. 13. It is of interest to note that he attempted to place ha-Qalir in a proper historical perspective. See his comments on Aggadath Shemu'el, p. 52, and compare with Saul Lieberman, "Hazzanuth Yannai," Sinai, IV (1939), 243.

²⁷Shachter, Student's Guide, p. xiii.

Yet, probably due to hidden implications in his work rather than to outright secularism, his name is associated with jeers as well as with veneration. Occasionally, the very same pen might express both evaluations. It is precisely this ambivalent attitude towards Chajes which prods us on to investigate its basis. Was there any objective evidence in his writings, as well as in his personal relationships, that would justify orthodox opposition? On the other hand, was the profundity or scope of his knowledge great enough to warrant keen admiration by contemporary scholars? These questions constitute the axis around which much of our study of Chajes' intellectual character will revolve.

PART I: RABBI CHAJES: THE COMMUNAL LEADER

CHAPTER II

RABBI CHAJES AND REFORM JUDAISM

Immersed though he was in scholarly work, Chajes was very much concerned with the practical affairs of Jewish life in his day. Thus he actively fought Reform Judaism, a movement which represented a radical departure from traditional orthodoxy.

One of the earliest practical manifestations of the Reform movement was the establishment, in 1818, of a temple in Hamburg, Germany, where mixed choirs sang to organ music, most of the Hebrew liturgy was replaced by German prayers and hymns, and passages in the prayer book alluding to the Return to Zion were omitted from the services. These changes evoked protests and condemnations from leading rabbinical authorities from Eastern and Western Europe alike. Although Israel Jacobson (1768-1828), the founder of the Hamburg temple, had not yet gone so far as to set forth his ideas in an official statement of doctrine, the orthodox viewed his activities with alarm, for they saw in them not only violations of specific Talmudic precepts but also symptoms of assimilation and serious threats to Jewish spiritual survival.

The fears of the orthodox were confirmed by subsequent developments. While the first reformers had contented themselves with making changes in the synagogue service, their

spiritual heirs drew up specific ideological platforms defining what they considered the true eternal essence of Judaism, and listing the beliefs and practices they regarded as outworn and therefore untenable. Their yardstick for judging various aspects of Judaism was "the spirit of the times." Accordingly, they accepted some customs and ceremonies as intrinsic expressions of the spirit of Judaism, discarding others as timebound outgrowths of specific periods and circumstances. Thus Samuel Holdheim (1806-1860), one of the founders of the Reform movement, pointed out that "many of the ceremonies considered obligatory by the adherents of rabbinical Judaism are the products of the Talmudic era."¹ Similarly, Abraham Geiger (1810-1874), another early Reform leader, claimed that "the Rabbinical party, which made the Talmud the final court of appeals in matters of religious beliefs and practices" had misinterpreted Judaism. The Talmudic era, he asserted, had been "only one phase in the evolution of Judaism."² In other words, the Talmud and even the Bible constituted only two of many different stages in the development of the Jewish faith. Accordingly, modern Jews could accept neither Biblical nor Talmudic law as eternally binding. This thesis of evolution was the argument

¹David Philipson, The Reform Movement in Judaism (New York, 1907), p. 13.

²Ibid., p. 65.

used by the reformers to justify their abrogation of many traditional observances.

The "evolutionary" approach paved the way for many subsequent innovations. Thus, in 1841, the Hamburg temple published a new edition of the prayer book which omitted all references to the anticipated return of the Jewish people to Palestine and to the restoration of sacrifices in the Temple of Jerusalem. A series of rabbinical conferences or synods called by the Reform movement (Brunswick, 1844; Frankfurt, 1845 and Breslau, 1846) then proceeded to debate such basic religious issues as the permissibility of writing on the Sabbath, the relevance of circumcision and the question of intermarriage. Even the leaders of Reform found themselves unable to agree on a number of points. Thus "Geiger would hardly have consented to the transfer of the Sabbath (from Saturday) to Sunday, as was done . . . under Holdheim's Ministry."³

Although the spread of Reform Judaism was largely limited to Germany, it drew strong protests from a handful of leading rabbinical scholars in Eastern Europe. The fact that Reform had succeeded in gaining a foothold in Hungary was apparently sufficient to cause alarm even among the Jews of Galicia which, like Hungary, was then part of the Hapsburg empire. The common fight against Reform and assimilation

³Margolis and Marx, A History of the Jewish People, p. 662.

made allies--at least to some degree--of the orthodox and the maskilim. Although the maskilim stood for enlightenment in the sense of bringing the Jews closer to European culture and the European way of life, many of them opposed the extreme assimilation which the Reform movement signified. Thus, not only Rabbi Moses Schreiber, the ardent champion of uncompromising orthodoxy, led a campaign against Reform,⁴ but also Rapoport, the Galician maskil, wrote a pamphlet condemning the 1845 Frankfurt conference. Chajes, too, participated in the fight against Reform. Yet, can it be said that the orthodox and the maskilim were truly of one mind as regards the issue? Was the anti-Reform platform of Chajes and Rapoport really identical, or were they divided by significant differences in attitude?

Although Chajes generally advocated mildness in admonishing those who had strayed from the Law, he assumed a harsh attitude in the case of the reformers and urged that they be read out of the Jewish fold. Directing his acrimonious attacks against the doctrines as well as the practices of the new movement, he based his rejection of Reform upon the following three fundamental points: 1) his belief in the eternity and inviolability of the Talmud and halakhah; 2) his opposition to the stand taken by the rabbinical synods on a number of specific and fundamental issues; 3) and his

⁴He died in 1840, prior to the Reform synods; however, he waged a bitter war against the first generation of reformers.

conception of Jewish nationalism as an integral part of Judaism.

Chajes' defense of the Talmud and halakhah is primarily found in his strictly scholarly works, such as Torath Nevi'im, Mishpat ha-Hora'ah and Darkei ha-Hora'ah. In these treatises he discusses in detail the questions of whether and to what extent Talmudic law admits of change and whether post-Talmudic rabbinical courts have the authority to overrule Talmudic legislation. He also examines the concept of hatimath ha-Talmud with a view to determining whether the official "completion" of the Talmud has rendered its enactments absolutely irrevocable.

Although Reform, as an organized movement, appeared only in the forties of the nineteenth century, the ideas of reform had long been in the air.⁵ Thus it is not unreasonable to assert that Chajes' detailed and extensive treatment of these topics, particularly his study of the admissibility of halakhic change, may have been prompted by the rise of Reform and its denial of the binding force of Talmudic law. Similarly, his discussion of the unity of the Written Law and the Oral Tradition should be interpreted as a rebuttal of the major premises of Reform Judaism. In opposition to Reform Judaism, which considers the Bible and the Talmud as products of two distinct phases in the development of Judaism, Chajes

⁵Isaac Barzilay, "The Treatment of the Jewish Religion in the Literature of the Berlin Haskalah," Proceedings of the American Academy for Jewish Research, XXIV (1955), 39-68.

stresses that the two are mutually complementary, both having been revealed to Moses at Sinai. Hence, he argues that the slogan "Back to Mosaism," which had been adopted by the Frankfurt Society of Friends of Reform, could in no way justify their demand to free Jews from obedience to Talmudic precepts. The detailed laws of, say, Sabbath observance, as recorded in the Oral Tradition, were, in fact, no less "Mosaic" in origin than the Ten Commandments: they had not been the invention of the "Talmudists" but had been given to Moses himself at the time of Revelation. The observance of these prescribed rituals had been part and parcel of Jewish life ever since the promulgation of the Ten Commandments, long before the Talmud had been set down in writing. Accordingly, Chajes rebukes "many of our brethren" who would cite certain acts of Biblical heroes as evidence that "prior to the days of Ezra, Jews did not properly observe the Written Law."⁶ He maintains that in every instance where it appears that a Biblical figure behaved in a fashion contrary to Talmudic precept, halakhic justification may be found for that behavior. These scholarly discussions will be examined in greater detail in a later chapter.

It was, however, primarily in the area of specific rituals, rather than in broad generalities, that Chajes sought to refute the views of the reformers. Thus he devoted an entire treatise, Minhath Qena'oth to a rebuttal of the

⁶Zvi Hirsh Chajes, Kol Sifrei, I, 4.

arguments put forth at the rabbinical synods for the abrogation of certain laws and customs. After quoting the statements made by the leading participants in the synods, he proceeds to question their premises, one by one.

The very fact that Chajes was aware of what had transpired at the Reform synods sheds light on his intellectual leanings and personality. Separated from German Jewry by geographical distance, and cultural Weltanschauung, most Galician Jews--including many of their spiritual leaders--had never even heard of the synods that had taken place in Germany. In fact, Chajes himself cites this circumstance as a reason for the absence of continued protest from the Eastern European rabbinate against these conferences. It is worth noting that Chajes frowned on such ignorance, for he considered it "incumbent upon them [as leaders of their communities] to know the things that befell our people from the days of antiquity and especially what was happening in our own day."⁷ Chajes himself made it his business to keep abreast of current Jewish journals⁸ and analyzed the tendencies of three German

⁷Ibid., II, 1016.

⁸He writes: "I have made it my habit to read . . . Der Jude . . . published by Dr. Gabriel Riesser." See Edelman, Gedulath Sha'ul, p. 55. It is of interest to note that Chajes approvingly cited the halakhic decision of Yavetz (Jacob Emden) that it was permissible to read secular magazines even on the Sabbath. See Kol Sifrei, II, 649. Krochmal, too, was known to have taken a keen interest in current events and even subscribed to a daily newspaper. See Simon Rawidowicz, ed. Kitvei Reb Nahman Krochmal (hereinafter referred to as Kitvei RaNak) (2nd ed., London, 1961), p. xxxv.

periodicals.⁹ In his Minhath Qena'oth he cites current events from such far-off places as Antwerp,¹⁰ Palestine,¹¹ North America and Canada.¹² He quotes Geiger's article on Reform which he published in the Allgemeine Zeitung des Judentums;¹³ reports popular reaction in Germany to the Breslau synod of 1846,¹⁴ and makes specific references to the activities of Dr. Mendel Hess in Saxe-Weimar.¹⁵ However, his information was not always complete. Thus, in a letter to Rapoport of 1846, he admits that he has not been able to obtain any copies of that year's Orient or Zeitschrift, and has therefore had to consult second-hand sources of information about the group formed by Zechariah Frankel to combat Reform.¹⁶ At any rate, he made an effort, at least, to be

⁹Kol Sifrei, II, 1017.

¹⁰Ibid., II, 1013.

¹¹Ibid., II, 996.

¹²Ibid., II, 979, 1031.

¹³Ibid., II, 999. In a letter to Dembitzer, Chajes takes pride in his acquaintance with the activities of the Reform movement. See Hayyim Nathan Dembitzer, Divrei Hen (Cracow, 1895), p. 73.

¹⁴Kol Sifrei, I, 1013.

¹⁵Ibid., II, 982. It is worth noting that Chajes attributed some policies in this district to Dr. Hess. This interpretation has been confirmed by Philipson, The Reform Movement in Judaism, p. 51.

¹⁶The full text of this letter appears in Balaban, "Iggereth Reb Zvi Hirsh Chajes le-Shir," (Vienna, 1933), p. 174. Frankel's call for this counter-Reform organization appeared in Zeitschrift für die Religiösen Interessen der Juden (May 5, 1846).

well informed.

His knowledge of the specific resolutions passed at the Reform synods enabled him to cope with the various issues raised there. His Minhath Qena'oth, published in 1849, includes references to the Breslau synod of 1846¹⁷ and to the synod of Frankfurt of the year before. The title page of the treatise lists ten specific issues raised at the conferences which the author intends to discuss. These included: the permissibility of travel on the Sabbath, public worship in the vernacular, intermarriage, and the abolition of priestly purity. While the text of the treatise confines itself to a general attack against Reform, it is the footnotes that contain Chajes' specific refutations of the resolutions adopted by the synods.

Being primarily a Talmudist, Chajes refutes the innovations of the reformers by indicating that they are based on misinterpretations of rabbinic dicta. Thus, to give one relatively simple example, he ridicules those who cite the Talmudic adage that "one should turn his Sabbath into a

¹⁷In his introduction to the work, Chajes informs the reader that he actually completed this work in 1845 after the Frankfurt synod. However, due to obstacles of censorship, its publication was delayed for several years. Obviously, the author added portions during this period, for explicit reference is made to the Breslau synod as well. See Kol Sifrei, II, 996, 987, 1008, 1013. Similarly, in an 1848 letter to Dembitzer, sent along with a manuscript of this work for the latter's approval, Chajes mentioned that it was written "three years ago." See Dembitzer, Divrei Hen, p. 73. One should note that by 1846, Chajes had still not seen the text of Rapoport's Tokhahath Megullah and had requested a copy. See Balaban, "Iggereth Reb Zvi Hirsh Chajes le-Shir," p. 174.

weekday rather than be dependent upon others [for charity]"¹⁸ in support of a new ruling permitting individuals to go to work on the Sabbath if Sabbath observance brought them economic hardship. Such an interpretation, Chajes says, "is erroneous . . . and may be detected even by a child of elementary school."¹⁹ What the Talmudists meant was simply that if a person could not afford to prepare elaborate Sabbath meals he should forego such delicacies rather than seek aims to defray them. Under no circumstances, however, could this statement be construed to mean that those who found Sabbath observance an undue financial hardship might be permitted to go to work on the Day of Rest.

Although Chajes draws extensively on the Talmud for his arguments against Reform, he realizes that "it is useless to cite evidence from the Talmud [against the reformers] since they openly admit that they are no longer bound by the Torah of Moses. . . . I am, however, directing my words to those who still believe in the words of the Sages so that they will know (enough) not to follow the reformers."²⁰

In refuting Reform doctrine and practices, Chajes does not restrict himself to Talmudic arguments. In many instances, he cites pragmatic considerations in support of his views. Thus, in opposing the abolition of Hebrew as the

¹⁸Shabbath 118a

¹⁹Kol Sifrei, II, 987.

²⁰Ibid., II, 985.

language of public worship, he points to the danger that, if it were to be replaced by their vernacular in the synagogue service, the Hebrew language would gradually be forgotten, so that in time, most Jews would be unable to understand the Torah. Moreover, he stresses the importance of Hebrew as a major factor in the preservation of Jewish unity.²¹

Having marshalled Talmudic and practical arguments against Reform, Chajes proceeds to state his conclusions in no uncertain terms. He rejects Aaron Chorin's reasons for permitting the use of musical instruments in the synagogue service;²² he opposes the playing of the organ in the synagogue;²³ and declares that the practice to seat the sexes together in the temples in Hamburg and Berlin is a violation of Jewish law.²⁴ He rejects the proposal of the reformers to abolish the ban on eating leguminous plants (qitniyoth), including rice and hirse, during the Passover week, even though that ban was not introduced in the Talmudic era but at a later date.²⁵

²¹Ibid., II, 984.

²²Ibid., II, 988-89.

²³Ibid., II, 990.

²⁴Ibid., II, 993. One of the points included in the report of the Breslau synod dealt with the necessity of making changes in the religious status of women. Opposition was expressed, for example, to the exclusion of women from the minyan and to the daily benediction recited by men giving thanks to the Almighty for not having made them women. Chajes, however, makes no mention of these points.

²⁵Kol Sifrei, II, 1027.

On the other hand, Chajes does not oppose the use of choirs in the synagogue,²⁶ sermons in the vernacular,²⁷ and efforts to introduce decorum and beauty into religious services and synagogue architecture.²⁸ He incurred the wrath of Rabbi Elijah Gutmacher (1796-1874) and other rabbinical authorities when he did not protest against the innovation of placing the bimah (reading desk) in the front of the synagogue auditorium.²⁹ The position of the bimah (or almemor) in the synagogue has remained a controversial issue to this day. Most orthodox synagogues today still follow the traditional practice (endorsed by such sages of Chajes' own day as Rabbi Moses Schreiber)³⁰ of having the bimah in the center of the auditorium.

It seems, then, that Chajes adopted a somewhat flexible stand on those innovations which he did not consider outright violations of Jewish law. But he was outspoken in his opposition to changes which he felt ran counter to halakhah. He

²⁶Ibid., II, 992.

²⁷Ibid., II, 990. This issue aroused many a storm in orthodox circles. See Leopold Grunwald, le-Toledoth ha-Reformation ha-Datith be-Germanya u-be-Ungarya (Ohio, 1948), pp. 67-75.

²⁸Sifrei, II, 991.

²⁹Ibid., II, 992. He substantiates his view by citing Rabbi Joseph Caro, who states that he personally saw some synagogues in which the bimah was not situated in the center. For Gutmacher's reaction, see Ezriel Hildesheimer, "me'-Arkhyono shel ha-Rav E. Hildesheimer," Sinai, XLIX (1961), 341.

³⁰Moses Schreiber, She'aloith u-Teshuvot Hatan Sofer, Oraḥ Hayyim #28.

spoke out sharply against those (including some who considered themselves orthodox) who favored acceptance of minor modifications in Jewish law to prevent a split within the ranks of Jewry. Practical considerations, he asserted, could not be permitted to justify a deliberate subversion of halakhah.³¹ One might, for the sake of preserving unity within Judaism, refrain from castigating, or invoking sanctions against those who accepted the changes instituted by the Reform leaders, but under no circumstances was it permissible to give official approval to such changes.

Although he indicates instances³² in which the rabbis of an earlier age, in order to forestall more serious violations of Jewish law, enacted minor tagganoth involving modifications of the Law, he asserts that these do not justify efforts at "reform" in modern times. The rabbis of old, he points out, made such enactments only in specific, individual cases; they did not do it as part of a deliberate, systematic plan to "reform" the Jewish religion. Besides, the Sages of the Talmudic era had been qualified by their profound erudition to enact tagganoth; today, however, "how can we have the audacity to permit things which were prohibited by the Torah?"³³

³¹Kol Sifrei, II, 1021-26.

³²Ibid., I, 223-24.

³³Ibid., I, 278.

The enactments cited by Chajes as examples of such early tagganoth were ha'aramah³⁴ and the emergency measures that may be taken by an individual if a fire breaks out on the Sabbath and threatens to destroy his property.³⁵ The first of these two instances had been cited frequently at the Reform conferences as a legal fiction which could be used as a precedent for abrogating undesirable Torah laws.

Chajes' statements in Minhath Qena'oth concerning the deliberate subversion of halakhah had not been provoked by the Reform conferences. He had already stated his views on the subject in earlier works, such as Darkei ha-Hora'ah, which antedated the rabbinical synods. In Minhath Qena'oth he merely reiterates his position. Although doctrinal views expressed in the two treatises are identical, a comparative study of the two treatises reveals a marked change in Chajes' personal attitude toward Reform. While in Darkei ha-Hora'ah, he opposes excommunication and other punitive measures as serving only to alienate the "transgressor,"³⁶ he states in Minhath Qena'oth that he would not be opposed to excommunication.³⁷ In the earlier work, he emphasizes the importance of

³⁴Ibid., I, 223. An example of this procedure is mekhirath hametz, the sale of the leaven in one's household to a non-Jew so as to make it possible to keep the leaven in one's house during Passover.

³⁵Shabbath 121a.

³⁶Kol Sifrei, I, 275-76.

³⁷Ibid., II, 1008.

"engaging in theological discussions . . . citing logical refutations, demonstrating the truth . . . to those who are defiant."³⁸ In Minhath Qena'oth, on the other hand, he explicitly declares: "But now . . . no other choice has been left to us but to banish this new group from our midst."³⁹ This shift in Chajes' attitude was brought about by the declarations made by the reformers at their synods that they no longer regarded Talmudic law as binding of modern Jews.

Notwithstanding this unyielding attitude toward Reform, Chajes' writings contain subtle traces of the "evolutionary" approach which he condemns. At times, it seems that he himself was in the position of the valiant fighter against a dire disease who unknowingly harbors symptoms of that very sickness within his own body. It is this dichotomy in Chajes' own mind that is at the root of the inconsistency frequently noticeable in his ideological framework.

On the one hand, he stresses the eternal character of the Torah and opposes all attempts at modifying Talmudic law. On the other hand, he allows that many laws be modified in response to the pressure of circumstances at any given time. He cites the fact that, despite their general tendency to be

³⁸Ibid., I, 275.

³⁹Ibid., II, 1008. It is worth noting that Chajes employs the very same terms in describing theological discussions in Minhath Qena'oth as in Darkei ha-Hora'ah, with the major difference that in the earlier work he urges the acceptance of such an approach while in the latter work he absolutely rejects it.

stricter than the Sephardim with regard to "any halakhah or decision that might involve the slightest danger of a transgression of the Law,"⁴⁰ the Ashkenazic rabbis took a lenient stand on certain issues because they did not want to antagonize their Gentile neighbors. This he explains as the result of the different circumstances of the Sephardim and Ashkenazim respectively; whereas relatively peaceful relations had prevailed between the Sephardim and the Moslems, there was greater tension between the Ashkenazim and the Christians. "By the necessity of circumstances, the latter were therefore forced to act with greater moderation . . . even though that involved an element of transgression . . . and the Rabbis, realizing the sad state of affairs (that caused this behavior) did not raise objections, for fear that this would lead to even more serious transgressions."⁴¹

Such an explanation reflects a definite element of non-traditional thinking, which is diametrically opposed to Chajes' own statements elsewhere, namely, that no post-Talmudic authority could take upon itself to permit minor modifications in the Law to avert more serious transgressions.⁴²

The examples of Ashkenazic leniency--including decisions handed down by Rabbi Moses Isserles--cited by Chajes

⁴⁰Kol Sifrei, I, 224.

⁴¹Ibid., p. 225.

⁴²Ibid., p. 278.

are indeed of interest, but his interpretation of these cases in point does not correspond to the intentions of the rabbis. In the rulings to which Chajes makes reference, the rabbis had not taken the Law into their own hands, but had invoked the principle of mishoom eyvah (to avoid hatred) that has been the basis for many other Talmudic decisions.⁴³ Isserles, for one, did not act counter to Talmudic law, but made his decisions in accordance with a Talmudic precedent which he applied to the conditions of his own day.

That Chajes' interpretation of the "lenient" rulings handed down by the Ashkenazic leaders is open to question may, perhaps, be best demonstrated by the following analogy. A student of Jewish history makes a statement to the effect that Sephardic Jews are less strict about fasting on the Day of Atonement than their Ashkenazic brethren. He cites in his support the fact that there were many times when Sephardic Jews ate on Yom Kippur, while Ashkenazim had never done so. However, he is unaware of the motivations which led the Sephardic Jews to break the fast. Further research on his part might have revealed that unlike the "northern" lands where the Ashkenazim were concentrated, the semi-tropical countries in which the Sephardim lived were frequently visited by outbreaks of cholera, and that one whose body is weakened by fasting is more likely to contract the disease than one who has kept up his resistance by eating regularly.

⁴³ Avodah Zarah 26a and 66.

Now the halakhah itself specifies that "danger to human life would sanction the abrogation of the entire Torah."⁴⁴ Accordingly, breaking the Yom Kippur fast during a cholera epidemic is not a violation of the law necessitated by circumstances but a mitzvah, an act commanded by the Torah. For, according to the halakhic principle, Jews threatened by a cholera outbreak are not only permitted to eat on Yom Kippur but are actually forbidden to fast, since fasting may conceivably cause them to contract the disease and to die.⁴⁵

By the same token, "leniency" of the Ashkenazic authorities was motivated by a specific Talmudic principle; namely, that certain customs may be modified in case they antagonize their Gentile neighbors. Accordingly, Isserles and others like him had not "broken Jewish law" in order to maintain good relations with the Gentiles but had simply acted in keeping with the dictates of the halakhah itself for such situations. The Sephardim, on the other hand, had no trouble from their non-Jewish neighbors and therefore were not permitted to be "lenient" with regard to those aspects of religious observance.

Elsewhere, Chajes discusses the rabbinical precept that the bride should be praised to her bridegroom. What, he

⁴⁴Yoma 82a.

⁴⁵Rabbi Israel Lipkin of Salant (1812-1883) ordered the members of his community to eat on Yom Kippur during an epidemic. See Dov Katz, Tenu'ath ha-Musar, I (Tel-Aviv, 1946), 143.

wonders, if the girl should have no qualities worthy of praise? "The Torah commands 'Thou shalt keep away from falsehood,'" he argues. "How, then, can one uproot a commandment of the Torah?" The solution to this problem in Chajes' view, is to be found in the thesis that in matters of human and social behavior, Biblical injunctions must be treated as directives of a general nature only, while it is up to the rabbinic Sages to stipulate the specifics. Thus, Chajes reasons, the decision whether particular instances of variation from the truth constitute an abrogation of the law not to utter falsehoods lies with the rabbis. It then follows that the rabbinic decision to allow the praise of all brides, even of those that are undeserving of it, does not contradict a Biblical injunction. Only because "this mitzvah (of not uttering falsehoods) is a general one, and (the definition of) its details have been left to the decisions of the rabbis," are they in a position to "modify the details, if necessary, as they see fit."⁴⁶ Thus, the rabbis who decided upon the requirement of praising a bride were fulfilling their role as interpreters of the general law rather than "uprooting a commandment of the Torah."

Upon closer analysis, we find this explanation a characteristic example of Chajes' mentality. His line of reasoning is based on the thesis--cited in the name of the

⁴⁶Kol Sifrei, I, 166.

noted commentary Maggid Mishnah--that it is the function of the rabbis to determine the specific practices required by a general Biblical commandment concerning much of man's interpersonal relationships. In an attempt to paraphrase the words of this commentary, Chajes adds a nuance of his own, which is of crucial significance. While the original statement concerning the omission of details from certain Biblical commandments reads:

. . . the mitzvot of Torah are (applicable) in every age and every place, and the manners of man vary according to the time and individual. Our sages specified some particulars to be included in these general categories. Of course, they made some absolute laws, and some were laws that could be observed in the breach only under dire circumstances.⁴⁷

Chajes' paraphrase reads:

Since the manners of man vary in each age . . . , they were given over to (the decision of) the scholars of each generation, for they understand that which is in accordance with their own generation [*italics mine*], as far as the observance of these commandments are concerned.⁴⁸

A careful comparison of both statements indicates that Chajes added the concept that the scholars of each generation would vary the requirement in accordance with their own age. It is indeed true that the original statement of the Maggid Mishnah refers to the variation of human behavior from age to age, but this consideration only applies to explain the lack of specific stipulations in many Biblical commandments.

⁴⁷Don Vidal de Toulouse, Maggid Mishnah on Maimonides, Yad ha-Hazakah, Hilkhoth Shekhenim, Chapter XIV, #5.

⁴⁸Kol Sifrei, I, 166.

Once the rabbinic Sages defined the particulars of a general commandment, however, their own ruling becomes binding and transcends the needs of the times--as does Talmudic legislation, in general. Nowhere does the Maggid Mishnah indicate that the rabbinic definitions are subject to reinterpretation in accordance with the needs of any particular age. The notion that rabbis of each generation can establish the details according to the circumstances of their own age echoes--albeit in a subtle manner--the Reform approach of adjusting halakhah to contemporary conditions.

This subtle misrepresentation of the Maggid Mishnah's words does however not invalidate the basic premise of Chajes' reasoning in his attempt to reconcile praise of the bride with the Biblical injunction against uttering falsehoods. For the purposes of this study, it suffices to illustrate subtle points of the influence of Reform on Chajes' own thoughts. For a further Talmudic-legalistic discussion of Chajes' solution, which digresses from the point pertinent to our study, we refer the reader to a footnote.⁴⁹

⁴⁹We wish to comment upon the inaccuracy of Chajes' statement in this matter. In his attempt to emphasize the rabbinic nature of the details of many Biblical laws, Chajes confused two issues. He is certainly correct in citing Maimonides' statement that such specific stipulations as visiting the sick and consoling the bereaved are rabbinic requirements related to the general Biblical commandment of loving one's neighbor. He is also correct in claiming that a Talmudic sampling of behavior at variance with the law not to utter falsehoods only constitute infractions of rabbinic decrees rather than violations of Biblical law, per se. Chajes' accuracy is, however, at fault when he classifies

Chajes' lack of conservatism regarding halakhah despite his emphasis on its fixity may be borne out in still another fashion. He claims that Maimonides allowed science to influence his own halakhic decisions, although Maimonides himself had stipulated that such legislation is halakhically

the rabbinic stipulation of details in both of the above cases as one category. For whereas a rabbinic requirement to visit the sick only spells out specifically that which is logically included in the more comprehensive generality of loving one's neighbor, the Talmudic listing of infractions of the prohibition against uttering falsehoods refers to behavior not logically included in the Biblical verse. It is only by extending the basic meaning of the Biblical verse, "Keep thyself far from false speech," that the rabbis could declare that "a student present at a trial over which his master is presiding is forbidden to keep silent if he sees any zekhuth for the poor defendant or a hov for a wealthy one." This example is one of an added restriction, one which is merely related to the basic concept of the Biblical law rather than being inherently included in the commandment, just as the rabbinic prohibition against holding a pencil on the Sabbath is merely related, rather than included, in the Biblical prohibition against writing on the Sabbath. Thus, one who visits the sick is performing both a Biblical and a rabbinic requirement, while the student who withholds his opinion in the above case is only guilty of violating a rabbinic requirement.

Once this distinction is drawn, a weakness of Chajes' reasoning is revealed. His very premise that specific instances of the Biblical law against falsehoods are of a rabbinic nature is not necessarily true. Only the additions to this law are of a rabbinic nature, not the specific instances logically included in the law itself. Thus no recognized Talmudic authority would doubt that speaking the praise of one who is undeserving of it, is violating a Biblical injunction. Chajes can not solve the dilemma of "how can one uproot a commandment of the Torah" by stating that the expression of false praise to a bride is only a violation of the law by virtue of rabbinic decree. Thus we are once again confronted with the initial problem: "How can one uproot a commandment of the Torah." Classic commentators have touched upon this serious problem and offered solutions without denying its Biblical classification. For example, see Jonah of Girondi, Sha'arei Teshuvah, Sha'ar 3, #121.

unauthorized.⁵⁰ The case in point refers to the Biblical law prohibiting the consumption of treifah meat. The Talmudic Sages have indicated which fatal ailments render an animal treifah. Maimonides carefully stated that in this matter one can not follow the criteria established by "medicine, science or experience" to determine which animals "can survive." One must only go by the list "which the Talmudists have enumerated."⁵¹

Chajes proceeds to claim that despite the clear enunciation of the above principle, "Maimonides did not break loose from the magnetic power of this science [medicine]," and "he classified as treifah an animal whose upper jaw was removed although it has no basis in the Gemara, and (is only based) on science."⁵²

A study of Maimonides' decision would invalidate Chajes' accusation. For Maimonides specifically bases his conclusion on the Talmudic text rather than on scientific considerations. He quotes the Talmudic passage which classifies animals whose lower jaw has been removed as kosher. He then proceeds to point out that the emphasis here should be placed on "lower" in opposition to "upper." Only animals

⁵⁰Kol Sifrei, I, 313.

⁵¹Yad ha-Hazakah, Hilkhoth Shehitah, Chapter X, #12.

⁵²Kol Sifrei, I, 313-14. Translated literally, the text would read: ". . . he did not escape from being drawn by this wisdom." The original Hebrew reads:

וְהוּא לֹא נִסְתָּר מִכֹּחַ הַחָכְמָה

with the lower jaw removed are considered kosher--to the specific exclusion of animals whose upper jaw has been removed. The latter are to be considered treif.⁵³ Thus Maimonides derives his conclusion from an interpretation of the Talmudic text and not from science. Any elaboration on the medical aspect of this issue which appears in his writings merely serves as a commentary to the halakhah taken from the text.

It is, however, not so much Chajes' error in the objective interpretation of Maimonides' statement which is of significance to us. The mere fact that Chajes could even entertain the idea that Maimonides would allow himself to be affected by science to violate the dictates of his own halakhic rulings is of even greater consequence. Such thoughts echo a maskil-like tendency to modify the binding power of halakhic rulings. The same Chajes who so vehemently opposed the unwarranted halakhic changes introduced by Reform did not find it logically impossible or repulsive to accuse so great a halakhic authority as Maimonides of sacrificing halakhah on the altar of medical science.

⁵³ Alfred Freimann, ed., Moses ben Maimon: Responsa (Jerusalem, 1934), pp. 85-87.

"... ומפני זה אני נסיון לתי הגמון ביקא דכטלוג לא
 בעליון. וזה שאמרים שלא שמעתם ולא ראיתם בחידור מי שמנה
 טרפה צי בררה בקיים לא יזכירו אלמא המפרשים מפני שלא
 טאו צדקם להם וכש'קין אדם באמת הפדקים יראו"

Chajes vs. Contemporary Maskilim
on the Issue of Reform

The point we are driving at is to show that notwithstanding Chajes' basic stand against Reform, his works contain some elements indicative of the influence of haskalah.

His tendency to invoke the "historical" approach to certain aspects of halakhah, is to a large extent, derived from the haskalah orientation. Indeed, the view that halakhah must be seen from an historical perspective in order to be properly understood is the predominant characteristic of the Wissenschaft des Judentums in both Germany and Galicia. The introduction of the "historical" point of view into Jewish scholarship is largely attributed to Krochmal. He dogmatically states that the legal principle that "danger of life overrules the commandment to observe the Sabbath" is not derived from the Torah but was introduced as an entirely new concept by rabbinical authorities of a later era. In his opinion, this case in point demonstrates the importance of assigning specific enactments to different eras. The "historical" approach was subsequently used by the reformers for their own ends; namely, to justify their radical innovations in doctrine and practice.

Traditional Jewish thought has always been wary of the "historical" approach. Even "modern orthodox" scholars of our own day have pointed out that in stressing the evolutionary interpretation of halakhah, the historians frequently ignore and even reject both the Sinaitic origin and the

eternal validity of the Torah. "The strong desire to compare the laws of the Torah to other legal systems which underwent various stages of evolution caused many Jewish scholars to lose their proper perspective."⁵⁴

It was precisely in a milieu so greatly influenced by historical considerations that Chajes moved. It should not come as a surprise, therefore, that even he should have come to apply the historical approach to the study of halakhah.

Chajes and Rapoport

Although Chajes echoes some of the non-traditional tendencies of his day, his admitted allowances for "change" and "evolution" are consistently more conservative than those of Rapoport. While Rapoport holds that time has the power to change laws, Chajes maintains that time can change only custom. "All customs which are not in accordance with the time or locality [in which they are kept]," he writes, "eventually go out of existence: they do not withstand the torrents of time."⁵⁵

Generally speaking, Rapoport's view of Jewish law emphasizes the importance of a continuous common tradition as an expression of the unity of the Jewish people. He is less emphatic, however, with regard to the principles of

⁵⁴ Abraham Kurman, Mavo le-Torah she-Bikhtav ve-she-Ba'al Peh (Tel-Aviv, 1965), p. 148.

⁵⁵ Kol Sifrei, I, 238.

faith. In relation to these principles, he maintains that ". . . as far as thoughts are concerned, they cannot be imposed by command" and that "belief cannot be induced by coercion."⁵⁶ Chajes, on the other hand, puts stress on both practices and principles. Judaism, he unequivocally states, requires both belief and practice from its followers.⁵⁷ Open denial, in any age, of an established fundamental principle of faith makes one subject to capital punishment.⁵⁸

According to Chajes, then, the Reform movement is guilty of heresy because it has repudiated such basic tenets as the belief in Divine revelation and the eternal validity of the Torah. Divine revelation, Chajes points out, has been an accepted tenet of Jewish belief throughout the ages. Even the Sadducees and the Karaites, who deviated from the mainstream of Judaism, never disputed the Divine origin of the Written Law.⁵⁹ By contrast, Chajes asserts, Reform Judaism is wanting not only in practice but in belief as well.

There are also other points of disagreement between Rapoport and Chajes. For one thing, Rapoport claims to believe in the Divine origin of the Oral Tradition but this does not keep him from stating that "as early as two thousand

⁵⁶R'L'K-M - Raphael Kircheim actually [Solomon Judah Rapoport], Tokhahath Megullah (Frankfurt, 1845), p. 26.

⁵⁷Kol Sifrei, I, 51, 268, 980, 1012.

⁵⁸Ibid., I, 51, 268.

⁵⁹Ibid., II, 980.

years ago, (the prophet) Haggai (already) discussed the laws of purity."⁶⁰ Such statements attribute a late origin to the laws of the Oral tradition, thereby implying a rejection of the Sinaitic nature of the Oral Tradition. It is precisely such views which are attacked by Chajes in an earlier work, Torath Nevi'im.

Rapoport and Chajes further disagree on the permissibility of change in Jewish law. Rapoport accepts the possibility of innovation, but contends that changes should be the result of natural evolution and not artificially forced. He cites the laws of purity as examples of change by natural process. They "were not . . . (deliberately) abolished by human hands," he says. "Although their observance was not contingent upon the existence of the Temple, no memory of them remains today. Time has brushed them away in its brisk sweep."⁶¹ One might think that Rapoport should have been aware that there are halakhic justifications for such instances of "change," and that the disappearance of these observances cannot be lightly dismissed as the result of evolution.

It is with these questions that Chajes concerns himself in his treatise Darkei ha-Hora'ah. There, he

⁶⁰ Tokhahath Megullah, pp. 12-13. Isaac Halevy in Doroth ha-Rishonim, III (Vienna, 1923), 68, finds Rapoport guilty of a tendency to date knowledge of many laws of the Oral Tradition to a later era than that accepted by Jewish tradition.

⁶¹ Tokhahath Megullah, p. 3.

demonstrates in great detail the halakhic justification for each case of "disappearance by evolution," including the neglect of the laws of purity, cited by Rapoport.⁶² Chajes upholds the basic tenet that no authorities, not even the Sages, have the right to permanently abrogate a mitzvah of the Torah. Nor can the mere passing of time undo Divine commandments.

It must be pointed out, however, that Rapoport, too, agrees that there is no contemporary rabbinical authority that could officially abolish "enactments" set down during the Babylonian era. Legitimate change, he admits, can be brought about only by a central rabbinical body that can claim authority over the entire Jewish people. But since the Geonic era, there has been no such central authority because the Jews have been dispersed all over the world. Besides, the halakhah specifies that an enactment of a rabbinical court can be overruled only by a rabbinical body which surpasses it in wisdom.⁶³ And as Rapoport puts it, "where is there a rabbinical court that can claim to be greater in wisdom than the courts of the Talmudic and Geonic eras?"⁶⁴

⁶²Kol Sifrei, I, 259. For Chajes' extended treatment of the subject, see I, 230ff. It should be realized that Chajes' explanation is not directed against Rapoport in particular. For Chajes' discussion of the issue appears in Darkei ha-Hora'ah which appeared years before Tokhahath Megillah. It is mere coincidence that Chajes happens to cite an example which was diametrically opposed to a later comment by Rapoport.

⁶³Megillah 2a.

⁶⁴Tokhahath Megillah, p. 8.

Clearly, then, Rapoport finds himself unable to accept reforms enacted arbitrarily by local rabbinical bodies; the only type of change in Jewish law that he can sanction is that which he regards as having come about by "natural process" with the passing of time.

It is indicated elsewhere in this study that Chajes' works, too, emphasize the finality of Talmudic authority. One quotation to this effect may suffice here: ". . . One is not to deviate from their words since Rav Ashi was the head of the greatest rabbinical court of his age, and we have no other court comparable to it . . . consequently Rav Ashi's words remain binding for all time."⁶⁵

It should be noted that Rapoport specifically includes the Geonic courts among the rabbinical bodies possessing final authority. Chajes, too, while emphasizing the concept of hatimath ha-Talmud (sealing of the Talmud) states at one point that Geonic authority has the same binding force as the earlier rabbinical courts. "Thus even the Geonim, who were active after the Gemara had been completed, enacted a number of decrees which contradicted laws contained in the Gemara," Chajes writes, ". . . thus they enacted new laws on their own initiative, and against Talmudic law. [They could

⁶⁵ Kol Sifrei, I, 303. For a further discussion of this issue, see our chapter on "Talmud and Halakhah."

do this] because they, too, constituted a full court, but an individual may not do so."⁶⁶

The notion that Geonic authorities may properly be equated with Talmudic authorities as regards the binding force of their rulings must have been questionable in the eyes of the Talmudic scholars of his age. Traditionally, only the Talmud has been viewed as absolutely binding, as confirmed by Maimonides in his introduction to Yad ha-Hazakah: "Subsequent to Rav Ashi's court . . . the Jews were widely dispersed . . . and the enactments of post-Talmudic courts were not universally accepted by Jewry, and [therefore] could not be imposed upon Jewry as a whole . . . on the other hand, all Jews are required to follow the Babylonian Talmud."

The mere fact that the Geonim enacted some tagganoth that were at variance with Talmudic law does not necessarily indicate that the authority of the Geonim was equal to that of the Talmudic Sages. A distinction must be made between tagganoth enacted in financial matters and those passed in other areas of Jewish law. For it is explicitly stated in the Talmud itself that any community has the authority to enact tagganoth in money matters to correct evils in communal life and that, in such instances, the rabbis of the community need not consider themselves bound by Talmudic law.⁶⁷ By

⁶⁶Ibid., I, 386.

⁶⁷Baba Batra 8b.
 רבטאין בני פדיר לתתנהו זל באבדא וזל דטעריים וזל רבנן

contrast, there is no known instance of the Geonim ever having enacted tagganoth in non-financial matters at variance with the Gemara. Consequently, there is no foundation for Chajes' unqualified statement that "Geonim issued new laws at variance with the law of the Gemara."

Even in cases where the Geonim enacted tagganoth in money matters, their authority was not entirely equal to that of the Talmudic Sages. A case in point is a Geonic decree regarding marriage contracts. According to Talmudic law, the husband's financial responsibility toward his wife was subject to the principle of limited liability. The court could put a lien only on his immovable assets to discharge his obligations towards his wife; it was not authorized to do so with his movable possessions. In the Geonic era, however, as commerce began to supersede agriculture in the economy, the Geonic court ruled that all of the husband's possession--movable and immovable--could be taken as security for the fulfillment of his financial obligations towards his wife.

This Geonic enactment had no basis in Talmudic law; it was necessitated by changing circumstances. Still, mere competence to amend a Talmudic enactment by adding a new stipulation to it does not place Geonic authority on an equal footing with that of the Talmudic Sages. The Talmudic

סנדל'ם ונרסי'ם על קלמן' ופיי'ם לבסי'ם על קלמן: זקנים אה
 הזוקר על קיצ' צבני'ם לבסי'ם אצ'ת בין גמרה.
 See also this principle as it appears in the Shulhan Arukh,
 Hoshen Mishpat, No. 231, Sec. 27-28.

principle of limited liability automatically continues valid, even if it is not explicitly specified in the text of the marriage contract. However, in cases where the contract failed to specify "total liability," Maimonides states that the court may not exact payment from the husband in the form of movable assets.⁶⁸ The classic commentators on the Code of Maimonides offer the following explanation for this distinction: "One may not claim that it is considered as if it were written in the contract when, in fact, it is not written there. For, since it was enacted in the post-Talmudic era, it lacks the force of tenai Beth-din."*⁶⁹ Thus there remains a basic distinction between Talmudic and Geonic law.

The failure to reckon with this distinction is but one more example of an inconsistency in Chajes' writings; for he himself repeatedly emphasized the exclusive and final authority of Talmudic legislation. This inconsistency is, however, only another reflection of the general tendency we find in Chajes' writings--a traditionalism colored by faint

⁶⁸Maimonides, Yad ha-Hazagah, Hilkhoth Ishut, chapter xvi, #9.

⁶⁹This is a quote from Don Vidal de Toulouse, Maggid Mishnah. See also a detailed analysis and comparison of Geonic and Talmudic authority by Meir Havazelet, "Yahas ha-Rambam le-Taqqanoth ha-Geonim," Talpioth, VII (October, 1957), pp. 99-125.

*The term tenai Beth-din refers to the principle whereby once an enactment is issued by a Jewish court governing certain acts, such acts are automatically subject to the court enactment even if the individual concerned is unaware of such.

influences of haskalah. The haskalah-like tendency to undermine the absolute uniqueness of Talmudic authority apparently forged a subtle dent in Chajes' thinking.

The premise of the binding character of Talmudic authority was so basic to Jewish consciousness that even the early reformers did not, at first, dare to repudiate it in so many words. Instead, they attempted to enlist the Talmud in their support by seeking to interpret Talmudic passages in such a light as to legitimize the innovations they proposed. Rapoport and Chajes both challenged the Reform interpretations of such concepts as hora'ath sha'ah* and nitpashtah issuro berov Yisra'el* and declared themselves ready to engage the reformers in public debate on these issues.⁷⁰ Both Chajes and Rapoport considered these interpretations fallacious and as nothing more than a "cover-up" for the basic aim of the reformers, namely, to throw off the yoke of the Torah.⁷¹

⁷⁰Rapoport, Tokhahath Megullah, p. 6; Chajes, Kol Sifrei, II, 1007-08.

⁷¹Rapoport, Tokhahath Megullah, p. 24; Chajes, Kol Sifrei, II, 1008.

*Hora'ath sha'ah: Talmudic authorities have recognized the right of authorized bodies to temporarily suspend a law of the Torah, when certain circumstances necessitate such action. For the conditions of such suspensions see Yevamoth 90b. In its literal meaning, the term is translated as an ad hoc enactment.

*Nitpashtah issuro berov Yisra'el: The validity of many tagganoth issued by the Sanhedrin was dependent upon the ultimate acceptance by Jews at large. The literal translation of the term: majority consensus. See Avodah Zarah 36a.

Chajes asserts that the reformers revealed their true intentions when, at their synods, they openly proclaimed their rejection of the Talmud by limiting its competence to a specific phase in the evolution of Judaism.

Both Rapoport and Chajes advise their fellow Jews that adherence to Jewish law is not incompatible with economic advancement or social acceptance by non-Jews.⁷² In proof of their contention they cite the example of many successful British and Dutch Jews who were strictly observant. Adherence to Jewish religious precepts does not cause anti-Semitism, nor can Jews hope to improve their relations with the Gentiles by giving up the observances of their Judaism.⁷³ This general tone of gentle advice and admonition prevails in Minhath Qena'oth as well as in Tokhahath Megullah. On the other hand, there is also a note of stern warning; namely, that there is no other choice left but to ostracize those who openly reject the authority of the Talmud. As with the Karaites, Jews will be forbidden to intermarry with them or to eat meat from their shehittah (ritual slaughter). Chajes realizes the implications of such a threat, particularly in an age of tolerance; still, he feels that the situation

⁷²Rapoport, Tokhahath Megullah, p. 24; Chajes, Kol Sifrei, II, 1031.

⁷³Rapoport, Tokhahath Megullah, pp. 3-4; Chajes, Kol Sifrei, II, 975, 1031.

calls for drastic action.⁷⁴ However, he modifies his stand by making a distinction between the leaders or instigators of Reform, on the one hand, and those who merely follow them, on the other.⁷⁵

Rapoport expresses similar views. He concedes that "even if you will not abide by the laws of the Torah, we cannot force you to do so . . . nor can we cut you off from our ranks." However, he points out that such leniency does not extend to those who would introduce "changes into the law of marriage and divorce In these matters you are duty-bound to consult a Talmudic authority If you fail to do so, you will force us to sever our ties with you."⁷⁶ However, admonitions and threats alike went unheeded.

Having analyzed the views presented in the two publications--Chajes' Minhath Qena'oth and Rapoport's Tokhahath

⁷⁴Kol Sifrei, II, 1008. See Leopold Grunwald, li-Flaggoth Yisra'el be-Ungarya (2nd ed.: Rumania, 1930), pp. 9-11, in which he explains that even such orthodox Hungarian rabbis as Rabbi Moses Schreiber were initially reluctant to excommunicate innovators, until all other alternatives had been exhausted.

⁷⁵This distinction was also drawn by Rapoport. One wonders whether the general similarity in both writings is merely the result of common views, or whether Chajes had not been influenced by Rapoport after having read his Tokhahath Megullah, published several years prior to Minhath Qena'oth. Although Chajes claims that he completed the text of Minhath Qena'oth by 1845, the same year that Tokhahath Megullah was published, one still wonders whether later revisions were not introduced.

⁷⁶Tokhahath Megullah, p. 26. He is, however, vehemently opposed to involving the government in this internal Jewish problem.

Megullah--it is appropriate to make mention of a few technical differences in presentation. Chajes' treatment of the issues involved in Reform is much more extensive than that accorded to these problems by Rapoport. In Minhath Qena'oth, the footnotes alone can almost be considered a treatise in their own right; they are replete with discussions of specific questions raised at the Reform conferences. Rapoport, on the other hand, refers to only three such issues--intermarriage, the observance of the second days of the Festivals, and the elimination of prayers for a Return to Zion.

This difference in presentation may have been dictated by the purpose of each treatise. Rapoport's Tokhahath Megullah was printed in 1845 in the form of a letter, and was published by Raphael Kirchheim upon the request of the author, who wished to remain anonymous and asked that the letter be read at the Frankfurt Conference that year as the opinion of a rabbi who engaged in scholarly research. Chajes' work, on the other hand, was intended neither for verbal presentation nor for an audience of Reform leaders. It was meant, instead, for study by those Jews who though still persevering in their belief in the Talmud, were in danger of being swayed by the persuasive arguments of the reformers. Yet, contrary to what might be considered appropriate for the purpose of each treatise, Chajes' style is much more clear and lucid than that of Rapoport, which is flowery and replete with metaphors.

Chajes and Krochmal

Zecharia Yolles asks "why did Chajes not oppose the German (Reform) scholars during the lifetime of K.?" [the initial refers to Krochmal] and accuses Chajes of hypocrisy.⁷⁷ Yolles' criticism of Chajes is unjustified. For while it is primarily Chajes' later works that prominently feature attacks on Reform, Chajes had already begun to censure the reformers as early as 1836--four years before Krochmal's death--in his Torath Nevi'im. In this, his earliest treatise, Chajes already criticizes those who view eternally binding laws as mere temporary phenomena, reflecting various phases in the evolution of Judaism. Chajes therefore cannot be accused of hypocrisy. The severity of his reactions to the challenge of Reform grew in proportion to the growth of the movement. Minhath Qena'oth was written in response to the resolutions passed by the Reform synods, the first of which was not held until 1844, four years after the death of Krochmal.⁷⁸ Prior to the synods, Chajes may well have regarded all-out attacks on Reform as premature and inappropriate.

⁷⁷Zecharia Yolles, ha-Torah ve-ha-Hokhmah (Vilna, 1913), pp. 480-81. Although Yolles does not specify "Reform" ideology to be the subject of the article criticizing German scholarship, scholars in the field assume that it is implied. See Meir Herscovics, "ha-MaHaRaTz Chajes ve-ha-MaHaRaN Dembitzer," ha-Dorom, XIV (Elul, 5721), 286, #23.

⁷⁸Although Krochmal left Zolkiew in 1836, a warm relationship was still maintained between Chajes and Krochmal via correspondence. See Rawidowicz, Kitvei RaNak, pp. 420ff.

Yolles implies that Chajes might have wanted to conceal his opposition to Reform from Krochmal; but there hardly would have been a need for him to do so. Although Krochmal followed a critical approach to Bible, aggadah, and halakhah, he repeatedly stressed the importance of ritual observances. In a letter to Samuel Goldenberg (1807-1846), Krochmal speaks of the need to emphasize "the requirement to observe the mitzvoth, for belief and intentions by themselves are not enough."⁷⁹ Despite his liberal views, Krochmal himself was known to have been an observant Jew in practice.⁸⁰ Accordingly, Krochmal would surely have shared Chajes' critical view of the outright violations of orthodox tradition proposed by the Reform synods.⁸¹

Certainly, Chajes cannot be accused of hypocrisy in his attitude toward any of Krochmal's views on matters pertaining to Reform. Even during Krochmal's lifetime, Chajes expressed ideas diametrically opposed to those of Krochmal.

⁷⁹Ibid., p. 439.

⁸⁰ See Solomon J. Rapoport, "Mikhtav 3," Kerem Hemei, VI (1841), p. 41. Some might claim that this observance was merely the result of the fear of ostracism; although Rawidowicz would probably debate this view. See Rawidowicz, Kitvei RaNaK, p. lxxxvi. Thus, Perl, with all his bitterness and sarcasm towards orthodox-hasidic Jewry in Galicia, "was scrupulous in the performance of mitzvoth . . . and even wore a 'Shtreimel.'" Joseph Klausner, Historiah shel ha-Sifruth ha-Ivrith ha-Hadashah, II (2nd ed.: Jerusalem, 1952), 287-88. Hereinafter referred to as ha-Sifruth ha-Ivrith.

⁸¹ See Nahum Sokolow, Ishim, III (Tel-Aviv, 1935), 9. He writes that "It stands to reason (וְלֹא יִשְׁתָּמֵחַ) that Krochmal, too [like Ahad-Ha'am], disapproved of Reform."

Despite his apparent emphasis on the binding character of the Oral Tradition,⁸² Krochmal explicitly states that "we cannot conceive that the details of [the Oral] law were studied [as early as] in the era of the First Commonwealth."⁸³ Although he concedes that the Priests of the First Commonwealth were familiar with halakhah and observed its precepts, he fails to find evidence that the rest of the Israelites did likewise.⁸⁴

In Torath Nevi'im which, as we have already noted, appeared four years before Krochmal's death, Chajes emphasizes the Sinaitic origin of the unbroken chain of halakhic tradition and explicitly refutes the notion that this tradition had only started with the advent of the Second Commonwealth.⁸⁵ Moreover, he makes a point of rebuking those who--as Krochmal seems to have believed--claim that the Priestly caste held a monopoly on halakhic knowledge during the period of the First Commonwealth. Chajes felt that the acceptance of such a view would strike at the very heart of Jewish religious belief.

⁸²Rawidowicz, Kitvei RaNaK, p. 190.

⁸³Ibid., p. 211.

⁸⁴Ibid., p. 193.

⁸⁵Kol Sifrei, I, 4. See also I, 178, 180. Although Chajes' condemnation of this view appears in a later correspondence with Rabbi Moses Schreiber, he clearly shows that his initial statements in the original text indicate the same approach and should not be misconstrued.

Personal Relationships With Or Attitudes
Towards Reform Leaders

Although Chajes was clearly opposed to the changes introduced by the reformers, he felt no personal animosity toward Reform leaders. Thus, in the same passage where he refutes the arguments of Aaron Chorin, who supported untraditional practices in the Hamburg temple, he refers to Chorin as a "wise man."⁸⁶ This tribute to Chorin's erudition incurred Chajes the disfavor of Rabbi Meir Asch, a renowned disciple of the Rabbi Schreiber. On hearing of the complimentary reference to Chorin, Asch supposedly ceased correspondence with Chajes.⁸⁷

Some have questioned the authenticity of this report concerning Rabbi Meir Asch, pointing out that Schreiber himself had accorded the title of hakham ("sage") to Moses Mendelssohn, to whose views he was, of course, implacably opposed. Why then, it is asked, should Asch have denied Chajes the right to refer to Chorin as a "wise man"? Moreover, in one of his own works, Asch still makes reference to the Responsa of Chajes, which were published a full year after the publication of Minhath Qena'oth, where Chajes had made the complimentary reference to Chorin. Obviously,

⁸⁶ Ibid., II, 988.

⁸⁷ Aqiva Schlesinger, Iev ha-Ivri (Lemberg, 1868), p. 52.

then, Asch did not sever his ties with Chajes nor deny him recognition.⁸⁸

In our opinion, however, the above attempts to question the report of the break between Asch and Chajes are unconvincing. For one thing, there is no basis of comparison between the relationship of Rabbi Schreiber with Moses Mendelssohn on the one hand, and Chajes with Chorin, on the other. Mendelssohn, too, had incurred the wrath of the orthodox, but he still considered himself an orthodox Jew, unlike Chorin, who had read himself out of the orthodox fold by accepting the pulpit of one of the first Reform temples in Hungary. Furthermore, when Schreiber accorded the title of hakham to Mendelssohn, Mendelssohn had been dead for over half a century. Chajes' reference to Chorin as a "wise man" came only four years after Chorin's death, when the memory of his untraditional views and activities was still quite fresh in the minds of the orthodox. Given Schreiber's uncompromising orthodox stand, it is only reasonable to assume that he would not have given Mendelssohn the posthumous distinction at a time when the issues raised by Mendelssohn were still the subject of heated controversy. Chajes, by contrast, was praising Chorin at the very time when the Reform movement which Chorin championed was seeking to establish itself as a legitimate branch of Judaism.

⁸⁸Meir Herscovics, "ha-Yahas shel ha-Hatam Sofer el ha-MaHaRaTz Chajes," ha-Dorom, V (Nisan, 5718), 114.

As for the contention that Asch made his complimentary references to Chajes' Responsa a year after the publication of the latter's Minhath Qena'oth, that, too, is open to question. For this particular responsum of Asch is undated,⁸⁹ and the letters comprising Asch's work are not arranged in chronological order. Lacking an indication of the year of its origin, it may be assumed that the letter in which Asch makes mention of Chajes' Responsa was written not long after their appearance, for Asch explicitly states in the letter that Chajes sent him a copy of the work--presumably soon after its publication. Since only one year elapsed between the publication of Minhath Qena'oth and that of Chajes' Responsa, it is not unreasonable to suggest that, at the time Asch made the reference to Chajes' Responsa, he had not yet acquainted himself with Minhath Qena'oth. Perhaps it was only called to Asch's attention at some later date.

While the evidence supporting or refuting the authenticity of the report about Asch's protest against Chajes is indecisive, one should not underestimate the significance of the mere fact itself, of Chajes' complimentary reference to Chorin, the protagonist of Reform.

Similarly, Chajes speaks almost reverently of Israel Jacobson. In Minhath Qena'oth he says: "Then there came to Berlin, Jacobson, the honored sage, the mighty man, a prince

⁸⁹Meir Asch, She'aloth u-Teshuvoth Imrei Eysh, Yoreh Deah, end of section 37.

in Israel, adviser to the duke of Brunswick This perfect man, upright in his qualities and his virtues, who strove with all his might to do good to his people in every way, has conducted himself all his days by the advice of the rabbis and according to the Torah; but in Berlin he changed his mind and was misled by Friedlander and his group."⁹⁰

Solomon Freehof has aptly pointed out that Chajes had probably not heard of the reformed temple in Seesen founded by Jacobson as early as 1810. For Chajes considers Jacobson "entirely praiseworthy until he came to Berlin [which was not until 1815] Evidently that early attempt at Reform was not widely known."⁹¹

We would like to add a comment on Freehof's observation. It is significant to note that while Chajes acknowledges that Jacobson turned astray, he still panegyricizes him. It is, after all, in Minhath Qena'oth--published as late as 1848--that Chajes still refers to Jacobson as the "prince in Israel." Although the grand titles bestowed upon Jacobson by Chajes appear in a passage referring to the pre-Berlin days, one can not help but note the extravagance of the praise. This fact assumes additional significance when one realizes that most orthodox luminaries were usually very reluctant to mention the praise--even if well deserved--of a

⁹⁰Kol Sifrei, II, 981. The translation appears in Solomon B. Freehof, The Responsa Literature (Philadelphia, 1959), p. 168.

⁹¹Freehof, Responsa Literature, p. 168.

renegade lest this praise be interpreted as a sign of recognition or lest it increase the prestige of the deviant. It is almost unthinkable that Rabbi Schreiber would refer to Jacobson as a "prince in Israel." Chajes' reference to Jacobson, then, serves as one more example of a mildness in tone towards some persons involved in the Reform group, despite his bitter and outspoken campaign against the movement as such.

Of even greater interest is the correspondence between Chajes and Abraham Geiger.⁹² Though Geiger states that his ideas are far removed from those of Chajes, he praises Chajes' wisdom. He also takes him to task for using anonymous references when quoting authorities like Krochmal, Zunz, or Geiger. Geiger also mentions an earlier plan to publish a careful analysis of Torath Nevi'im in his journal, Wissenschaftliche Zeitschrift für Jüdische Theologie. In answer to a request from Chajes, Geiger sends him some copies of his works. He apologizes for not having sent them to him earlier; he, Geiger, simply had not expected that Chajes would actually take the time to study his writings.

All this correspondence indicates that Geiger and Chajes, though in disagreement on many issues, were interested in each other's views and writings. However, this exchange is all dated 1840. One wonders whether this relationship

⁹²Ben Zion Dinaburg (now Dinur), "me'-Arkhyono shel Shir," Kirjath Sefer I (1924), 157.

could have continued after the Reform synods at which Geiger played such a leading role. In referring to Geiger in Minhath Qena'oth Chajes omits all appellations of praise usually accorded to a sage.⁹³ Moreover, this work urges the excommunication of Reform leaders, and was not Geiger the father of the Reform movement?

Chajes Vs. Reform

From Chajes' attitude toward the religious views of the Reform movement, we shall now turn to an investigation of his reaction to the views expressed by Reform on the subject of Jewish nationhood.

"Classic" Reform defined Judaism as a religion and not as a national entity. In an age when nationalism was on the rise in Europe, many Jews, especially those in Germany, seeking to prove their patriotic attachment to their "fatherland," renounced all "national" aspects of Judaism. Judaism, they proclaimed, was simply a religious denomination, with no claims of national loyalty on its adherents. This definition of Judaism constituted a radical departure from traditional concepts, for the belief in Israel's ultimate return to Palestine had always been a central factor in Jewish consciousness.

Reform's "redefinition" of Judaism was, in part, prompted by developments in France where the concept of Jewish

⁹³Kol Sifrei, II, 999.

nationhood was frequently cited as an argument against the civil emancipation of Jews. This argument was first openly presented during the French Revolution on the floor of the National Assembly, by Jean Francois Rewbell (1747-1807), a deputy from Alsace, and by Abbe Maury, who claimed that the Jews, being a "nation within a nation," would never become "pure" French patriots. In response to these accusations of "dual loyalty," the Paris Sanhedrin⁹⁴ and early Reform leaders felt compelled to proclaim the undivided allegiance of Jews to the countries in which they were living.

Did Austrian and Hungarian Jewry, in general, and Chajes, in particular, react differently than German Jews to the wave of European nationalism when it swept across their own country?

Krochmal, Chajes and Humanitarianism

Before attempting to investigate the extent of Chajes' involvement in Jewish and European nationalism, we would do well, first, to define his concept of himself as a European Jew. Did he consider himself totally absorbed by Jewish interests and pursuits to the exclusion of all else, or did he see himself as a participant in European culture? The information we have already cited elsewhere in this study is sufficient for us to place Chajes into the second of these two groupings. It now remains for us to determine whether,

⁹⁴See M. Diogene, Transactions of the Parisian Sanhedrin (London, 1807).

and to what extent, his involvement with the non-Jewish world affected his own identification with Judaism and Jewish nationhood.

The Jews had always considered themselves the "chosen people," and would often be accused of chauvinism. However, during the nineteenth century which witnessed the growth of mutual tolerance and cosmopolitanism, it could be expected that Jewish "nationalism," too, would assume a more moderate tone. As a matter of fact, the haskalah movement called for the abolition of barriers--both political and social--between Jew and non-Jew. Even the Galician maskilim, who were not as cosmopolitan-oriented as the reformers, tended to promote tolerance. Indeed, Rawidowicz claims that the only apparent justification for referring to Krochmal as the "Galician Mendelssohn" is that both Krochmal and Mendelssohn had striven for political and religious tolerance.⁹⁵ It is this cosmopolitan orientation which led Krochmal to advance the unorthodox view that the self-imposed isolation of the Jews from the Romans was one of the major errors committed by Judaism in the closing period of the Second Commonwealth.⁹⁶ Similarly, Krochmal points with pride and gratification to the close and personal relationship that existed between

⁹⁵Simon Rawidowicz, "RaNaK: Yaḥaso le-ḥasiduth, Haskalah, u-Le'umiyuth," ha-Toren, XI (1925), 155-74. It was Meir Letteris in Zikharon ba-Sefer (Vienna, 1869), p. 69, who had suggested the designation of Krochmal as the "Galician Mendelssohn."

⁹⁶Rawidowicz, Kitvei RaNaK, p. 93.

Maimonides and the physician and philosopher, Ibn Roshd (more commonly known as Averroes 1126-1198).⁹⁷

A similar trend of thought can be found in Chajes' comment on a Talmudic passage which calls for one sort of blessing to be uttered on meeting a group of Jews and another one on meeting a group of Gentiles.⁹⁸ Apparently disturbed by this "discriminatory" ruling, Chajes cites other midrashic and Talmudic sources which refer to this blessing but only speak in terms of "meeting men" (i.e., people), without any distinction between groups of Gentiles or Jews. Chajes concludes with the assertion that "consequently, the differentiation between Jew and heathen [in this declaration] is invalid."⁹⁹

In answer to those who may argue that the above example is no more than an academic commentary and does not necessarily reflect Chajes' personal attitude toward Jewish-Gentile relationships, we shall cite a more convincing indication of Chajes' attitude. With reference to the Talmudic passage according to which the designation adam (man) is exclusively reserved for Jews, Chajes comments: "The intention here is not to exclude members of other nations from the

⁹⁷Ibid., p. 440. This very same point is mentioned by Chajes in Kol Sifrei, I, 428.

⁹⁸Berakhoth 58a.

⁹⁹Haqahoth al ha-Talmud; Berakhoth 58a.

category of adam."¹⁰⁰ According to Chajes, the passage simply means that whenever the Torah mentions the term adam, it refers to Jews, just as religious codes of any specific denomination will use the term "one" (as in "one is required to do this and so") to refer only to that particular body of people on whom the code is religiously and morally binding. While no rabbinical commentator would interpret the above Talmudic passage as implying that heathens are not "men" or "human beings,"¹⁰¹ it would be unusual for a rabbinical authority to deny that it does allude to a significant point of differentiation between Jew and non-Jew. The fact that he seeks to minimize this differentiation is evidence of Chajes' tendency to be apologetic in questions of Jewish-Gentile relations.¹⁰²

Another example of this tendency in Chajes occurs in his comment on a passage in Yad ha-Hazakah. In his description of the process of conversion, Maimonides states that the prospective convert must be informed that "the World To Come is reserved only for the righteous; that is, for the Jews,"

¹⁰⁰Ibid., Yevamoth 61a.

¹⁰¹See for example, the Tosafist's explanation of the above passage, or that of the MaHaRaL (Rabbi Judah Loew), Netsah Yisra'el (London, 1957), p. 83, or that of Menahem ha-Me'iri, Beth ha-Behirah (Jerusalem, 1962), p. 223 of the volume of Yevamoth.

¹⁰²It is however interesting to note that Chajes' explanation is approvingly cited in Baruch Epstein, Torah Temimah (Tel-Aviv, 1956), Numbers XIX:20.

who often must suffer in this world.¹⁰³ Chajes declares that this equation of "righteous" with "Jews" is a textual error.¹⁰⁴ In support of his claim, Chajes cites another passage in the same work where Maimonides himself specifies that righteous non-Jews, too, are eligible for a portion in the World To Come.¹⁰⁵ Why, then, should "righteous" be equated exclusively with "Jew"?

Unlike Chajes, the classic commentators see no contradiction between these two passages, and hence no "textual error" in the passage to which Chajes takes exception. In the passage which so disturbed Chajes, Maimonides was merely alluding to what is a generally accepted principle in Jewish tradition; namely, that the Jews get most of their reward in the World To Come, as contrasted with the sufferings which they, more than any other race, must endure on earth. The latter part of the quotation from Maimonides reads: ". . . and the fact that you see Jews suffering in this world (is based on the consideration that) . . . they cannot receive an abundance of good in this world as other nations do, lest they become proud and disdainful and thereby forfeit their reward in the Hereafter." Maimonides never intended to imply that the righteous Gentiles were not eligible for a place in the World To Come; he only meant to stress that a Jewish

¹⁰³ Hilkhoth Issurei Be'ah, chapter XIV, #5.

¹⁰⁴ Hagahoth al ha-Talmud, Yevamoth 47a.

¹⁰⁵ Hilkhoth Melakhim, chapter VIII, #11.

Beth-Din (court) may authorize a conversion only if the prospective convert has been made fully aware of the difficulties and sufferings he will have to endure on earth as a Jew. Seeing that Chajes' textual "revision" is not founded on scholarly tradition,¹⁰⁶ it, too, is evidence of his tendency to gloss over distinctions between Jew and non-Jew.

Chajes' sensitivity to the liberal spirit of his day may also be seen in his criticism of those ancient Jews who deliberately withheld information of the operation of the printing press from non-Jews. "It is forbidden to act selfishly in such matters," he declares, and insists that the Jews must share their knowledge with the Gentiles.¹⁰⁷ Still

¹⁰⁶ See Zvi Perez Chajes in Nir David-Festschrift, David Simonsen (Frankfurt, 1923), p. 42, where he attempts to support his grandfather's interpretation by amending the text to read "tzadiqim and the nation of Israel (thereby substituting the letter "ז" for "ך" to read "ז" instead of "ך")." Zvi Perez Chajes claims that the unamended text also would contradict another Talmudic dictum stating that "All Jews will have a share in the World To Come." All-- i.e., even the non-righteous. Consequently, "righteous" is not synonymous with "Jew." He fails, however, to realize that the Talmud itself abounds with references to the wicked, even Jews, who will be doomed to perdition. See, for example, Rosh ha-Shanah 17a. There is therefore no more lack of precision in Maimonides' own statement that righteous and Jewish are synonymous than in the two Talmudic passages just cited. Attempt to reconcile these apparent contradictions have been made by Israel Lifshitz, Tifereth Yisrael (commentary on the Mishnah, included in the N.Y. 1953 edition), Sanhedrin, Chapter X, #1. Moreover, the Mishnah that "All Jews claim a share in the Hereafter" is based on the scriptural passage that: Your entire nation is righteous (Isaiah 60:21) which in turn served as the basis for Maimonides' statement.

¹⁰⁷ Chajes found evidence that printing was already known to the Jews during the Talmudic era. Kol Sifrei, II, 644.

another indication of his liberal spirit is to be found in the fact that he cites passages from the Koran in an attempt to ascertain whether the Islamic religion violates the Noahide Laws.¹⁰⁸ Such an explicit reference to the text of the Koran probably has no parallel in rabbinic literature of Eastern Europe.

Any threat, direct or implied, to the cherished principles of mutual tolerance and human brotherhood was viewed with alarm by the nineteenth century Western intellectual. Chajes seems to be echoing this alarm in his defense of the rabbinic ban on the drinking of wine produced by non-Jews. He is anxious to correct the erroneous impression created by the maskilim of his day who criticized this law as an example of crude intolerance, implying that Gentiles were "impure." Chajes demonstrates--and correctly so--that this prohibition was not based on considerations of "purity" or "impurity," but was an attempt to discourage drinking parties with Gentiles and the close social contacts which could be conducive to intermarriage.¹⁰⁹

Chajes' own contact with the non-Jewish culture of his age was not limited to the world of books. He had a keen interest in the European literature of his day. It is also

¹⁰⁸Ibid., I, 490. Chajes probably saw these passages cited in Geiger's work. The work in which Chajes quotes these passages attempted to disprove the blook libel and must have been intended not only for Jewish readers.

¹⁰⁹Allgemeine Zeitung des Judentums, IX (1845), 701.

told of him, that he traveled to the university of Lvov to interview the professors personally with regard to certain aspects of Polish history.¹¹⁰

On the other hand, one must not overemphasize the haskalah character either of his trip to Lvov or of his defense of the ban on wine produced by Gentiles. After all, the MaHaRaL (Rabbi Judah Loew, c1525-1609) too, had personally met with non-Jewish contemporaries to discuss scholarly issues, and no competent rabbinic authority has ever claimed that the Talmudic prohibition against wine produced by non-Jews was based on the premise that the heathens were "impure." But seen in the context of his other views and actions, both Chajes' journey to Lvov and his quickness to defend the wine ban against accusations of "discrimination" afford significant insights into his kinship with the non-Jewish world.

On the other hand, these "modernist" tendencies are faint in comparison with Chajes' outspoken traditionalism. His tolerant attitude notwithstanding, Chajes declares that it is not permitted to teach the Oral Tradition to a Gentile.¹¹¹ As much as he strove, in theory, to remove the

¹¹⁰Edelman, Gedulath Sha'ul, p. 57.

¹¹¹Kol Sifrei, II, 706. Even in the Italian Renaissance era, most Christian Hebraists studied the written Torah primarily. It is thus not surprising that even Reuchlin conceded that he had not read the Talmud. On the other hand, Elijah Delmedigo in a letter to Buxtorf mentions that he teaches Talmud to a non-Jew. See M. Kayserling in Judische Zeitschrift für Wissenschaft und Leben, IX (1871), 135-36.

barriers that separated Jew from Gentile, he spoke out vehemently against the proposal of the reformers to approve intermarriage. Rapoport, too, notwithstanding his avowal that the other nations "are our friends, beloved as our own brethren,"¹¹² lodged a strong protest against that proposal. Rapoport supports his protest by refuting the argument that all Talmudic laws differentiating between Jews and Gentiles had become obsolete with the practical disappearances of paganism. These laws, he points out, are still binding because their purpose was to assure the survival of the Jews as a national entity.

In other words, while they might have wanted to blur some lines of demarcation between Jew and Gentile, neither Chajes nor Rapoport were ready to deliberately soft-pedal or sacrifice the national identity of the Jewish people.

Theories of Galician Haskalah On Jewish Nationhood

We have noted that the leaders of the haskalah movement in Galicia tended to be critical of sharply drawn barriers between Jew and Gentile. But what was their positive conception of Jewish nationhood?

Many students of Jewish history consider Krochmal a pioneer of modern Jewish nationalism.¹¹³ In line with the

¹¹² Tokhahath Mequllah, p. 20.

¹¹³ Shai Ish Hurwitz, Tziyyun le-Nefesh RaNaK (Warsaw, 1887), p. 18. See Geulah Bat Yehudah, "RaNaK u-Tefisato ha-Le'umith" in Aresheth, ed. by Raphael Werfel (Jerusalem, 1943), p. 429.

fact that a knowledge of and pride in the character of one's nationality group are basic factors in nationalism, Krochmal emphasizes the need for Jews to study Jewish history so that they might "thereby arrive at a clear recognition of (their) character and identity."¹¹⁴ After investigating the pattern of the history of nations in general, Krochmal advances the following thesis: the uniqueness of the Jewish people lies in its staying power. When other civilizations lose their spiritual stamina, they cease to be. Not so the Jewish people. Its "degeneration" was followed by a spiritual rejuvenation and regeneration which has helped it to survive through the centuries. The miracle of Jewish survival, Krochmal asserts, is rooted in the total identification of the Jews with the eternal Absolute Spirit. Other nations can only identify with specific attributes of this spirit, and to the extent that the totality of their existence is not permeated by the all-embracing Eternal Absolute Spirit, they are subject to the laws of physical decay.

It is probably Krochmal's concept of the Jews as a unique entity, different from all the other nations, that leads Moshe Leib Lilienblum to describe him as a pioneer of modern Jewish nationalism.¹¹⁵ M. J. Berdichevski (1865-1921), the renowned writer and thinker, considers Krochmal the

¹¹⁴Moreh Nevukhei ha-Zeman (Lemberg, 1851), p. 143.

¹¹⁵"ha-Le'umiyim ha-Rishonim be-me'ah ha-Ahronah," in Kol Kitvei Lilienblum, III (Odessa, 1912), 95-96.

forerunner of a new era rather than a Jewish nationalist in the true sense of the word.¹¹⁶ But Nahum Sokolow, the renowned Zionist leader, sees Krochmal's approach, emphasizing as it does the identification of the Jewish nation with the spirit of Judaism, as standing in direct contradiction to the view of the reformers, which reduced Judaism to a mere abstraction.¹¹⁷

Yet, others charge Krochmal himself with having only an abstract notion of Jewish nationhood. Rawidowicz asserts that pointing to the uniqueness of the "spirit" of a nation is not identical with the secular-political implications of modern Jewish nationalism.¹¹⁸ To illustrate this argument, it may be pointed out that Krochmal, in fact, nowhere refers to Palestine as an essential component of Jewish nationhood.¹¹⁹ What is more, as distinct from modern Jewish nationalists, Krochmal affirms the positive role of the Diaspora, considering it an essential stage in the development of Judaism. Thus, he points out, their sojourn in Egypt brought the Children of Israel into contact with the highly advanced civilization of that ancient nation, so that they were able to assimilate

¹¹⁶"Tziyyun," Otzar ha-Sifrut, II (1888), pp. 362-64.

¹¹⁷Ishim, p. 9.

¹¹⁸Rawidowicz, "RaNaK," p. 173.

¹¹⁹Bat Yehudah, "RaNaK," p. 429, emphasizes the word "previously" in Krochmal's statement: ". . . previously the life of the nation was dependent upon its inhabitation of one area." Rawidowicz, Kitvei RaNaK, p. 59.

some traits of that civilization into their own emerging culture.¹²⁰ On the other hand, the Diaspora enabled the Jews to serve also as the cultural benefactors of mankind. A number of writers cite Krochmal's idealized notion of the Jews serving as teachers of mankind in the Diaspora.¹²¹ At the same time, these writers hasten to point out that this conception is not identical with the "mission" theory of Reform Judaism, since Krochmal does express hopes for some sort of "redemption" for the Jewish people. Moreover, one should realize that even Krochmal's positive evaluation of the sojourn in Egypt was based on the consideration that this cultural contact was beneficial as a preparation for the subsequent building of a national culture in Palestine.

The haskalah of Galicia also produced proponents of a simple concept of Jewish nationhood. Thus, Joseph Klausner describes Jacob Samuel Byk (? - 1831) as almost being a nationalist in the sense of [Peretz] Smolenskin . . . [To Byk] the love of the Jewish people takes precedence over haskalah, so that [he considers it] better to join the hasidic masses in their beliefs . . . and write in Yiddish, than to imitate the non-Jews, to write in their language and thereby to estrange oneself from the Jewish masses."¹²²

¹²⁰Rawidowicz, Kitvei RaNaK, p. 42.

¹²¹Bat Yehudah, "RaNaK," p. 429; Rawidowicz, Kitvei RaNaK, p. xxxix.

¹²²Klausner, ha-Sifruth ha-Ivrith, II, 226.

While Chajes offers no systematic presentation of his own views on Jewish nationalism or nationhood, he does on various occasions insert comments which might serve as indications of his views on the subject. He sees "matters of nationalism and faith as inseparable, as one single unit; he, therefore, wonders "how do they [the reformers] presume to seek to persuade us to forget matters of religion which are all an integral part of the history of our people."¹²³ He regards the Jewish religion and Jewish nationalism as synonymous; hence religious observance in Judaism is necessitated by nationalistic motives. In other words, when Chajes calls for religious observance, he invokes nationalist sentiments in addition to purely religious considerations. This approach reflects the spirit of an age in which national pride was paramount throughout Europe. Chajes, too, appeals to the Jews to demonstrate their national pride.¹²⁴

Chajes emphasizes the national aspect of Judaism to a point at which he baldly asserts that the only *raison d'etre* for certain religious customs is that these customs help preserve the national unity of the Jewish people. While he admits that practices based on religious motivations have an

¹²³ Kol Sifrei, II, 975-76.

¹²⁴ In a similar vein, when Chajes attacks Reform's repudiation of the belief in Divine Revelation, he uses historical rather than theological arguments. Instead of basing his critique on doctrinal points, he emphasizes the unanimity with which Jews everywhere have accepted the premise of Divine Revelation throughout the ages.

intrinsic value in themselves, he is willing to interpret certain customs in the light of nationalism. For, as he points out, in addition to their religious identity, the Jews also represent a separate national entity, and aspire, eventually, to establish their own kingdom or government in their homeland. It was in order to preserve this feeling of national unity among the members of the Jewish nation that certain customs were ordained as binding on all Jews. These customs, Chajes explains, were not based on religious considerations; their sole function is "to strengthen the bond of love and brotherhood . . . to preserve the nation by having its members act together."¹²⁵ They may have practically no intrinsic religious value, but they must not be deliberately or arbitrarily jettisoned, because their purpose--that of safeguarding national unity through universal observance--is sufficiently important to endow them with sanctity. Only if and when these practices automatically lose their hold on the people may they be permitted to fall into desuetude. In this view national unity assumes a quasi-religious sanctity of its own.

¹²⁵Kol Sifrei, I, 240. He cites several marriage ceremonials and synagogue protocols as examples of such customs.

Palestine

Chajes' views on Jewish nationhood are not confined to theoretical abstractions. He actually comes to grips with the relationship between Eretz Yisra'el and the Diaspora and with the problem of "dual allegiance."

To those who would omit Zion from their prayers for fear of losing the goodwill of the rulers of Europe, he says: "All rulers know of our strong yearning for the land of our fathers, but they do not hold it against us. The Jews of France, Holland and Belgium have all been granted equal rights with the other inhabitants of those countries, and no one has protested against the fact that the Jews in those countries pray every day for the restoration of Zion. Indeed [these Jews] demonstrate great loyalty to their government in all political matters despite the fact that they pray for ultimate redemption."¹²⁶ And Chajes points with great pride to the high positions some Jews have obtained in the governments of those countries.¹²⁷

¹²⁶ Ibid., II, 1029. Note also Chajes' sermon Misped Tamrurim (1835) on the occasion of the death of Francis I (1792-1835) and the ascension of his son Ferdinand to the throne. He speaks with the greatest respect of the kindness and fine spirit of the deceased. The praise seems to extend beyond the mere call of duty; it represents more than the standard rabbinical eulogies on the passings of kings.

¹²⁷ Kol Sifrei, II, 607.

Nevertheless, in a letter which was published only recently, Chajes expresses the fear that practical action to bring about an immediate return to the land of Israel might create a pretext for anti-Semitic accusations of disloyalty.¹²⁸

Chajes frequently emphasizes that although the Jews yearn for a return to the land of their fathers, they have been commanded by the Sages of the Talmud to pray for the welfare of the countries in which they live.¹²⁹ But while the Reform movement idealized the concept of loyalty to the "fatherland," and Krochmal viewed certain aspects of dispersion as vital to the development of Judaism, Chajes refused to extol galuth for its own sake. He conceded that the dispersion of the Jewish people enabled the Jews to fulfill the function of "serving as teachers and priests for all the nations"¹³⁰ (e.g., dissemination of the belief in a Creator, in prophecy, in reward and punishment); he nevertheless insisted that the Jews must eagerly await their own redemption and hope for its speedy arrival. In the final analysis,

¹²⁸ Hayyim Bloch, "Letter 1472," ha-Poseq, CXLI (Teveth, 1951). It is of interest to note that even in the pre-1848 era, Chajes must have shared the governmental apprehension concerning Jewish interest in the land of their fathers; for such activities were considered dangerous in Brody, the birthplace of Chajes. The government of Austria, for example, confiscated any money designated in one's will for Palestine.

¹²⁹ Kol Sifrei, I, 177, 239; II, 1030.

¹³⁰ Ibid., II, 608.

galuth is a yoke to be accepted with humble obedience. We have been ordered by our Sages to accept the yoke of the nation under which we live, to obey its ruler in all that he commands; and the fate of the land in which we live is to be our own fate, for better or for worse At the same time, however, our Sages have required us to look forward to our eventual national and political restoration."¹³¹ According to Chajes, galuth is a necessary evil, which must be endured as a Divine punishment. "We still abide by this belief . . . for this is a tradition with us, not to rebel against the ruler of the land [in which we live], unless the Divine Messenger should be sent to redeem us . . . but prior to his coming, we dare not . . . disobey the ruler."¹³²

The above passages correspond closely to the contents of a letter published by Hayyim Bloch, in which Chajes pleaded with Elijah Gutmacher to influence Zvi Hirsch Kalischer to abandon his campaign for the restoration and resettlement of the Land of Israel.¹³³ Chajes adheres to the belief in the ultimate restoration of political independence to the Jewish people, but at the same time he firmly opposes efforts to hasten that restoration by human action. This, of course, was also the reason for the opposition on the part of eminent

¹³¹Ibid., I, 239.

¹³²Ibid., I, 177.

¹³³See Bloch, "Letter 1472." Many letters expressing this trend are to be found in another book by the same author: Mi Natan li-Meshisah Ya'aqov ("n.p.," 1957).

orthodox rabbinical authorities to Kalischer's pre-Zionist activities. As for Chajes, this orientation definitely disassociates him from modern Jewish nationalism as exemplified by the Zionists and their forerunners.

Although this letter has been accepted at face value by Herscovics,¹³⁴ Samuel Weingarten has challenged its authenticity and has gone so far as to call it a forgery.¹³⁵ While some of the chronological arguments cited by Weingarten in support of his view may be valid or may not,¹³⁶ the passage from Torath Nevi'im which Weingarten quotes as evidence against the authenticity of the letter cannot be accepted as such; it is cited out of context and has not been properly interpreted.

That passage reads:

Our Sages state that one who leaves Babylonia to go to the land of Israel violates a commandment. . . . This statement contradicts the Torah commandment

¹³⁴Herscovics, "Yaḥas ha-Hatam Sofer," p. 133, #53.

¹³⁵Samuel Weingarten, "Ziyyuf Sifruti," Sinai, XXXII (1953), 122.

¹³⁶One of the chronological questions raised by Weingarten refers to the fact that the alleged 1845 letter of Chajes states: "I wrote the Quntres [on the restoration of sacrifices, Quntres Aharon] more for the sake of pleasure than . . ." Yet the Quntres did not appear till 1850. How then can an 1845 letter refer to a Quntres already written? Weingarten claims that the short discussion of the issue in the earlier Darkei ha-Hora'ah is too short to be considered a Quntres. We would, however, like to indicate that Chajes, in Darkei ha-Hora'ah, introduces his discussion of the topic with the words: "And in another place, I have shown . . ." (Kol Sifrei, I, 261).

[that we are] to inherit the land of Israel and to settle it.¹³⁷

The above passage, taken out of its proper context, would indeed imply that Chajes regarded opposition to the re-settlement of Palestine as contrary to the spirit of Judaism. However, if restored to its context it can readily be seen that this is not at all what Chajes really meant. For after alluding to the apparent contradiction between the words of the Sages and the Biblical text, Chajes concludes:

. . . though initially the acquisition of the land of Israel was incumbent upon us, the courts are authorized to prohibit that which was originally enjoined upon us . . . [the rabbinical decree] that one should not leave Babylonia to go to the land of Israel is a case in point . . . [the Rabbis] decreed that one should not go up to the land of Israel, unless and until a Divine messenger comes to deliver us from our bitter exile.¹³⁸

In other words, Chajes far from holding pro-Zionist views, grants the Talmudic Sages the right to contradict Torah commandments and insists that the Jewish people must be patient and look to a Divine redeemer rather than to deliberate human action to bring about the restoration of the Holy Land.

Israel Beth Halevi supports Weingarten's argument by pointing to the fact that Chajes urged the restoration of sacrificial rites.¹³⁹ How could one, this author asks,

¹³⁷Weingarten, "Ziyyuf," p. 124.

¹³⁸Kol Sifrei, I, 163, 212.

¹³⁹Israel Beth Halevi, Chajes, pp. 72-73. This topic will be discussed at greater length in the following section.

advocate the reinstatement of sacrifices in our own day and at the same time be opposed to the restoration of the land of Israel by means other than supernatural intervention at some future date.

In answer to this argument, one may point out that the reinstatement of sacrifices is not necessarily contingent upon the resettlement of Palestine. Rabbi Kalischer sought to bring about these ends, but Rabbi Judah Alkalai (?-1878), worked for the resettlement of Palestine without seeking to reinstitute the sacrificial service.¹⁴⁰ In the same manner, Chajes may have wanted to see sacrifices reinstated without insisting on the restoration of Jewish political independence in Palestine or even of mere resettlement of the land. Halakhically speaking, the offering of say, the Paschal sacrifice, is not contingent on the existence of a Jewish state in Palestine, not even on whether or not great numbers of Jews are living there.

In recapitulation, it may be stated that while he made no secret of his contempt for the reformers who--to employ Smolenskin's expression--had jettisoned their "hopes for redemption," Chajes by no means shared the notion of an active Jewish nationalism in terms of a mass emigration of Jews to Palestine in an attempt to obtain Jewish independence.

¹⁴⁰Raphael Werfel, ed., Kitvei Rav Alkalai (Jerusalem, 1944), p. 466.

Chajes and the Hebrew Language

Chajes' nationalist attitude is patently revealed in his emphasis on the significance of the Hebrew language. In general, the Galician maskilim, like their forerunners, the Berlin maskilim, favored Hebrew over Yiddish. When Mendel Lefin (1749-1826) translated parts of the Scripture into Yiddish, he was attacked by the Hebraist, Tuvia Feder.¹⁴¹ While Lefin and Byk were major protagonists of Yiddish, most of the maskilim ridiculed Yiddish as an uncultured jargon. Thus Rapoport, paraphrasing a Mishnaic dictum, proclaims: Wherefore Judeo-German in Poland? (Let it be) either Hebrew or Polish!"¹⁴²

Chajes, too, disapproved of Yiddish; he disparagingly refers to the "manner in which Jews of our country speak . . . in a corrupt language which is a mixture of Hebrew, Polish and--primarily--old German."¹⁴³ It is interesting to note that one of Chajes' admirers was A. M. Mohr, editor of one of the earliest Yiddish newspapers, the weekly Lemberger Jüdische Zeitung. However, to Mohr, the Yiddish language was not an end in itself but only a means for spreading the

¹⁴¹Qol Mehatz'tzim (Lemberg, 1853).

¹⁴²"Mikhtav Teshuvah," Bikkurei ha-ittim, VIII (1827), 8-24. Klausner, ha-Sifruth ha-Ivrith, p. 235, assumes the addressee to be Rabbi Mordecai Orenstein, son of the Lemberg rabbi.

¹⁴³Kol Sifrei, II, 923.

message of the revolution of 1848 among the Jewish masses who spoke only Yiddish.¹⁴⁴

Chajes cherished Hebrew as a "sacred tongue" and used it as his literary medium. His Hebrew is both lucid and fluent. However, his love of Hebrew also had a national motivation. He considered Hebrew the sole means of maintaining unity among the Jewish people. "Of all the treasures from the days of yore," he writes, "it alone remains and now wicked people [reformers] seek to rob us of this treasure also."¹⁴⁵ Furthermore, he argued that if the Hebrew language were abandoned, Judaism would be the loser. During the early days of the Second Commonwealth, when the Jews adopted Aramaic, the language of their neighbors, both study and religious observance suffered. During the Tannaitic era, however, "the Sages still strove to use only Hebrew in their writings, such as the Mekhilta and Sifra."¹⁴⁶ Elsewhere, Chajes goes so far as to refer to the study of Hebrew as a religious obligation, investing it with religious as well as nationalistic significance. He views the halakhic precept to employ only Hebrew in public worship, such as in the

¹⁴⁴ Philipp Friedmann, Die Galizischen Juden im Kampfe um Ihre Gleichberechtigung 1845-1868 (Frankfurt, 1929), p. 47 (hereinafter referred to as Galizischen Juden); Zvi Karl, Lvov, Vol. I of Arim ve-Imahoth be-Yisrael, ed. by J. L. Fishman (Jerusalem 1946), p. 335. Mohr was one of the group known as ha-Ro'im. See infra, p. 403. He was Chajes' admirer--at least until the period of the controversy between Rapoport and Chajes concerning the Prague rabbinate.

¹⁴⁵ Kol Sifrei, II, 984.

¹⁴⁶ Ibid., II, 931.

Priestly Blessing, as a legal guard of national unity.¹⁴⁷
 But he also considers the Hebrew language a sanctity in its own right, as shown by his statement that in his opinion the study of secular subjects on the Sabbath is permissible provided that the texts used are written in the Hebrew language and in Hebrew script.¹⁴⁸

Distinctive Dress

One expression of Jewish national identity at the time was the traditional Jewish garb retained by Eastern European Jews for centuries. Adherents of the haskalah on the other hand, in their desire to have the Jew look not different from his Gentile neighbors, encouraged attempts by non-Jewish

¹⁴⁷Ibid., I, 240. Meir Herscovics, "Al Hudah shel Maḥat," ha-Dorom, XVII (Nisan, 5723), 84, cites the above passage as an indication of Chajes' singleminded and unequivocal goal of teaching Torah views to the new generation. True, indeed, that this statement is unmodified in its anti-Reform call. Yet, the passage is not free from the modern approach which bases the observance of mitzvoth upon the need for preserving national existence (a la Ahad Ha'am). The secular approach saw this as the sole reason for adherence to mitzvoth, while religious Jewry often combined this approach with theological grounds. Moreover, the specific point mentioned by Chajes here is insufficient in proving his own premise. For if the priestly blessings are to be recited in Hebrew as a means of assuring national unity, why does the very same Mishnah which includes this law allow a host of other essential religious services, to be said in the vernacular? Obviously, the reason dictating this halakhic rule is not one of nationalism, but is rather intrinsic to its contents. It is only in reference to an entire congregation abandoning all Hebrew prayer that it is valid to speak in terms of national pride.

¹⁴⁸Kol Sifrei, II, 648. "Script" here, refers to Ketav Ashuri only, not to any type of cursive writing.

authorities to outlaw "Jewish" dress. Thus, in 1847, Abraham Kohn, the rabbi of the Progressive Jewish congregation in Lvov, actively urged the government to enact a law prohibiting Jewish garb.¹⁴⁹

As for Chajes, he has gone on record with regard to a number of governmental edicts enacted in his day, but we have found no reaction to this particular proposal, nor any reference to this issue in his works.¹⁵⁰

The 1848 Revolution and European Patriotism

Having attempted to shed some light on Chajes' attitude toward Jewish nationalism, we shall now seek to determine the extent to which Chajes identified with the upsurge of patriotism that came during the period of his activity. Did he accept change and revolution only passively as one of the inevitable aspects of Jewish exile, or did he take an active stand toward them?

¹⁴⁹Wiener Blätter, I, No. 14 (1851) cited by Karl, Lvov, p. 334. We may also note Salo W. Baron, "The Revolution of 1848 and Jewish Scholarship," Proceedings of the American Academy For Jewish Research, XX (1951), 69, wherein he states: "Under the impact of the revolution, a large number of Lwow maskilim, by preconcerted action, discarded their old garb."

¹⁵⁰See Jacob Shachter, ed., The Student's Guide Through the Talmud (2d. ed., N.Y., 1960), p. xiii, who maintains that Chajes favored "some changes in the traditional Galician Jewish dress." We have, however, found no source for this information. Nor do we know to what views Nathan M. Gelber is referring when he states in "Shalsheth ha-Yuhasin shel ha-Rav Zvi Perez Chajes," ha-Olam, XVI (1928), 189, that Chajes' "views on the matter of abolishing Jewish distinctive garb in Poland are very interesting."

For one thing, we know that Chajes was zealous to protect the new civil and political rights won by the Jews of the Hapsburg Monarchy as the result of the 1848 revolution and the accession of Francis Joseph I that same year. Thus, he delayed publication of Minhath Qena'oth because he felt that the attacks on Reform which it contained might jeopardize the rights granted to the Jews by the new Emperor. At a time when "our king has freed the imprisoned," he writes, ". . . it is not an opportune moment to publish this work For at a time when all are . . . rejoicing at the gift bestowed upon them, and in their [newly-won] recognition as individuals [with full human rights], it would be improper to arouse hatred toward [any of] our fellow-Jews."¹⁵¹

Similarly, Chajes' address to his congregation at Zolkiew on the occasion of the Emperor's birthday and his speech honoring the proclamation of a new constitution in April, 1848, reflect his great expectations from the revolution as regarded the civil and political emancipation

¹⁵¹Kol Sifrei, II, 975. Rapoport expressed a similar consideration in Tokhahath Megullah, p. 2, by urging Jews to show a united front in times of such historical changes.

In a letter dated 11 Shvat, 1848, Chajes asks Dembitzer to express his judgment whether the Minhath Qena'oth manuscript be published or not. See Dembitzer, Divrei Hen, p. 73. No reason is given for the alternative of non-publication. Accordingly, Dembitzer replies: "I am very surprised. Why is there even a question involved?" Ibid., p. 75. Was Chajes merely seeking approval of the general adequacy of his work, or does he seek Dembitzer's opinion whether the political situation should be considered?

of the Jews in the Hapsburg monarchy.¹⁵²

The fact that Chajes should have welcomed the revolution is of great interest, for only a handful of Jewish intellectuals shared this view. The Jewish masses remained largely indifferent, if not opposed, to the new ideas of the revolution. All that interested them at the time was whether their petition for the abolition of the burdensome taxes on meat and candles would meet with a favorable response.¹⁵³

Pamphlets such as Eytzah Tovah¹⁵⁴ which were issued to awaken the Jewish masses to the historic issues and events of the day met with strong opposition and counter-publications. Majer Mintz, a publicist of otherwise progressive tendencies,¹⁵⁵ wrote a pamphlet refuting the views of Abraham Kohn, the outstanding fighter for the emancipation of Galician Jewry, and defending the position of the non-Emancipationist orthodox party. The rift between the orthodox and the

¹⁵²Baron, "Jewish Scholarship," p. 81. Chajes' letter relating the contents of this address appeared in ha-Davar, 9 Sivan 1938, #3927. A copy of this text appears in ha-Dorom, XIV (Elul, 5721), 273.

¹⁵³Friedmann, Galizischen Juden, p. 58.

¹⁵⁴See Baron, "Jewish Scholarship," p. 72. "Eytzah Tovah (in favor of Kohn) and Mefer Atzath Resha'im (orthodox reply thereto) None of these pamphlets, published in Lwow 1848, bibliographical rarities even in Galicia thirty-five years ago, are available in New York."

¹⁵⁵He is described by Nathan M. Gelber, "Brody," Vol. VI of Arim ve-Imahoth be-Yisrael, ed. by Judah L. Fishman (Jerusalem, 1955), p. 262, as "maskil ve-torani," whose father had corresponded with Samuel D. Luzzatto.

maskilim¹⁵⁶ practically eliminated the possibility that the Jews might take concerted action to obtain for themselves the full benefits inherent in the changed political situation.¹⁵⁷

In his discussion of the two sides of internecine Jewish controversy, Philipp Friedmann aligns Chajes with Abraham Kohn and the progressives, and places the orthodox masses, led by Rabbis Orenstein and Bernstein into the "conservative" group.¹⁵⁸ While Friedmann cites no documentary support for classifying Chajes as a "progressive," the passage from the introduction to Minhath Qena'oth, mentioned previously, should be sufficient to substantiate Friedmann's assertion. On the other hand, we have found no indications of any personal contact between Chajes and Kohn, the

¹⁵⁶This rift reached such proportions that the accusation was made that orthodox Jews poisoned Kohn. This assertion has been questioned in more recent times. See a bibliography on this topic in Baron, "Jewish Scholarship." One of those accused was Gavriel Sokhostover (see Abraham Bromberg, Rabbi Joseph Sha'ul Nathanson (Jerusalem, 1960), p. 48), a student of Chajes highly praised by him in 1842. See Gavriel Sokhostover, Matzevath Qodesh (Lemberg, 1863), p. 16.

¹⁵⁷Salo W. Baron ["The Revolution of 1848 and Jewish Emancipation," Jewish Social Studies, XI (1949), p. 202], believes that although religious Jews were less active than the modern element in political agitations, they did not object to equal political participation. "One of the revolution's major permanent results was the demonstration that Jewish emancipation need not be detrimental to Jewish religious and communal aspirations." Friedmann [Galizischen Juden, p. 58] points out that the added freedom of speech made the orthodox masses more vocal, at least in the form of arranging stormy demonstrations to oust their opponents. Thus they took advantage of their newly won freedom.

¹⁵⁸Galizischen Juden, p. 60.

progressive, who was so vehemently opposed by the orthodox group. Evidence along those lines could have shed more light on Chajes' position in the controversy.

However, despite his gratification at the liberal trends associated with the revolution, Chajes thought it proper to warn the Jews "to moderate their aspirations and not to participate in any revolt against established authority." In a lengthy address he urged the Jews to remain loyal to the Crown which protected them from attacks by the mob, and to the government which based its actions on principles of human dignity and respect for every individual.¹⁵⁹

This evidence of Chajes' moderate attitude is corroborated by his writings.

In general, one finds that in Eastern Galicia, "Jewish espousal of the Polish (nationalist) cause was mitigated by staunch loyalties to the Hapsburg dynasty."¹⁶⁰ Baron feels that "it was on the basis of information received from such Jewish leaders as Chajes that Count Goluchowski [Governor of Galicia 1812-1875] could reassure the (Austrian) Ministry of the Interior on February 16, 1849 that the Jews of Galicia

¹⁵⁹The text of the speech appears in Isidore Busch ed., Oesterreichisches Central-Organ für Glaubensfreiheit, (1848), pp. 126, 140-41, 152, and is discussed by Baron, "Jewish Scholarship," p. 81. Rapoport, too, addressed a letter to the Lemberg community in March, 1849 "not to make excessive use of the newly granted equality so as not to arouse the anger of their opponents." See Baron, "Jewish Scholarship," p. 53.

¹⁶⁰Baron, "Jewish Scholarship," p. 62.

were unflinchingly patriotic."¹⁶¹

In cultural matters in general, and language in particular,¹⁶² Chajes probably felt closer to Vienna than to Poland. It is of interest, however, to note here that according to Chajes' grandson, one of the factors that hastened Chajes' death after a brief stay in Kalisz was an attempt of the Tsarist Russian government to use him as an instrument for anti-Polish intrigues at a time when Russia was apprehensive of the Polish revolutionary movement.¹⁶³

At this point it may be of some relevance to compare Chajes' attitude toward emancipation with that of Rabbi Schreiber. Schreiber died almost a decade prior to the 1848 revolution, but in 1833 he delivered a sermon dealing with the proposed bestowal of civic and political equality upon the Jews in the Hapsburg monarchy. On the one hand, Schreiber expresses gratification at the benefits to be derived by the Jews from such legislation. But on the other hand, he fears emancipation as a sure sign that the Jews are not about to be redeemed within the foreseeable future. If G-d willed that the authorities should enact laws to alleviate the sufferings of the Jews in the lands of their exile, Schreiber reasoned, this could only mean that He did not consider the

¹⁶¹Ibid., p. 82.

¹⁶²See Edelman, Gedulath Sha'u1, p. 57.

¹⁶³Hirsch Perez Chajes, Reden und Vortrage (Vienna, 1935), p. 186.

Jews "worthy of a speedy return to the land of our fathers."¹⁶⁴ Besides, the happier the Jews will be in their newly-gained position of equality, the less will they be inclined to hope and yearn for the speedy restoration of Zion. "Wherefore, then, all the joy and exultation?" Schreiber demands in great agitation and bursts into uncontrollable weeping.

The tone of Chajes' sermon honoring the proclamation of the 1848 constitution, by contrast, is one of enthusiasm. At the same time, however, he warns his audience not to forget the gratitude they owe the Almighty for the spectacular turn of events. Fearing that his congregants will be dazzled by their unexpected new freedom, he urges them to remember at all times the Source from which their blessings flow. In their exultation at having been accepted as equals by the non-Jewish world, the Jews must never forget to give priority to their specific obligations as Jews. The realization that it is to G-d that they owe their new freedom should serve to strengthen their resolve to persevere faithfully in their religious ways of life.

Some writers feel that Schreiber and Chajes were equally apprehensive of the potential dangers inherent in emancipation. "Jewish leaders were very cautious in accepting freedom from the various governments . . . [They realized that] only if the Jews will be careful not to replace the

¹⁶⁴ Solomon Schreiber, Hut ha-Meshulash (Drohobycz, 1928), pp. 44-45.

Divine King with one of flesh and blood will they be able to share in the rejoicing of the [European] nations. Such was the attitude of the Hatam Sofer, Samson Raphael Hirsch, and Chajes."¹⁶⁵ It is true that Chajes made a point of admonishing those who might be inclined to forget their religious obligations once they had been given equal rights, and warned them that "abandonment of the way of the Torah . . . always entails bitter consequences."¹⁶⁶ Yet, a careful comparative study of Chajes' sermon and that of Schreiber's, coupled with a study of their respective writings will clearly indicate that their attitudes were not at all the same. While any enthusiasm on the part of Schreiber is quickly quelled by overwhelming considerations of the potential threat of emancipation to Jewish spiritual survival, Chajes is all enthusiasm, merely adding a note of caution lest the Jews forget their religious heritage. While Schreiber regards emancipation with pessimism as a portent of prolonged exile, Chajes has great expectations of the new era of liberalism. This difference is not merely a matter of style or rhetoric but is indicative of the fact that Chajes was more deeply rooted in European culture than Schreiber.

There was one aspect of emancipation, however, with regard to which Chajes and Schreiber were in full agreement--

¹⁶⁵Herscovics, "Chajes ve-Dembitzer," p. 290, #36. Hatam Sofer is the literary name of Rabbi Schreiber.

¹⁶⁶Kol Sifrei, II, 976.

namely, the campaign for the abolition of the tax on meat and candles. In a responsum, Chajes happily notes "that G-d has granted us favor and grace in the eyes of our king . . . to abolish the heavy burden . . . (and to grant us) freedom from the payment of the taxes."¹⁶⁷ The orthodox rabbis of Lvov were also in whole-hearted agreement with this view. The allegation that these rabbis had signed a petition asking for the retention of these taxes has been shown to be based on a misinterpretation of fact.¹⁶⁸

In conclusion, it is of interest to see how under the impact of the political spirit of his own day, Chajes interprets the position of the king in the Jewish state. In his opinion, the broad powers enjoyed by kings in Jewish Palestine had been based on "an agreement between the king and the nation whereby the people agreed to relinquish their wealth and property for the benefit of society [as a whole],"¹⁶⁹ i.e., for the sake of the unity of the nation. This novel interpretation of historical fact seems to indicate that

¹⁶⁷Ibid., p. 669.

¹⁶⁸Friedmann, Galizischen Juden, p. 61.

¹⁶⁹Kol Sifrei, I, 46. The halakhic consideration is that in view of the interdiction on writing oral tradition, one is at a loss to understand the prophet Samuel's recording of the laws concerning the power of a king. Obviously, he concludes, the writing was merely a record of a mutual agreement, rather than an oral heritage from Sinai. In reality, however, one might claim that laws included for the purpose of a contract and its acceptance are not intended as part of this prohibition. Only laws recorded for their own sake may not be committed to writing.

Chajes was opposed to absolute monarchism: his views reflect more modern notions of politics akin to those advanced by Hobbes and Locke.

Reinstitution of the Sacrificial Rites

At a time when Reform Judaism officially repudiated the belief in the eventual restoration of the sacrificial rites, there arose a completely independent movement which campaigned for the immediate revival of this part of Jewish religious ritual, despite the fact that there was neither a Jewish kingdom nor a holy Temple in Jerusalem.

The chief protagonist of the movement for the pre-Messianic reinstitution of sacrifices was Rabbi Zvi Hirsch Kalischer who, as early as 1836, had addressed a letter to Asher Anshel Rothschild (1773-1855) on this subject, although he did not make his views public until a later date.¹⁷⁰ Many religious authorities of the day took a stand on the new movement. Rabbis David Friedman, Jacob Ettlinger and Hayyim Natanson,¹⁷¹ to name only a few, voiced outright opposition to the restoration of sacrifices without the holy Temple. Rabbis Schreiber and Aqiva Eiger,¹⁷² on the other hand,

¹⁷⁰ See Zvi Hirsch Kalischer, Derishath Zion (Jerusalem, 1964), p. xviii.

¹⁷¹ David Friedman, "Quntres Zion ve-Yerushalayim," in She'alath David (Pietrikow, 1913), pp. 27-32; Jacob Ettlinger, Binyan Zion (Altona, 1868); Hayyim Nathanson, Avodah Tammah (Altona, 1872).

¹⁷² See "Ma'amar Qaddishin," in Israel Klausner, ed., ha-Ketavim ha-Tzi'oniyim shel ha-Rav Zvi Hirsch Kalischer

actively corresponded with Kalischer on the matter and Schreiber was ready to accept Kalischer's view, albeit only with regard to the Passover offering.

Chajes, too, wrote extensively on the reinstatement of the sacrificial rites. However, one can discern several stages in the development of his ideas on the subject. In his Comments on the Talmud, which appeared in 1843, Chajes says he is not certain that the offering of sacrifices continued after the destruction of the Second Temple. In a passage expressing certainty that festival pilgrimages to Jerusalem continued for some time after the fall of the Temple, he cautiously adds: "And they may [italics mine] have offered sacrifices at the site of the Temple."¹⁷³ Similarly, in another of his Comments on the Talmud he is still inclined to disclaim the possibility of post-Temple Paschal sacrifices. He declares that "after the destruction of the Temple, they did not offer the Paschal or other sacrifices . . . ," and is only willing to introduce the subject with the cautious preface "and even if [italics mine] you will claim that the

(Jerusalem, 1947), which includes a series of correspondence between Rabbis Eiger and Kalischer. See pp. 129-31, 139, 142. His view is cited by Chajes in Kol Sifrei, II, 849. A copy of Schreiber's letter to Chajes on this issue appears in Kol Sifrei, I, 271, but is not included in the published responsa of the Hatam Sofer. However, see Moses Sofer, She'loth u-Teshuvotn, Yoreh Deah, #236.

¹⁷³Hagahoth al ha-Talmud Nedarim 23a.

Paschal was offered"174 Chajes later declares this very same Talmudic passage as the "strongest proof" of such sacrifices.¹⁷⁵

However, in his Darkei ha-Hora'ah, Chajes seems convinced that sacrifices were indeed offered even after the Temple had been destroyed.¹⁷⁶ But the text does not clearly indicate whether Chajes, on the basis of his acceptance of this historical fact, favored the revival of sacrifices also in his own day and age. It is not until 1850, in his Quntres Aharon published that year, that he openly espouses the pre-Messianic restoration of sacrifices and refutes Heinrich Graetz's arguments against the proposal.¹⁷⁷

In his earlier work, Darkei ha-Hora'ah, Chajes voices concern over the fact that it is now difficult to ascertain with absolute accuracy what individuals were of priestly descent (and therefore eligible to officiate in the

¹⁷⁴ Ibid., Sanhedrin 11b.

¹⁷⁵ Kol Sifrei, II, 853.

¹⁷⁶ Ibid., I, 261.

¹⁷⁷ Although Graetz's name does not appear--even at this late date, when Chajes had already abandoned his practice of anonymous references--Z. P. Chajes identifies Graetz in this context and accuses Graetz of utilizing the results of Chajes' studies without acknowledging due credit. See Reden und Vortrage, p. 189. Z. P. Chajes offers he-Halutz IX (1873), #2, p. 83 as a reference to this topic. The second issue of that volume, however, includes no more than 72 pages. Evidently, a typographical error is involved. For in IX #1, p. 83, Schorr accuses Graetz of plagiarizing one of Chajes' discoveries (not related to the topic of sacrifices). The text of Quntres Aharon appears in Kol Sifrei, II, 844ff.

sacrificial service). In the generations immediately following the fall of the Temple, it had still been relatively easy to trace priestly descent, but "in our times, now that we have been dispersed in exile after exile, and non-eligible individuals have intermingled with us,"¹⁷⁸ the problem is infinitely more complex. It is not clear whether Chajes actually regards this state of affairs as an obstacle to the reinstatement of sacrifices without supernatural intervention. But in his later treatise, Quntres Aharon, he accepts Schreiber's ruling that in our own day, those generally accepted as being of priestly descent may officiate in the sacrificial services.¹⁷⁹

In Darkei ha-Hora'ah, Chajes mentions, in an entirely different context and merely in passing, another problem which must be considered in determining whether it is indeed possible and proper to reinstate sacrifices without supernatural intervention. We are referring to the Talmudic ruling that this step would require the presence of prophets who would be able to point out the exact site where the Temple and the sacrificial altar had stood (this being the one site where sacrifices could be offered under any circumstances). Now that there are no prophets in Israel, Chajes points out, we have no choice but to wait for the Prophet Elijah "who will herald the coming of the Messiah . . . and who will

¹⁷⁸Kol Sifrei, I, 263.

¹⁷⁹Ibid., II, 849.

testify . . . on these forgotten matters."¹⁸⁰

However, in a later treatise specifically devoted to problems entailed in the pre-Messianic restoration of the sacrificial service, Chajes limits the application of the above-mentioned Talmudic ruling to the period of Ezra the Scribe; namely, the period immediately preceding the erection of the Second Temple. While the Babylonians had left no trace of the original structure of the First Temple, Chajes points out, Titus and his Roman Legion had left the Temple Mount and the foundations of the Second Temple intact, so that "the site of the altar (of the Second Temple) is known Why, then, should it not be possible for us to rebuild the (sacrificial) altar on its original site?"¹⁸¹

Although Chajes eventually disposes of the halakhic obstacles to the restoration of sacrifices, his views do not coincide completely with those advanced by Kalischer. While Kalischer urges the restoration of communal sacrifices, Chajes sanctions only the revival of the Passover offering. Chajes does not quote Kalischer anywhere in his 1850 treatise, but Kalischer's Derishath Zion records a subsequent correspondence between Kalischer and Chajes.¹⁸² In this exchange,

¹⁸⁰Kol Sifrei, I, 239.

¹⁸¹Ibid., II, 848.

¹⁸²The series of correspondence is dated 1852-1854, which are actually the last years of Chajes' life. It might be of interest to mention that Kalischer used the same reasoning as Chajes in explaining the Talmudic passage which necessitates prophetic testimony to identify the site of the altar.

Chajes argues that communal sacrifices could only be purchased with shegalim, but this special currency had been abolished since the destruction of the Temple.¹⁸³

Another point on which Chajes probably disagreed with Kalischer is the latter's view of the relationship of the pre-Messianic reinstatement of sacrifices to the ultimate Messianic redemption of the Jews. "Apart from the controversial halakhic ramifications of his proposal, Kalischer's novel eschatological views caused many of his contemporaries to take sharp issue with him. Kalischer argues not only that reinstatement of the sacrificial rites is both permissible and halakhically feasible, but that it constitutes a positive mitzvah (religious obligation) and is, in addition, a sine qua non for the advent of the Messiah."¹⁸⁴ Given Chajes' opposition to "hastening the redemption" by human efforts, it may be assumed that he would not have approved of Kalischer's conception of the revival of the sacrificial rites as a feature of the pre-Messianic Age.

His attempts to prove the validity of his views on the reinstatement of sacrifices led Chajes to pursue historical as well as halakhic avenues of approach. Thus, he devotes the entire fourth chapter of Quntres Aharon to the placing of the various scholars named Rabban Gamaliel into their proper

¹⁸³ Kol Sifrei, II, 848.

¹⁸⁴ Judah D. Bleich, "A Review of Halakhic Literature Pertaining to the Reinstatement of the Sacrificial Order," Tradition, IX (Fall, 1967), 106.

historical periods.¹⁸⁵ By identifying the Rabban Gamaliel mentioned in Pesachim 74a as the Rabban Gamaliel who has served as head of the academy at Yavneh after the destruction of the Second Temple, Chajes demonstrates that Paschal sacrifices were still offered quite some time after the Temple had been razed by the legions of Titus.

It is of considerable interest for us to note that Chajes also draws on non-Jewish authorities for historical evidence in support of his thesis. Thus in a letter to Dembitzer, he writes:

It is also known to us from non-Jewish historians that (the Byzantinian Emperor) Justinian decreed that Jews may not slaughter their Paschal sacrifices on the fourteenth day of Nisan This decree puzzled many recent scholars and historians, for Justinian reigned about five hundred years after the destruction of the [Second] Temple.¹⁸⁶

While Chajes does not name the "non-Jewish historians" from whom he obtained the above information, a study of the works of historians specializing in the Justinian era would point to Procopius' Anecdota as his source. There it is stated that

whenever in their calendar Passover would fall before the Christian Easter, he (Justinian) would forbid the Jews to celebrate (Passover) on its proper day, to make any sacrifices to G-d or to perform any of their

¹⁸⁵ See the journal "Yerushalayim ha-Benuyah" #2, p. 77 for Bodek's reaction to Chajes' historical judgment in this matter.

¹⁸⁶ Kol Sifrei, II, 619.

customs. Many of them were heavily fined by the magistrates for eating lamb at such times.¹⁸⁷

However, it would not be wide of the mark to maintain that Chajes had not read this passage in its original Greek version.

While the halakhic premises for Chajes' arguments have been questioned by such authorities as Rabbi David Friedman,¹⁸⁸ the historical premises seem, at first, beyond question.

Many authorities have categorically rejected all halakhic bases for the offering of sacrifices at so late a date. The question now arises how these authorities would explain the documentary evidence that such sacrifices were, in fact, offered by the Jews as late as the Justinian era.

We would venture the explanation that the "Jews" to whom Procopius refers in the above-cited passage were the

¹⁸⁷Procopius, Secret History-Anecdota (Michigan, 1961), p. 136. Johanan Cohen-Yashar, "ha-Nisyonoth le-Hiddush ha-Qorbonoth Aharei ha-Hurban," ha-Ma'ayan, IX (Tamuz, 1969), 56, claims that Procopius never maintained that Jews offered the Paschal sacrifice during the Justinian era. He states that Procopius merely "ordered to check if the date of Passover would precede that of the Christian Easter. In the event it would, he forbade the Jews to observe the customs related to Passover . . . many Jews violated this decree, . . . and were punished for tasting lamb's meat." Cohen proceeds to point out the need to draw a major distinction between "tasting" lamb's meat and actually offering a sacrifice. This comment is not true to fact. For in the quote cited in our text, Procopius explicitly mentions the "offering of sacrifices" in addition to the "observance of customs."

¹⁸⁸Quntres Zion. Although this pamphlet is expressly concerned with Kalischer's views, many of the refuted points are the very same ones cited by Chajes.

Samaritans. This assumption seems to be borne out by a comment from Joshua Starr in his history of the Jews in the Byzantine Empire, concerning allusions in Byzantine decrees to the effect that the Jews were imposing the Yom Kippur fast even upon their domestic animals. "It should perhaps be inferred," Starr explains, "that these observations refer to the Karaites, some of whom are known to have been capable of this kind of severity."¹⁸⁹ In other words, some Byzantine decrees concerning Jews actually referred only to splinter-groups rather than to Jews at large. Thus Justinian's decree concerning the Passover sacrifice, too, may have referred not to customs observed by the followers of generally accepted Jewish practices but to the rituals performed by the Samaritan sect that split off from the main body of traditional Judaism. Moreover, it is known that Justinian issued several decrees pertaining to the Samaritans of his kingdom in particular.¹⁹⁰ In this connection, it may be of interest to note that to this very day, the Samaritans offer a Passover sacrifice on the fourteenth day of the month of Nisan.

Though the practical implications of the reinstatement of sacrifices arose primarily with the suggestions of Kalischer, Krochmal and Rapoport independently dealt with the theoretical aspect of this problem even earlier. In Moreh

¹⁸⁹ Joshua Starr, Jews in the Byzantine Empire (Greece, 1939), p. 67.

¹⁹⁰ Ibid., pp. 23, 24.

Nevukhei ha-Zeman, Krochmal states: "It is most plausible [to assume] that the Jews did not cease offering certain sacrifices until thirty years after the destruction of the Temple."¹⁹¹ As for Rapoport, he sets forth in 1850, a long list of complaints against Chajes, including the claim that Chajes had failed to give credit to him, Rapoport, for having pointed out to him many of the halakhic sources pertinent to this problem.¹⁹² Rapoport proceeds to discuss the Talmudic evidence which Chajes cites in his support. "It is my judgment," Rapoport concludes, "that there were no sacrifices, not even Paschal offerings, after the destruction of the Temple."¹⁹³ Although he is essentially a historian, Rapoport does not deal with the passage from Anecdota but concerns

¹⁹¹Rawidowicz, Kitvei RaNaK, p. 105.

¹⁹²"Mikhtav 3," Jeschurun, Zeitschrift für die Wissenschaft des Judentums, III (1856), 52. The accusation, however, is only partially valid. At one point, Chajes refers to a rather novel interpretation of a Talmudic passage and adds: "It is about sixteen years since I had a lengthy discussion on this matter with a scholar, though I don't remember its contents. If the idea is basically his . . . let him get the credit for it." See Kol Sifrei, I, 262. The scholar referred to here is Rapoport.

¹⁹³"Mikhtav 3," p. 55. Rapoport's conclusion appears in a letter written to Dembitzer. In this same reply, Rapoport attempts to identify the Rabban Gamaliel in whose day Paschal sacrifices had been offered--it is this very same problem which Chajes also discusses in a responsum to Dembitzer. Apparently, Dembitzer sought clarification on this issue from both Rapoport and Chajes. While Rapoport's letter is dated 1850, Chajes' responsa, in his published work, are undated. It would, however, not be insignificant to ascertain whether Dembitzer referred his query to Chajes and Rapoport simultaneously, or did he first turn to one authority, and only then unconvinced by the response, to the other.

himself solely with the pertinent Talmudic sources.

Chajes' activity and correspondence regarding the issue of the pre-Messianic restoration of sacrifices were not at all consciously related to his fight against the Reform movement and its rejection of the ultimate Return to Zion and revival of the sacrificial service. The mention of such an issue in itself would have served only to create alarm among the reformers; certainly, it would not have aided in any refutation of Reform doctrine. Still, the fact that Chajes should have given thought to reinstating sacrificial services in his own day is clear indication of the chasm that separated him from the Reform movement.

Summary

This chapter has focused upon Chajes' involvement in a contemporary issue rather than his scholarly work. The one major issue on which he took a firm stand was that of Reform Judaism. Although Chajes already sought to disprove the evolutionary concept of halakhic tradition--so vital to Reform ideology--in his earliest work, Torath Nevi'im, it was not until the official advent of Reform and its rabbinical synods in the forties of the nineteenth century that he undertook an open systematic campaign to combat Reform, in the form of a special treatise entitled Minhath Qena'oth. This work concentrated primarily on practical revisions of halakhah which reformers demanded, such as the abolition of Yom-Tov sheni, the revision of prayers, and the sanctioning of

transportation on the Sabbath and Holidays. Yet a careful study of his collected works reveals that many, if not most, of the principles which Chajes often reiterated actually form the basis of an anti-Reform thesis. He stressed the Sinaitic origin of both the Written and Oral Law; he maintained that both creed and deed are essential to the Jewish religion; he upheld the irrevocability of Talmudic law; and he vehemently opposed the denial of Jewish nationalism. In accordance with the latter point, he frequently stressed the nationalistic benefit, in the form of Ahad Ha'am's postulated "survival value," of religious practices; he urged the use of the Hebrew language; and he emphasized Jewish yearnings for ultimate redemption and return to Palestine. At the same time, however, he emphasized the divine nature of this redemption and would limit human activity and effort to restore Jews to the land of their fathers--a point which sharply distinguishes him from a more practical and political approach. Insofar as Palestine had, as yet, not emerged as the sole solution for the Jewish problem, Chajes could readily accept--with great enthusiasm--the blessings of the 1848 emancipation. Although he did not campaign for the present resettlement of Palestine, he strongly advocated the reinstatement of Paschal sacrifices.

Yet Chajes did not remain immune to the liberal tendencies of his age. The assimilationist tendency to lessen the distinction between Jew and Gentile colored his comments in Talmudic passages which emphasized such differences with

apologetic overtones; and the evolutionary concept of halakhah penetrated his thinking in his comparison of the legal decisions of Ashkenazic and Sephardic rabbinic authorities. In the latter instance, as well as in others, he allowed circumstances to modify, if not alter, Talmudic rulings. One should however note that these two theoretical premises-- evolution in Jewish law and an affinity with the non-Jewish world--were not limited to Reform Judaism. Although forming the basic foundation of Reform Judaism, Galician haskalah too, echoed these trends in milder form. Thus Krochmal and Rapoport both opposed Reform, yet their own writings are replete with these very same tendencies. Krochmal and Rapoport would not allow the principle of evolution in halakhah to lead to an abrogation of ritual observances, nor would they allow the principle of affinity with the non-Jewish world to lead to a denial of Jewish nationalism. While stopping short of the extreme logical consequences of these two principles, Krochmal called for the historical approach to halakhah; and Galician maskilim, in general, called for the lessening of barriers between Jew and non-Jew. Chajes, then, being part of the Galician haskalah movement, bitterly opposed the Reform movement--and yet upheld, if only subtly, some notions which lie at the root of Reform and which constitute a break with traditional Jewish thought.

CHAPTER III

RABBI CHAJES' VIEWS ON CONTEMPORARY ISSUES

Chajes' involvement in Jewish life was by no means confined to his campaign against Reform. In his views on problems of his day, no less than in his purely scholarly pursuits, he was part and parcel of his generation, expressing his opinions on many current issues. Most prominent among these were Jewish economic rehabilitation, hasidism, secular education, and the Yiddish language. It is the purpose of this chapter to describe the extent to which Chajes identified with the views held by his haskalah contemporaries on some of these questions.

Agriculture

In the early days of haskalah, maskilim such as Hartwig Wessely, Isaac Satanow and others urged the promotion of manual trades and agricultural work among their co-religionists, in order to improve the economic position of the Jews and bring them closer to the general society.¹ Later Galician maskilim continued these efforts; Mises circulated model sermons for rabbis, emphasizing to their congregations the importance of agricultural work. Perl

¹Naftali Wessely, Divrei Shalom ve-Emeth (Berlin, 1782)

described the Jewish farmers of Southern Russia as the only morally upright group of Jews. Erter issued an appeal to his Galician co-religionists, urging the establishment of an organization to promote the agricultural training of Jews. In his effort to help effect a transformation in the economic structure of Jewish life, Rapoport gathered Talmudic and rabbinic sources indicating the high esteem in which Jewish tradition held manual labor.²

This activity on part of haskalah leaders was important in that it made the Jews aware of the urgency of the problem. Jews had been officially granted the right to purchase parcels of land for farming as early as 1789 and 1805. But as late as 1848 only forty-six parcels had been bought by Jews, with many of the owners pursuing agriculture only as a secondary source of income.³ There were many reasons for the reluctance of Jews to take advantage of the opportunity to work on the soil. To begin with, the administrators of Emperor Joseph II frequently reserved for the Jews the poorest parcels of land on the most

²In 1824 Yehudah L. Mieses published the work of David Caro, Tekhunath ha-Rabbanim. See pp. 62-65. Caro lived from 1782-1839. For further bibliographical information on this work, see Klausner, ha-Sifrut ha-Ivrit, II, 275; Yosef Perl, Bohen Tzaddiq (Prague, 1838); Yitzhaq Erter, ha-Tzofeh le-Beth Yisra'el (4th ed.; Warsaw, 1890), pp. 131-33; Shlomo L. Rapoport, "Mikhtav Teshuvah le-M.O. [supposedly Mordecai Orenstein]," Bikkurei ha-Ittim, VIII (1827), 8-24.

³See Friedmann, Galizischen Juden, pp. 17-23.

unattractive credit terms.⁴ Moreover, Jews found agriculture less lucrative than the business ventures in which they had engaged in the past.⁵ Another major deterrent was the intense opposition of the orthodox, who saw agricultural settlement projects as a step toward assimilation, a breakup of established traditional patterns of Jewish education, and a threat to Sabbath observance.⁶ Thus, Rabbi Solomon Kluger of Brody (1786-1869) viewed plans of Jewish agricultural settlement as an invitation to tragedy; the Sabbath problem could have been overcome by a halakhic arrangement known as shetar mekhirah, but Rabbi Kluger did not wish to see this device of legal fiction used too widely. Accordingly, he discouraged the son of one famed hasidic rabbi from carrying out his plan to purchase land for farming.⁷

When government attempts to encourage Jews to go into agriculture proved a failure, Jews favoring the plan formed groups to take the initiative in arousing the

⁴Karl, Lvov, p. 330.

⁵Friedmann, Galizischen Juden, p. 18.

⁶Ibid. On the other hand, Polish groups approved of colonization projects "weil man in derselben einen Schritt zur Assimilation der Juden erblickte." Ibid., p. 21.

⁷The letter of discouragement is published without any signature. Beth Halevi, Chajes, p. 69 assumes Rabbi Kluger to be the author. The full text of the letter appears in "Masa Rabbanim," he-Halutz, I (1852), 41-46. Shetar mekhirah refers to a halakhic arrangement whereby ownership is transferred to a non-Jew.

interest of their co-religionists. In 1851 an organization named Israelitischer Ackerbauverein in Galizien (Jewish Agricultural Organization in Galicia) was founded in Brody with the official authorization of the Ministry of the Interior.⁸ The prominent Jewish banker Meyer Kalir offered a substantial amount of money to promote the cause of agriculture among Jews.⁹ A prominent rabbi, Lazar Horowitz of Vienna, attempted to interest his congregation in agricultural pursuits.¹⁰

In light of the government's support of Jewish agriculture, on the one hand, and the various opinions of the rabbis on the issue, on the other hand, Chajes' involvement in this matter is of considerable interest. In 1851 Chajes received an official inquiry from Carl Wohlfahrt asking his opinion on the government-sponsored agricultural program.¹¹ Chajes' answer was strongly in the affirmative; he stated that he considered agriculture the only way in which the social and economic improvement of Galician Jewry could be brought about.¹²

⁸Friedman, Galizischen Juden, p. 21.

⁹Gelber, Brody, p. 266.

¹⁰Friedmann, Galizischen Juden, p. 20.

¹¹Ibid., p. 21.

¹²Meir Letteris, ed., Wiener Stimmen, No. 35 (1851) cited by Beth Halevi, Chajes, p. 48.

His unqualified approval of the project seems to stand in direct opposition to the views of other orthodox leaders of his day. Does it only seem so; or did Chajes really disagree with those leaders? According to Klausner, Schreiber and a number of hasidic rabbis opposed agricultural projects for Jews.¹³ However, a proclamation issued in Pressburg in 1821, deploring the fact that "until now we were restricted to commerce" and declaring that the situation of the Jews would improve only "if we make available other sources of practical income to our youth," showed the name of Schreiber leading the list of signatories. "It is essential," the proclamation stated, "that segments of our youth should devote themselves to one of the beneficial and significant pursuits--agriculture."¹⁴ A list of conditions follows, including insistence on complete Sabbath observance in schools to be established for the agricultural training of Jews.

Apparently, then, the orthodox were not really averse to Jews engaging in agricultural labor as such. Even Rabbi Kluger's opposition seems to have been based only on his fear that extensive Jewish engagement in farming might lead to abuses of shetar mekhirah. It was mainly the enthusiastic campaign conducted by the maskilim on

¹³ Klausner, ha-Sifruth ha-Ivrith, II, 341.

¹⁴ A reprint of the letter appears in Samuel Weingarten, "ha-Hatam Sofer ve-ha-Haskalah," Sinai, XII (1943), 366-69.

behalf of agriculture that aroused the apprehension of orthodox leaders, who saw the whole effort as a disguised attempt on the part of the haskalah to alter the time-honored educational patterns of traditional Judaism. It was for this reason that some orthodox spiritual leaders saw fit to dissociate themselves from these projects. Thus, Rabbi Joseph Saul Nathanson (1808-1875) looked askance not at manual labor as such, but at those who were eager to encourage manual labor ". . . but despise the study of the Divine Torah."¹⁵ The attitude of orthodoxy toward agricultural projects for Jews was similar to its attitude concerning other innovations. Though they considered such projects permissible and valuable in themselves, they feared their negative consequences with regard to Jewish tradition. Similarly, Schreiber saw nothing wrong in making a German translation of the Pentateuch;¹⁶ however, he condemned Moses Mendelssohn's translation because the latter's writings were thought to promote assimilation.

In view of the above, Chajes' approval of the agricultural program for his co-religionists assumes particular significance. He was not merely sanctioning the pursuit of

¹⁵ Joseph S. Nathanson, Yad Sha'ul ve-Yad Yosef (Lemberg, 1850), intro., cited by Abraham Bromberg, Rabbi Joseph Saul Nathanson (Jerusalem, 1960), p. 32.

¹⁶ See Meir Herscovics, "Rabbi Zvi Hirsch Chajes," in Hokhmah Yisra'el be'-Europa, ed. by Simon Federbush, III (Jerusalem, 1963), 167, for an example of Schreiber's endorsement of Leib Duks' German translation of the Bible.

agricultural work per se but was specifically endorsing it as a way of helping his fellow-Jews become better and more productive citizens. Indeed, Chajes hinted that Galician Jews would not adopt any other form of "modernization." They would never agree to such blatant innovations as the special schools and courses initiated for Jews in other countries. But, he said, they would see no reason to reject agriculture, which was entirely compatible with hasidic ideology.¹⁷

Chajes' stand is thus definitely at variance with that of many leading contemporary rabbinic figures. In this context, it is of interest to note that Chajes' response to Wohlfahrt's official letter of inquiry was written in 1851; Rabbi Kluger's letter discouraging agricultural projects was published a year later. In this letter, Kluger states: "I sent my responsum on this subject to the community of Zolkiew a little over a year ago." It is not known whether the responsum to which Kluger refers had been sent to an individual residing in Zolkiew, Chajes' community, or whether Kluger had discussed the issue with Chajes. However, the fact that Kluger's responsum was written in the same year as that of Chajes is probably no mere coincidence.

Chajes' concern about the economic pursuits of his fellow-Jews is reflected also in his published Comments on

¹⁷Gelber, Brody, p. 266.

the Talmud. Thus, in explaining Rabbi Shimon bar Yohai's statement stressing the importance of constant Torah study, Chajes attempts to refute the impression as if "Rabbi Shimon hated worldly pursuits for material gain and considered exclusive occupation with the study of Torah as the only way to human perfection."¹⁸ Obviously, this was Chajes' answer to contemporary maskilim who had been criticizing orthodox Judaism for not paying attention to earthly pursuits and worldly affairs.

In still another work, Chajes presents a brief history of the economic activities of the Jews, to prove that agriculture had, in fact, been the first occupational preference of the Jews until adverse conditions during the Middle Ages--primarily the ever-present fear of expulsion--had forced them to turn to business and money-lending.¹⁹ Although this particular historical sketch was primarily intended as an apologetic work to counter anti-Semitic accusations, the reader can readily discern in it Chajes' genuine appreciation of agricultural work.

Hasidism

As just indicated, Chajes regarded agriculture an effective means for the "modernization" of the Jews of Galicia, notably the hasidim. At least in this respect, he

¹⁸Hagahoth al ha-Talmud, Babylonian Talmud (Vienna, 1843), Nedarim 49b.

¹⁹Kol Sifrei, I, 356-58.

seems to have shared the negative attitude of the Galician maskilim toward hasidism. By that time, the antagonism between the maskilim and the hasidim had become very intense. Frequently, the government was drawn into the fights, with each side seeking to gain the upper hand by calling on the authorities to intervene in its behalf. Thus, when a hasidic klaus was opened in his city, Miseses informed the authorities, that this development would hamper the attempts of the government to improve the situation of the Jews.²⁰ Beginning in 1836, a number of investigations and decrees were directed against hasidic leaders in response to complaints from maskilim.²¹ Rapoport, too, shared the negative attitude to hasidism; he rebuked his friend, Joseph Samuel Byk (?-1831) for leaving the ranks of the maskilim and joining those of the hasidim.²²

Like Rapoport, Chajes had a strong dislike for the "crude ignorance and behavior" of the hasidim.²³ Accordingly, Philip Friedmann states that "even so moderate a

²⁰Karl, Lvov, p. 332.

²¹Raphael Mahler, Hasidism and Haskalah (Merhavva, 1961), p. 103.

²²See the Byk-Rapoport correspondence "Mikhtavim," Otzar ha-Sifrut, III (1889-1890), 24ff. in section entitled "Oroth me'Ofel."

²³It might be of interest to note that both Chajes and Rapoport combined their dislike of hasidism with an admiration for Maimonides. Indeed, some authorities feel that Rapoport's profound admiration for Maimonides was based on his feeling that Maimonides the "rationalist" provided an antidote to hasidism.

rabbi as Chajes" openly attacked hasidic leaders.²⁴ While it is true that strictly orthodox leaders such as Rabbis Kluger, Nathanson and Orenstein also combatted hasiduth,²⁵ in distinction from them, Chajes' opposition was not only based on traditional hitnagduth but also on the philosophy of haskalah.

In his private correspondence, Chajes minced no words in condemning the ignorance of the hasidic masses.²⁶ Since the masses of Galician Jewry tended toward hasidism, Chajes had had ample opportunity to become acquainted with that movement at first hand. But one wonders whether he was as disdainful of the hasidic leaders as he was of their disciples.²⁷ We know that he had personal contact with several hasidic leaders; for instance, in 1830, both he and Rabbi Zvi Hirsch of Zidichowe attended a meeting in Lwow (Lemberg) called for the purpose of excommunicating all Jews evading meat and candle taxes.²⁸ Unlike Krochmal who reviled Reb Zvi in the most sarcastic terms and gloated

²⁴Friedmann, Galizischen Juden, p. 50.

²⁵Gelber, Brody, p. 196. The herem of Orenstein included hasidim as well as maskilim.

²⁶Letteris, Wiener Stimmen, cited by Beth Halevi, Chajes, 48.

²⁷Gelber, "Shalsheth Yuhasin shel ha-Rav Zvi Perez Chajes," p.189 mentions that Zvi Hirsch Chajes' views on hasidic rabbis "are very interesting." However, he fails to indicate what those views are.

²⁸Mahler, Hasidism and Haskalah, p. 46.

over Zvi's imprisonment by governmental authorities,²⁹
Chajes never spoke or wrote disrespectfully of this Rabbi.

With regard to Chajes' attitude toward still another most prominent hasidic leader--the Belzer Rabbi--we are confronted with conflicting accounts. On the one hand, it is reported that he personally welcomed the Belzer Rabbi; nor was this act of courtesy insignificant and without cost to Chajes, for it incurred the wrath of the Ro'im, a group of Chajes' followers.³⁰ On the other hand, it is reported that

. . . in his (Chajes') opposition to hasidim and their rabbis he decided to deal a decisive blow to them by ordering the Belzer Rabbi--who was officially subordinate to Chajes, the Kreisrabbiner--to appear before him for an examination. Though hasidim believed that the Belzer Rabbi was a great scholar, it is certain that a Rabbi of Chajes' stature could . . . put him to shame. Chajes' scheme, however, was not realized, for the thousands of hasidim who escorted the Rabbi to Zolkiew were ready to strike anyone who dared to challenge their master.³¹

Even if we are to accept the authenticity of both reports, it is in all likelihood that the latter report is of greater significance. For it is told that this rabbi's

²⁹Ibid., p. 98. See also an undated letter in Rawidowicz, Kitvei RaNak, p. 416. Also Klausner, ha-Sifrut ha-Ivrit, II, 288 for the friction between the maskilim and the Rabbi of Zidichowe.

³⁰Dinaburg, "me'-Arkhyono shel Shir," 155.

³¹Gershom Bader, Medinah ve-Hakhomeha ("Galician Jewish Celebrities") (New York, 1934), p. 102.

disciples--obviously in protest--refused to study Chajes' Comments on the Talmud.³²

In light of Chajes' negative attitude towards hasidic masses, it is not surprising that some of his contemporaries felt justified in accusing him of hypocrisy when he joined hasidim in their Sabbath celebrations.³³

His opposition to hasidim notwithstanding, it is interesting to note that, as far as it is known, Chajes never made an official statement of his views on the matter. When the government sent him a series of questions for his official comment, he gave no answer to those that were in reference to hasidim. Apparently, he was anxious to avoid "all possible misunderstandings."³⁴ Moreover, unlike other scholars of his day, Chajes does not mention his views on hasidism in his major published writings. In the section of Darkei Mosheh which deals with dissident sects in Jewish history, he does not include hasidism. Perhaps, despite his personal irritation with hasidism, he did not feel that he could honestly group the hasidim with

³²Beth Halevi, Chajes, p. 70.

³³Yolles, ha-Torah ve-ha-Hokhmah, p. 481.

³⁴Isaak M. Jost, Neuere Geschichte der Israeliten, III (Berlin, 1847), 82. This work is also known as Geschichte der Israeliten, X. Jost emphasizes the importance of these questions--had they been appropriately answered. But that has not happened "weil man von einer gründlichen Erörterung und offenen Darlegung der Wahrheit mehr Misverständnisse und Widerwartigkeiten zu besorgen hatte, als von zarter Schönung."

such sects as the Saducees and the Karaites who had actually left the mainstream of Judaism. Still, one cannot help wondering whether his reason for omitting hasidism from his book was not simply to avoid antagonizing the hasidim by going on record against them. For it is a matter of wide knowledge that Chajes' relationships with the hasidim were frequently quite strained. According to one source, it was the hostility of local hasidim that made him want to leave Zolkiew several times before he finally left in 1852,³⁵ and he met hasidic opposition also in his next post in Kalisz.³⁶

In one rare instance, Chajes does refer to a "contemporary group who call themselves hasidim,"³⁷ and expresses his strong disapproval of their custom to permit even kohanim--members of the priestly family--to visit graves of saintly leaders and to pray there. Here, it should be noted, he bases his disapproval of hasidic custom not on haskalah notions but on the halakhic prohibitions against kohanim visiting cemeteries. Whatever ideas the hasidim or mystics may have had on the subject, Chajes felt, they could not be permitted to supersede a regulation explicitly set down in the halakhah.

³⁵Herscovics, "Yaḥas ha-Hatam Sofer," 137.

³⁶Beth Halevi, Chajes, p. 104.

³⁷Kol Sifrei, II, 941.

True, many high-ranking orthodox rabbinic authorities, including even some hasidic rabbis,³⁸ were also opposed to the observance of customs based on mystical writings but in direct violation of Jewish law. However,

³⁸See Abraham Bromberg, mi-Gedolei ha-Hasiduth, II (Jerusalem-Paris, 1951), 112. This principle was already long established in halakhic jurisprudence. Thus, Rabbi Moses Isserles (1530-1572), in his annotations to Shulhan Arukh, applied this principle. Although he may cite the Kabbalah as a source for a given law (Orah Hayyim, no. 274, sec. 1), he did not consider it, when in direct contradiction to Talmudic legislation. See Samuel Qellin in Mahatzith ha-Sheqel, in his supercommentary on Rabbi Abraham Gumbiner's Magen Avraham on Shulhan Arukh, Orah Hayyim, no. 271, sec. 3, to the effect that "as is known [emphasis mine] the words of the Talmud are to be given primary consideration in case of conflict with Kabbalah." Similarly, we already find in Abraham Zacuto, Sefer Yuhasin (Constantinople, 1566), p. 41, that ". . . it is accepted that in cases where the Zohar does not conflict with the Talmud . . . we accept it [for legislative purposes]." He offers several illustrations. It should, however, be emphasized that rejection of the Zohar for legislative purposes--in cases of conflict with the Talmud--is by no means synonymous with rejection of the value and sanctity of the Zohar. The same Rabbi Solomon Luria (1510-1573), who so sharply exclaimed: "If Rabbi Shimon bar Yoḥai [the Zohar] would stand here today and order us to change the practice . . . I would not listen to him" [She'aloṯh u-Teshuvot Maharshah (Lemberg, 1859), p. 67, Responsum #98], based several decisions on the Zohar [See Solomon Luria, Yam shel Shlomo, II (New York, 1963), Hulin, 72, and Ibid., I, Baba Qama, 28], and referred to his study and deepest reverence for Kabbalah [See She'aloṯh u-Teshuvot RaMa (New York, 1954), p. 14, Responsum #6]. Rabbi Luria's stern statement testifying to a disregard of the Zohar was merely an application of the principle that in matters of legislation, Talmudic law has priority--just as we find that it has priority over the words of Elijah the prophet (Yevamoth 102a) and even over a heavenly decree (Baba Metzia 59). Just as one doesn't maintain that the Talmudic verdict on Elijah's words is meant to deprecate his value, so too rabbinic authorities did not have the slightest intention to denigrate the Zohar, when they did not accept its words as a basis for legislation in cases where it contradicted the Talmud.

there was one basic difference between the attitude of the orthodox, on the one hand, and that of Chajes and his Galician haskalah contemporaries, on the other. While the orthodox only disapproved of the use of kabbalistic writings as justification for observances contrary to halakhah, they never dared question the sacred character of the writings as such.³⁹ The maskilim, on the other hand,

³⁹The statement in the text necessitates some substantiation; for, indeed, this issue has an extensive history. The major work of Kabbalah, the Zohar, was traditionally attributed to the Tannaite, Rabbi Simon bar Yohai, and was generally accepted as such with awe and reverence. "All Kabbalists recognized the Zohar as a work compiled by Rabbi Simon . . . even individuals who were far [i.e. had little to do with] from Kabbalah, such as Joseph Albo . . . cited the Zohar in their works" [Saul P. Rabinowitz in note no. 12, p. 386, appended to Heinrich Graetz, Divrei Yemei Yisra'el, transl. by S. P. Rabinowitz, V (Warsaw, 1896)]. There were, however, occasionally individuals who cast aspersions on the authenticity of this tradition. Thus, Elijah del Medigo (1460-1497) in Behinath ha-Dath (Vienna, 1833), p. 43 and Judah Leon de Modena (1571-1648) in Ari Nohem (Leipzig, 1844), both contested the Tannaitic origin of the work. These doubts as to the authorship of the Zohar were often coupled with a denigration of the Zohar. Thus it was no coincidence that it was del Medigo and de Modena--both persona non grata in the traditional world--who uttered misgivings about the Zohar. In the modern period, this skeptical tradition has been adopted by early maskilim as well as by most secular historians who view the Zohar as a pseudiepigraphic work. One should, however, take note of two important instances, in which doubt as to the authorship of the Zohar was expressed by distinguished representatives of traditional Judaism. The first reference appears in Sefer Yuhasin (London, 1857) p. 88 by the sixteenth century astronomer and historian Abraham Zacuto. Although apologetic, he adds a lengthy note questioning the Tannaitic authorship of the Zohar. One should, however, realize that this parenthetical note did not appear in earlier editions. Thus in Samuel Shullam's Constantinople edition, Zacuto [pp. 41, 67] unequivocally accepts the Tannaitic authorship. In view of this fact, some historians maintain that the added note which appears in the later edition was not penned by Zacuto

disdained Kabbalah per se. Thus, Miseses refers to the Zohar as the work of a charlatan and attributes kabbalist ideas to the influence of early Persian theology. Perl likens Kabbalah to Gnostic heresies. Erter pokes fun at the angels that fill hasidic lore. It was only fear of orthodox opposition that kept Samson Bloch (1784-1845), from carrying out his plan to write a critical history of Kabbalah. Luzzatto denied the Tannaite--Shimon bar Yoḥai's authorship of the Zohar.⁴⁰ Rapoport and Krochmal, too, followed this general trend. Rapoport carefully differentiates between the "pure, unpolluted waters of the early

himself but was inserted by a later publisher. The matter is thus open to debate. Even more puzzling is Rabbi Jacob Emden's (1697-1776) assertion in Mitpahath Sefarim (Altona, 1863) that parts [emphasis mine] of the Zohar were compiled by Moses de Leon (1250-1305), and still others were mere forgeries. That such a notion, uttered by so prominent a rabbi, was alarming to traditional scholars may be seen in the words of the famed Ḥayyim David Azzulai, in Shem ha-Gedolim (Warsaw, 1876), p. 30, "I just received Mitpahath Sefarim . . . , I was surprised [shocked] at his words . . . therefore I believe that he, too, really and honestly knew of the matter of the Zohar, but in his zealousness against the cursed sect [Sabbatians] . . . who falsely based their words on the text of the Zohar, he consciously disguised [misstated the issue] . . . in order to uproot them." Moreover, in She'ilath Ya'avetz, I (New York, 1961), 40, Responsum #47, Emden explicitly states that the Zohar is the work of Rabbi Simon and refers to it as a work of the highest order of authority. For further elaboration, see Jeruhim Liner, "Ma'amar Zohar ha-Ra'ia" in Luria, Qadmuth Sefer ha-Zohar, p. 153.

⁴⁰Yehudah L. Miseses, Sefer Qinath ha-Emeth . . . al Meqor De'oth u-Minhagei Benei Yisra'el (Lemberg, 1879), pp. 178-82; for Josef Perl, see Klausner, ha-Sifruḥ ha-Ivriḥ, II, 334; Erter, "Telunoth Sinai, Sansani u-Semangelof," in ha-Tzofeh le-Beth Yisra'el; for Bloch, see Klausner, ha-Sifruḥ ha-Ivriḥ, II, 357; Samuel David Luzzatto, Vikuah al Hokhmah ha-Kabbalah (Gorizia, 1852).

Kabbalah and the muddied waters of its later works."⁴¹
 Krochmal devotes an entire chapter of his Moreh Nevukhei ha-Zeman to a study of conflicting opinions regarding the origin and age of Kabbalah. His conclusion is that the basic ideas of Kabbalah date back to the mid-Geonic era, while the Zohar and other kabbalistic writings were all later creations attributed to earlier writers.⁴²

Chajes states his views on Kabbalah in a mere footnote in one of his works. Without going into the polemics surrounding the issue, he simply states his belief that kabbalistic terminology and angelology were known to the Talmudic Sages even though the Talmud contains only allusions to these.⁴³ Most of the Talmudic passages cited by Chajes in an attempt to prove the antiquity of kabbalist writings are also given by Krochmal, as evidence offered by those who argue on behalf of the early origin of Kabbalah. However, Krochmal is not convinced that there is a direct relationship between those early Talmudic passages and the later Kabbalah of the Zohar.

⁴¹"Toledoth Rabbenu Hai Ga'on ve-Qoroth Sefarav," Bikkurei ha-Ittim, X (1829), 90; see also Shaltiel Eisig Graber, ed., Iggroth Shir, I (Prezmysl, 1885-1836), 104, in which Shir writes to Luzzatto: "even though I dared to speak against de Leon, I was still cautious not to explicitly name the work [Zohar]. I figure that the wise will understand anyhow, and the simpleton will suspect nothing." Shir, too, feared to express radical views in public.

⁴²Rawidowicz, Kitvei RaNak, p. 258.

⁴³Kol Sifrei, II, 885.

Chajes cites the Zohar,⁴⁴ but expresses no views concerning its date. Louis Ginzberg mentions that most of the Jewish community of Zolkiew "probably took him [Chajes] for an apikoros who . . . doubted the genuineness of the Zohar."⁴⁵ We know of no explicit basis in Chajes' writings to warrant this statement. However, Chajes made one indirect comment that may support Ginzberg's statement. In an attempt to establish the Geonic era as the period for the composition of the Targum on the Book of Ecclesiastes, Chajes states: "I found [in this Targum] names of angels not mentioned in the Talmud, such as . . . Raziel . . . in Chapter Ten. . . ."⁴⁶ Citing the name of Raziel in the Targum as an argument for the Targum's Geonic origin makes sense only if one takes for granted that the name of Raziel first appeared in Hebrew writings dating from the Geonic era. It is true that Raziel is not mentioned in the Talmud, but it does appear countless times in the Zohar.⁴⁷ Accordingly, Chajes' comment implies that he must have believed the Zohar also to date back only to the Geonic period rather than to the Tanna, Shimon bar Yohai.

⁴⁴Ibid., 786.

⁴⁵Louis Ginzberg, "Chajes," Jewish Encyclopedia, III (New York, 1912), 661.

⁴⁶Kol Sifrei, II, 928.

⁴⁷See a list of these quotes in Reuven Margulies, Malakhei Elyon (Jerusalem, 1964), p. 180.

Another such veiled statement of opinion is implicit in Chajes' discussion of the date of the Targum Yerushalmi. Citing the comment of this Targum on the verse in the Book Genesis which refers to the creation of man, he asserts that this interpretation is not found in the aggadah or in any part of the Talmud. Only in "the late kabbalist writings," he claims, do we find mention of the 365 veins of men which correspond to the total number of prohibitions in the Torah.⁴⁸ But as a matter of fact, such an interpretation is explicitly given in the Zohar.⁴⁹ Was Chajes, then, implying that the Zohar was a late kabbalistic creation, or was he simply unaware that this passage occurred also in the Zohar?

Although he tended to "modernism" in the dating of Kabbalah, Chajes did not express typical haskalah views on other aspects of the Kabbalah. Thus his works contain no mention of the views of modern scholarship according to which Jewish mysticism was influenced in varying degrees by "the heritage of Graeco-Roman syncretism, Parsee angelology and demonology, and the ancient Christian as well as Jewish gnosis."⁵⁰ Chajes saw Kabbalah in its traditional sense as a genuinely Jewish creation. His basic traditionalist

⁴⁸Kol Sifrei, II, 915.

⁴⁹Zohar, Vol. I, 170b.

⁵⁰Salo W. Baron, A Social and Religious History of the Jews, VIII (New York, 1958), 15.

attitude toward Kabbalah may have been influenced by his revered mentor, Rabbi Ephraim Zalman Margulies, who was known to have maintained contact with the Maggid of Mezydyrzecz and to have studied kabbalistic writings in the hasidic klaus.⁵¹

However, the restraint Chajes seems to display with regard to the Zohar did not extend to hasidic customs based on kabbalistic writings. Thus, he writes that "even in our own country and in our own day, there are vestiges of objectionable customs, of which I say with certainty that they . . . have been derived from the pagan age."⁵² While he does not explicitly name the Kabbalah as the source of "superstitious" practices, it does not seem wide of the mark to assume that his statement was aimed at hasidic customs derived from mystical sources.

Secular Education

Apparently much of Chajes' disdain for hasidism was derived from what he felt to be the "ignorance" of the hasidic masses. Chajes, who explicitly permitted the study of secular subjects on the Sabbath,⁵³ and who in his introduction to his Comments on the Talmud pointed to the broad

⁵¹For further biographical details of Chajes' relationship with Margulies, see infra, p. 367.

⁵²Kol Sifrei, I, 241.

⁵³Ibid., II, 648. He did, however, add certain qualifications as to the language and script of the text.

secular knowledge of the Sages, stressed not only the importance of secular studies but also the necessity of careful study of the Bible. And he was appalled to see how little the hasidim knew of either.

Chajes' writings reflect an emphasis on the Bible which was characteristic of haskalah leaders and their plans for educational reforms. A good part of his Torath Nevi'im is devoted to the relationship between Talmudic law, on the one hand, and such Biblical issues as the death of Akhan, and the execution of the inhabitants of Yavesh Gilad, on the other.⁵⁴ He cites Biblical rather than Talmudic sources to explain a difficult passage in the writings of Maimonides⁵⁵ and in support of a legal ruling that kings of a Jewish state can only be tried by the Sanhedrin.⁵⁶

Chajes had an unusually broad secular education. Unlike Rapoport, who had met the secular educational standards set by the authorities for rabbinical candidates in Galicia⁵⁷ but failed to meet the requirements for a similar test in Bohemia, Chajes was able to pass with distinction final examinations at the University of Lwow in psychology,

⁵⁴Kol Sifrei, I, 35, 52; II, 672.

⁵⁵Ibid., I, 49. This trend, in and of itself, is however not necessarily indicative of haskalah. See Bromberg, Nathanson, p. 65; also Kurman, Mavo le-Torah she-Bikhtav ve-she-Ba'al Peh, p. 52.

⁵⁶Kol Sifrei, II, 801, 828.

⁵⁷Friedmann, Galizischen Juden, p. 149.

metaphysics, logic and ethics. Balaban assumes that Chajes pursued these studies in order to qualify for a rabbinical position outside Galicia.⁵⁸ Although Chajes never received a doctorate, Gelber reports that he personally saw the university document attesting to the work Chajes had done toward the degree of Magister.⁵⁹ How rare such educational achievements were among rabbis of the day can best be seen from the fact that Perl found it necessary to deplore the many breaches of the government regulation requiring rabbis to have at least the equivalent of a secular elementary education.⁶⁰

It should be pointed out that Chajes' home background was much more conducive to the pursuit of secular studies than Rapoport's had been. Rapoport had had no secular training at all until he was about twenty years old, while Chajes' father had seen to it that his son received training in foreign languages and literature at an early age.⁶¹

⁵⁸Balaban, "Iggereth le-Shir," p. 175.

⁵⁹Gelber, Brody, p. 254.

⁶⁰Mahler, Hasidism and Haskalah, p. 177. Perl claimed that only three rabbis--Chajes, Rapoport and Christianpoller--met these requirements.

⁶¹Gelber, Brody, p. 201. For Rapoport's background, see Klausner, ha-Sifruth ha-Ivrith, II, 218.

But while Rapoport wrote articles on scientific, historical and linguistic topics,⁶² Chajes only occasionally dealt with secular scientific subjects, and then usually in a rudimentary manner only.⁶³ He did, however, encourage the publication of such works in Hebrew; he headed the list of subscribers from Zolkiew for a science text published by Moses M. Juwel⁶⁴ and accorded high praise to Bloch for his work in geography.⁶⁵

Chajes' keen interest in modern education notwithstanding, he made no attempt to modernize traditional Jewish education. However, his failure to do so does not imply that he was content with the educational status quo of his Jewish community; he simply was realistic enough to know that such efforts would be futile. Although I could find no source to substantiate this information, it may be of interest to note a report that Chajes had actually opposed the establishment of a modern-type rabbinical seminary in

⁶²See a bibliography of such articles in Isaac Barzilay, "The Scholarly Contribution of Shir," Proceedings of the American Academy for Jewish Research, XXV (1967), 3.

⁶³For examples of such comments see Kol Sifrei, I, 236, and Hagahoth al ha-Talmud, Shabbath 31, Niddah 23 on the origin of mountains and of races.

⁶⁴See Rawidowicz, Kitvei RaNak, p. lxxxii concerning Chajes' subscription for Mordecai M. Juwel, Limudei Torah (Czernowitz, 1836).

⁶⁵Allgemeine Zeitung des Judentums, IX (1845), 702.

Galicia.⁶⁶ If the report is based on fact, one might assume that his opposition had been founded on his apprehension that a seminary of this type might grow too liberal and become a bastion for overly critical and anti-traditional thought.

⁶⁶See Herscovics, "Yaḥas ha-Ḥatam Sofer," p. 133, #53 who cites Jost, Neuere Geschichte, I, 82, as the source of this information. No such fact, or even related topic, appears on that page. If the reference is, however, to vol. III, 82, we merely find that the government asked Chajes as to the advisability of establishing a rabbinical seminary in Galicia patterned after that of Venice and Padua (Question 3). We do, however, not find his response to that query. As a matter of fact, Jost himself states on p. 83 that he will only discuss Chajes' response to number 2 and number 6 of the ten questions sent to Chajes. Beth Halevi, Chajes, p. 129 supplies the same information as Herscovics. The issue is even more confused when we take note of Gelber's assertion in "Shalsheth ha-Yuḥasin shel ha-Rav Zvi Perez Chajes," p. 189, that Chajes requested the establishment of a rabbinical seminary. The possibility of such a seminary was raised in 1828 by Mark Bernstein, a Brody Jew residing in Odessa, who sent a memorandum to a Galician official urging its establishment in Lemberg. The suggestion, however, met with harsh criticism on the part of the Lemberg community. See Gelber, Brody, pp. 254-56. In 1831, Elazar Kalir urged the establishment of such an institution in Brody, which was reinforced by a petition of Brody Jews to the Emperor. The Viennese government in 1832 wished to be informed of the opinion of the Rabbi, the community head, and the mayor of Brody on the matter. The mayor opposed governmental support of such an institution and reported that the Kreisrabbiner "hat auch in der That eine recht gute Ausserung eingereicht." A footnote indicates that the editors hope "auch diese unseren Lesern demnachst mittheilen zu können," but we find no such report in the following issues. Gabriel Riesser, ed., Der Jude, I, No. 12 (1832), 90. Moreover, even Perl opposed this measure. Gelber, Brody, p. 255.

Miscellaneous Problems

Many of the opinions expressed by Chajes in his rabbinic response reflected the type of strict traditionalism that was often derided by the maskilim. For instance, he was strongly opposed to any practical innovations in orthodox traditional observance, refusing even to permit the use of a sheitel or wig by married women in place of the old-fashioned cap to cover the hair.⁶⁷

In another halakhic issue of the day--concerning the etrog--Chajes also adopted a strict attitude. For years, most Galician Jews obtained their annual supply of etrogim from the Greek island of Corfu and from Corsica. In the forties of the nineteenth century, a heated controversy

⁶⁷Kol Sifrei, II, 784-87. In this connection, Joshua Schorr, "Siḥah beyn Rav Galizai u-beyn he-Ḥalutz," he-Halutz, III (1856), 9 charges Chajes with hypocrisy or at least inconsistency. In Chajes deplored even such widely-permitted innovations as the sheitel, how could he, in one of his later works, maintain that "in our country, Galicia, [as opposed to Germany] matters of religion continue in their age-old path." Kol Sifrei, II, 1013. Schorr concludes that Chajes had wanted to appear more "strict" and conservative in his halakhic decisions than he was in the evaluation of actual religious reality. Schorr's accusation is, however, unjust, for it was quite true that, despite the innovations deplored by Chajes, Galician Jewry at the time was much firmer in its adherence to Torah tradition than their German co-religionists. In every generation, rabbis have lamented specific instances of laxity in religious observance without meaning to imply that the entire community was remiss in its obedience to Jewish law. On the other hand, Schorr also accuses Chajes of assuming the facade of a "critical scholar." See ha-Halutz, IX (1865), 145.

בגדל הנעלמות יתחבשו באליהם של דקויות בקוואס
לפניהם דבנייהם... נאלי ראני לדין רצ"ה.

arose among halakhic scholars when new localities, although also in Corfu, began to supply etrogim. Many doubted whether the new citrons met all the requirements of a true etrog. Margulies, an early mentor of Chajes, permitted the use of these new citrons; Kluger and Chajes forbade it.⁶⁸

In still another question--regarding traditional burial procedure--Chajes sent to Kluger a copy of his ruling on the propriety of using a hearse for funerals.⁶⁹ While Chajes conceded that there was nothing in halakhah to forbid the use of a hearse to bring the dead to their final resting, he held that this should not be permitted in Galicia, where the custom of having the coffin borne upon the shoulders of pallbearers had become hallowed by ancient tradition.

Here we see Chajes as a strong opponent of innovations, even in cases where they would have been halakhically permissible. However, he does not always explain his opposition in terms of the inviolability of Jewish law or the intrinsic value of Jewish tradition, but gives as his reason his belief that "the one who introduces innovations creates strife."⁷⁰ Does this mean that he opposed innovations in Jewish practice for no other reason than a desire to

⁶⁸ See Ephraim Z. Margulies, Beth Ephraim (Warsaw, 1883), Orah Hayyim 56, 57, pp. 184ff. Also Ziskind Mintz, ed., She'aloth u-Teshuvoth Pri Etz Hadar (Lemberg, 1846), p. 19.

⁶⁹ Kol Sifrei, II, 627.

⁷⁰ Ibid., p. 630. This expression is a play on the words of "oseh hadashoth, ba'al milhamoth" of the daily prayer.

preserve peace by not antagonizing the orthodox?

Chajes was, however, not always opposed to halakhic innovations or change. An example of this lenient tendency may be found in his responsum concerning the delayal of the burial of the dead. This problem had an important historical precedent. One of the first halakhic issues to arouse a storm of controversy against Moses Mendelssohn was the latter's suggestion that the dead should not be buried at the earliest possible moment, as required by orthodox law, but that some more time should be allowed to elapse between the death and the funeral service to make sure that the individual was really dead.⁷¹ The suggestion was vetoed by rabbinic opposition, but the question was raised again in a correspondence between Rabbi Moses Schreiber and Chajes.⁷² There, Schreiber opposes the innovation, while Chajes holds a more liberal view. In a later work, however, Chajes states that "I, too, have prohibited delay in burials," although he admits that he had never come out openly against the supporters of the practice.⁷³

⁷¹See "Mikhtavim" ha-Me'assef, II (1785), 178-87. A typographical error appears in She'aloth u-Teshuvot Hatam Sofer (Pressburg, 1841), Yoreh De'ah #338, where the letters are said to appear in the Me'assef of 1772. See also Aryeh L. Gelman, ha-Noda be-Yehudah u-Mishnato (Jerusalem, 1960), p. 111.

⁷²See Kol Sifrei, I, 254 and Moses Schreiber, She'aloth u-Teshuvot Hatam Sofer, Yoreh De'ah #338.

⁷³Kol Sifrei, I, 266.

Chajes also rendered a lenient decision on another current issue of his day. Government officials ordered the Jewish community to purchase sifrei-Torah "for the use of government courts, so that a Jew would swear by the Torah whenever he was legally required to take an oath."⁷⁴ Chajes' responsum on the issue touches upon such sensitive topics as the permissibility of teaching or selling of the Torah to a non-Jew. Upon careful investigation of the pertinent aspects, he concludes that the Jewish community may comply with the government request for sifrei-Torah.

On other occasions, Chajes was directly consulted by the government on Jewish issues, and himself made recommendations to the authorities on Jewish communal affairs. Thus, he submitted to Goluchowski, the governor of Galicia, a proposal whereby the Kreis-rabbiner would be elected by an officially appointed rabbinical consistory in place of the existing arrangement under which the wealthy members of the community had been given undue influence.⁷⁵ Jost cites a list of other questions, as well, which were submitted to Chajes by the government. These deal with such topics as hasidism, a proposed modern type rabbinical seminary, anti-Christian bias in Jewish law and the rite of circumcision.

⁷⁴Ibid., II, 702-06. A different responsum by Chajes, with the same conclusion, appears in Jacob I. Yutes, Oholei Ya'aqov (Lemberg, 1848), pp. 25ff.

⁷⁵Friedmann, Galizischen Juden, p. 149.

Summary

Here again, as in the case of Reform, we see Chajes pulled hither and yon by conflicting loyalties and emotions. In his rabbinic responsa he upheld strict adherence to traditional observances, rituals that were at times ridiculed by the maskilim. On the other hand, he shared the anti-traditional views of his haskalah contemporaries on such major issues as the proper economic pursuits for Eastern European Jews, hasidism and secular education.

Yet, he rarely expressed his liberal views in his published Hebrew books and essays, which were usually intended for conservative Jewish readers. His denunciation of hasidic "ignorance and indecorousness" appeared in a German-Jewish journal, intended for the more modern maskii Jew. His strong endorsement of plans to interest Jews in agricultural work was given in an official reply to a government inquiry. And despite his decidedly modern views on education, he never joined the haskalah campaign for the abolition of the traditional heder.

There is no doubt that Chajes personally agreed with the views of his haskalah contemporaries on Jewish social and economic issues. Why, then, did he not set forth these opinions in his published Hebrew writings, and why did he not officially join the maskilim in their efforts to translate their ideas into reality? Perhaps his silence was forced upon him by practical considerations; namely, his fear of rejection or even ouster by the orthodox community

if he were to make his personal attitude widely known. Or it may be that it was a matter of principle: perhaps he was not ready to declare himself a full-fledged member of the haskalah community because he could not identify with their tendencies towards laxity in religious observance.

Whatever the reasons for his reticence in publishing his views, it is clear that Chajes was a man of dual allegiances; even while he was loyal to religious traditionalism, he found himself accepting the social and economic views of those who were motivated by a desire to make major changes in Jewish life and observance.

PART II: RABBI CHAJES: THE SCHOLAR

CHAPTER IV

TALMUD AND HALAKHAH IN THE WELTANSCHAAUNG
OF RABBI CHAJES

Throughout the ages Jews have drawn strength and inspiration from the study of the Talmud. As the embodiment of the Oral Tradition, the Talmud was much more than a code of laws. It was considered the very life of Judaism, to the point where it was credited with the evolution of the "average peculiarities of the Jewish character . . . in its mental and moral faculties and virtues Since the modern age has more or less alienated itself from the Talmud there has been a noticeable impairment of these very qualities."¹

In their eagerness to discard age-old Talmudic traditions, the early reformers began to question the sacred character of the Talmud as an expression of Sinaitic law and looked upon it simply as the product of a given age and culture, with no binding force on subsequent generations.² Followers of the Wissenschaft des Judentums ("Science of

¹Hermann Strack, Introduction to the Talmud and Midrash (Philadelphia, 1945), pp. 280-81, quoting Samson Raphael Hirsch, Gesammelte Schriften.

²Official statements expressing this view are found in Philipson, The Reform Movement in Judaism, pp. 13, 65.

Judaism") undertook historical studies with the purpose of demonstrating that Judaism was an organism subject to evolutionary change and that the Talmud was no more than one link in the chain of a long evolution. Thus, Leopold Zunz provided the ideologists of Reform with a "scientific" basis by demonstrating that Judaism "put forth new shoots in every age."³ Although Zunz centered his attention on midrashic rather than Talmudic material, his work paved the way for a similar approach by later scholars, such as Graetz and Frankel,⁴ in their own historical studies of the Talmud. However, the results of these scholarly undertakings were not always of a high scholastic value.

A historical study of the Talmud is a formidable undertaking, and "only one who has spent a lifetime exploring the Talmud, whose mind has been gradually molded to think in Talmudic idiom, whose associations, even unconsciously, are those of a Talmudic thinker, only such a one is qualified to lift statements from the Talmud with impunity, confident that he understands their true meaning with all its implications within the body of the whole."⁵

³Ibid., p. 41.

⁴Heinrich Graetz, Divrei Yemei Yisra'el, trans. and ed. by Saul P. Rabinowitz, II (Warsaw, 1894); Zecharia Frankel, "Beiträge zu einer Einleitung in den Talmud," Monatsschrift für Geschichte und Wissenschaft des Judentums, X (1861), pp. 186-194, 258-272.

⁵Salo W. Baron, A Social and Religious History of the Jews, II (New York, 1952), 294.

These considerations provide justification for Louis Ginzberg's assertion that the efforts of "the Science of Judaism" to subject the Talmud to scientific investigation had yielded no success. "The neglect of the study of Halakha . . . greatly impaired the quality of many historical investigations undertaken by German scholars."⁶ Most of the disciples of the "Science of Judaism" lacked the essential qualification for the proper approach to the Talmud, namely, a "mind . . . molded to think in Talmudic idiom."

It was precisely this qualification--lacking in most Wissenschaft des Judentums scholars--that constituted Chajes' forte. His sound Talmudic scholarship put him in a position to make valuable contributions to the study of Talmudic sources. If his writings in "pure" history or bibliography did not match Krochmal's maturity in the use of modern critical methodology, Chajes' qualifications far surpassed those of Krochmal as far as Talmudic background is concerned. As a Galician rabbi, Chajes "specialized" in the Talmud, while Krochmal frankly admitted his own "limited erudition in these areas, particularly in the works of the later rabbinical scholars."⁷ Although one does not have to concur with the view of Jacob Shachter that Chajes was "the greatest authority on Talmudic learning in Galicia," there

⁶Louis Ginzberg, The Palestinian Talmud (New York, 1941), p. 63.

⁷Krochmal, Moreh Nevukhei ha-Zeman (hereinafter referred to as MNZ) (Lemberg, 1851), p. 163.

is merit to Shachter's claim that Chajes "outstripped his contemporaries in profound Jewish learning"⁸--if the term "contemporaries" is interpreted as referring to the Talmudists among his haskalah friends only.

However, Chajes was not content to confine himself to the role of Talmudic scholar. He wanted to demonstrate that the same principles of critical, objective investigation that were employed in secular fields, such as literature and history, could be put to good use also in the study of halakhah, and that even rabbinical and halakhic material could be categorized according to scientific rules that would meet with the approval of the most critical of modern Jewish scholars. Thus, he did not hesitate to send copies of his halakhic works to the critic Abraham Geiger.⁹ Indeed, it appears that the synthesis of Talmudic knowledge and a critical approach in Chajes was recognized also by the scholars of the West, for the German-Jewish scholarly journal, Israelitische Annalen, found a place in its pages for a review of Chajes' Torath Nevi'im.¹⁰

In this study an attempt will be made to evaluate Chajes' dual role by comparing his Talmudic and halakhic

⁸Shachter, Student's Guide Through the Talmud, pp. xii, xiii.

⁹Dinaburg, "me'-Arkhyono shel Shir," 157. Geiger mentions that an extensive review of Torath Nevi'im was scheduled to appear in his Wissenschaftliche Zeitschrift fur Juidische Theologie.

¹⁰Isaak M. Jost, ed., Israelitische Annalen, II, No. 21 (1840), 188.

writings with those of other maskilim on the same subjects. We shall begin with a comparison of his writings with those of Krochmal. Both Chajes and Krochmal pursued identical topics in their historical study of halakhah--topics which also engaged the interest of most later scholars in the field of Judaica. Major subjects of these discussions were the "strata" of the Mishnah and Gemara, the dates when these works were first set down in writing, and precise definitions and categories for such concepts as halakhah le-Mosheh mi-Sinai and divrei soferim.

Interesting insights are obtained from a comparative study of the views of Chajes and Krochmal on the nature and history of halakhah. On the one hand, the topics and comments of both scholars are so similar that Joseph Klausner and Fishel Lachower see in it evidence of direct reciprocal influences.¹¹ As examples, they cite portions of Chajes' Torath Nevi'im and sections 13 and 14 of Krochmal's Moreh Nevukhei ha-Zeman, where the similarities in both subject matter and presentation are so numerous that one cannot explain them, except as the result of influence. The question, however, is who influenced whom. Even Chajes' own grandson, Zvi Perez Chajes, conceded that Chajes' halakhic

¹¹Klausner, ha-Sifruth ha-Ivrith, II, 167; Fishel Lachower, Al Gevul ha-Yashan ve-ha-Hadash (Jerusalem, 1951), p. 177 6. The question of "who influenced whom" assumes additional significance when one realizes that Chajes was much younger than Krochmal--and was only 35 when Krochmal died.

writings had been very significantly influenced by the work of the modern scholar Krochmal.¹² On the other hand, there are basic differences between Chajes and Krochmal as regards their approach to one and the same topic. As will be seen, Chajes could not and would not share the radical ideas of Krochmal concerning halakhah, despite his own insistence on objectivity and modern scholarship.

For a better understanding of the specific problems concerning halakhah which both Chajes and Krochmal dealt with, we will do well to begin by studying those issues which, at least in Chajes' view, were of cardinal importance, namely, the final authority and binding character of the Talmud and the immutability of Torah. While Krochmal makes reference to hatimath ha-Gemara and even promises to discuss the significance of this concept,¹³ he makes no mention of the finality it implies. Actually, most researchers do stop to study this particular point, so that Frankel, Rapoport and Halevy¹⁴ considered the last redaction of the Talmud tantamount to a declaration of finality; that

¹²H. P. Chajes, Reden und Vorträge, p. 187. This comment assumes Chajes' possession of Krochmal's MNZ as early as 1836, the year of the publication of Torath Nevi'im. Chajes, himself, mentions the manuscript copy of Krochmal's work in his 1849 Imrei Binah, but does not indicate the date of its acquisition. One should, however, note the frequent verbal exchange of ideas between Chajes and Krochmal.

¹³Krochmal, MNZ, p. 219.

¹⁴Frankel, "Beiträge zu einer Einleitung in den Talmud," p. 266; Rapoport, "Mikhtav 13," Kerem Hemed, VI (1841), pp. 249-55; Isaac Halevy, Doroth ha-Rishonim, II (Berlin, 1923), 480-81, 490-91, 522-24.

is, it ceased to be open to further additions or amendments. Weiss, on the other hand, maintained that the conception of the Talmud as a closed book was not based on the initial intention of the redactors of the Talmud but was a subsequent reaction to the Karaite rejection of Talmudic authority.¹⁵

Krochmal's failure to take up this issue in his Moreh Nevukhei ha-Zeman may simply be due to the fact that he hoped to make a more detailed study of it at some future date. In Chapter thirteen of Moreh Nevukhei ha-Zeman he concentrates on the evolution of halakhah until the end of the Mishnaic period and barely touches upon the character of the Gemara. Apparently, he felt called upon to explain the omission, for he concludes the chapter as follows:

Since the arrangement of this chapter does not permit us to go into further detail, we shall conclude with the admission that we have not yet attained the goal we set for ourselves at the opening of this section, for we still have to explain . . . the pattern of Gemara in light of our approach . . . perhaps the Almighty will grant that I will be able to expand on these topics in the next volume.¹⁶

Thus the concept of ḥatimath ha-Gemara appears only as a tangential issue insofar as it is relevant to Krochmal's specific purpose, namely, to trace the origins of aggadoth of alien provenance that have become part of the Talmud.

¹⁵Isaac H. Weiss, Dor Dor ve-Dorshav, III (Berlin, 1924), 216-30.

¹⁶Krochmal, MNZ, p. 204.

Chajes, by contrast, held the firm conviction that a discussion of this issue could not be omitted or even put off until some future date. Indeed, he made it the prime objective and the very heart of his labors. The reinforcement of this principle culminated in his battle against Reform. Emphasis on the finality of Talmudic legislation served as a dagger in the heart of the Reform movement. Chajes was outraged at the open denial of Torah she-ba'al peh by some of his radical contemporaries.

Similarly, Chajes emphasized the eternity of Torah. In the introduction to his very first treatise, Torath Nevi'im, he clearly states:

I have made it my object to make known, both in speech and in writing [refuting the assertions of heretical factions] that this Torah will endure through all eternity.¹⁷

However, he was not overly dogmatic. In his endeavors to prove that "the Torah, now in our hands, is the very same one handed over by the Almighty to Moses at Sinai . . . and that it is impossible to alter, to add to, or to detract even one iota of either the Written or the Oral Law,"¹⁸ Chajes took into account and discussed many complex questions raised in this connection by non-traditional elements such as the reformers.

It is the discussion of these issues of basic religious doctrine that affords Chajes an opportunity to demonstrate

¹⁷Kol Sifrei, I, 11.

¹⁸Ibid., p. 4.

his skill in the logical organization of general principles. In each case, he summons a prodigious amount of relevant information, citing Biblical, prophetic, midrashic and Talmudic sources in support of his arguments.

One of the first, and most important, problems to capture his attention is the fact that the Prophetic writings report instances of conduct at variance with the requirements of Biblical or Oral law, either on the part of the prophets themselves or on the part of the people. These instances led many Jews of Chajes' day to discard their belief in Sinaitic revelation and to conclude that the Torah as we know it today was not universally observed by Jews before the days of Ezra the Scribe. It was to refute these conclusions and to explain the Scriptural reports that Chajes set forth a list of principles pertaining to the relationship between the Law of Moses, the Oral Law, and the teachings of the Prophets.

This subject, as treated by Chajes, may seem somewhat strange to a secular-oriented mind. However, this is a meaningful and significant issue to a traditional minded Talmudist like Chajes. Unable to accept the dating schemes of Bible critics which would simply defer the origin of certain Biblical or Oral requirements to late periods, Chajes had to solve the problem of the relationship between law and prophetic behavior without deviating from the line of age-old accepted doctrine.

As its title, Torath Nevi'im--The Teaching of the Prophets--indicates, Chajes' treatise sets out to define the unique status of the prophets in Judaism, particularly as distinguished from that of rabbinic sages. In his view, only scholars of the Law have the authority to hand down rulings in matters of halakhah. The prophets have the task of admonishing the Jewish people to adhere to the path of the Torah, but they have no authority to render decisions on questions of the Law. True, they may, in compliance with direct Divine revelation, temporarily suspend a Biblical law when circumstances demand it, but they have no power to do so on their own initiative, without clear "orders" received from G-d himself separately for each case in point.

This premise had already been set down centuries before by no less an authority than Maimonides.¹⁹ Chajes, however, proceeds to elaborate on the theme, and claims credit for an interpretation that eliminates all possible misunderstandings regarding the role of prophets in halakhic decisions.²⁰

For example, Chajes takes up what appears to be a contradiction between the dictum that prophets must leave halakhic decisions to the Sages, and the many Talmudic passages that defer the solution of complex halakhic problems

¹⁹See Maimonides' introduction to his commentary on the Mishnah, Order of Zera'im.

²⁰Kol Sifrei, I, 18.

until the coming of the Prophet Elijah who is expected to render the final decision.²¹ Chajes reconciles the two seemingly contradictory theses by demonstrating that these Talmudic passages do not confer on Elijah the authority to hand down rulings, but only imply that the prophet may be expected to draw on Divine revelation to establish and clarify all the facts the scholars of the Law need in order to arrive at the correct decision.

In a later work, however, Chajes concedes to the Prophet Elijah a measure of the authority accorded to Talmudic scholars. Elijah, Chajes explains, may influence halakhic decisions "either . . . by clarifying the [pertinent] facts . . . [through prophecy] or he may hand down a ruling."²² In the latter alternative, Chajes is referring to the Talmudic expression "ad she-yavo Elijah ve-yoreh." He proceeds to explain that the ruling to be handed down by Elijah will be in the form of "the reestablishment of the Sanhedrin in the pre-Messianic era [Maimonides has stated that only Elijah can restore the Sanhedrin] Thus, it is through [emphasis mine. Note the word "through" rather than "by" Elijah] Elijah that all problems will be solved; for now all issues can be decided upon by a majority vote of the Sanhedrin."

²¹See Menahoth 45a, Pesahim 13a.

²²Kol Sifrei, I, 382.

Thus, Chajes does not concede to Elijah himself any "rabbinic" role. Elijah's claim to halakhic adjudication is merely a result of his role in the official reconstitution of the Sanhedrin. Once Elijah reconvenes the Sanhedrin, the halakhic decision is the result of the deliberation of all the members of that august body, and not specifically of Elijah. Chajes thereby retains a clear line of demarcation between the prophet and the scholar. As prophet, Elijah is not authorized to render halakhic decisions, as such.

At this point, we would like to comment on Chajes' thesis. By his very assumption that Elijah has the authority to reestablish the legislative body of the Sanhedrin, he indirectly confers on the prophet the rank of Talmudic Sage, for only a scholar who has been universally accepted as one of the transmitters of the Oral Tradition may take that momentous step.²³ The Sanhedrin is a body of scholars and not a group of prophets. Hence it is not proper, halakhically speaking, to attribute to Elijah the authority to reestablish the Sanhedrin unless one also accepts the premise that this particular prophet ranked as a halakhic

²³ Only one who is duly authorized and ordained by preceding generations of the Masoretic chain may be a member of the Sanhedrin and only such a scholar may ordain others. Yet this type of ordination was terminated centuries ago. How then will the Sanhedrin ever be restored again? Rabbi David ben Zimra in his commentary on Maimonides, Yad ha-Hazaqah, Hilkhoth Sanhedrin, chapter xiv answers by noting that Elijah was properly ordained, and could, in turn, ordain and authorize others.

scholar even before his return to earth to herald the coming of the Messiah. Chajes does not do that; he keeps talking about Elijah as a halakhic authority only for the restoration of the Sanhedrin in the period immediately preceding the arrival of the Redeemer. In this manner, Chajes creates the impression that he refuses to accept Elijah as a legal authority before that time.²⁴

²⁴If we were to take this "impression" as the sole basis for our assumption that Chajes considers Elijah a halakhic authority only for purposes of reconvening the Sanhedrin, it could justly be argued that our conclusion is weakly founded. After all, the mere fact that Chajes does not happen to state explicitly that Elijah had such authority prior to the restoration of the Sanhedrin does not necessarily mean that Chajes believes Elijah did not have it. However, our assumption is borne out by Chajes' own words in another context. In his Hagahoth to Tractate Berakhoth 3a, he questions Elijah's competence to hand down halakhic rulings. "How," he asks, "can the Talmud derive these laws from Elijah?; . . . [only] if he makes reference, in the name of other scholars, to a consideration that gives sense and is understandable, are his words accepted." In other words, Chajes does not consider Elijah a scholar in his own right. Only when he cites the views of other scholars can Elijah influence a halakhic decision. Chajes' own grandson found it necessary, in his super-commentary, to annotate this comment as follows: "See ḤIDA . . . who is of the opinion that [the sage quoted] did not learn from Elijah the prophet but from Elijah the scholar." (Zvi Perez Chajes, "Hagahoth," in Tifereth le-Yisra'el: Festschrift zur I. Lewys 70 Geburtstag [Breslau, 1911], p. 173 of the Hebrew section.) Chajes' failure to refer to "Elijah the scholar" in a passage which so clearly begs such an explanation is clear evidence that he is unwilling to go along with those who would accept Elijah's authority to pass halakhic decisions even before a Sanhedrin has been reconstituted. Chajes' commentary on the Talmudic tractates was published in 1843; the note in Mishpat ha-Hora'ah concerning Elijah's "rabbinic" role in the Sanhedrin was published two years before, in 1841. Thus it may be seen that even after he has accepted Elijah's "rabbinic" or, if you will, "extra-prophetic" role, he does not accept him as a halakhic scholar. It is this reasoning on the part of Chajes that seems to us halakhically unsound.

Chajes' exploration of the relationship between prophetic status and halakhic authority is not limited to the issue of Elijah. He did not only concern himself with the Talmudic dictum which invests this prophet with the power of halakhic decisions. He also studies other aspects of the problem of the relationship between prophets and the law. Thus, he presents a list of Scriptural instances in which prophetic behavior was at variance with the law,²⁵ and proceeds to formulate principles governing the halakhic authority of prophets. In our opinion, his reasoning in the establishment of these principles is not entirely unimpeachable from the halakhic point of view.

Chajes asserts that in cases where a prophet, on the basis of Divine revelation imparted to him, orders the temporary suspension of a Biblical law, the prophet must inform the people of the le-migdar milta purpose and reason for such a measure, before the people can be expected to obey his orders.²⁶ Only in cases where the Divine instruction applies solely to the person of the prophet, is the prophet expected to obey even if he cannot explain to himself the whys and wherefores of the order.²⁷ The logical basis for

²⁵Kol Sifrei, I, 27.

²⁶Kol Sifrei, I, 24. The literal translation of le-migdar milta is "to serve as a fence," i.e., to safeguard the preservation of Torah. Occasionally, a temporary suspension serves the purpose of strengthening the Torah "just as a doctor may cut off one's hand so that he should remain alive."

²⁷Ibid., I, 29.

this distinction is that the prophet needs no proof of the authenticity of the revelation he himself has experienced, but the people must be given a proper explanation, or else they would be justified in doubting the prophet's veracity.

This last point is a deliberate deviation from the opinion of the Tosafists. The latter maintain that once a prophet has given proof of the authenticity of his mission, he need give no further proof of the truth of his later prophecies; he must be unquestioningly obeyed in all he may tell the people to do henceforth, even if his order involves the temporary suspension of a Biblical law.²⁸ The explanation, after all, is not needed to justify a command emanating from G-d Himself; it is required only to prove that G-d has indeed given such a command to this particular prophet. Accordingly, once the prophet has been universally accepted as a true messenger of G-d, he is no longer under the obligation to explain the le-migdar milta "benefits" accruing to the people from obedience to the Divine instruction he has received.

Chajes' reasons for dissenting from the Tosafist view are not very convincing. His most forceful point is based on the following consideration: in view of the statement in Sifrei²⁹ quoted by Chajes, that "if the words of a

²⁸Sanhedrin 89b; see also Maimonides, Yad ha-Hazaqah, Hilkhoth Yesodei ha-Torah, chapter x, #5.

²⁹Deuteronomy 13:5.

prophet contradict the Law of Moses, it is forbidden to listen to them," and in view of the fact that "the Tosafists maintain that in cases where a [Biblical] law is temporarily suspended, one is required to obey [the order enjoining the temporary suspension] even without [any explanation of] the le-migdar milta benefits [to be derived from the order]," it would follow, according to Chajes, "that one is obeying the words of a prophet which contradict the Torah." On the other hand, "if the suspension must be accompanied by [an explanation of] the benefits to be derived from it, it is not considered as if one were obeying the words of the prophet, but as if one were strengthening the foundations of Torah, and the [temporary] suspension [of the law] is actually [tantamount to] the preservation of the Torah."³⁰

Apparently, Chajes fails to consider that even the Tosafists would not deny that temporary suspensions of Biblical law do entail specific benefits; all the Tosafists maintain is that there is no need for detailing these le-migdar milta benefits to the people in order to have them accept the suspension. It is an explicit commandment in the Torah to abide by the words of a prophet.³¹ Thus, the same Torah that forbids any violation of its laws commands the people to obey the command of a proven true prophet to transgress a law, unless, of course, he were to claim that he has been

³⁰Kol Sifrei, I, 26.

³¹Deuteronomy 18:15.

authorized to effect the permanent abrogation [as distinct from the temporary suspension] of a Biblical law. Obedience to the words of a true prophet, even if one does not know the "benefits" to be derived from obeying his instruction, is not merely compatible with Torah law but actually constitutes the performance of a "positive" commandment.

Chajes consistently seeks to substantiate his logic by insisting that he is simply following the views advanced on this matter by Maimonides.³² The fact, however, is that Maimonides never explicitly set forth as a principle that whenever a prophet communicates orders for the temporary suspension of a Biblical law, he must accompany his announcement with an explanation of the reasons for the suspension. Chajes bases his argument on the following statement by Maimonides:

If they [the people] would have asked Elijah [when he made ready to offer the sacrifices on Mount Carmel: see I Kings 18]: "How can we disobey that which is in the Torah" . . . he would have answered that the Torah frowned only upon one who decides to make it a permanent practice to offer his sacrifices outside the Temple. [Elijah would have said]: "I am offering sacrifices [outside the Temple only this one time] today in order to prove that the prophets of Ba'al are false."³³

Chajes takes this passage to imply that, in Maimonides' opinion, every order communicated by a prophet regarding the temporary suspension of a law had to include the clause "in

³²Kol Sifrei, I, 28.

³³Yad ha-Hazaqah, Hilkhoth Yesodei ha-Torah, chapter ix, #3.

order to," introducing a statement of the reasons for the action.

However, this passage merely intends to state that, in this one instance, had he been asked, Elijah would have replied that there was a valid reason for his one-time violation of the Biblical prohibition against offering sacrifices outside the Temple. As regards his view on the response the people are expected to make when a prophet declares a temporary suspension of a Biblical law, Maimonides has only this to say: "If a prophet orders you to violate a law of the Torah, obey him . . . provided that it is only temporary." While Maimonides clearly defines the criteria for judging whether or not a prophet is a "true" prophet, he nowhere lays down a categorical requirement that any prophet communicating orders for the temporary suspension of a Biblical law must in each case indicate the need or the "benefit" inherent in the action.

What is more, the proofs which Chajes offers to substantiate his theory are neither invariably accurate nor consistent. Thus, he cites in his support a list of instances in which Prophetic literature tells of officially sanctioned violations of Torah law, and concludes:

All the foregoing [incidents] involved only temporary suspensions [of Biblical law] . . . but where there is no benefit, there can be no suspensions, not even temporary ones.³⁴

³⁴Kol Sifrei, I, 28.

Yet, most of the instances cited by Chajes illustrate only the temporary character of the orders, and not the need nor the "benefit" inherent in them. What le-migdar milta benefits could have accrued to the people from the forbidden offering of sacrifices on the Sabbath during the dedication of the Sanctuary,³⁵ or from the unlawful sacrifices offered by Gideon, Samuel and Manoah?³⁶ And then, in his very next chapter, Chajes himself cites the last three of these cases as instances in which "special circumstances (lit: "the necessity of the hour") that would have justified the temporary suspension of this law did not seem to exist."³⁷ Thus, we find Chajes contradicting himself in one and the same treatise.

One might argue that it is unfair to accuse Chajes of inconsistency in this matter, for he himself indicated some awareness of this contradiction. At first, Chajes merely offers a list of "all those Scriptural matters which contradict Torath Mosheh" in order to determine whether all of these cases meet the two distinct requirements of being only temporary suspensions and of being necessitated by special circumstances. He concludes his list with the note that "from all of these instances it can be seen that both

³⁵Yad ha-Hazaqah, Hilkhoth Ma'ase ha-Qorbanoth, chapter v, #15.

³⁶For Gideon see Temurah 28b; the example of Samuel is cited from "the end of the first chapter of Megillah Yerushalmi"; for Manoah see Zevahim 108b.

³⁷Kol Sifrei, I, 31.

requirements must be met." In his following chapter, Chajes takes up those Talmudic and Biblical passages which seem to contradict the principle he just stipulated. It is in this chapter that Chajes mentions that one does not find any special circumstances or "benefit" to justify the unlawful sacrifices offered by Gideon, Samuel and Manoah, and he proceeds to qualify his own principle. Thus, one may argue, Chajes' statement in the later chapter is a conscious modification and qualification of his earlier one. Perhaps that is the case. One must, however, concede that, at least stylistically, Chajes was not precise in his presentation. After listing Scriptural instances, he concludes: "From all [emphasis mine] of these [instances]"; he bases his thesis on all of these; and yet in the very next chapter he distinctly excludes three of those examples.

The example of Manoah's sacrifice, too, is inadmissible as a substantiation of Chajes' final premise, namely, that a prophet need not know the le-migdar milta benefit or purpose of a temporary suspension of a Biblical law if the suspension is applicable to the conduct of no other person but the prophet himself. In other words, Chajes asserts that, given Divine instruction to do so, a prophet may violate a Biblical law even if he is not told the need of the "benefit" entailed in the violation. But Manoah's case is different and hence cannot serve to support Chajes' claim. When Manoah received instructions to offer a forbidden sacrifice, he did not realize that he was personally experiencing

a Divine revelation. He assumed that he was being addressed by a prophet. Only after he had already offered the unlawful sacrifice did Manoah realize that he had not talked with a prophet but with an angel.³⁸ At the time he had offered the unlawful sacrifice, without asking further questions, he had still been under the assumption that he had received his instructions from a prophet and not through direct Divine revelation.

Still another example chosen by Chajes to support the principle illustrated above is the fact that certain laws which were transmitted orally [as distinct from the Written Law] at Mount Sinai are set down in writing in the Book of Ezekiel. It appears that by including these laws in the book containing his messages, the Prophet Ezekiel had violated the prohibition against writing down any part of the Oral Tradition. From this, Chajes concludes that "since the prophet was ordered by the Almighty to include these halakhoth in his prophetic writings . . . he was required to obey" unquestioningly. But there is one more problem: granted that Ezekiel himself was permitted to do as he did, unquestioningly, because he had received his instructions from direct Divine revelation, what of the others who would read and study the text? Not having been told by the prophet why he had taken "Oral" laws and set them down in writing, would they not be violating a Divine injunction every time

³⁸Judges 14.

they would read those passages in the Book of Ezekiel? Chajes has an answer. "Once these texts were written down," he explains, "it was permissible to read and study them, for the prohibition is only applicable to the writing down of the Oral Law; it does not include the study of these laws once they have been written down."³⁹

Put this last statement still does not solve the entire problem. For the pursuit of Chajes' trend of thought would lead us to an absurdity, namely, that until the time the Oral Law was finally recorded in the Mishnah and Gemara, centuries later, no one else was permitted to make a copy of the Book of Ezekiel, so that, for several hundred years, there could be in all the world only one copy of the Book--the original scroll, written by the prophet himself at direct Divine behest.

Besides, it is not at all certain that, as Chajes claims, the prohibition applied only to the writing down, and not to the study, of "Oral Law" texts. According to a statement in Maimonides' introduction to his Yad ha-Hazaqah, it would appear that even if one individual, at Divine command, had been permitted to set down the "Oral" laws for his personal use, this did not mean that others were permitted to study these texts.

A more appropriate solution to Chajes' quandary is offered by the fact that the prohibition against writing

³⁹Kol Sifrei, I, 30-31.

down any part of the Oral Law is derived from a Talmudic interpretation of Exodus 24:12, ". . . the Torah and the commandment that I have written to teach them," implying that no laws which G-d Himself had not "written" down (that is, no non-Scriptural laws) could be set down in writing by human hands. But the same Talmudic dictum goes on to say that asher katavti ("that I have written") refers not only to the Five Books of Moses but also to the writings of the Prophets.⁴⁰ In other words, the writings of the Prophets were specifically exempted from the prohibition, so that they could be copied by human hands even if they did contain parts of the Oral Tradition.

Chajes' dilemma in the matter of the Book of Ezekiel and the suggested solutions may not make much sense to the modern critical secularist mind. Thus, to many Bible critics, major portions of Ezekiel were not even written by the prophet himself. Gustav Hoelscher, in a very radical work,⁴¹ suggested that of the 1273 verses in the book of Ezekiel only 170 could be attributed to Ezekiel. The modern secular mind working on the premises of Bible criticism and of the evolution of Oral Law often fails to find sense in such problems and solutions as those just raised in our discussion. Yet any intelligent person realizes that in any system

⁴⁰Berakhoth 5a.

⁴¹Gustav Hoelscher, Hesekiel, der Dichter und das Buch (Giessen, 1924).

of thought one must construct his hypotheses on the basis of an accepted set of axioms. Given identical material, two different sets of axioms will produce correspondingly different conclusions. Chajes' axioms--those of traditional Judaism--do not allow him to accept the ready answers of many modern secularists. In all fairness, his ideas must be understood in their natural, traditional context.

In recapitulation, it should be noted that despite some shortcomings in the logic of his proofs, the fact remains that Chajes undertook the task of defending and upholding the supremacy of halakhah, a premise crucial in traditional orthodox Jewish thought.

Chajes not only developed a detailed study of what was to him the timeless and irrevocable character of Biblical law but also repeatedly stressed the final and binding nature of Talmudic authority. Citing Maimonides' assertion that all Jews are bound by rulings set down in the Talmud,⁴² Chajes attempted to explain the basis for the final and irrefutable character of Talmudic law, a tenet that had been contested by such reformists as Leopold Stein, who maintained that "the Talmud appears only as an aggregate of opinions taught, but nowhere as a closed code."⁴³

⁴²Yad ha-Hazaqah, introduction.

⁴³Strack, Talmud and Midrash, p. 91, quoting Leopold Stein, Die Schrift des Lebens III (Strassburg, 1877), 223.

Chajes' analysis of the basis of Talmudic authority involves the discussion of several alternate hypotheses. First, he raises the possibility that the Biblical prohibition against deviating from the ruling of the sages⁴⁴ serves as the basis of Talmudic authority. However, he soon rejects this hypothesis by showing that the Biblical prohibition lo tasur ("Thou shalt not depart from the sentence which they--the judges--tell thee") is not applicable in every dispute. The rulings of the sages, he states, are universally binding only in cases where a rabbinic court, prior to issuing its verdict, had given a personal hearing to all the rabbinic authorities holding definite views on the subject under dispute. Acknowledged authorities who had not been present at the hearings and dissented from the final verdict of the court were not bound to abide by the rulings, for had they been there, they might have raised a point that could have changed the decision.⁴⁵

⁴⁴Deuteronomy 17:11.

⁴⁵This point is a crucial issue in the polemics centering around the treatise Sha'arei Binah, by Isaac Tonelis Handl (Vienna, 1862) which opposed Chajes on many counts. The author of this work assumed that the Biblical injunction against deviating from rulings handed down by rabbinic courts applied only in cases where the majority ruling offered convincing and rational refutations of the minority view. However, if a member of the tribunal failed to be convinced by the logic of these refutations, he was free, except in certain specified cases, to continue to "act in accordance with his own view." Handl persistently attacks Chajes' interpretation of that Biblical injunction. M. L. Katz, the author of Lehem She'arim (Vienna, 1863), on the other hand, defends Chajes and upholds his views on this

Thus, in his search for the sources from which the finality of Talmudic authority is derived, Chajes admits that the Biblical injunction lo tasur is of no help here. For in many cases, Talmudic enactments and rulings are based on reexaminations and rejections, by acknowledged rabbinic authorities of one generation, of views expressed by spiritual leaders of past generations. And yet, Chajes himself had asserted that the concept of lo tasur is applicable only when the authorities whose ideas were being rejected had been personally present at the sessions of the court that reversed the rulings and had been given personal hearings there.

Moreover, even Maimonides asserted that "if a rabbinic court passed a decision guiding itself by Rabbi Ishmael's thirteen canons [for the interpretation of Jewish law] . . . a later court may find justification for reversing the ruling and deciding as it sees fit."⁴⁶ Rabbi Joseph Caro notes that this principle is applicable even in cases where the later court is neither wiser nor greater in number than the earlier authority. What basis, then, Chajes asks, does Maimonides have for asserting that the authority of Talmudic law is final and irreversible? Why should it, too, not be

issue as "correct and firmly rooted" (p. 7). The requirement implicit in the concept lo tasur is binding even when one is not convinced of the logic of a ruling, as long as the reasons for the ruling had been aired in the presence of the entire assembly.

⁴⁶Maimonides, Yad ha-Hazaqah, Hilkhoth Mamrim, chapter ii, #1.

subject to revision on the basis of new interpretations evolved by later generations? Given the accepted rabbinical practice of according priority to rulings of later generations, so as to take advantage of cumulative knowledge and experience,⁴⁷ this question assumes additional significance. Why, then, it could be asked, should not rabbinic authorities of later generations have the right to enact rulings overriding legislation set down in the Talmud itself?

Having presented the problems involved, Chajes proceeds to suggest some solutions of his own. In one and the same paragraph, Chajes offers two entirely different unrelated approaches without even indicating the need for making a distinction between them.

He first adopts a principle according to which practices that have become universally accepted by the Jewish people cannot be abolished by later generations, not even by authorities greater than the ones who had originally instituted the practice. Strangely, Chajes claims Maimonides as his authority for this tenet when, in reality, the passage Chajes quotes from Maimonides in this connection asserts the exact opposite.⁴⁸ Most authorities, however, do concede

⁴⁷ הַבְּיָמִים כְּדַמְיוֹהוּ This principle is emphasized by such prominent codifiers as Isserles. See his Darkei Mosheh, Yoreh De'ah, section 35, #13.

⁴⁸In Kol Sifrei, I, 110, Chajes cites Maimonides, Yad ha-Hazaqah, Hilkhoth Mamrim, chapter ii, #2 as his source. In reality, the opinion Chajes cites is that of Rabbi Abraham of Posqiers. Ibid.

that universal acceptance renders gezeroth and taqqanoth irrevocable.

Proceeding from this premise, Chajes attributes the inviolability of Talmudic decisions to the high esteem in which Judah the Prince and Rav Ashi (editors of the Mishnah and Talmud, respectively) were held, an esteem which assured universal acceptance of their works. It seems that Chajes was aware of the distinction between the principle he invoked which in fact maintains that the principle of universal acceptance is applicable only to that category of rabbinic legislation known as taqqanoth or gezeroth--and his own application of the principle to all Talmudic legislation. Talmudic rulings include not only enactments--taqqanoth--but also decisions based on hermeneutics. In an attempt to reconcile, perhaps, this inconsistency, Chajes phrases his conclusion in a rather loose manner as follows: "For this reason, everything mentioned in the Talmud will surely be a fine custom--minhag--agreed upon by all the sages and universally accepted among the Jews."⁴⁹

One wonders how Chajes could have failed to realize a major shortcoming in his approach. How could one class everything in the Talmud as mere minhag, when the Talmud itself explicitly defines law, taqqanah, gezerah and minhag, and takes great pains to distinguish between all? Besides, Chajes' reasoning offers no explanation for such

⁴⁹Kol Sifrei, I, 110.

basic principles as the authority granted to certain individual post-Mishnaic Sages to question rulings set down in the Mishnah. Once an enactment (taqqanah) has been universally accepted, it is inviolable and must be obeyed without any exception. Similarly, his interpretation would not account for the fact that, with the exception of Rav, none of the Amoraim was permitted to question rulings set down in the Beraita. The Beraita was not compiled by Rabbi Judah the Prince; why, then, we might ask, should it, too, be considered as having been accepted by all of Jewry and therefore final in all its ramifications?

Fortunately, at this point, Chajes, without any explanation, suddenly offers another hypothesis to account for the finality of the Talmud. He now asserts that only a "full court," consisting of all the acknowledged sages of a generation, can overrule any decisions set down in the Talmud. Since political conditions in all the ages that followed made it impossible to bring together in one place all the sages of any one generation, the rulings of the last such assembly, which was held under the chairmanship of Rav Ashi, are considered final. Accordingly, Chajes points out, the authority of the Talmud is not final per se; but is merely the result of the historical circumstance that since the days of Rav Ashi, it has not been possible to bring together, in one place, all the sages active throughout the Jewish world in any one generation.

The fact, however, is that while such assemblies no longer took place after the completion of the Talmud, they were held during the post-Mishnaic era. Why, then, we might ask, should the authority of the Mishnah have been considered final, so that Amoraim came under criticism for questioning Mishnaic rulings? Chajes' answer is that the prohibition of altering or amending Mishnaic decisions applied only to individual Amoraim. The Amoraim, acting as a collective unit, still retained the right to review such decisions.

With this line of reasoning Chajes is able to explain away the problems inherent in his first suggestions. However, he makes no explicit mention of these problems, nor does he offer suggestions for their solutions. He simply shifts his approach. Thus, his new suggestion offers a clear differentiation between taqqanoth and gezeroth on the one hand, which automatically assume final authority, and different categories of Talmudic legislation, on the other, which may or may not assume final authority. Not all Talmudic legislation is covered by the Biblical injunction lo tasur, and some legislation may be overruled by any rabbinical court meeting at a later date, provided a "full court" was present. "It is merely," he states, "on account of circumstances that we have no [such rabbinical] court now," and it is for this reason, and for this reason alone, that Talmudic legislation is automatically considered to have final authority in all matters.⁵⁰

⁵⁰Ibid.

It seems that Chajes does not consider the difference in scholarly qualifications between Tannaim and Amoraim as a significant factor in the clear distinction between Mishnaic and post-Mishnaic legislation. Instead, he accords prime importance to rulings handed down by the "full court" composed of all the sages of any one generation. Thus, while some commentators would view Rav's authority to question the Mishnah as an indication of his superior scholarly qualifications, Chajes points out that Rav could contest only decisions formulated by a rabbinical court in his absence. If Rav was absent, the court could not be considered a "full court" and its decisions were therefore not binding.⁵¹

By stressing a "full court," rather than the personal qualifications of the contestant, Chajes' approach could be taken to explain why Rav's authority to overrule Mishnaic decisions was limited to specific cases. If Rav was absent from the court meeting, its decisions could be overruled; if Rav, as well as all other members were present, the decisions of the court are incontrovertible. However, Chajes' approach would fail to answer the question: if scholarly qualifications are not the determining factor in one's eligibility to overrule earlier decisions, why should the Talmud treat Johanan as inferior to Rav? For the Talmud cites an instance in which only Rav--and not his contemporary, Johanan--was granted the prerogative of questioning a

⁵¹Ibid., p. 389.

Tannaitic precedent.⁵² If Rav's absence from an assembly of Sages deprived that assembly of the power to make final decisions, why should Johanan have been refused the right to question the ruling?

Chajes also uses his hypothesis of a "full court" to explain still another matter. In his view, an individual Amora was authorized to uphold a minority Tannaitic opinion that was rejected by the Mishnah, as long as the Mishnaic decision was not passed by a "full court."⁵³ Chajes seems to be reiterating this view in one of his later treatises, Mavo ha-Talmud, when he states that "at the time that Rabbi Judah the Prince arranged the Mishnah, he assembled all [emphasis mine] the scholars of his era and took a vote, thus overruling all opposing views."⁵⁴ Only when all scholars were assembled, were minority views categorically overruled.

In his emphasis on the prohibition against adding or taking away from the Talmud, Chajes fails to touch upon one problem that has engaged the interest of most later scholars. It is an accepted fact, which Chajes himself mentions,⁵⁵

⁵²Ketuvoth 8a. Chajes assumes that only contemporaries of Judah ha-Nasi, absent from the meeting, could contest Mishnaic statements. He fails, however, to explain why later generations should be bound by the rulings of a court which was not "full."

⁵³Kol Sifrei, I, 387.

⁵⁴Ibid., pp. 310, 412.

⁵⁵Ibid., p. 342.

that the Saboraim did "add" to the Talmud. How is one to reconcile this with the fact that Rav Ashi's arrangement of the Talmud was meant to be final, with no further additions or alterations permissible? Heinrich Graetz deals at length with the matter of the Saboraim who "sought to reconcile conflicting views and to decide questions in the various branches of halakha" but who, at the same time, were "careful not to add anything of their own to the material of the Talmud."⁵⁶ Isaac Hirsch Weiss regards these Saboraic contributions as conclusive proof that the Talmud had never been regarded as absolutely and irrevocably "closed."⁵⁷ Isaac Halevy, discussing Saboraic additions to the Talmud, indicates that the early Saboraim introduced explanations into the Talmud itself but that the later Saboraim contributed only parenthetical notes and technicalities.⁵⁸

Perhaps Chajes took for granted that the Saboraim were still in a position to participate in "full rabbinic courts" at which all the sages of their generation could assemble, for Chajes even submits that the Geonim had the right to enact laws in contradiction with the Talmud since, as he puts it, the Geonim, too, "were a full court assembling

⁵⁶ Julius Kaplan, The Redaction of the Babylonian Talmud (New York, 1933), pp. 3-4, quoting and paraphrasing Heinrich Graetz, Geschichte der Juden, IV, 350-52.

⁵⁷ Weiss, Dor Dor, III, 210-11. See Kaplan, Babylonian Talmud, pp. 14-15.

⁵⁸ Halevy, Doroth ha-Rishonim, III, 21-22, 25-26.

together."⁵⁹ Quite aside from the historical problems posed by this statement, its halakhic accuracy, too, has already been challenged in a previous chapter.⁶⁰

A question closely related to the role and nature of the Saboraic contributions to the Talmud is that of the date when the Talmud was actually set down in writing. While Ashi, or the generation that followed him, is largely accepted as the final compiler of the Talmud, not all authorities agree that he also was the one to set it down in writing.

Many scholars date the actual writing down of the text to the Saboraic era.⁶¹ Others believe that even the Mishnah was not written down but was only taught orally until the Talmud was recorded and the prohibition against writing down the Oral Tradition was lifted. Luzzatto, Rapoport and Chajes himself cite elaborate evidence against the assumption that the Mishnah was recorded soon after its completion.⁶² Frankel and Weiss, on the other hand, disagree, with Weiss explicitly refuting Chajes' view.⁶³ Strack is

⁵⁹Kol Sifrei, I, 386.

⁶⁰Supra, p. 47.

⁶¹Halevy, Doroth ha-Rishonim, II, 25-26.

⁶²Samuel David Luzzatto, "Mikhtav 5," Kerem Hemed, III (1838), pp. 62-66. See also Iggroth SHaDaL (Przemysl, 1882), #139, 144; Solomon Rapoport, Erekh Milin (Warsaw, 1914), pp. 12-13. See the attacks waged by the group ha-Ro'im against Luzzatto and Rapoport for their stand on this issue: "Letter #10," Kerem Hemed, VI (1841), p. 119; Chajes Kol Sifrei, I, 347; II, 882.

⁶³Weiss, Dor Dor, I, p. 94. See also Graetz, Divrei Yemei Yisra'el, II, 298. Chajes' name is not explicitly mentioned in this last context.

ready to state with certainty only that "the Mishnah existed in writing in the times of the Emperor Justinian (527-65 C.E.)."⁶⁴

Thus, Chajes' interest in the recording of the Talmud notwithstanding, he failed to come to grips with the problem of the Saboraic role in editing the Talmud and its relationship to the finalization of the Talmud. He repeatedly emphasized the religious significance of the act of "finalizing," but ignored many of its simple historical angles. The reverse is true in the case of Krochmal. While Krochmal does not make much ado about the religious implications of "closing" the Talmud, he presents a meticulous historical study with regard to the dates of the "closing" and the actual recording of the Talmud. He submits an exact date supported by historical evidence for the first recording of the Gemara;⁶⁵ Chajes, however, simply keeps repeating that the Oral Law was not available in writing during the Amoraic period,⁶⁶ but offers no specific information as to the time when it first appeared in writing. The closest Chajes comes to submitting a tentative date is in a letter to David Zakuth, of Modena, Italy, in which he says that the final edition of the Gemara was completed about seventy years

⁶⁴Strack, Talmud and Midrash, p. 20.

⁶⁵MNZ, p. 220.

⁶⁶Kol Sifrei, I, 106, 152, 287, 347.

after Rav Ashi.⁶⁷ To Chajes, establishment of historical dates was not as important as the establishment of theological principle. This point is a major element in any comparative study of Chajes and Krochmal as regards their attitude toward Jewish tradition. Despite his modernist tendencies, Chajes' primary concern still seems to have been traditional theology.

However, this last conclusion cannot be accepted without some qualifications. For while Chajes emphasized the absolute and final authority of the Talmud, his traditional theology was not entirely rigid. He went to great lengths to set forth the principles by which Talmudic law might, at times, be modified. In fact, one recent student has devoted an entire treatise to an attempt to prove that Chajes consistently championed elasticity in the application of Talmudic authority.⁶⁸

It is, indeed, true that Chajes elaborates on the principles governing modifications of Talmudic law. As a matter of fact, he shows extraordinary skill in organizing an impressive array of "cases in point" to support his

⁶⁷Ibid., II, 667. This view is also shared by modern scholars. Jacob N. Epstein, Mava'oth le-Sifrut ha-Amoraim (Tel-Aviv, 1962), p. 12, states that "Ashi and Ravina were followed by two generations of Amoraim, who made additions and added comments until the era of the Saboraim, who finally closed the Talmud."

⁶⁸Sol Passow, "Zvi Hirsch Chajes: His Views on Jewish Law and its Adaptability to Life" (unpublished master's essay, Jewish Institute of Religion, 1939).

arguments. Such discussions constitute the core of his treatise Mishpat ha-Hora'ah. He begins by citing examples of practices more rigid, or more lenient, than provided for by Talmudic rulings, and attempts to explain these deviations. It should be noted, however, that he concentrates on deviations in the direction of leniency. In cases where a particular commandment or observance has been largely honored in the breach because most people find it too difficult to keep, Chajes points out, the rabbis often refrain from calling attention to the omission, declaring instead: "Better that [the people] should transgress inadvertently rather than be deliberate sinners."⁶⁹ He also cites cases where rabbis permitted a minor transgression if it would prevent a more serious violation of the law. For instance, "a person over-anxious" about his money is permitted to save his possessions from loss or destruction--even if that action entails a transgression of rabbinic law--as long as he does nothing in violation of a Biblical injunction.⁷⁰ In Chajes' view, the practices of ha'aramah--legal fiction--are also based on similar considerations. Similarly, the rabbis, Chajes asserts, made provisions for a legal fiction under which individuals may sell the leaven

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פ'ג'גמ ו'נ' ו'ל' פ'ג'גמ ו'נ' >ג'ג'ג

See Shulhan Arukh, Orah Hayyim, no. 339, sec. 2, for an example of this practice. It is cited by Chajes in Kol Sifrei, I, 222.

⁷⁰For applications of this principle see Shabbath 121a and 153a.

in their possession to a Gentile for the Passover week because they, the rabbis, realized that most people would not give away or destroy their hametz goods. Keeping one's hametz during Passover is, of course, a direct violation of Biblical law; hence the "sale," by which the Jew, at least "officially," relinquishes his ownership of the hametz, although it remains locked up in his premises.

On the face of it, one might conclude that these, and other cases cited by Chajes, are examples of rabbinical neglect or circumvention of the requirements of Jewish law. However, this is not quite so. To begin with, if rabbis merely do not protest against violations of Jewish law, this does not mean that such violations have official rabbinic sanction or even that they are justified. True, the unwillingness of the rabbis to draw attention to the violation may cause the violation to become even more widespread, but this does not mean that these same rabbis would ever give their assent to an outright abolition of the original law. Thus, the mere fact that Chajes lists this principle as an example of rabbinic leniency does not justify a recently published thesis according to which Chajes was deliberately sanctioning the neglect or the nullification of basic Biblical injunctions.⁷¹ Indeed, Chajes himself stresses, further on in his treatise, that no rabbi is authorized to hand down a ruling contrary to Torah law, not

⁷¹Passow, Chajes.

even for the sake of winning over people or in order not to lose his following. All he may do, if he sees fit, is to refrain from reprimanding individuals for widely-prevalent transgressions.⁷²

Furthermore, classic Jewish tradition never considered the toleration of a minor transgression in situations of danger as tantamount to the outright abolition of the relevant law. The rabbinic codes expressly stipulate that the principle whereby such toleration is permissible applies only in the case of rabbinic prohibitions; however, under no circumstances can it be considered applicable to violations of Biblical precepts. Thus it was the rabbis, and not the Bible, that forbade Jews to order a non-Jew to perform work on the Sabbath, and even they originally excluded certain categories of work from that ruling. Hence, this prohibition may be modified in times of grave danger. Similarly, ha'aramah practices were forbidden only by the rabbis, so that an individual selling his hametz possessions before Passover in order to keep from having to give them away is not violating a Biblical law.

Thus, in all instances where a prohibition originated not in the Bible but with the Sages, the Sages have the authority to make exceptions. Consequently, Chajes cannot be labeled as an adherent of the "evolutionary" conception of halakhah simply because he cites principles of Talmudic

⁷²Kol Sifrei, II, 1021.

law which are rooted in a realistic consideration of human frailties in times of grave danger or major financial loss.

"Modernist" interpreters continue to point to principles collected and listed by Chajes in support of their claim that Chajes was at odds with the entire legal and historical procedure of Talmudic legislation. They cite Chajes' statement that rabbis have permitted certain practices incompatible with Talmudic rulings to spread unhindered, as long as those practices were supported by a minority opinion stated in the Talmud. On the basis of this statement they imply that Chajes was employing legal trickery in an attempt to sanction what was once forbidden, and was overruling Talmudic decisions of the past to suit the needs of the present. However, their claim does not correspond to fact. For in his summation, Chajes expressly states that the practices of which he speaks had their origins in minority decisions as interpreted by competent Talmudic scholars.⁷³ Clearly, then, it was not Chajes' intention to condone practices widely adopted for the sake of mere convenience and only subsequently given official sanction by the rabbis. As a matter of fact, he limits the admissibility of minority opinions in these situations to issues on which the court of Ashi did not take a vote.⁷⁴

⁷³ Ibid., I, 227.

⁷⁴ Ibid.

Chajes goes on to list other Talmudic principles which explain cases appearing to involve the nullification or setting aside of Talmudic law. Thus he refers to situations in which facts have changed in the course of time, changes which have effected corresponding modifications in relevant halakhoth. Thus, "all practices prohibited because of the dangers to life they were thought to entail, such as leaving liquids uncovered in a container and the taboo against 'doubles'⁷⁵ may be permitted . . . since we know that facts have changed and such practices no longer cause harm . . . and we are certain that if those Sages (i.e., those who enacted the prohibitions) were still alive, they would consent to the setting aside of their enactment, since they made the prohibition only in those countries where snakes were numerous."⁷⁶ However, Chajes hastens to add that, in instances where such an enactment has gained universal acceptance, even a change in facts is insufficient to invalidate the enactment (i.e., the prohibition), unless it were possible to reconvene a rabbinical court that includes all the scholars of that entire generation.⁷⁷ For

⁷⁵This prohibition on leaving liquids uncovered is based on the fear lest a snake or poisonous substance contaminate the drink. The latter prohibition is based on "demonological" considerations.

⁷⁶Kol Sifrei, I, 235.

⁷⁷One should, at this point, take note of the fact that Chajes does not necessarily consistently follow any one school of halakhic thought. Thus, in Kol Sifrei, I, 110,

lack of such a rabbinical court, enactments such as the one forbidding Jews living in the Diaspora to work on the second day of the festivals are still in effect although the original basis for the enactment no longer exists. The principal criterion here is the fact that this enactment has been universally accepted for centuries without lapse or interruption.

Chajes also defends the principle frequently invoked by R. Moses Isserles, according to which the threat of serious financial loss is considered sufficient basis for temporarily setting aside a prohibition, provided a precedent can be found in an earlier minority opinion.⁷⁸ To the superficial student, it may seem that Isserles made this principle applicable also to Biblical prohibitions. However, as Chajes is quick to point out, a more careful analysis of each case would show that the legislation basically involved was not Biblical but rabbinical.⁷⁹

he follows the opinion of Rabbi Abraham of Posqiers (see supra, p. 165) which accords absolute inviolability to taqqanoth which have been universally accepted. No later court, even one which is greater in wisdom, can revoke the earlier enactment. Yet, in Kol Sifrei, I, 233-35, he follows the view of those Talmudists who would, in certain circumstances, allow revocations even of taqqanoth which were initially universally accepted.

⁷⁸This practice was severely criticized by Hayyim bar Bezalel, the brother of the renowned MaHaRaL of Prague, in Vikuah Mayyim Hayyim (Amsterdam, 1711), in his attack on Isserles' Torath Hatath. He claimed that one must now be apprehensive lest the allowance in cases of severe financial loss would be loosely applied even to cases of minor loss.

⁷⁹Kol Sifrei, I, 231.

Thus far, we have refuted various attempts to portray Chajes as a revolutionary in his approach to halakhah. However, there is no denying that his halakhic writings contain subtle intimations of a "progressive" tendency in his views on Jewish law. Thus, while he is careful to state that the threat of financial loss can justify a violation of the law only if the law in question is rabbinic but not Biblical, he does mention that "notwithstanding the opinion of a few rabbis that the ban on work on the intermediate days of Sukkoth and Passover is a Biblical prohibition . . . still [the Sages] permitted work in cases of financial hardship . . . thus [Chajes concludes] the Sages considered [threatened financial] loss [as justification for exceptions] even in matters involving Biblical law."⁸⁰

This explanation is misleading. It is true that the prohibition to work on the intermediate days of the festivals is directly derived from Biblical law. However, the task of defining the types of activity to be considered "work" and therefore forbidden on those days was delegated to the Sages.⁸¹ Thus it is within the power of the Sages

⁸⁰Ibid., p. 232. Even though Chajes claims to have found support for this approach in the words of the classic commentator "Mordecai," the latter is only referring to the allowance of a rabbinic prohibition, lest one be led to the transgression of a Biblical injunction.

⁸¹The principle is known as mesaran ha-katuv la-hakhamim פ'נ"ח' אלהים רבין. See de Bouton's commentary Lehem Mishnah on Maimonides, Yad ha-Hazaqah, Hilkhoth Yom Tov, chapter vii, no. 1.

to declare that a given type of activity is not "work" and is therefore permissible. Accordingly, the example cited by Chajes is definitely not evidence that financial hardship can modify Biblical law.

This misunderstanding on the part of Chajes involves so elementary a halakhic fact that it is difficult to ascribe it to mere lack of information. Even the novice in Talmudic law is aware that the task of specifying the types of activity permissible on the intermediate days of festivals devolves on the Sages. Accordingly, the "example" cited by Chajes and the conclusions which he draws present something of a puzzle. The "example" entails an apparent misunderstanding of elementary principles of Talmudic law. The conclusion, however, implies a measure of downright radicalism, for no other recognized orthodox rabbinical authority would even think of the possibility that a Biblical law could ever be abrogated under any circumstances. Without jumping to unjustified conclusions ourselves, therefore, it would seem safe to state that Chajes' pronouncement indicates at least a subconscious tendency on his part to think in terms of "adjustment" and "modification" even when it comes to matters of halakhah. This tendency was a basic factor in the attitude that characterized and molded the haskalah movement. Thus it may be said that even while he played the role of rabbinical authority in the sphere of traditional halakhah, Chajes was definitely a part of the haskalah world.

In a similar manner, Chajes interprets a passage from Sha'agath Aryeh permitting certain types of activity on Rosh Hodesh (The New Moon) in cases of financial hardship as proof that threatened financial loss may set aside a Biblical prohibition. However, the author of Sha'agath Aryeh⁸² nowhere implies that performing work on the New Moon is now a transgression of Biblical law. As a matter of fact, he is careful to point out that the Biblical injunction against working on Rosh Hodesh was in force only as long as the Temple was in existence; after the cessation of the sacrificial service this prohibition was no longer in the "Biblical" classification. The author of the treatise then proceeds to explain why the prohibition of work on the New Moon is now no longer even regarded as "rabbinical [as distinct from the prohibition to work on the 14th day of Nisan, the day the Paschal offering was brought in the Temple].⁸³ At no point does the author of Sha'agath Aryeh sanction or justify those violations of the ban that occurred during the time when it still had the force of a Biblical prohibition. Once it has been established that the prohibition is no longer to be considered "Biblical" but only rabbinical, it is, of course, no longer surprising to find that the Sages are free to make allowances for financial problems in

⁸²Aryeh Leib ben Asher (1695-1785). He is cited in Kol Sifrei, I, 224.

⁸³Aryeh Leib ben Asher, Turei Even (Vienna, 1875), Megillah 22b.

the exercise of their legislative authority in this instance.

Here again Chajes seems to have based his conclusions on a misinterpretation of his source. However, one wonders whether he might not have, unconsciously, read into his source that which he would have liked it to say. What we already know of his mentality would make it conceivable that he was thus guided in his interpretation, which would, of course, have been categorically rejected by traditional Talmudic scholars.

Another example of misinterpretation on the part of Chajes is found in his discussion of the Biblical precept of Shemittah, which entails, among other things, the cancellation of all debts after every seven-year period. Chajes cites the great difficulty of observing this law in an age when most Jews were no longer engaged in agricultural pursuits but in commerce and money-lending as the reason why "this law has been abrogated, although no justification [for such action] is known" [emphasis mine].⁸⁴

It is somewhat surprising that anyone should attempt to justify the disregard of a Biblical precept on mere grounds of financial hardship. It is even more odd that Chajes should cite a specific passage in the Hoshen Mishpat as indicating that there is no legal justification for the "disregard" of Shemittah precepts. As a matter of fact, the very passage which Chajes cites goes on to list a number

⁸⁴Kol Sifrei, I, 224.

of explanations for this supposed "violation," and nowhere implies the absence of legal justifications for it.⁸⁵

The very idea that financial hardship should be cited as reason for disregarding a Biblical law does not seem to disturb Chajes. This is but another indication of his psychological bent toward accepting "adjustments of halakhah."

In his discussion of the problem, Chajes cites Rabbi Asher (1250-1328) as having waged a bitter but futile struggle against the neglect of the shemittah laws in his day. Chajes writes:

Since it is impossible to abolish this bad practice . . . [Rabbi Asher] ignored the issue and proceeded as if it had been agreed at the time the loan had been granted that the repayment of this loan would not be subject to the moratorium [provided for by the shemittah law].⁸⁶

Here, again, Chajes is under a misapprehension. Rabbi Asher was not referring to disregard of a Biblical law but merely utilized an exempting condition in the initial Biblical provision--an interpretation sanctioned by the Talmud.⁸⁷ For the Talmud lists cases where the formulation

⁸⁵Shulhan Arukh, Hoshen Mishpat, no. 67, sec. 1.

⁸⁶Kol Sifrei, I, 224. See Rabbi Asher, Teshuvot ha-Rosh, sec. 76, no. 2, 4, 5.

⁸⁷See Makkot 3b. *אין שבתה קבועה אלא בשבתה קבועה*
"אין שבתה קבועה אלא בשבתה קבועה"

Thus, Rabbi Asher is not disregarding a Biblical law; he is basing his decision on the Talmudic dictum which maintains that the law does not even extend to such instances. And it is the Talmudic Sages who serve as interpreters of the

of the terms of the loan could exempt this loan from the shemittah moratorium.⁸⁸ Thus, we see that Rabbi Asher is simply "legitimizing" a practice, no matter how evasive he considered it; and Chajes has no justification for claiming that the Biblical law could simply be disregarded without recourse to "legitimate" justifications.

Chajes also lists several laws from the Shulhan Arukh which, he claims, have fallen into disuse despite there being no legal basis or justification for it.⁸⁹ Yet, he himself submits possible explanations for some of these instances of "neglect," such as the fact that people no longer leave a part of their new home unpainted as a symbol of mourning for the destruction of the Temple.

Chajes' readiness to accept the neglect of a great number of Talmudic requirements--without any substantial legal justification--is indicative of an attitude definitely not characteristic of orthodox rabbis. Traditionalists consistently viewed the observance of Talmudic laws as a sacred duty, to be discharged even at great sacrifice. Each

mitzvoth of the Scriptures. Rabbi Asher as well as other traditional scholars would not halakhically entertain the thought of breaking a Biblical law under the pressure of practical considerations. But as in any legal system, which purposely leaves openings for legitimate evasions, one may utilize them. One who makes use of the oil depletion clause in United States Internal Revenue laws to evade payment of taxes is not committing an illegal act. So, too, Rabbi Asher was applying the exempting condition of the shemittah law, while Chajes was willing to accept evasion of this law as a violation of Biblical law.

⁸⁸Maimonides, Yad ha-Hazaqah, Hilkhoth Shemittah, chapter ix, no. 10.

⁸⁹Kol Sifrei, I, 230-31.

precept represented a binding obligation that could not be set aside without due legal justification.

It is of interest, in this connection, to note that many of the instances cited by Chajes as unfounded disregard of Talmudic law have been legally justified by such noted rabbinical personages as the renowned Hafetz Hayyim.⁹⁰

If many of the above-cited examples of Chajes' mentality indicate no more than a subtle tendency to accept the possibility of halakhic modifications, his historical-evolutionary orientation is clearly reflected in the distinction he makes between the halakhic patterns of Ashkenazic and Sephardic Jewry, which we have already discussed in detail in our chapter on Chajes and Reform Judaism.⁹¹

Nevertheless, it should be realized that these subtle indications of modernist attitudes toward the influence of circumstances on halakhah are rather few in comparison with the many instances in which Chajes staunchly defends the irreversibility of Talmudic legislation. He constantly stressed that rulings handed down by the vote of a "full" rabbinic court, and those taqqanoth and gezeroth which gained universal acceptance among the Jewish people, are not subject to modification.

⁹⁰Israel Meir Kagan, Mishnah Berurah (New York, 1952). See no. 158, sec. 4 for an example whereby the author cites authorities who justify neglect of the practice of washing one's hands prior to the consumption of certain types of food. Yet Chajes listed this very case as an example of a ritual which has been abandoned without any justification.

⁹¹Supra, pp. 32ff.

In the light of the many inconsistencies in Chajes' own halakhic writings, it may be of interest to cite one of his own interpretations of a Biblical text, inasmuch as it sheds light on his personal position.

The passage from Zekhariah 3:7 reads:

If you will follow in My path (the path that I have ordered), if you will guard it . . . I will grant you places to walk amongst those who stand still.

וְיָרַדְתָּ אִתָּם אֶל אֵלֵיהֶם בְּיַד הַדְּרוֹמִים

On this, Chajes comments:

I have already shown that the early Sages temporarily suspended certain laws if circumstances so required . . . however, it was understood by all that they were not seeking their own benefit [when they made those rulings] . . . but nowadays . . . they are only interested in easing their burden, and therefore they meet with rebuke from the orthodox. Therefore, the prophet means to say that if the leaders will act in the proper way, they will be granted the ability to walk [proceed] in keeping with the needs of the age [but at the same time remains] among those who stand still, namely, among those, who . . . reject innovations; [that is], there will be no grounds [for the orthodox] to look with suspicion upon such a man.⁹²

As Horace put it, De te fabula narratur--of you the tale is told. Chajes' comment seems to describe the leader he himself wanted to be--a defender of orthodoxy who would be so greatly respected by the orthodox that he would be in a position "to walk amongst those who stand still"; i.e., to introduce changes even within orthodoxy when the hour demanded it.

A further indication of Chajes' self-image is revealed in his correspondence with Rabbi Schreiber concerning

⁹²Kol Sifrei, I, 278.

the permissibility of delays in the burial of the dead. While Schreiber asserts that such delays involved transgressions of a "positive" commandment or prohibition, Chajes maintains that they entail the transgression of a prohibition only. In reply, Schreiber writes that although most authorities had not agreed with his own "harsh" conclusion (i.e., that the delay involved a double transgression) one could not ignore the fact that such scholars as Nachmanides had expressed views similar to his. While one could not base any practical conclusions on Nachmanides' opinion, because it dissented from most of the Commentators, Schreiber says, "it is, nevertheless, well to mention the double transgression."⁹³ Chajes questions the value of this emphasis, claiming that "it is not correct . . . to say that something which only entails the violation of a prohibition also involves the transgression of a positive commandment, for even though our Sages employed harsh words [to discourage certain practices] . . . they took great care to distinguish between rabbinical and biblical law even when [that distinction] was of no substantial significance [in the case in question]."⁹⁴

Chajes' comments in this correspondence may possibly show him to be not so much a champion of intellectual

⁹³Ibid., p. 266.

⁹⁴Ibid., p. 270. We would like to note that the incoherence in the statement is not a result of our translation, but is inherent in Chajes' own text. He begins to discuss double transgressions and concludes with Biblical and rabbinic law.

honesty as an advocate of "soft-pedaling" categorical emphases and of greater leniency in issues of Jewish law.

Until this point, our presentation of Chajes' views on Talmud and halakhah make him appear merely as a man of doctrine and law. His primary interest in discussing Talmud seems to be that of stressing the binding nature of its legislation--notwithstanding allowances for certain modifications--on all Jews throughout the ages. Furthermore, in contrast to Krochmal, the historical aspects of halakhah do not seem to interest him. This impression is, however, not true. For like Krochmal, Chajes, too, studies the historical development of halakhah throughout the ages. It is, however, of interest to note that even while pursuing the historical end of Talmudic matters, Chajes injects "doctrine" into his analyses, while Krochmal comes forth as the more pure historian. Chajes cannot remain oblivious to the fact that tracing the history of halakhah involves so cardinal an article of faith as the Sinaitic origin of Oral Law. Whatever their basic difference in approach may be, they at least pursue identical topics in their attempt to study the categories and history of halakhah.

A significant example which illustrates both the differences and the similarities between them is that of their views on the origins of halakhah. Chajes and Krochmal accept the tenet of the Sinaitic origin of the Oral Tradition.⁹⁵ Both offer the same interpretation of the Talmudic passage according to which the Torah as taught and explained

⁹⁵Chajes, introduction to Torath Nevi'im; Krochmal, MNZ, p. 162.

by all future generations had already been imparted to Moses on Mount Sinai. They both agree that this passage is not to be taken literally, but rather as implying that all later halakhic derivations were no more than "branches" of a "root," that had been imparted to Moses by G-d Himself.⁹⁶

Thus, both Chajes and Krochmal start out by accepting the orthodox view of the origins of the Oral Tradition. However, in the course of developing their respective theses, Krochmal sharply deviates from this doctrine. As Rawidowicz correctly pointed out, he accepts the Sinaitic origin of the Oral Tradition, but his attempts to trace halakhah to its origins do not go back to Moses; they stop at Ezra and the Latter Prophets.⁹⁷ Similarly, Krochmal finds himself unable to reconcile the literal acceptance of the concept of halakhah le-Mosheh mi-Sinai with his modernist historical views, and therefore interprets it simply as a metaphor conveying the great antiquity of the Oral Tradition.⁹⁸

Krochmal uses halakhic arguments to support his interpretation of the concept. How, he asks, could prohibitions of this category, such as the taboo on "doubles," be subjected to debate and even be altogether abrogated,

⁹⁶Chajes, Kol Sifrei, I, 289; Krochmal, MNZ, p. 185. See also Chajes' Comments to the Talmud, Berakhoth 5. Both interpretations are in explanation of the Talmudic passage in Megillah 19b.

⁹⁷Rawidowicz, Kitvei RaNaK, p. cxliv.

⁹⁸MNZ, p. 183.

which they have been, unless one denies the literal interpretation of halakhah le-Mosheh mi-Sinai? Could one ignore injunctions of truly Mosaic origin? To substantiate his point and confer respectability on what is actual heresy from the traditional point of view, Krochmal cites Rabbi Asher as having said in one of his rulings: "We have nowhere found a halakhah le-Mosheh mi-Sinai [in this matter] . . . it [the Mishnah] should [therefore] be interpreted as if [emphasis mine] it were such a halakhah."⁹⁹ In other words, the concept of halakhah le-Mosheh mi-Sinai, according to Krochmal, is never to be taken literally.

Chajes, on the other hand, never casts doubt on the literal interpretation of the concept; nevertheless, he shows an awareness of the halakhic problems raised by Krochmal. He deals with the topic quite extensively and presents a list of all relevant cases. In this list he includes the taboo on "doubles." He adds that, occasionally, the term halakhah le-Mosheh mi-Sinai was, indeed, employed to refer to a rabbinic legal decision rather than to an actual tradition deriving from Moses. Here, Chajes' reasoning follows the same pattern as that of Krochmal, for, among other things, he declares: "And we are not careful in this matter nowadays. How, then, could it be a halakhah le-Mosheh mi-Sinai?"¹⁰⁰

⁹⁹Ibid. Rabbi Asher's quote appears in his comments to the tractate Niddah, Hilkhoth miqva'oth no. 1.

¹⁰⁰Kol Sifrei, I, 121. The general discussion appears on pp. 111-24.

The basic difference between the views of the two authors is that while Krochmal accepts such cases as the taboo on "doubles" as the norm, Chajes regards them as exceptions to the rule. Thus, Chajes also cites the ruling of Rabbi Asher mentioned by Krochmal, but he refuses to accept it as the general principle governing the definition of halakhah le-Mosheh mi-Sinai;¹⁰¹ he limits the validity of Rabbi Asher's assertion to the specific case mentioned.

Like Krochmal, Chajes raises simple historical-chronological problems. How could enactments be designated as halakhah le-Mosheh mi-Sinai if they had originated at a later date? He solves the problem by interpreting the term, in such cases, to imply that the enactment was to be regarded as if it had been handed down by Moses at Mount Sinai.

Both Chajes and Krochmal turn to the problem of practices designated in the Talmud interchangeably as halakhah le-Mosheh mi-Sinai and "rabbinic."¹⁰² In fact, here, they even employ the same cases in point. But they do not come up with the same solution. Chajes reconciles the apparent contradiction by stating that the general principle governing these cases is derived directly from Moses, and that only the formulation of the details had been left to the

¹⁰¹See also Chajes' Comments to Haggigah 3b.

¹⁰²Halakhic measurements are classified "mi-Sinai" in Yoma 80a; they are also classified as "rabbinic" in Kilayim, chapter x, mishnah 10.

Sages.¹⁰³ Krochmal, on the other hand, regards this interchangeable use of two different concepts as further proof of his thesis that the term halakhah le-Mosheh mi-Sinai should not be construed literally but should be interpreted simply as denoting the antiquity of that law or, more specifically, as referring to a law dating from the same time as the divrei soferim.¹⁰⁴

At a later date, the definition of the concept halakhah le-Mosheh mi-Sinai was to become a major issue of contention between Rabbi Samson Raphael Hirsch and Zechariah Frankel.¹⁰⁵ Frankel, too, interpreted it in metaphoric rather than literal terms. It is also interesting to note that this very issue is discussed by Rapoport in a correspondence with Chajes' son. Rapoport, too, notes the interchangeable use of halakhah le-Mosheh mi-Sinai and "rabbinic" in connection with certain practices and concludes that in such cases, halakhah le-Mosheh mi-Sinai always refers only to the principle in general but not to its details.¹⁰⁶

¹⁰³ Kol Sifrei, I, 116.

¹⁰⁴ MNZ, p. 183.

¹⁰⁵ Samson Raphael Hirsch, ed., "Anmerkung der Redaktion," Jeschurun, VII (Shvat, 1861), pp. 252-69.

¹⁰⁶ Solomon Rapoport, "Peletath Soferim," ha-Carmel, II (1873), p. 27. Years later, Rapoport defended Frankel against Hirsch's attacks in a special work entitled Divrei Shalom ve-Emeth (Prague, 1861). He claims that Hirsch misrepresented Frankel's view, insofar as the latter never denied actual Mosaic origin to many halakhoth. In defense of Frankel's views, he states his own thesis that "only the

Here, too, we find that although he was willing to give a hearing to the views of modern scholarship, Chajes chose to adhere to the base of tradition. While Krochmal was led by historical and scholarly considerations to question the Sinaitic origin of the Oral Tradition, Chajes stressed its Mosaic provenance in the literal sense of the term.

As already noted, Krochmal considers the concept halakhah le-Mosheh mi-Sinai synonymous with divrei soferim. More specifically, he identifies divrei soferim as the earliest phase of the Oral Tradition, dating from Ezra, when halakhoth had not as yet been formulated in one standard version but were merely discussed in weekly sermons on laws and customs to large audiences.¹⁰⁷

In other words, in Krochmal's view, the soferim did not lay down halakhic principles but merely explained, and elaborated upon, those commandments which were already mentioned in the Biblical text itself. Thus, for instance, in the case of the Biblical commandment in which we are only told to set the word of the Lord daily "as a sign" upon the hand and "between thy eyes," the soferim took upon themselves

general principle . . . was transmitted to the Great Synod, and they in turn transmitted . . . but the proofs and evidences . . . were presented by the generation of the Great Synod itself" (p. 5).

¹⁰⁷ Krochmal does not deny earlier halakhic knowledge among Jews, but he limits it to the tribe of Levi. See Kol Sifrei, I, 178-79. Moreover, Krochmal is careful to distinguish between divrei soferim and hilkhoth soferim.

the task of specifying the details of how this commandment was to be observed; that is, they introduced the phylacteries, explaining how they had to be made and how they were to be used in keeping with the Biblical precept.

Chajes, too, views the role of the soferim to be that of explaining the details of such tersely-stated Biblical commands as the use of phylacteries, but he clearly sees their activities as limited to the establishment of asmakhta¹⁰⁸ or hermeneutical derivations and does not view the soferim as initiators of halakhah per se. Thus, Chajes states that "it is impossible that the Almighty [should have] ordered the writing of the phylacteries . . . and then would give no specific explanations of how the commandment was to be observed . . . and although the Sages have attempted to derive these practices [from the original precept] by means of hermeneutics, one must still ask . . . can one imagine that the mitzvah of putting on phylacteries was not properly performed prior to the application of hermeneutics?" One is therefore forced to conclude, Chajes goes on, that "Moses, Phineas, Joshua . . . never had any doubts about the way the mitzvoth commanded in the Torah were to be performed, because [these details] had all been transmitted orally from Mount Sinai and had been handed down orally from generation to generation. However, the Sages wanted to find

¹⁰⁸This term literally means "support," and refers to the finding of a Biblical source for a given practice.

a way of relating these traditions to the Written Law" (and therefore introduced hermeneutical derivations).¹⁰⁹

Thus, in Chajes' view, the Sages simply established asmakhtoth or hermeneutical derivations relating the details of the Oral Tradition to the broad outlines of the Written Law. Krochmal, on the other hand, seems to imply that the soferim had acted as initiators of halakhah itself.¹¹⁰ This is a logical consequence of Krochmal's refusal to accept the literal interpretation of the concept halakhah le-Mosheh mi-Sinai.

Chajes' definition of divrei soferim is much broader than that offered by Krochmal; it does not call for an explicit differentiation between it and the halakhic midrashim of later Tannaites. He accepts Maimonides' definition, according to which "all that is not expressly explained in the Torah is classed as divrei soferim . . . this includes . . . the halakhoth handed down from Moses and the enactments of the Sages."¹¹¹ However, Chajes does not adopt this definition without qualifications. He limits the designation of divrei soferim to those halakhoth in which the

¹⁰⁹Kol Sifrei, I, 286.

¹¹⁰In spite of the fact that Krochmal bases part of the soferim's authority on their chronological closeness to the Prophets "from whom they received [emphasis mine] the Torah" (MNZ, p. 174), the evasiveness of any further commitment is very suspicious. Moreover he repeatedly refers to the need for explanation of laws so that the mitzvah may be properly performed.

¹¹¹Maimonides, Commentary to the Mishnah, Keylim, chapter xvii, no. 12.

Sages applied the canons of interpretation and did not merely act as "transmitters" of the law. Accordingly, Chajes excludes from this category all the halakhoth le-Mosheh mi-Sinai of which there is no mention at all in the Biblical text. He accepts as divrei soferim only those halakhoth le-Mosheh mi-Sinai, which have some association with the Biblical text and to which the Sages added their own contribution.¹¹²

As opposed to Krochmal's system of dating the evolution of halakhah from the earliest divrei soferim to the more complex halakhic midrashim, orthodox tradition has viewed halakhah and its formulation as a continuing process which began at the time of the Revelation at Mount Sinai and not as a development of a subsequent era in Jewish history. Accordingly, such orthodox authorities as Samson Raphael Hirsch have attempted to prove that even the thirteen canons for the interpretation of the law were handed down from Mount Sinai.¹¹³ Others, too, have stated that "the rules in accordance with which the Oral Law is derived from the Written Law were handed down from Mount Sinai"¹¹⁴ Chajes' own statement, in a different context, to the effect that "when Joshua died, he taught the Elders . . . and there has been no age [emphasis mine] in which there was no

¹¹²Kol Sifrei, I, 134.

¹¹³Hirsch, "von Gottlieb Fischer," Jeschurun, VII (1861), pp. 470-91.

¹¹⁴Strack, Talmud and Midrash, p. 95, citing Israel Unna, in Joseph Wohlgemuth, ed., Jeschurun, VI (1919), p. 459.

investigation of these matters, and the scholars of each generation . . . learned and drew new conclusions . . ."115 presents a striking contrast to Krochmal's assertions limiting the hermeneutic derivation of "new conclusions" to later periods in Jewish history.

Krochmal was not unaware of the fact that his views were a deviation from accepted tradition. Accordingly, he felt it necessary to justify them. Citing several passages from Talmud which indicate that formulated halakhoth existed at a very early date, Krochmal explained that he was not categorically denying the possibility that there were such early halakhoth; he was interested primarily in establishing the latest possible date for their origin. On the other hand, he asserted that "it is quite inconceivable that the details of laws were already formulated in halakhic style as early an age as the days of the First (Jewish) Commonwealth." Moreover, he rejected aggadic sources (such as the halakhoth revived by Atniel)¹¹⁶ as valid evidence proving the early existence of halakhoth, since "it is probably erroneous to take them literally."¹¹⁷ Such aggadic statements, Krochmal asserted, are usually metaphoric in nature and therefore cannot be accepted as valid historical evidence.

The same historical approach which brought Krochmal to submit late dates for the formulation of halakhoth also

¹¹⁵Kol Sifrei, I, 112-13.

¹¹⁶See Temurah 16a.

¹¹⁷MNZ, p. 179.

led him to reject other Talmudic statements. Thus, he claimed that taqqanoth ascribed to Moses or other Biblical personages had not really been composed by these individuals but had merely been "linked, by hermeneutics . . . to the earliest possible date at which there were both a possibility and a need for such enactments." Thus, the Talmudic assertion that the Grace after Meals had been introduced by Moses merely meant that "there was already a need [for such a prayer] in his day . . . [but] in actuality, the text of the Grace does not date back to Moses."¹¹⁸

Like Krochmal, Chajes tended to the "historical school," but unlike Krochmal, he refused to dismiss the traditional view of the origins of this benediction. He categorically stated that "the text of the Grace after Meals . . . is the enactment of Moses."¹¹⁹ In addition, he set down a list of other enactments ascribed to Biblical personalities.¹²⁰

On the other hand, when Chajes was asked why he had excluded one of King Solomon's enactments from his list of taqqanoth by Biblical personages, he replied:

¹¹⁸Ibid., p. 184. The Talmudic passage which ascribes the introduction of Grace after Meals to Moses appears in Berakhoth 48b.

¹¹⁹Kol Sifrei, I, 173.

¹²⁰One may note here that Chajes' list of rabbinic enactments (Kol Sifrei, I, 305) mistakenly ascribes the taqqanah of ketubah to Shimon ben Shetah. See Jacob Werdiger, Eyduth le-Yisra'el (2d. ed.; Israel, 1965), p. 9.

If we would want to include [in the list] all the prayers attributed by various authors to the prophets and to the Tannaim, their number would be great. However, we cannot definitely ascertain these matters as long as we know of no [pertinent] source from Hazal [the writings of the Sages] I have, therefore, decided to include [in the list] only those enactments [actually] mentioned by our Sages.¹²¹

Thus we see that while Chajes was more conservative than Krochmal in that he accepted aggadic material as a historic source, he tended to the "critical" view in that he did not blindly accept all historical data that were not expressly set down in the Talmud. He was willing to question the authenticity of extra-Talmudic sources, even of those widely accepted in traditional circles.

Before leaving the discussion of Chajes' views on the origins of the various categories of halakhah, it might not be out of place to discuss briefly his view on the chronological relationship between halakhah and midrash. There have been many diverse views on this subject, even among the orthodox themselves. Thus, Halevy insists that the midrash was not the source of halakhah, while Meir Leibish Malbim (1809-1879) states that the midrash was a source of halakhah, for the midrash reveals the manner whereby the Oral Tradition is founded on the Biblical writings.¹²² Kalman Kahane

¹²¹Kol Sifrei, II, 964-65.

¹²²Halevy, Doroth ha-Rishonim, V, 234ff. On p. 487, he states that "in cases of any question or doubt . . . they resolved the issue by an interpretation of the early nucleus of the Mishnah accepted by all or in accordance with the version of the Oral Torah as it had been transmitted to them . . . and the hermeneutics were merely a hint . . . and never

characterizes Chajes' own view on the subject as midway between the two extremes, in that he designates the source of certain transmitted halakhoth as mere asmakthoth (i.e., finding a basis a posteriori) while, on the other hand, he establishes a category of halakhoth based on hermeneutics.¹²³

If there are sharp differences between Chajes and Krochmal regarding the early origins of halakhah, they tend to agree on numerous specific issues in the realm of halakhic terminology and history. Thus, in opposition to Rapoport, both Chajes and Krochmal place the rise of the Torah centers in Babylonia at an early date.¹²⁴ Both also offer the same distinction between tigen and hitqin.¹²⁵

Of still greater significance for purposes of comparison are the views of Chajes and Krochmal concerning the "strata" of the Mishnah. Both authors indicate--though neither one makes reference to the other--that certain Orders (of law) existed even prior to the official compilation of the Mishnah by Rabbi Judah the Prince.¹²⁶ Likewise, both

served as the sole basis of any conclusion." He continues to explicitly state that throughout the Tannaitic period, halakhic decisions were not based on hermeneutics nor on the thirteen middoth (p. 545). Meir Leibish Malbim's opinion, to the contrary, appears in his Commentary on Pentateuch, Leviticus, Ayeleth ha-Shahar, iii (in New York, 1950 edition).

¹²³Kalman Kahane, Heger ve-Iyyun (Tel-Aviv, 1960), p. 62.

¹²⁴Kol Sifrei, II, 519; MNZ, p. 187; Rapoport, "Letter Ten," Kerem Hemed, VI (1841), p. 143.

¹²⁵Kol Sifrei, I, 307, 948; MNZ, p. 184.

¹²⁶Kol Sifrei, I, 346; MNZ, p. 188.

authors speak of early arrangements of entire tractates such as Keylim, Eduyoth, Middoth, Uqtzin, and Tamid, that were completed before Rabbi Judah's time.¹²⁷ They also list the same terse, "stenographic" phrases in certain mishnayoth as the nucleus for later additions.¹²⁸ They even offer the same interpretation of a Talmudic passage which to them seems to indicate that Rabbi Judah the Prince incorporated earlier standardized texts of the Mishnah into his own version.¹²⁹ Both attribute the many conflicting halakhic verdicts found in the Mishnah to the circumstance that there were several "schools" responsible for the arrangement of the halakhoth. Each school reflected its own views in its text, which was then incorporated into the final edition of the Mishnah. Chajes and Krochmal further agreed that these unreconciled conflicts between the schools were due to the circumstance that it was impossible to convene a "full" assembly of sages at the time. Thus, they point to the unstable conditions that prevailed during the early period of Greek rule in Palestine as an explanation why the case of the sacrifice in the days of Yose ben Yoezer remained unresolved although the Sanhedrin was still officially in existence.¹³⁰ Whenever it was impossible to convene a "full"

¹²⁷Kol Sifrei, I, 347; MNZ, p. 192.

¹²⁸Kol Sifrei, I, 346; MNZ, p. 178.

¹²⁹Kol Sifrei, I, 111. See also his Hagahoth to Tractate Shabbath 21b, Yevamoth 9a; MNZ, p. 200.

¹³⁰Kol Sifrei, I, 103, 366; MNZ, p. 178. The issue

assembly of sages, differences between the various schools remained unresolved.

Judah the Prince was thus faced with the herculean task of coordinating earlier Mishnaic texts in order to create one unified and comprehensive work. Both Krochmal and Chajes accept this as fact. Krochmal, however, has some criticism to offer. He maintains that, in his attempt to retain the "flavor" of the various texts, Judah the Prince failed to create a really new edition or a lucid style. This harsh appraisal of Judah's editorial work is also found in the works of later scholars.¹³¹ Chajes, however, disagrees with Judah's detractors: like all traditionalists, he has the greatest respect for Judah's contribution, and sternly rebukes Samuel David Luzzatto for his disparaging remarks about Judah's "conceit" as shown in the arrangement of the Mishnah.¹³²

Krochmal's analysis of the "stages" and strata of halakhah is much more detailed than that of Chajes. Chajes stated his intention to devote a separate work to a study of the arrangement of the Mishnah.¹³³ This probably was the reason why he merely alluded to the subject in his writings,

of "the sacrifice" refers to the problem concerning semikhah as a performance in the sacrificial rite. See Sanhedrin 87.

¹³¹Jehiel Weinberg, "Meqoroth ha-Mishnah ve-Derekh Siddurah," Talpioth, VII (Tishrei, 5718), pp. 77ff.

¹³²Kol Sifrei, I, 390.

¹³³Ibid., II, 548.

leaving detailed analyses for that special work. However, we do not know that Chajes ever wrote such a treatise.

In his studies on the arrangement of the Gemara, Chajes makes use of the line of reasoning followed by Krochmal in relation to the Mishnah. Admittedly, the conflicting halakhic rulings on one and the same topic found in the completed text of the Mishnah and the Gemara do present a puzzle to the novice in the field. However, those familiar with Talmudic studies know the reason for this: the final edition of the Talmud is nothing more than a compendium of various selections from earlier texts.¹³⁴

It is on this basis that Chajes contrasts the Babylonian with the Palestinian Talmud. Rav Ashi, the redactor of the Babylonian Talmud, did no more than arrange the available material into main categories; he incorporated details of earlier compilations, unchanged, into the final form of the work. It should not be surprising, therefore, that views expressed in one tractate do not cite relevant quotations or documentation from other tractates. Rabbi Johanan, the editor of the Palestinian Talmud, should have a system of cross-references and fewer inconsistencies than the Babylonian work.¹³⁵

It is interesting to note, however, that the late Jacob N. Epstein has other views concerning this aspect of

¹³⁴Strack, Talmud and Midrash, p. 71.

¹³⁵Kol Sifrei, I, 349.

the Palestinian Talmud. "There is no doubt but that we have more than one edition of the Palestinian Talmud," he writes, ". . . as in the Babylonian [we have] several strata and arrangements from various schools [Thus], Zachariah Frankel already recognized, in Neziqin, an edition differing from the remainder [of the text]."¹³⁶ Epstein then concludes that the version of the Palestinian Talmud seen by the redactors of the Babylonian Talmud was not the Palestinian text as we know it today, but one of the earlier versions. This view is quite significant when one considers that the supremacy of the Babylonian Talmud over the Palestinian Talmud rests on the fact that the redactors of the former were completely familiar also with the latter code.¹³⁷ It was this supremacy of the Babylonian Talmud that Chajes staunchly defended.

Although Chajes makes reference to earlier texts of the Talmud, he does not make an effort to identify each of the earlier authors or the nature of their work. Like Chajes, Krochmal accepts the existence of earlier versions and asserts that "by the time of Rabbi Ashi . . . the Gemaroth . . . were established and arranged in the form in which we have it today."¹³⁸ Thus, Krochmal and Chajes both

¹³⁶Epstein, Sifruth ha-Amoraim, p. 279.

¹³⁷In modern times, this alleged supremacy of the Babylonian Talmud has often been contested. See infra, pp.284ff. It is of interest, however, to note that Chajes accords this supremacy to the Talmud alone and expressly excludes the Beraita.

¹³⁸MNZ, p. 219.

regard Rabbi Ashi not as the sole compiler of the Talmud but only as a "later editor." This same view has been set forth by such recent scholars as Epstein and Abraham Weiss. Epstein asserts that Ravina and Rav Ashi, "assembled most of the earlier material, mostly in its original form (just as Judah the Prince had done with the Mishnah), explained it and arranged it."¹³⁹ Weiss takes great pains to show that the Talmud is a composite of various layers, and strongly rejects the hypothesis that the Talmud, as we know it today, all represents the work of one editor who arranged it from beginning to end, without the benefit of earlier complete texts.¹⁴⁰

Neither Krochmal nor Chajes view Ashi's arrangement of the Talmud as more than a mere extension and regrouping of earlier versions. It was Halevy's unique contribution to point out that most modern scholars in the history of the Talmud--and this would include Chajes--fail to note the important distinction between merely arranging laws for purposes of classifying, and codifying laws with the object of actual legislation. To Halevy's mind, this thesis serves as a point of departure for a penetrating analysis of the basic difference between the arrangement of the Palestinian Talmud and that of the Babylonian Talmud. While the Palestinian Talmud was merely "arranged" for purposes of

¹³⁹Epstein, Sifruth ha-Amoraim, p. 12.

¹⁴⁰Abraham Weiss, Hithavuth ha-Talmud bi-shelamuto (New York, 1943), pp. 37-43.

classification, the Babylonian Talmud was put together as a completed code not open to amendment. In most instances, it is true, Ashi merely confirmed earlier texts; however, it was his unique function to pass "upon all that is pertinent to the halakhah and clarify all doubts and questions concerning texts as well as content."¹⁴¹

Although Chajes holds that the Talmud was "closed" about seventy years after Ashi's death, he accepts the possibility that the final edition of Tractate Tamid did not come into being until the Geonic era, at least a century later. Chajes makes this statement only en passant, in an attempt to prove that the Talmud was set down in writing after the era of the Amoraim. To support his view of Tractate Tamid, he cites the fact that most of the Talmud lacks cross-references, whereas such references abound in Tamid.

We do not find this practice [i.e., explicit cross-references] anywhere in the [rest of the] Talmud. When references do occur, [the text] does not cite a specific tractate but only [uses the vague designation] sham ["there"] Only in Tractate Tamid do we find clear references, i.e., "as it is written in Tractate Yoma" [Therefore] Tractate Tamid [must have been] put in its final edition . . . only after the rest of the Talmud had been recorded.¹⁴²

However, the above is insufficient evidence for Chajes' thesis. It may be that the particular passage or passages in which the reference to Tractate Yoma appears may have been added in the Geonic era. But one cannot use a specific

¹⁴¹Halevy, Doroth ha-Rishonim, III, 120.

¹⁴²Kol Sifrei, I, 347.

passage as a basis for generalizations about an entire tractate. Moreover, most of the Geonic embellishments usually refer to halakhoth which are not dependent on the existence of a Temple in Jerusalem. Why, then, should a tractate like Tamid, which is devoted to laws concerning the offering of sacrifices in the Temple, have been the only one to be edited in its entirety by the Geonim?

The establishment of a date for Tractate Tamid has engaged the attention of later scholars such as Zechariah Frankel, who also sets a later date--the era of the Saboraim--for its final edition.¹⁴³ Weiss, however, insists that "the Talmud for Tractate Tamid was already created in the Amoraic period." Citing Chajes by name, Weiss notes that

this theory has already been rejected on the grounds presented in our text. Furthermore, assuming one accepts this theory, one fails to understand why the authors of that later era should not have made use of other Talmudic tractates and why they should have failed to introduce relevant passages scattered throughout the rest of the Talmud.¹⁴⁴

Appreciative as he was of system and order, Chajes believed that the Talmud followed a definite pattern. He assumed that even the sequence of topics must be subject to some sort of logical continuity. Hence he concluded that any passage or passages which ran counter to this principle had to be later additions to the original text. Occasionally,

¹⁴³Frankel, "Beitrage zu einer Einleitung in den Talmud," p. 186.

¹⁴⁴Weiss, Hithavuth ha-Talmud, p. 53.

he so indicates in his comments on the Talmud, even if he bases his view only on a semantic similarity.¹⁴⁵

Summary

It was Chajes' primary concern to bring system and order to the vast area of Talmudic study, to demonstrate the Sinaitic origin of the Talmud, and to show that the Talmud was immutable and yet sufficiently elastic to meet changing needs. In Torath Nevi'im he dealt with the inviolability of halakhah, showing that not even the Prophets were qualified to make changes in it. In Mishpat ha-Hora'ah and Darkei ha-Hora'ah he set forth the principles of Talmudic legislation and the extent to which modification of Talmudic law is permissible. In Mavo ha-Talmud he listed the components of the Oral Tradition. Obviously, Chajes' basic motivation in his studies was religious and theological in nature. Seeking to defend the sanctity of orthodox religious observances from the inroads of Reform and haskalah, Chajes expounded the supremacy of the Talmud--the basic source of Jewish observance--in Jewish law and tradition. It is this attitude toward the Talmud that sets him apart from his colleague Nahman Krochmal who, in studying the development of halakhah and its role in Jewish culture, failed to emphasize the implications of its hatimah or "closure"

¹⁴⁵Berakhoth 9a. For additional examples of this principle see Zvi Perez Chajes, "Hagahoth," p. 175. See also Kol Sifrei, I, 343.

to subsequent change or amendment. Though Chajes and Krochmal shared many interests and held many views in common, the difference between Chajes the rabbi and Krochmal the historian is clearly demonstrated by their attitudes toward Talmud and halakhah.

Nevertheless, the close association with Krochmal did not fail to have some effect on Chajes' views. Although Chajes was outspoken in his attacks on those who disregarded Talmudic law or denied its Sinaitic origin, his writings carry an undertone of the very "historic-evolutionary" approach which he so strongly opposed. Thus he came to misinterpret traditional sources, claiming to find in them legal precedents for permitting economic considerations to overrule even such Bible-based observances as shemitath kesafim, the ban on work on the eve of the New Moon, and on the intermediate days of the festivals. Thus Chajes appears in the role of the traditional rabbi among the maskilim, as well as the maskil among the traditional rabbis.

CHAPTER V

AGGADAH IN THE WRITINGS OF RABBI CHAJES

It is Chajes' study of aggadah more than halakhah that best shows the dualism in his attitude regarding the place of critical research in Jewish studies. The special status of aggadah is a frequently recurring theme in his writings. The specific problem which engaged the attention of Chajes and his contemporaries, Krochmal and Rapoport, was the authority to be accorded to aggadah as compared to that of halakhah, and the extent to which the historical approach could be applied to the analysis of specific aggadic texts. The views expressed by these three scholars had so much in common that some accused them of plagiarizing each other's ideas.¹

A study of Chajes' views on aggadah will help trace his role as harbinger of the new even while he refused to reject the old; or, more precisely, it will answer the

¹Solomon Judah Rapoport, "Mikhtav Gimel," Jeschurun, Zeitschrift für die Wissenschaft des Judentums, II (1856), p. 44. Rapoport accused Chajes of utilizing the material on "Aggadah" which appeared in his Erekh Milin, and which Chajes saw in manuscript form. The renowned historian, Isaac H. Weiss in Dor Dor ve-Dorshav, II (Vienna, 1876), 204, maintains that Rapoport's work, in turn, was based upon Krochmal's theories, though disguised in form to conceal its actual origin. See also Simon Bernfeld, Toledoth Shir (Berlin, 1899), p. 31. Attempts to refute Weiss' accusations appear in N. S. Leibowitz, Iggereth Biqqoreth (2d. ed.; Jerusalem, 1929), pp. 25-27.

question whether Chajes' views were sufficiently different from those of Krochmal and Rapoport to justify his description as a champion of traditionalism.

For a deeper understanding of the issues involved in Chajes' writings, it may be worthwhile to present a brief survey of the various views on the place of aggadah in Jewish learning held by Jewish scholars of earlier times. Classic Jewish sources posit the supremacy of Talmudic authority in the realm of halakhah as a basic undisputed tenet of Judaism. The denial of this tenet by dissident elements led to the Karaite schism of the eighth century.

However, many of the sages who stressed the absolute authority and immutability of halakhah were willing to make certain exceptions as regards aggadah. Thus, Samuel ha-Nagid (993-1056) wrote:

[As for] halakhah . . . it is not yours to add or detract therefrom. But as to what the Sages explained in connection with the Biblical text, each of the Sages spoke as he saw fit. As for us, we accept those explanations that seem logical to us and disregard the rest.²

No less an authority than Rabbi Sherira asserts that some aggadoth are merely "assumptions."³ His son, Rabbi Hai Gaon, expressed a similar opinion, as did Nachmanides, Bahye ibn Paquda, and Judah ha-Levi.⁴

²Mavo ha-Talmud. This work is appended to the standard Vilna edition of the Babylonian Talmud, Tractate Berakhoth.

³This is cited by Azariah de Rossi, Me'or Eynayim (Warsaw, 1899), p. 180.

⁴For Hai's opinion see Teshuvoth ha-Geonim (Lyck

In a later age, Azariah de Rossi (1514-1578) cited the above authorities to justify his own critical studies. Surveying the geographical and historical knowledge that was accumulating during his own time, de Rossi came upon many facts that seemed to contradict statements made in the Talmud. In an attempt to reconcile these contradictions, without infringing upon the authority of the Talmud, he made the assertion that while halakhic texts are irrefutable, aggadah merely represents expressions of individual opinion. Accordingly, he admitted that the aggadah might contain some errors. Although he did not consider himself an innovator in this field, his statement was regarded as a "rather daring point of view in his day."⁵

De Rossi proceeded to rearrange chronological data of Jewish history and to prove that a number of aggadic statements were not based on historical fact but were completely arbitrary in character. He explained that in many

ed.) no. 99, in reference to Haggigah 14b. See the reference to this fact in Salo W. Baron, A Social and Religious History of the Jews, VI (New York, 1958), pp. 176ff. See also Ezriel Hildesheimer, "Mystik und Agada im Urteile der Gaonen R. Scherira and R. Hai," in Festschrift für Jacob Rosenheim (Frankfurt, 1931), pp. 259-86. For Nachmanides' opinion see Bernard Chavel, ed., Kitvei Ramban, I (Jerusalem, 1963), 308; for Bahye's opinion see his Hovath ha-Levavoth (Warsaw, n.d.), p. xxiii; for ha-Levi's opinion see his Kuzari, end of third part.

In reference to Nachmanides, one should note that this statement at the dispute in Barcelona is often cited as a source for the rejection of certain aggadoth. This point is open to debate. See Chavel, Kitvei Ramban, p. 308.

⁵Salo W. Baron, History and Jewish Historians (Philadelphia, 1964), p. 180.

instances these texts had been written by the Sages for no other purpose but to impress a certain point upon the simple folk, and that the authors of the texts were aware that what they had said was not based on historical fact.⁶

Although de Rossi's treatise was acknowledged to be a scholarly work, many authorities lost no time in rebutting his thesis. The best known work protesting de Rossi's views is that of the MaHaRaL (Rabbi Judah Loew, 1525-1609) entitled Be'er ha-Golah.⁷ Rabbi Loew admits that some aggadic material is allegorical and not meant to be interpreted literally; however, his own approach is based on total acceptance of the veracity of the aggadah. He asserts that statements by earlier authorities to the effect that aggadic literature was not always historically reliable were made solely in an attempt to keep views expressed in aggadah from being used in strictly legal (halakhic) matters.⁸ In other words, the rule that aggadoth may not be relied upon in

⁶Me'or Eynayim, chap. xvi. In particular, see pp. 187-88.

⁷It might be of interest to note that the two highly respected orthodox personalities who approvingly cite passages from Azariah--Yom Tov L. Heller, author of Tosfoth Yom-Tov, and David Gans--are both disciples of the MaHaRaL. One is inclined to believe that these disciples would not esteem a figure so sharply denounced by their mentor. Thus, the mere mention of Azariah's name should not necessarily indicate sanction of his views. However, see Baron, Jewish Historians, p. 194.

⁸Baron, Social and Religious History, VIII, 27.

substantiation of halakhic conclusions⁹ merely shows that aggadah has no legal binding force. Since aggadic passages need not all be literally construed, they cannot very well be accepted as bases for legal decisions. But in the abstract and ideological sense, aggadah must be accepted as authoritative.

De Rossi introduces his thesis with a series of quotations from the Talmud, showing contradictory attitudes toward aggadoth. He cites two opposing statements from the Talmud by Rabbi Joshua ben Levi with regard to his attitude toward aggadah. He reconciles the contradiction between them by saying that while, at one point, Rabbi Joshua "hated aggadoth," he later came to be more tolerant of them.¹⁰

The very fact that de Rossi saw fit to employ so harsh a term as "hated" with reference to aggadoth is sufficient evidence of his derogatory attitude toward aggadah, an attitude altogether foreign to traditional thought on the subject. It was undoubtedly his view of aggadah which greatly influenced the studies of later "critics."

Of these later authors, Rapoport and Krochmal were closer to de Rossi in their attitude toward aggadah than was Chajes. When Rapoport comes upon aggadoth which are not in harmony with his own notion of Judaism, he classes

⁹Palestinian Talmud, Pe'ah II.6. אין לראובין מאכל אלה
A similar phrase is that of אין סומכין דליהן The MaHaRaL
repeatedly emphasizes that the undependability of aggadic
matter is limited to its influence on halakhah.

¹⁰Me'or Eynayim, pp. 178-79.

them as alien insertions made by some irresponsible individual after the Talmud had been completed. Passages that make reference to witchcraft or questionable behavior on the part of the Sages are, in his view, not to be accepted as authoritative Talmudic statements. In support of his thesis, he argues that no such aggadic material occurs in the Palestinian Talmud.¹¹

Krochmal's view was not far apart from that of Rapoport. Following a pointedly over-apologetic overture, he proceeds to categorize aggadoth in the order of what he considers to be their merit. The pages of the Babylonian Talmud, he says, are cluttered with "strange aggadoth that make one shudder"¹²--obnoxious selections which must have had their origin in non-Jewish or even pagan legend and which had somehow crept into the Talmudic text. These aggadoth, he declares, are historically unreliable and actually distort the genuine spirit of Judaism.¹³

¹¹Erekh Milin, paragraphs vi, vii of the entry "Aggadah."

¹²Rawidowicz, Kitvei RaNaK, pp. 246, 251. See also Isaac B. Levinsohn, Zerubavel (Warsaw, 1901), III, 70, as to the reason for the inclusion of aggadoth into the Talmud. It is a curious point of interest that Rabbi David Luria in a letter to Isaac B. Levinsohn, in Biqqurei RIVaL (Warsaw, 1891), p. 164, expresses doubt as to whether this view emanated from Krochmal's own pen. "I suspect that Zunz himself added unworthy points on his own, and these words were not penned by Krochmal." He turns to Levinsohn with the request that he react toward such derogatory views.

¹³Even Samuel ben Hofni, who often expressed "radical skepticism . . . merely preached discrimination in the use of ancient homilies . . . not their outright repudiation." Baron, Social and Religious History, VI, 176.

While Chajes does not explicitly react to the conclusions of the above scholars, his writings indicate opposition to such ideas. As noted before, Rapoport says, in support of his theory, that the Palestinian Talmud contains no references to witchcraft. Without making specific reference to Rapoport's views, Chajes indicates that incantations and witchcraft are also to be found in the Palestinian Talmud.¹⁴ Hence, aggadic passages relating to witchcraft need not necessarily be of Babylonian origin--or for that matter, of any other alien origin--but of Jewish provenance and genuine expressions of the Talmudic spirit. On the other hand, Chajes does admit the relative scarcity of such references in the Palestinian Talmud.

That Chajes in his writings meant to refute Rapoport's thesis may perhaps be surmised from the way in which he arranged his topics. In his treatise, Mavo ha-Talmud, he generally devotes each chapter to one central topic--with the exception of chapter thirty-one. There, without apparent reason, he abruptly shifts from a discussion of the

¹⁴Kol Sifrei, p. 341. Examples of this category in the Palestinian Talmud are also cited by Yosef Z. Stern, Tahalukhoth ha-Aggadoth (Warsaw, 1902), p. 20. On the other hand, see Louis Ginzberg, The Palestinian Talmud (New York, 1941), pp. xxxiii-xxxvi, in which the author upholds the view that "Palestinian authors of the Talmud excluded, almost entirely, the popular fancies about angels and demons, while in Babylonia angelology and demonology gained scholastic recognition and with it entrance into the Talmud A similar observation can be made in regard to the difference in the attitudes of the two Talmuds toward sorcery, magic, astrology, and other kinds of superstitions."

role of magic in aggadoth to a comparative study of various extant versions of the Talmud, listing additions and deletions from the original text. He makes this transition by merely inserting the words: "And furthermore, you should know that" ¹⁵ One might ask why did not Chajes assign a separate chapter to deal with the additions and deletions. Is there any connection between both topics--magic and additions to the Talmud--that could possibly account for the inclusion of both into one and the same chapter? One might attribute this strange combination to the mere mechanics of organization. After having completed his detailed discussion of separate points in separate chapters, a few isolated miscellaneous points still remained unexplained. The beginning of chapter thirty-one marks the completion of clearly categorized chapters; henceforth, he only deals with miscellany. Consequently, one need not seek any logical connections between one topic and the next.

However, by a wide stretch of the imagination, one may see a more inherent and logical connection between the topics. For, if as Rapoport would have it, the material on magic was not originally in the Talmud but was added at a later date, it would be only appropriate that Chajes should discuss additions in a chapter dealing with magic. Of course, this line of reasoning is only suggested as a mere conjecture.

¹⁵Kol Sifrei, I, 342.

The same section contains another statement which may be construed as another indirect rejection of Rapoport's views. As seen, Rapoport dismisses aggadic passages which are not to his liking as reprehensible and the work of irresponsible authors; Chajes, however, declares that "in any case, these words are holy and trustworthy, so that we are required to make every effort to explain them."¹⁶ Again, while Rapoport maintained that aggadoth dealing with magic had originated in the post-Talmudic era, Chajes not mentioning Rapoport, makes the following observation:

It is most plausible that the later additions to the Talmud derive from texts which were compiled prior to the closing of the Talmud.¹⁷

The point under discussion is not merely a matter of historical fact, but represents a theological issue. For if aggadoth dealing with magic are not alien accretions but were originally incorporated into the Talmud by the Sages, they are not open to repudiation. Mere inclusion into the Talmud imbues the aggadah with a degree of sanctity. Even Hai Gaon, who questioned the authoritativeness of aggadah, drew a distinction between Talmudic and extra-Talmudic aggadah.¹⁸

¹⁶Kol Sifrei, I, 343.

¹⁷Ibid.

¹⁸See Baron, Social and Religious History, VI, 176, in which Hai Gaon is cited as follows: "Although Aggadoth written in the Talmud, if they prove untrue or distorted, need not be considered authoritative, because of the general rule that one does not rely on Aggadah, yet we are obliged

While Krochmal was more outspoken than Rapoport on the subject of "unacceptable" aggadoth, he shared Rapoport's disdainful attitude toward what he considered unesthetic passages. He would have preferred not to have such passages in the Talmud in the first place.¹⁹ Chajes, too, gives close attention to this problem and cites attempts by earlier scholars to deal with it. However, the conclusion he arrives at is not disrespectful of the Sages. "The words of our Sages," he writes, "are righteous and just."²⁰

Thus, it can be seen that although Chajes stressed the importance of applying scientific critical methods to the study of Judaism, he was more moderate in this respect than his haskalah colleagues. When critical investigation led students to downgrade entire portions of the Talmud, Chajes would quickly rise in its defense. Similarly, he made sure to comment on a statement in Maimonides' Guide which would seem to imply that Maimonides considered some

to remove wherever possible the distortion of any statement included in the Talmud. For if that statement had not contained some [worthwhile] hermeneutic interpretation, it would never have been incorporated in the Talmud. But if unable to remove the distortion, we shall treat it like any of the rejected laws. Statements not included in the Talmud, however, require no such exertion on our part." . . . And any student of the Talmud knows that even the rejected laws of the Talmud are not regarded with disdain but are an intrinsic part of all Talmudic study. Note Nachmanides' expression that "even the rejected opinion is considered Torah," Commentary on Deuteronomy 17:11.

¹⁹Rapoport, Erekh Milin, p. 18, see also "Mikhtav 14," Kerem Hemed, VI (1841), p. 250; Rawidowicz, Kitvei RaNaK, p. 246.

²⁰Kol Sifrei, I, 325.

aggadoth more meaningful than others. To this, Chajes exclaims: "Heaven forbid that [anyone should think] Maimonides disparaged any Talmudic dicta."²¹

Had Chajes employed such an approach consistently, he certainly could have been classed as a supporter of tradition. However, he does not appear to have been consistent; the demarcation line between his views, on the one hand, and those of Krochmal and Rapoport, on the other, is, on occasion, somewhat blurred.

Indeed, there was a great deal of contact between these three figures on the issue of aggadah. We are told that Chajes was shown a manuscript copy of Rapoport's essay on aggadah,²² and Chajes himself states that he received a manuscript copy of Krochmal's writings.²³ Thus, Chajes had a first-hand knowledge of the ideas and writings of both Krochmal and Rapoport on the subject.

We find that Chajes did not altogether reject the ideas advanced by Krochmal and Rapoport. For instance, he praises Krochmal's works on aggadah.²⁴ One wonders how Chajes could have set his stamp of approval on a work which the author himself had termed "radical," unless, of course,

²¹Ibid., 432.

²²Jeschurun, Zeitschrift für die Wissenschaft des Judentums, II (1856), p. 44.

²³Kol Sifrei, II, 874.

²⁴Ibid.

one were to assume that the "radical" passages about aggadoth of "foreign origin" had somehow been left out of the version shown to Chajes. Yet such does not seem to be the case and we are informed that Chajes probably had seen the section including those questionable passages.²⁵

Moreover, while Chajes, as opposed to Krochmal and Rapoport, defends the reliability of all Talmudic passages, he is willing to concede that "one must realize that the various Sages mentioned . . . in the Talmud . . . are not all equal in respect to wisdom and personal conduct."²⁶ Thus, he asserts that though the words of such renowned authorities as Rabbi Aqiva must be accepted without question, many other statements in the Talmud, however, come from individuals who were experts only in limited areas or were greater in piety than in wisdom. It is interesting to note that Chajes does not drive this assumption to its extreme logical conclusion which would subject the views of Talmudic scholars to various grades of quality. It would follow that not all Talmudic dicta are worthy of the utmost reverence. Apparently fearful of formulating a conclusion, which would minimize one's esteem towards certain aggadic passages, Chajes suffices himself with the statement that "one must be careful to note [in each case] who the authority is that made the statement."

²⁵See Jacob Fichman, ed. Sefer Bialik (Tel-Aviv, 1934), part II, 77.

²⁶Kol Sifrei, I, 317.

This critical and "selective" attitude toward the Talmud has a secular strain.²⁷ It is not to be identified with the view of those earlier classic Jewish sources which did not accept aggadah as legally binding. These authorities made it quite clear that while aggadic passages cannot be taken as the basis for legal decisions, they must not be discarded as meaningless. Nor may the views of Chajes be equated with the ideas of Maimonides which aroused so much controversy during the thirteenth century; in Maimonides departed from the straightforward meaning of the homilies, he did so only to stress the need for a metaphorical rather than a literal interpretation of aggadoth.²⁸ Never did he, however, categorically reject the validity of aggadah as such.

²⁷The secular mind might fail to see why this conclusion is so daring. Chajes' theses must, however, be judged in terms of the rabbinical tradition, commonly accepted in Eastern Europe. An approach which would permit one to subject the views of Talmudic scholars to various grades of quality obviously implies that the sayings of some Sages are of an inferior quality, and implies a degree of disesteem. It is precisely against such disesteem and in defense of aggadoth that the Maharal of Prague devoted an entire treatise, Be'er ha-Golah. The purpose of his work is to "clarify the words of the Sages in the holy Talmud" and show that even those aggadic sayings which may appear strange, foreign, or repulsive are actually rooted in supreme wisdom. Although individuals, such as Hillel ben Shmuel of Verona in Sefer Tagmulei ha-Nefesh, ed. S.Z.H. Halberstam (Lyck, 1874) may have expressed ideas which intimated a want of esteem for aggadoth, it is rabbis such as the Maharal, rather than those other isolated individuals, who forged the mainstream of Jewish thought in Eastern Europe. And it is relative to this mainstream of ideas that Chajes' approach may be considered secular.

²⁸Baron, Social and Religious History, VI, 180.

It should be pointed out, however, that even where Chajes stands on common ground with Rapoport and Krochmal, there is an important difference between Chajes, on the one hand, and Rapoport and Krochmal, on the other. All three did not hesitate to pass value judgments on aggadic material; yet, Chajes refrained from using such adjectives as "ugly" and "repulsive," which the other two did.²⁹ Thus, although Chajes did not think it improper to pass opinion on the competence of the authors of aggadic passages--in itself a newfangled idea for his rabbinical society--he never went so far as to express disdain for the actual texts, as did Krochmal and Rapoport, who when it suited them, rejected entire sections of aggadah as "abhorrent." It appears that Chajes' basic religious attitude imposed some restraints on his "critical" bent.

Another example of Chajes' critical approach is his habit of explaining away many aggadoth as merely having been intended for "the simple folk."³⁰ The Talmudic Sages frequently would embellish a halakhic point in their sermons with aggadic texts in order to impress it on their congregations. However, he claims, the ideas these Sages preached to their audiences were in many cases presented in such a way as to sacrifice historical or factual accuracy for the sake of mass appeal. Thus, in order to stress a

²⁹Rapoport in Kerem Hemed, VI (1841), p. 250; Krochmal in Rawidowicz, Kitvei RaNaK, p. 246.

³⁰Kol Sifrei, I, 320, 331.

point they considered important, the aggadists would lace their sermons with exaggerated notions of reward and punishment, unrealistic portrayals of saints and sinners and fanciful fairy tales.³¹

Chajes considers the aggadoth for "simple folk" less authoritative than other aggadic texts. Thus, he asserts that the prohibition against "basing halakhoth on aggadoth" was meant to apply to aggadic texts delivered as sermons at public assemblies.³² Reshaped to appeal to the simple folk as they were, these aggadic texts could not be taken as a guideline for proper personal conduct--halakhah.

However, Chajes hastens to point out that the same must not be said of aggadoth in general. He offers a multitude of cases in point to show that there are halakhoth which are clearly based on aggadoth. Obviously, then, the prohibition against basing halakhoth on aggadoth is not absolute and must be limited to specific categories of aggadoth. In order to clearly identify this category, he draws a sharp line of distinction between sermons intended for the simple folk and aggadic discourses of a loftier type. The latter, he said, "are of the same worth as any Talmudic dictum, and their words have the weight of Talmudic

³¹These three principles are expounded upon by Chajes in Kol Sifrei, I, 320, 324, and 331 respectively. Stern, in Tahalukhoth ha-Aggadoth, p. 38, supports Chajes on the second principle despite attempts by others to refute him.

³²Kol Sifrei, I, 252, II, 528, 551. See also his "Comments" to Nedarim 40b.

authority."³³ Such aggadoth are no less dependable or reliable than actual halakhoth. In the final analysis, Chajes leaves his reader with the impression that even though those aggadic sermons which had been intended for the simple folk are part of the Talmud, they should not be considered as valid or as meaningful as other Talmudic texts. The only reason that such aggadoth were even included in the Talmud in the first place is that they serve the historical purpose of illustrating early types of sermons.

Chajes does, however, not proceed to reckon with a problematic point, closely related to his approach. Even if one were to concede that not all the individuals whose sayings appear in the Talmud were "experts" in their fields, the mere fact that something they said had been recorded in the Talmud shows that the universally accepted authorities who superintended the final redaction must have found their words worthy of inclusion.³⁴ The words of Sages are sacred

³³ Ibid., II, 529. One may take note of the fact that at a later date, Chajes suggests an alternate theory to explain the fact that many halakhoth are based on aggadoth despite the prohibition against such practices. See Kol Sifrei, II, 886. Yet, it was the first theory in which he took great pride [Kol Sifrei, II, 528] and which earned him Krochmal's special praise [Rawidowicz, Kitvei RaNaK, p. 452].

³⁴ See Solomon Ben Adereth, She'aloth u-Teshuvot ha-RaSHBA, I (Bnei-Braq, 1958), 5, Responsum #9, where he defends the authoritativeness of a strange aggadic passage by asking: "And if these words were insignificant . . ., why did Ravina and Rav Ashi [editors of the Talmud] record them in their venerated and holy work . . .?"

not necessarily by virtue of the talents of those who uttered them but by virtue of the fact that they received the sanction of the redactors of the Talmud. Chajes himself stresses the significance of the final phase of the compilation of the Talmud in which the Amoraim made one last careful scrutiny of all the material that was to be included in the text as we know it today.

It might be argued that the sealing of the Talmud involved only the halakhic sections in which decisions and majority votes were required to determine interpretations and observance. Aggadic sections, however, had no direct bearing on legal matters, and may not have been subject to the rulings of the council of Sages which presided over the "sealing" of the final version. This is a controversial question in its own right,³⁵ although Rabbi Hai, the "rationalist," indicates that the incorporation of an aggadic text into the Talmud vests that text with Talmudic authority.³⁶

Unfortunately, Chajes' detailed study of this problem has been lost. In a number of places he makes reference to a work entitled le-Qayyem Divrei ha-Iggereth,³⁷ in which he is supposed to have discussed such basic questions as the difference between Talmudic and extra-Talmudic aggadoth, and the reasons for the inclusion of aggadic material into the

³⁵A very interesting discussion of this point appears in Abraham I. Kook, Iggroth ha-Re'iyah I (Jerusalem, 1943), 123-24.

³⁶Supra, p. 220.

³⁷See his Comments on the Talmud, Megillah 7b and Megillah 12a. As to the fate of this lost text, see infra, p. 395.

Talmud, which is basically of a halakhic nature. He refers the reader to this "forthcoming treatise,"³⁸ but although the work was indeed published,³⁹ it is unknown to us. The treatise probably explained many of the puzzling inconsistencies in Chajes' views.

Considering Chajes' theses concerning sermons for the simple folk and concerning the necessity to determine the personal qualifications of certain Sages with regard to the value of aggadoth, one notes a rift with classic traditionalists. For although reservation with regard to certain aggadoth was common throughout the ages even among some staunch Talmudists, that reservation was limited. They may have divested aggadah of the halo of the supreme uniqueness of Talmud, but still they usually did not allow themselves to apply criteria of folk-literature to Talmudic aggadoth. Accordingly, they would not conceive of Talmudic

³⁸Kol Sifrei, I, 243.

³⁹See Orient, II (1841), no. 43, p. 276, in which a notice appears of its publication. A perplexing problem presents itself here, in that Chajes in Darkei ha-Hora'ah, published in 1845, states: "G-d willing, I will [emphasis mine] explain this in detail in my book le-Qayyem Divrei ha-Iggereth." Yet the notice of the publication already appeared in the 1841 Orient. Perhaps, sections of Darkei ha-Hora'ah were written several years prior to its publication, at which point le-Qayyem Divrei ha-Iggereth was still an undertaking for the future. Another solution might be found in the possibility that Chajes intended to add this one section to his already completed work. Still another possibility is that the Orient was merely reporting that the book was in the process of being printed; yet some unknown circumstance delayed its appearance. (The German announcement reads: "Ein neues werk . . . von Chajes erscheint so eben.")

aggadoth as mere bits of interesting information or historic relics. In this instance, Chajes seems to have allowed his critical approach to influence his traditional religious views. For in the final analysis, he was not just restricting the relevance of aggadah to non-halakhic areas but he was actually degrading aggadic contents themselves.

The harshness of our conclusion concerning Chajes' attitude toward aggadah enjoins us to further substantiate our line of reasoning. One of Chajes' major arguments in support of his theory concerning aggadah for the simple folk is based on Rashi's comment on a she'ilta. The she'ilta-- the classic example of the sermon for the simple folk-- appears only once in the entire Talmud.⁴⁰ This single she'ilta opens with the halakhic question whether it is permissible to put out a fire on the Sabbath for the benefit of a sick person. The answer is couched in aggadic terms: "A light [made by fire] is called a light," we are told. "So, too, Scripture refers to man's soul as a light. It is better that the light [made by fire] should be extinguished for the sake of the Divine light." Rashi hastens to note that this allegory is not the basis for the halakhic permission to put out a light on the Sabbath under such circumstances; its purpose was to draw the attention of the audience to the sanctity of human life.

It would seem that Chajes is justified in his claim that here Rashi, too, rejected the she'ilta as an authentic

⁴⁰ Shabbath 30b.

source of true knowledge and wisdom. In our opinion, however, the fact that Rashi refused to accord halakhic significance to a given she'ilta does not mean that he rejected the authority of the she'ilta as such. He refutes neither the halakhic decision nor the validity of the allegory. For the halakhah actually does permit putting out a light on the Sabbath if it helps a gravely sick person. By the same token, the comparison of the human soul to a light may still serve as a subject of erudite discussion in many a philosophical treatise. The purpose of Rashi's comment was simply to show that the Sages had not intended to cite this allegory as a legal justification for making it permissible to put out a light on the Sabbath to help a sick person but used it only as a literary device to attract the attention of their audiences to the explanations that were to follow.

There are other instances, too, in which Chajes misinterprets the rabbinic sources he cites in support of his views on aggadah. Thus, Chajes explains the quotation from an early authority that "one may not base a halakhah upon an aggadah because [the aggadah] is ambiguous" as supporting his theory that many aggadic texts had been intended for the simple folk. He asserts that circumstances often impelled the rabbis to use drastic language in order to spur their audiences to stricter religious observance, whereas at other times they might have been less emphatic.⁴¹ Accordingly,

⁴¹Kol Sifrei, I, 250.

aggadah is often purposely unclear--at the best--and sometimes even contradictory to its assertions at another point. And since aggadah is "ambiguous," he concludes, it can be considered neither authentic nor authoritative.

Actually, however, the term "ambiguous" as used in the quotation cited by Chajes was not meant to imply vagueness or unreliability. It was simply intended to refer to such statements as those made by Maimonides and the MaHaRaL to the effect that aggadic passages are difficult to interpret because they are couched in metaphoric rather than straightforward terms.⁴²

In still another instance, Chajes cites a comment by Rabbi Isaac bar Sheshet Barfat (1326-1408) on the element of aggadic style: "It is the custom of our Sages to exaggerate the seriousness of misdeeds, so that man will keep on guard against succumbing to the evil inclination."⁴³ Chajes takes this to support his "plain-folk" theory of aggadoth. For it would seem that even Barfat is indicating that the Sages adapted their words of wisdom to the low level of the masses. But Rabbi Isaac's statement speaks only of "man"; it nowhere refers to the "simple folk." The homilies recorded in the Talmud are not divided into two

⁴² See Moses H. Luzzatto, "Ma'amar al ha-Haggadah," Yalqut Yedi'oth ha-Emeth (New York, 1946) in which he emphasizes the necessity to decipher the code of aggadic style.

⁴³ She'aloth u-Teshuvot RIVaSH, no. 171, cited in Kol Sifrei, I, 321.

categories--one for the intellectual elite and another for the masses--but are all intended for the Jewish people as a whole. The sharp or exaggerated terms sometimes employed by the Sages in their sermons applied to all men, simple and sophisticated alike. Familiar with human nature, the rabbis considered all men, and not just the "simple folk," susceptible to the temptations of sin. Barfat's statement by no means indicates that those aggadoth which were phrased with an eye towards human frailty are in any way inferior to other aggadoth--which is Chajes' major thesis at this point.

Thus, Chajes' efforts to justify his own theory by summoning such classic commentators as Rashi and Rabbi Isaac bar Shesheth to his assistance are not unquestionable. Neither of these authorities make light of aggadoth which appear in the Talmud, even if they are willing to admit that they can not serve as the basis of legal decisions or that the element of exaggeration is frequently employed as a technique in these sermons.

Hence, despite his over-all traditionalism, Chajes' approach to aggadah deviated from the mainstream of rabbinical thought in Eastern Europe. His modern influences might be traced to two sources. As was mentioned earlier in this chapter, in many respects he follows Azariah de Rossi, the first of the great "critical" historians, a scholar for whom he had great admiration. Although Chajes states that "several scholars stirred up opposition" to de Rossi's views, he

describes him as "a model for others to emulate."⁴⁴ This

⁴⁴Kol Sifrei, II, 873. The beginning of the excerpt is an obvious reference to the MaHaRaL. One might, at this point, note that Chajes cites this authority only once [Kol Sifrei, p. 325], although the latter wrote extensive treatises on aggadic material. It is probably no mere coincidence; a deep respect for Azariah's contributions surely was responsible in creating an anti-MaHaRaL bias. A similar bias may be noted among Chajes' own contemporaries. For example, see Krochmal's review of the attempts of earlier authorities to reconcile aggadoth with modern science. [Rawidowicz, Kitvei RaNaK, p. 246]. He refers to those who explained isolated, specific problematic passages, and to others who presented general principles for the understanding of aggadoth. The MaHaRaL is included in the former category, while Azariah and Nachmanides are placed in the latter. Any perusal of the MaHaRaL's writings would indicate that this is an unjustified classification. The works of the MaHaRaL are replete with basic approaches to aggadah, and his specific explanations are merely applications of those principles. See his Netsah Yisra'el, chap. vi. Similarly, Rapoport accuses the MaHaRaL of an error in the explanation of an aggadic passage. See Rapoport, Erekh Milin, p. 13. The accusation involves the interpretation of a Talmudic passage concerning Rabbi Johanan's study of written copies of aggadic texts. Rapoport maintains that Johanan would only "remove them from his hands upon entrance to a washroom, as stated in Berakoth 23a. And not as the scholar MaHaRaL of Prague wrote that Rabbi Johanan studied these [written aggadic] texts in washrooms." A quick reading of the MaHaRaL's text [in Be'er ha-Golah, New York, 1953, p. 133] does, indeed state "and thus you will find . . . in the Talmud that upon entrance to the washroom, Rabbi Johanan took the aggadic works and seated himself." A more careful reading would, however, reveal that the accusation is baseless. The context itself would indicate that the error is merely typographical. The wording in the text of the MaHaRaL is not the author's own style or paraphrase, but is rather a direct quote of the pertinent Talmudic passage. While the Talmudic passage reads " וְאֵל ," the MaHaRaL's text reads " וְאֵל' " -- a mere variation of one letter. It is only this one change which justifies Rapoport's claim. Yet it is both unplausible and impossible that the MaHaRaL was hereby offering a new non-existent reading of the Talmudic text. Consequently, Rapoport -- either hastily or dishonestly -- vainly accused the MaHaRaL of an error, which even an amateur eye should detect. Despite this bias, however, Rapoport in a different context highly praises the MaHaRaL for his love of secular learning. ["Mikhtav" in Koppelman, Lieben, ed., Gal 'Ed (Prague, 1856), pp. viii-liv].

evaluation was shared by Chajes' contemporaries as well. "Krochmal, Zunz and others considered de Rossi the most influential forerunner of the modern science of Judaism."⁴⁵ It was, after all, de Rossi who was the first Jewish scholar to class certain aggadic passages as personal views, not immune to error.⁴⁶

Another influence that helped mold Chajes' view on aggadah was the Galician haskalah. Unlike the haskalah in Russia and Germany, the Galician haskalah did not have its origins in political aims but in a purely intellectual quest for the truth of Judaism. Krochmal was not concerned about the practical consequences of his philosophical studies or about the dissemination of haskalah ideas among the masses. Indeed, he "did not believe that it was possible to raise the level of the masses . . . [moreover] he drew a sharp line of distinction between himself and the masses . . . he had not come to educate the public or to preach . . ."⁴⁷ As for Chajes, it may possibly be argued that his view of aggadah also reflects, to some extent, this unique character of Galician haskalah.

It is interesting to note that de Rossi, too, was inclined to make a distinction between the sophisticated and the simple. He asserted that it was not permissible "to

⁴⁵Baron, History and Jewish Historians, p. 173.

⁴⁶Ibid., p. 180.

⁴⁷Simon Rawidowicz, "Reb Nahman Krochmal," ha-Toren, XI (1925), 172.

preach in public against the slightest custom in Israel, and even in pure theory . . . whenever a conclusion may seem dangerous to some established, popular belief, you may discuss it in writing, but never in speech before the whole people."⁴⁸ Baron notes that "this rather odd distinction will appear less strange in view of the fact that even in Renaissance Italy, the Jewish masses were regarded as too illiterate to follow a serious literary discussion. Moreover, Azariah, in his oft expressed contempt for the uneducated, is again only a representative of later stages of Italian Humanism."⁴⁹

Thus it is possible that in Chajes' view of aggadah, we may have a convergence of influence from de Rossi on the one hand, and from Galician haskalah, on the other. However, this is only one aspect of Chajes' views; for he more frequently appeared in the role of the defender of Talmudic tradition and its authoritative status.

Having discussed Chajes' stand on general principles on aggadah, we shall now turn to specific points in Chajes' analysis of aggadoth and compare them with views advanced by Krochmal and Rapoport.

As we have already shown, the tendency of the Galician haskalah leaders to regard aggadah as something less than sacrosanct was derived in large measure from the influence

⁴⁸ Baron, History and Jewish Historians, p. 195.

⁴⁹ Ibid.

of de Rossi. Yet, one of the major sources cited by de Rossi, in support of his approach to aggadah, was rejected as evidence by Rapoport, Krochmal and Chajes, all of whom were guided by the same line of reasoning in their stand. The source cited by de Rossi in his classic work, Me'or Eynayim, is a statement by Rabbi Joshua ben Levi in the Palestinian Talmud to the effect that those who write and preach aggadoth or listen to them are liable to severe punishment. De Rossi takes this to mean that Rabbi Joshua had no use for aggadoth.⁵⁰ Rapoport, on the other hand, insists that Rabbi Joshua was not opposed to aggadah per se but only to the writing down of aggadic texts, and labels de Rossi's interpretation of Rabbi Joshua's statement as "incorrect."⁵¹ Chajes, too, openly takes issue with the relevant passage in Me'or Eynayim, and asserts that it was only the writing down of the aggadah that angered Rabbi Joshua.⁵² Krochmal holds the same view, although he does not explicitly refute de Rossi's statement.⁵³

This interpretation, on which all three scholars agreed, stems from their common view concerning the date when the Oral Tradition was first put down in writing. The Galician maskilim held that even halakhic portions of the

⁵⁰Me'or Eynayim, p. 178.

⁵¹Erekh Milin, p. 16.

⁵²Kol Sifrei, I, 344.

⁵³Nachman Krochmal, MNZ (Lemberg, 1863), p. 194.

Oral Tradition were not put down in writing until the end of the Amoraic period or perhaps even as late as the seventh century.⁵⁴

The traditional ban on the recording of the Oral Tradition was enforced more strictly in the case of the halakhic sections than in the case of aggadah. Consequently, copies of aggadic texts were in private circulation as early as the Tannaitic period. But they were never officially approved; and it was to these early "unofficial" versions, and not to aggadic texts in general, that Rabbi Joshua referred in his statement cited by de Rossi.⁵⁵

But the explanations why the prohibition should have been less stringently applied to aggadah than to halakhah are not all identical. Krochmal implies that the differentiation between the two might have been based on the circumstance that, unlike halakhah, aggadah "contains neither

⁵⁴ Rapoport, Erekh Milin, p. 13; Chajes, Kol Sifrei, pp. 347, 882; Krochmal in Rawidowicz, Kitvei RaNaK, p. 254; Luzzatto, "Mikhtav 5," Kerem Hemed, III (1838), pp. 62-66. This question marks the essential difference between the French and Spanish versions of the Epistle of Rabbi Sherira. The former states that Judah ha-Nasi only arranged the mishnah, while the latter asserts that he also put it down in writing. See Benjamin M. Levine's introduction to his edition of Iggereth Rabbi Sherira Gaon (Haifa, 1921) in which he carefully discussed the French and Spanish versions. For a recent opinion on this issue, see Jacob N. Epstein, Mava'oth le-Sifruth ha-Amoraim (Tel-Aviv, 1962), pp. 610ff, who believes the French version to be the original, authentic one.

⁵⁵ This view has been accepted by Baron, Social and Religious History, VI, 157.

sanctions nor prohibitions, and was meant only . . . to arouse [the religious fervor of] the audience."⁵⁶ It seems that Krochmal wanted to minimize the necessity for painstaking accuracy in the copying of the text. This explanation would justify the lack of protest over the unauthorized but widespread practice of copying aggadic texts at a time when it was still considered forbidden to set the Oral Tradition down in writing.

In a similar vein, Chajes makes reference to Maimonides' explanation that the ban on the recording of the Oral Tradition was based on the desire to keep the Tradition from being distorted by copyist's errors. In the case of aggadah, which was not law, the preservation of the exact wording was less important than in the halakhah. Accordingly, Chajes implies that it might be considered less dangerous to commit aggadah to writing than it would be to do so with halakhah.⁵⁷

Elsewhere, however, Chajes goes so far as to state that originally, the prohibition to record the Oral Tradition had never even extended to aggadoth. In his view, the prohibition against writing down aggadic texts was based on a halakhic consideration, namely, that if a fire were to break out on a Sabbath, in a place where copies of these texts were located, nothing could be done to prevent them from being destroyed. Hence, anyone who writes down aggadic texts

⁵⁶Rawidowicz, Kitvei RaNaK, p. 251.

⁵⁷Kol Sifrei, II, 882.

may become an unwitting accomplice to the possible destruction of the material, which is considered sacred. The early Tannaim, on the other hand, considered the value of the written word as an aid in the retention of the original text a more important factor, and therefore decided to permit the recording of aggadoth.⁵⁸

It seems that Krochmal is not in agreement with Chajes' view. In the explanation he gives for the early recording of aggadoth, he cites the Talmudic ban on such writings, and comments: "The opposition [to having the text written down] does not seem to be based on the remote chance that it might be impossible to rescue the texts if a fire were to break out on the Sabbath."⁵⁹

The affinity between Chajes, Krochmal and Rapoport on the specifics of stylistic techniques in aggadic texts is very striking. All three refer to a list of attention-getting devices such as the use of startling introductory statements,⁶⁰ hyperboles,⁶¹ metaphors, parallels,⁶² and asmakthoth.⁶³ Chajes' list is, however, more comprehensive

⁵⁸Ibid., I, 346.

⁵⁹Rawidowicz, Kitvei RaNaK, p. 251.

⁶⁰Chajes, Mavo ha-Talmud, chap. xxvi; Rapoport, Erekh Milin, p. 13.

⁶¹Chajes, Mavo ha-Talmud, chap. xxx; Rapoport, Erekh Milin, p. 21.

⁶²Chajes, Mavo ha-Talmud, chap. xxix; Krochmal, in Rawidowicz, Kitvei RaNaK, p. 244.

⁶³Chajes, Mavo ha-Talmud, chap. xix; Rapoport, Erekh Milin, p. 17; Krochmal in Rawidowicz, Kitvei RaNaK, p. 242.

and systematic than the lists of the two other scholars. Of the three, Chajes is the only one to mention such devices as the hermeneutical interpretation of given names,⁶⁴ the use of the same name for several persons sharing certain character traits,⁶⁵ and the application of principles of faith to specific situations in Biblical accounts.⁶⁶ This comprehensive and systematic presentation of stylistic techniques in aggadah is part of an entire treatise on the principles on which the Oral Tradition is based.

Krochmal and Rapoport, on the other hand, merely devote a passing paragraph to each of the aggadic principles. Krochmal has a section on aggadoth only as part of a larger treatise on the philosophy of Jewish history. Rapoport offers a more general survey of topics to include in what he considers a proper study of aggadah. The approach common to both scholars was that of the historian; their purpose was to show the place of aggadah in the evolution of the Oral Tradition.

It is only natural that Chajes should have offered a more detailed study of aggadic principles than either of the other two scholars. For he was systematically studying the principles and structure of the Oral Tradition, in which aggadah constitutes a distinct category.

⁶⁴Chajes, Mavo ha-Talmud, chap. xxii.

⁶⁵Ibid., chap. xxi.

⁶⁶Ibid., chap. xxiv.

All three authors frequently use the same specific examples to illustrate the points they wish to make, so that they have been accused of plagiarizing each other. However, in many instances, it is only to be expected that they would all make use of the same illustrations. The illustrations are all too obvious. For instance, it is only natural, as both Chajes and Rapoport did, to cite the opening of Midrash Esther as an example of an attention-getting device.⁶⁷ Other illustrations, however, reflect highly original associations and interpretations, as, for instance, the two examples cited by Rapoport of the use of foreign terms from the aggadah in Mishnaic texts. Chajes cites the same illustrations to document his view on the early origins of aggadah texts.⁶⁸ In a parenthetical note after the first of the two examples, he adds: "I believe that this point was made known to me, some time ago, by a scholar." That scholar, whose name he does not mention, is obviously Rapoport. His second illustration, on the other hand, is prefaced with the comment, "Come and I will show you the clearest and most accurate proof," which would imply that the interpretation he was about to give was original with him.

If Rapoport's claim that Chajes read the manuscript copy of the chapter on "Aggadah" in his (Rapoport's) Erekh Milin, prior to the publication of Chajes' Mavo ha-Talmud,

⁶⁷See footnote 60.

⁶⁸Erekh Milin, p. 14; Kol Sifrei, I, 345.

is indeed based on fact, there would be some justification for his charging Chajes with plagiarism. But the truth is that in any communication or discussion among scholars, there frequently is an element of unconscious plagiarism in which one person may incorporate into his own works the ideas he heard from others without remembering their actual origin.

In a similar manner, Rapoport introduced his interpretation of a difficult passage about Rabbi Meir's version of the Torah with the words, "in my opinion."⁶⁹ The same interpretation is also found in a footnote in Chajes' Torath Nevi'im.⁷⁰ Although Torath Nevi'im was published in 1836, and Rapoport's Erekh Milin did not appear until 1852, Rapoport claimed in a letter he wrote in 1840 that the manuscript of his work had been sent to Chajes almost sixteen years before it appeared in print.⁷¹ It is therefore possible that Chajes did, indeed, first see the comment in Rapoport's manuscript. But then, again, it is quite within reason to assume that the two scholars, each thinking along similar lines, may have reached identical conclusions entirely independent of one another.⁷²

⁶⁹Erekh Milin, p. 15.

⁷⁰Kol Sifrei, I, 105.

⁷¹"Mikhtav Gimel," p. 46.

⁷²A similar accusation might be waged on the basis of a quote from M. H. Luzzato, Yalqut Yedi'oth ha-Emeth, p. 323. Chajes, however, makes no mention of that author when discussing a principle elaborated upon in that very article. See Chajes' Mavo ha-Talmud, chap. xxii, in which he refers to the principle of interpreting the Song of Songs.

At the same time, several comparisons do suggest that Chajes actually studied Rapoport's survey before he published his own work. One such indication has been discussed earlier in this chapter.⁷³ Another possible indication may be found in Chajes' attempt to formulate a principle for determining which aggadic passages are late additions to the Talmud.⁷⁴ Perhaps this formulation was Chajes' response to Rapoport's challenge: "Who can know how many other late additions for which we have no identifying criteria occur in the Talmud?"⁷⁵

Many times, the three scholars make direct cross-references to each other's comments on aggadic subjects. Thus, referring to the explanation of the aggadic principle that whenever a story is introduced by the phrase "And there was," it implies a time of trouble, Chajes explicitly states: "This matter was brought to my attention by a great scholar."⁷⁶ The great scholar to whom Chajes refers is Krochmal, in whose Moreh Nevukhei ha-Zeman this point was first raised.⁷⁷

⁷³Supra, p. 218.

⁷⁴Kol Sifrei, I, 343-44.

⁷⁵Erekh Milin, p. 19.

⁷⁶Kol Sifrei, I, 328.

⁷⁷Rawidowicz, Kitvei RaNaK, p. 240. Shachter, Student's Guide Through the Talmud, p. 180, footnote 2, comments on Chajes' quote here by saying that "it is assumed" that the scholar referred to here is Krochmal. In this particular case, much more than an assumption is involved; the quote actually appears in Krochmal's work. Yet Shachter is justified in maintaining that the general anonymous reference to "a scholar" usually means Krochmal. Rawidowicz, however, correctly warns the reader not to be guided indiscriminately by this rule. Kitvei RaNaK, p. lxxxvii.

Krochmal, in turn, makes reference to Chajes--albeit without mentioning Chajes' name--in his chapter on aggadah.⁷⁸

Krochmal, Rapoport and Chajes all stressed the necessity for a historical approach to Jewish studies. Krochmal's major work is basically a philosophical study of Jewish history, Rapoport concentrated on historical and biographical investigations, and Chajes emphasizes the need to know "the history of the Jews and the relationships of the Jews with their neighbours."⁷⁹

It is therefore only natural that the historical approach which all three scholars shared should be reflected also in their discussion of so important a topic as aggadah. Thus Krochmal deplores the trend in certain aggadic texts to depict earlier eras "in terms of the current era by ascribing to earlier generations the good and the evil which characterizes the author's own day."⁸⁰ Rapoport, whose interest was not to evolve a general philosophy of history but to unearth minute details concerning historical personalities, laments the fact that many biographical sketches in the aggadah do not mention the subject's name.⁸¹ Chajes, for his part, employs both the philosophical and the historical approaches, although he did not match the skills of

⁷⁸Rawidowicz, Kitvei RaNaK, p. 240.

⁷⁹Kol Sifrei, I, 209.

⁸⁰Rawidowicz, Kitvei RaNaK, p. 252.

⁸¹Erekh Milin, p. 22.

his two contemporaries in these areas. He made it his task to elaborate upon the categories of aggadoth and to comment on specific chronological and historical points in order to present a comprehensive study of the principles of aggadah.

Summary

Our study of Chajes' views of aggadah reveals a number of interesting motifs. To begin with, the freedom which traditional rabbis allowed with regard to the acceptance of aggadic authority provided Chajes with a springboard, as it were, from which he could leap into the fray, declaring that the ban on basing halakhah on aggadah was founded on the knowledge that aggadic texts were unreliable, having been merely intended as sermons for the simple folk and therefore not reflecting the true wisdom of our Sages. Chajes' tendency to downgrade many aggadic texts was shared by Krochmal and Rapoport.

In our opinion, however, the "lenient" attitude as regards the acceptance of aggadic authority originated not with the traditional, classic authorities but with de Rossi. The earlier Sages had merely pointed out that aggadic texts had not been intended as halakhah, but at the same time they maintained that the incorporation of the texts into the Talmud conferred a measure of sanctity on these writings also.

Yet, although he took advantage of accepted precedents allowing a measure of liberalism in approach to certain aggadic texts, Chajes' attitude was, in many ways, more

traditional than that of his two contemporaries. Thus, in sharp contrast to Krochmal and Rapoport, he refused to entertain the notion that many aggadic texts represented material of foreign origin which had somehow found entry into the Talmud. Accordingly, unlike his Galician haskalah contemporaries, he does not discard aggadic passages dealing with subjects considered improper to discuss, but attempts to find explanations for their inclusion in the Talmud.

In recapitulation, then, it may be said that Chajes' attitude toward aggadah clearly reflects the dualism which characterizes his views on matters of Jewish tradition, in general. Here, again, we see him as the traditionalist amidst the maskilim and at the same time, as the maskil among the traditionalists.

CHAPTER VI

CHAJES AND TEXTUAL CRITICISM

Apart from traditional Talmudic study, Chajes' scholarly interests essentially lay in two fields--history and textual criticism, which were, indeed, the bases of the Wissenschaft des Judentums movement. His historical studies are the subject of the following chapter in this study. The present chapter deals with his attitude toward the critical approach in the study of Biblical and Talmudic literature.

In all his studies, Chajes consistently aimed to establish general principles and classifications. Thus, in his Torath Nevi'im, he discussed statements that seem to negate the divine origin of the Torah, and then rebutted such assertions by setting down his own conclusions in the form of general principles. Similarly, in Mishpat ha-Hora'ah, he set out to define the limits of the authority of courts of Jewish law. In Mavo ha-Talmud he listed the various categories of halakhah and aggadah. Chajes himself said that he was more interested in general principles than in particulars.¹ Nevertheless, he also wanted to be regarded as an exponent of the thoroughgoing analytical approach.

¹Kol Sifrei, II, 872.

He appears to have been constantly worried that the "enlightened" scholars might not accept him as one of their own.²

Chajes' skill in dealing with detail is seen primarily in his bibliographical studies. His attempts to identify texts and authors were based on careful textual comparisons or chronological considerations. A survey of Chajes' views as expressed in his bibliographical studies should demonstrate his critical facility and the broad scope of his knowledge.

Chajes' bibliographical conclusions are scattered throughout his writings, but they are primarily concentrated in Iggereth Bigqoreth and Imrei Binah. These two works are part of a series and are mainly devoted to a discussion of Targumim and midrashim. However, he does not limit himself to these two areas exclusively; he also examines a vast array of classic Jewish literature with the aim of identifying the origin and authorship of each text. The areas of his critical study include, among many others, the Bible, Apocryphal literature, the Palestinian Talmud and Megillath Ta'anith. In an attempt to evaluate his bibliographical views on these areas, we will compare his findings with

²Dinaburg, "me-Arkhyono shei Shir," p. 154. This wish to be considered a man of research is in the background of the pun related by Bodek, "Chajes," p. 37. Rapoport, in an apparent attempt to assert his own superiority as a man of research, disparagingly said of Chajes, "And you shall forgive his errors, for he is a Rabbi"--a pun on the verse in Psalms: *לֹא יִשְׁכַּח לְעַד אֲנִי*. Isaac Hirsch Weiss, "Zikhronotai," in Genazim, I (1961), 49 agrees with Rapoport.

those of his contemporaries--particularly Rapoport and Zunz--and those of more recent scholars.

Bible

Chajes was the most conservative of all his haskalah contemporaries as far as Biblical criticism is concerned. Although he believed in the necessity of a critical approach to Jewish studies, as an orthodox rabbi, he resisted its application to any part of the Pentateuch.

Doubts regarding the Mosaic authorship of the Pentateuch has been expressed by non-Jewish scholars as early as the eighteenth century,³ but it was not until a century later that these doubts found their way into Jewish scholarship as well.⁴ As strongly as he might have disagreed with the Bible critics, Chajes lacked the tools to refute their arguments scientifically. It was not until late in the nineteenth century that serious scholarly work was first begun with the aim of combating the theories propounded by modern Bible critics. The first Jewish scholar who was able to accomplish what Chajes had hoped to do, i.e., to defend the traditional outlook on Jewish lore by a careful scholarly approach was

³ Jean Astruc, Conjectures sur les memoires originaux dont il paroît que Moyse s'est servi... (Brussels, 1753). See Adolphe Lods, Jean Astruc et la Critique Biblique au xviii^e Siecle (Strassburg, 1924).

⁴ Benedict Spinoza largely initiated the study of Bible criticism in his Tractatus Theologica-Politicus (Voorburg, 1670). See also Abraham Geiger, Urschrift und Uebersetzungen (Breslau, 1857).

David Hoffman (1843-1921), who was just twelve years old when Chajes died.

As for Jewish attitudes toward Biblical criticism, a distinction must be made between the German exponents of the Wissenschaft des Judentums and their counterparts in Eastern Europe. While the former felt free to question the origin of the Pentateuch itself, the latter limited their critical studies to the works of the Prophets and the Hagiographa.⁵ Samuel David Luzzatto, of Italy, also belonged to the latter group. Although he took the liberty of denying Solomon's authorship of the Book of Ecclesiastes,⁶ he opposed the application of the same critical approach to the study of the Five Books of Moses. The same method was applied by Krochmal who devoted an entire section of his magnum opus to critical studies on post-Pentateuchal Biblical writings but refused to dissect the Pentateuchal text.⁷ In Krochmal's view, the Five Books of Moses were not open to criticism. He condemned those who doubted the historicity of Moses, thereby implying that the Pentateuch was a forgery.⁸

⁵An exception may be found in the case of Yehudah L. Ben-Z'ev, Mavo el Migra'ei Qodesh (Vienna, 1810).

⁶"Divrei Qoheleth," Mehqerei ha-Yahaduth (Warsaw, 1913), I, Part II, 60ff.

⁷Rawidowicz, Kitvei RaNaK, pp. cxxvi, 200. It is in chapter xi of MNZ, that Krochmal's critical views appear.

⁸Krochmal, MNZ (Lemberg, 1851), p. 2.

Similarly, Rapoport refused to accept the interpretation of an aggadic passage which implied that Rabbi Meir had in his possession a non-Masoretic version of the Pentateuch. "Heaven forbid that he [Rabbi Meir] should have altered the [Pentateuchal] text!," Rapoport declares.⁹ It is interesting to note that this interpretation was also rejected by Krochmal and Chajes, and all three scholars were in agreement as regards the proper explanation of this passage.¹⁰

Though somewhat conservative, the Galician maskilim did not attempt to hide the influence of non-Jewish scholars on their studies. Thus, Krochmal openly refers to Johann Eichhorn by name, even though he feels that his conclusions require verification from Jewish sources.¹¹ He cites Eichhorn's findings and shares his views with regard to the Books of Isaiah and Zechariah, namely, that each of them is the work of more than one author.¹² He also shares Eichhorn's view that many Psalms originated in the period of the Babylonian exile, and some are even as late as the Hasmonean era.¹³ Such views were also characteristic of Rapoport who frequently discusses the question whether the Book of Isaiah

⁹Rapoport, Erekh Milin, p. 15.

¹⁰Krochmal, in MNZ, p. 174; Chajes in Kol Sifrei, p. 105; Rapoport in Erekh Milin, p. 15.

¹¹Rawidowicz, Kitvei RaNaK, pp. 136, 166.

¹²Ibid., p. 133.

¹³MNZ, p. 35.

was the work of only one man or of several authors; similarly, he proposes post-exilic dates for the origin of a number of Psalms.¹⁴

By contrast, Chajes' references to non-Jewish Scriptural critics were always negative. "To deny the traditional authorship of Scriptural texts, and to attribute these texts to later authors, is profane," he declares; "such assertions are made only by non-Jewish scholars. In our midst, the masorah is accepted in its full authority."¹⁵ His sharpest criticism however, was reserved for those who dared to doubt the Divine nature of the Pentateuch, attributing it to Moses himself and to Egyptian influences.¹⁶ He was no less critical

¹⁴E. Graber, Iggroth Shir (Przemysl, 1885), Nos. 1, 43, 45, 46. See a list of references on this subject in Isaac Barzilay, "The Scholarly Contribution of Shir," Proceedings of the American Academy for Jewish Research, XXXV (1967), 33.

¹⁵Kol Sifrei, II, 972; see also I, 453.

¹⁶The attribution of various aspects of the Torah to Egyptian sources is strongly emphasized in the Deistic literature of the eighteenth century. See Leslie Stephen, History of English Thought in the Eighteenth Century, I (3rd ed.; New York and London, 1902), 141. This idea is explicitly mentioned in Voltaire's writings. See Hanna Emmrich, "Das Judentum bei Voltaire," in Sprache und Kultur der Germanisch-Romanischen Völker, ed. by W. Horn, P. Merker and F. Neubert, V (Breslau, 1930), 11. The rite of circumcision was traced to Egyptian origins. Even later Biblical scholars, as James Breasted (1865-1935) postulated the Bible's total dependence on Egyptian culture. See Salo W. Baron, "The Enduring Heritage," in Leo W. Schwarz, ed. Great Ages and Ideas of the Jewish People (New York, 1956), p. 384.

of those who maintain that the Pentateuch was the work of Ezra the Scribe.¹⁷

This statement--made in 1849--attributing critical views on the Bible to non-Jewish scholars, but not to Jews, is somewhat puzzling. Chajes must have known that his closest associates, Krochmal and Rapoport, also pursued such studies. Rapoport's critical views had been printed as early as 1823 and again in 1827 in his She'erith Yehudah, a paraphrase translation of Racine's Esther.¹⁸ Similarly, by 1849--nine years after Krochmal's death--the critical views of Krochmal were no secret. Yet, in an 1849 statement, Chajes explicitly praises Krochmal's "critical explanations . . . on certain chapters of the Book of Psalms and Isaiah in Kerem Hemed . . . and especially in his treatise Moreh Nevukhim ha-Hadash [sic] which is still in manuscript form, and of which I saw several chapters."¹⁹ It is, therefore, not surprising that Chajes was accused of hypocrisy.²⁰ For how could he lavish praise upon "critical explanations" based on the denial of the traditional authorship of sacred texts?

In defense of Chajes, it may be argued that the "several" chapters of Krochmal's work to which he praisingly

¹⁷Kol Sifrei, I, 453.

¹⁸"petah Davar She'erith Yehudah," Bikkurei ha-Ittim, VIII (1827), 183.

¹⁹Kol Sifrei, II, 874.

²⁰Joshua Schorr, "Sifah beyn Rav Galizai u-beyn he-Halutz," he-Chalutz, III (1856), 10.

refers contained no references to his critical studies. Does this mean that the more "radical" sections of Krochmal's work had been deliberately withheld from Chajes? Or was he only including "several chapters" in his praise because he was simply reluctant to give his imprimatur to those sections with which he disagreed, although he read the full manuscript? In view of the close personal relationship between Krochmal and Chajes, it is difficult to believe that Chajes was unaware of the "other" chapters of Krochmal's researches. Moreover, Lachower thinks that Chajes had, in fact, received the manuscript of Chapter Eleven of Moreh Nevukhei ha-Zeman, which is primarily devoted to critical studies of the Scriptures.²¹ It should be further remembered that Chapter Eleven is, formally at least, only a commentary and addendum to the earlier historical sections. Hence, it stands to reason to assume that if Chajes says that he read the historical chapters, he must also have read the material of Chapter Eleven. We may thus conclude that Chajes was aware of Krochmal's studies but deliberately ignored them in his praise of the rest of the work.

Others have attempted to clear Chajes of the charge of hypocrisy by asserting that once he had repudiated Bible criticism, he felt he could afford to express his approval

²¹Jacob Fichman, ed., Sefer Bialik (Tel-Aviv, 1934), part II, p. 77.

of exegetic passages in Chapter Eleven that did not directly deal with this objectionable theme.²²

In our opinion, these attempts to exonerate Chajes' religious integrity are unconvincing because they ignore the basic fact of Chajes' behavior, namely, his failure to protest against Krochmal's studies in Biblical criticism. If he saw fit to openly praise Krochmal for those comments which he, Chajes, considered of value, why did he not also register his objections to those passages of which he did not approve? Is not the fundamental viewpoint of the work more important than any individual exegetic comments? Why, then, should Chajes have taken pains to stress the incidental while glossing over the critical approach basic to the entire work?

Notwithstanding Chajes' silence on Krochmal's pursuit of Bible criticism, his views on Biblical criticism were more conservative than those of his haskalah contemporaries. He championed the cause of tradition, as opposed to Krochmal and Rapoport, who in their critical studies had broken away from the concept of the sanctity of tradition. Krochmal and Rapoport themselves were aware that they had broken with traditional concepts; Krochmal kept apologizing in his works for his daring conclusions, and Rapoport rarely published his views, for fear of public censure.²³

²²Herscovics, "Al Hudah shel Mahat," p. 79.

²³For Krochmal, see Rawidowicz, Kitvei RaNaK, p. 157; for Rapoport, see Barzilay, "Shir," p. 32.

On the other hand, it is of great interest to note Rapoport's allegation that Chajes, too, secretly approved of certain theories propounded by the Bible critics.²⁴ He upheld his allegation by adducing an elusive reference of Chajes to Ibn Ezra's interpretation of a problematic passage in Genesis 13:7. In the view of modern Bible critics, this particular passage in Ibn Ezra's commentary appears to indicate that in his opinion parts of Genesis were written after the time of Moses. When Chajes refers to this particular passage, he declares that "he [Ibn Ezra] wrote mysterious things (sodoth) about this matter." He does, however, not elaborate upon the enigmatic nature of Ibn Ezra's comment. In apparent allusion to the interpretation of this passage by modern Bible critics, he merely adds that "current critics have gone astray on this point, and it is forbidden to copy their words."²⁵

However, Rapoport's assumption is not at all convincing. He apparently takes for granted that the "mysteries" to which reference is made in the work of Ibn Ezra had to do with Biblical criticism and propounded the post-Mosaic authorship of certain parts of the Scriptures. True, Chajes' contemporaries could argue that many had considered Ibn Ezra a Bible critic at heart. Thus, Krochmal cites Ibn Ezra as having upheld the theory of the dual authorship of

²⁴ "Mikhtav 13," Kerem Hemed, VI (1841), 214.

²⁵ Kol Sifrei, II, 502.

the Book of Isaiah. According to Krochmal, Ibn Ezra had, "undoubtedly out of fear of fanatics," camouflaged his critical views with frequent references to "mysteries" upon which, he said, he was in no position to elaborate.²⁶ However, the idea that Ibn Ezra's "mysterious" references had to do with Biblical criticism was by no means universally accepted, especially not in orthodox circles. Various attempts have been made to interpret these references in such a way as to reconcile them with traditional views.²⁷ As for Chajes' statement, it contains no allusions to substantiate the claim that he, Chajes, believed that the "mysteries" in Ibn Ezra's commentary contained anything that was not in keeping with orthodox thought.

The rebuttal of Rapoport's allegation enables us to assert now that Chajes' disapproval of Bible criticism may be considered a well-established fact. True, he did not directly criticize his colleagues for pursuing such studies; the lack of such criticism, however, must not be interpreted as tantamount to approval.

There are, however, some other related controversies on which Chajes saw fit not to comment; in these instances, his silence leaves room for some doubts as to his own view.

²⁶ MNZ, p. 97.

²⁷ For example, see Isaac Mehler, Ezrah le-Havin (Berdichev, 1896), p. 8, who maintains that many passages were often added to the original text by "erring students." For an elaboration upon this problem, see "Qarnei Or" in Mehogegei Yehudah Bible, ed. by Y. L. Krinsky (Israel, 1961).

Thus, when Luzzatto and Krochmal both denied a commonly-held traditional view that the vowels for the written Biblical texts dated back to the revelation on Mount Sinai,²⁸ Chajes made no mention of the problem in any of his works, nor did he take part in the bitter disputes that were set off particularly by Luzzatto's pronouncement on the subject.²⁹ Nor do Chajes' comments on Talmudic passages concerning the Book of Ecclesiastes mention the questions raised by Krochmal concerning these very passages,³⁰ questions which had led Krochmal to the conclusion that Ecclesiastes was not the work of King Solomon. However, in view of Chajes' outspoken opposition to Scriptural criticism, we do not feel that silence on the issue of Ecclesiastes should be construed as an attempt to withhold his own honest opinion.

²⁸ Luzzatto in Vikuaḥ al Hokhmah ha-Kabbalah ve-al Qadmuth Sefer ha-Zohar ve-Qadmuth ha-Nequdoth ve-ha-Ta'amim (Goricia, 1852). See also Meyer Shulvass, "S.D. Luzzatto," Talpioth, V (1950), 20; Krochmal in Rawidowicz, Kitvei RaNaK, p. 199.

²⁹ Jacob Bachrach, in his anti-Luzzatto work, Ishtadluth im SHaDaL, II (Warsaw, 1896), 228 refers to "my friend . . . Rabbi Zvi Chajes." Chajes' approving letters to Bachrach's Sefer ha-Yahas li-khtav ha-Ashuri (Warsaw, 1854) are not necessarily an indication of his consent to Bachrach's view of the Sinaitic origin of vowels. For though the third section of the book deals with the defense of this thesis, Chajes specifically states that he saw "short parts of the second [emphasis mine] section."

³⁰ Krochmal's comments concern the Talmudic passage in Shabbath 30 גקלו חדאמא אלא ספרי קהלא. See MNZ, p. 121.

Chajes' alleged negative stand on Biblical criticism does, however, become questionable when one considers his views on another basic problem, namely the dating of the canonization of the Scripture. In this matter, he seems to follow Krochmal's view rather than that of traditional Judaism. According to Krochmal, the canonization of the Bible went through a process of two distinct phases; the first took place during the period of the Great Synod and the second did not begin until 170 B.C. at the earliest, i.e., during the era of the Hasmonean wars. Krochmal thinks that the second phase was necessitated by the fact that during the period of Greek rule in Palestine, the enemy had not only destroyed many Scriptural texts but had also deliberately circulated distorted versions of the sacred writings. In Krochmal's view, this phase came to an end about 110 B.C.

Halevy, in the name of traditional Jewry, strongly disagreed with this thesis.³¹ Krochmal, he felt, based his theory of a "second phase" on the invalid assumption that the widespread destruction of Biblical texts in ancient Palestine meant that all correct copies of the original material had been lost. To Krochmal's thinking, in other words, Palestine was the sole center of Jewish religious life and learning as late as the second century B.C.; Jewish scholarship in Babylonia was only a later development of the Talmudic period. Such a premise implies that the Jewish community,

³¹Halevy, Doroth ha-Rishonim, IIIa, 112.

exiled in Babylonia centuries earlier, lived unguided by the precepts and scholarship of Oral Law. This implication strikes at the heart of the orthodox doctrine of the Sinaitic origin of the Oral Law.

It would seem that Chajes, too, accepts the theory that the canonization went through two phases. In a parenthetical footnote referring to Apocryphal works such as the Books of the Maccabees, Chajes explains that "these [Apocryphal] texts were called hitzoniyim (outside matter) because the Sages of the era of the Second Commonwealth did not see fit to include them into the Scriptures."³² According to the traditional view, the entire canonization process was accomplished in one phase, during the era of the Great Synod. It should be pointed out, that this era ended only a very few years after the founding of the Second Commonwealth. Thus, the works on the Hasmonean wars had not been "rejected" by the "editors" of the Bible; they had remained outside the Biblical canon by virtue of the simple reason that they had not been in existence at the time of the canonization. Chajes' reference to the Sages of the Second Commonwealth in connection with the final editing of the Scriptures would therefore imply that as far as the canonization of the Biblical text was concerned, he sided with the non-traditionalists.

³²Kol Sifrei, I, 94.

On the other hand, it may be argued that when Chajes speaks of "joining" the Apocryphal writings to the Scriptures, he does not mean incorporating them into the Bible--which had already been "sealed" during the era of the Great Synod--but placing them on a special, separate but equal, level with the Scripture. This explanation seems plausible when it is realized that Chajes introduces this topic while discussing that:

[Esther] surely did not want the Scroll (of Esther) to be joined with the Scriptures; all she wanted was to have the Scroll considered in a class by itself . . . for she would not have dared to ask the impossible; anyone who would [presume to] add to the Scripture has no share in the world to come.³³

Thus, Chajes might have meant that the Apocryphes too, merely be added alongside rather than in the Scriptures. But then again, why did Chajes reject the possibility of additions in the form of "sipuah" (סִפּוּאָה) when he referred to the Scroll of Esther and yet was ready to accept the possibility that apocryphal writings might have been "nispah"--joined to the Scriptures--if not for their anti-traditional contents. In light of this inconsistency, two different explanations are possible: either one may minimize the semantic consideration and claim that the one word "sipuah" should not be unduly overemphasized; or one might claim that in the case of apocryphal writings, Chajes was

³³Ibid.

merely echoing Krochmal's notions without worrying about inner consistency within his own writings.

Such inconsistency is further revealed when, in still another instance, Chajes refers to the canonization of the Scriptures by the last prophet.³⁴ This period coincides with that of the Great Synod. If he accepts the traditional view that the Great Synod made the final canonization,³⁵ how could he raise the question as to why the Sages did not include Maccabees, a work written centuries later.

Summary

In recapitulation, it may be said that most of Chajes' writings were devoted to Talmudic studies, with Biblical exegesis playing only a minor role. Interpretations of isolated Biblical passages which are scattered throughout his writings are incidental and not singled out for systematic and detailed presentation. Chajes refused to follow the path of his contemporaries who first introduced Bible criticism into Eastern European Jewish scholarship. While Krochmal and Rapoport refused to question the authorship of

³⁴Ibid., II, 901.

³⁵It should be noted that while Krochmal regards the inclusion of the Book of Esther into the Scriptures as an act that took place during the second phase of the canonization (Kitvei RaNaK, p. 138), Chajes makes no such inference. In other words, he does not, after all, explicitly dispute the traditional concept that the canonization of the Book of Esther had occurred during the era of the Great Synod.

the Pentateuch but felt free to apply the critical approach to other Scriptural texts, Chajes pointedly refrained from engaging in such critical studies. Although he never took issue with Krochmal for pursuing these studies, he explicitly repudiated any approach to the Bible not based on the masorah. Still, there is one instance in which we find Chajes influenced--even if only indirectly--by the mentality he opposed; his statement concerning apocryphal works appears to imply his acceptance of the non-traditional view regarding the canonization of the Bible. In this case, Chajes shows a tendency typical of the Wissenschaft des Judentums movement, completely at variance with the "Sinaitic" platform which, in every other instance, he so strongly defended.

Apocryphal Literature

Like Biblical criticism, the scholarly investigation of the Apocrypha had its beginnings among non-Jewish scholars. ". . . Until the middle of the nineteenth century there was no scientific interest in such works," Abraham Kahane wrote. "At that time, the question of the admissibility of Apocryphal works into the Scriptures arose in Europe. . . . This polemic caused scholars, particularly in Germany, to study the value of these [Apocryphal] texts."³⁶

Prominent among those who introduced Jewish scholars to these studies was Krochmal. Although Jews throughout the

³⁶ Abraham Kahane, ed., ha-Sefarim ha-Hitzoniyim, I (Tel-Aviv, 1956), xii.

ages referred to individual Apocryphal works such as the Wisdom of Solomon and parts of the Books of the Maccabees, they had not conceived of Apocryphal literature in terms of a separate group of writings. It was Krochmal who was among the first to introduce to Jewish scholars the concept of Apocrypha as a literary entity.

A frequently-cited mishnah in Sanhedrin states that those who read "sefarim hitzoniym" have no portion in the world to come.³⁷ The classic commentators were unable to agree on the definition of sefarim hitzoniym. Some, including the MaHaRSHA (d. 1631), believed the term to refer to the works of Aristotle.³⁸ Krochmal did not agree; he regarded those scholars as having been quite ignorant of the subject. "The matter of additions to the Biblical text, was unknown (to MaHaRSHA) . . . and neither he nor the earlier commentators knew the true meaning of the mishnaic law . . . forbidding Jews to read sefarim hitzoniym."³⁹ Krochmal insisted that the term referred specifically to Apocryphal literature. Ever since, sefarim hitzoniym has been accepted as the Hebrew term for Apocrypha.

³⁷ Sanhedrin 90a.

³⁸ Rabbi Samuel Eliezer ben Judah, of Lublin was a classic commentator on most tractates of the Babylonian Talmud. His comments are appended to most standard texts of the Talmud under the titles Hiddushei Halakhoth and Hiddushei Aggadoth.

³⁹ MNZ, p. 117.

Chajes, it appears, had not shared the view of the early commentators. In his very first work, Torath Nevi'im, he already gives a list of Apocryphal writings and notes that they are known by the Hebrew term sefarim hitzoniyim.⁴⁰ Moreover, Krochmal openly acknowledges that "the author of the worthy text Ayleh ha-Mitzvoth [a section of Torath Nevi'im]"--meaning Chajes--"is correct in what he says on this matter [the definition of sefarim hitzoniyim]." ⁴¹ Thus, it is clear that Chajes was at least aware of the existence of the Apocrypha as a separate category of literature. However, in his Hagahoth al ha-Talmud, published seven years later, he does not define the term sefarim hitzoniyim as it occurs in the mishnah in Sanhedrin. Krochmal had considered the definition a major discovery. But Chajes, though aware of the term and its significance, fails to comment upon it when discussing the Talmudic passage in which it occurs. The fact that Chajes did not avail himself of the opportunity to present a detailed explanation of the term in his Talmudic commentary might be interpreted as another example of his reluctance to commit himself to either side in the dispute between tradition and the critical approach. It might be argued that he did not want to discuss the term in his Comments on the Talmud since he knew that the work would be studied primarily by traditionalists, whom he did not want

⁴⁰ Kol Sifrei, I, 94.

⁴¹ Rawidowicz, Kitvei RaNaK, p. 138.

to antagonize. On the other hand, how are we to explain the fact that he did not hesitate to send his Torath Nevi'im, in which he did present the "modern" definition of sefarim hitzoniyim, to such uncompromising traditionalists as Rabbi Schreiber? Whatever the answer to this question, the fact that Chajes made no comment about the definition in Sanhedrin is significant.

At this point it should be stressed that while Chajes evinced an interest in Apocryphal writings as one literary entity, he never utilized them, as Krochmal did, to support "scientific" studies of Jewish history. Unlike Krochmal, Chajes did not regard the Apocrypha as a stage in the evolution of halakhah. As a traditionalist, Chajes viewed the Apocryphal writings--many of which reflect the influence of Hellenism--as representing deviations from the Sinaitic mainstream of Judaism rather than a legitimate phase of the evolution of Jewish law and religion.⁴²

⁴²Modern scholars, such as Louis Finkelstein, often emphasize the evolutionary, rather than the eternal, aspect of doctrines. Thus, in his discussion of the significance of Maccabees, II, Finkelstein states that "in addition to various statements about the observance of the Sabbath and other practices that may be said to reveal a Pharisaic point of view, it contains what are probably the earliest explicit references to the resurrection of the body. This particular belief became one of the few cardinal dogmas of Pharisaism." See Ralph Marcus, "Hellenistic Jewish Literature" in Louis Finkelstein, ed., The Jews, II (New York, 1960), 1083. For Krochmal's views on Apocrypha as a stage in the evolution of halakhah, see MNZ, p. 58.

In all of Chajes' works, only one single footnote--albeit two pages long--deals with Apocryphal literature.⁴³ In his discussion, he explains that traditional Jews have never accepted Apocryphal literature as "sacred" because the characters in many of these works are not guided in their behavior by the discipline of halakhah. Krochmal never discussed the rejection of the Apocrypha by traditional Jews. Chajes, by contrast, explains that rejection by presenting a list of actions which are related in Apocryphal literature and are forbidden by halakhah.

It is worthwhile to compare Chajes' study with a similar investigation made by a more recent scholar, Chaim Tchernowitz (Rav Tza'ir), who devotes an entire section of his work, Toledoth ha-Halakhah, to the role of halakhah in Apocryphal literature.⁴⁴

Both Chajes and Rav Tza'ir examine the books of Susanna and Tobit and cite identical instances in them of violations of halakhah. Thus, both discuss the account in the Book of Susanna describing a punishment inflicted on false witnesses which was not in accordance with Talmudic law. Clearly, the account does not make allowances for the distinction drawn in the Talmud between hazamah, which is

⁴³Kol Sifrei, I, 94.

⁴⁴Hayyim Tchernowitz (now called Rav Tza'ir), Toledoth ha-Halakhah, IV (New York, 1950), 341-410.

subject to the death penalty, and hakhashah, which is not.⁴⁵ Similarly, both discuss the principal character in the book of Tobit--Sarah--who violates the halakhic prohibition against multiple marriages. As a rule, more than three marriages are forbidden; Sarah marries seven times.

In addition to the above instances, which might simply be explained away as examples of ignorance or of neglect of halakhic law, we find--in the Book of Tobit--reference to a legal requirement which occurs nowhere in Scriptural or Talmudic tradition, namely, that one must choose a marriage partner from within one's own kinfolk.

On this point, Chajes and Rav Tza'ir differ. Chajes finds absolutely no halakhic basis for choosing one's mate from within one's own kinfolk, save for the exception made in Biblical days in the case of the daughters of Tzelophehad (Numbers 36:6). Rav Tza'ir, on the other hand, attempts to trace the practice to the Talmud, citing the praise the Talmud accords to one who marries his niece or other relative.⁴⁶ But although he tries to find Talmudic sanction for the practice, Rav Tza'ir concedes that capital punishment--as related in the Book of Tobit--for not choosing a spouse from among one's kinsfolk is uncalled for.⁴⁷ Chajes' view

⁴⁵See Deutronomy 19:19 and Makkoth 5b.

⁴⁶See Yevamoth 63 and Maimonides, Yad ha-Hazagah, Hilkhoth Issurei Bi'ah, chapter ii, #14, and Bereishith Rabbah, chapter xviii.

⁴⁷Toledoth ha-Halakhah, p. 396.

seems to be more straightforward: he differentiates between an act that is merely "praiseworthy" and one that is mandatory--as "commanded by Moses in his Torah." The mere fact that the Talmud praises the act does not equate it with an actual requirement of the Torah. It is this emphasis, in the Tobit text itself, on "command" which, in the final analysis, marks the act cited in that book as an instance of one "not in keeping with our Torah." Accordingly, Tobit serves as an example of a work based on a foreign source, on a deviate version of halakhah.

It is also of interest to compare Chajes' solution of the problem of Sarah's seven marriages with that submitted by Rav Tza'ir. Chajes solves the problem by citing parallel versions of the Book of Tobit, according to which Sarah, the heroine of the work, was not married seven times but only three times, and hence was still within the law. Rav Tza'ir, on the other hand, justifies Sarah's actions by claiming that, as a matter of fact, she had never been nesu'ah (officially married) at all but only arusah (betrothed), and the law sets no limits on the number of times a woman may become betrothed. By assuming Sarah to be an arusah, Rav Tza'ir is suggesting a point of information not specified in the text itself.

Although Chajes offers some interesting suggestions for the halakhic problems in apocryphal literature, it goes without saying that Chajes did not delve as deeply into apocryphal literature--even its halakhic aspect--as

Rav Tza'ir. Unlike Rav Tza'ir, who made an exhaustive study of the role of the apocrypha in the evolution of halakhah, Chajes discussed the topic merely as a side issue in connection with the halakhic ban on adding to the text of the Scriptures. Since Chajes, therefore, left no systematic study of apocryphal literature as such, we have no reliable evidence of the extent of his scholarship in this field. The most that can be claimed with any degree of certainty is that Chajes, after a fashion, read many of the Apocryphal writings. In his footnote discussions, he did not elaborate on the halakhic aspects of the Apocrypha, nor did he go into the general history and authorship of these works as Krochmal did.⁴⁸

It is of interest to see which of the Apocryphal writings were known to Chajes, and why he may not have been familiar with the rest of them.

The lists of Apocryphal writings drawn by Krochmal and Chajes are identical,⁴⁹ except that Chajes includes The Prayer of Menasseh, which Krochmal omits, and Krochmal cites Additions to the Book of Ezra, which Chajes omits. The works mentioned by both authors are Ben Sira, The Wisdom of

⁴⁸ See MNZ, p. 52. Krochmal mentions his opinion, not upheld in current theory, that all Apocryphal writings "originated in Palestine, and were written in Aramaic."

⁴⁹ Krochmal, in MNZ, p. 51; Chajes in Kol Sifrei, I, 94.

Solomon, Hasmoneans, Judith, Tobit, Barukh,⁵⁰ Ba'al, Tanin, Susanna and Additions to the Book of Esther.

Most of Chajes' list of Apocryphal writings parallel that of Leopold Zunz.⁵¹ In some cases, however, he does not follow Zunz's list. Thus, it is odd, that the Chajes list makes no mention of The Letter of Aristeas, which had been translated by Azariah de Rossi, whom Chajes so greatly admired. The Letter appears in Zunz's list,⁵² and Chajes himself had cited it elsewhere.⁵³

There are also some works mentioned neither by Chajes nor by Zunz, such as the Epistle of Jeremiah. This work was one of the Apocryphal writings published in 1833. It comes as no surprise that the work does not appear in Zunz's enumeration, which was published in 1832. But one wonders why it is not included in Chajes' list, which was not published until 1836, three years after publication of the Epistle. It is hardly to be believed that Chajes, the bibliophile, should not have known of this work.

⁵⁰The question arises whether Chajes' Barukh denoted both Hazon Barukh (The Vision of Baruch) and Divrei Barukh (The Words of Baruch). Since the manuscript of Parts One and Two of Hazon Barukh were not discovered and published until the 1860's and the late 1880's respectively, Chajes must have had only Divrei Barukh in mind. See Kahane, ha-Seferim ha-Hitzoniyim, I, 408.

⁵¹Leopold Zunz, ha-Derashoth be-Yisra'el, trans. and ed. by H. Albeck (Jerusalem, 1947). Zunz never offers a listing of Apocryphal works, as such.

⁵²Zunz, ha-Derashoth, pp. 60-61.

⁵³Kol Sifrei, II, 888. See also Jacob Isaac Jutes, Oholei Ya'aqov (Lemberg, 1848), p. 31.

In our opinion, a logical explanation for Chajes' omission of the above cited works and others, such as Adam and Eve, Jubilees, Testament of the Tribes, Enoch and Sibylline Oracles, may be his traditionalist bent. He omitted these works from his list because they had been variously attributed to non-Jewish authors or had been thought to have undergone alterations at the hands of Christian scholars.⁵⁴ Thus, many Jews held that The Letter of Aristeas was a non-Jewish creation. Zunz, who did list it along with many more recent scholars, may not have agreed with this theory regarding The Letter.⁵⁵ However, not all omissions from the lists can be explained in terms of traditional or non-traditional attitudes. It may be that Krochmal and Chajes had not meant to publish complete lists but merely intended to cite examples of Apocryphal literature.

Another question arising from the study of the lists of Apocryphal works has to do with the book of Susanna.

⁵⁴ Thus, for example in the case of Testament of the Tribes, the third portion of each tribe's will was added by Christian sources. Not until 1884, however, was it shown that those portions did not form part of the original text. With regard to the Sibylline Oracles, see Abraham Kurman, Mavo le-Torah she-bikhtav ve-she-Ba'al Peh, p. 294, who accepts them as non-Jewish creations. Other authorities, however, believe these works to be "in large part Jewish and Christian compositions in disguise It is not always easy to distinguish the Jewish from the Christian portions However, there is general agreement that we have basically Jewish material in most of Books III, IV and V . . ." Finkelstein, Jews, II, 1083ff.

⁵⁵ Finkelstein, Jews, II, 1096, states that "even a casual reading reveals that the author was not, as he pretends, a Ptolemaic official . . . but a Hellenistic Jew."

While Chajes lists a book of Shoshana, Zunz refers to Megillath Shushan.⁵⁶ Krochmal explains that Megillath Shushan was the title by which the Hebrew rendering of the Syrian version of Shoshana was known.⁵⁷ Chajes, himself, in a later work,⁵⁸ draws the same conclusion, which has been accepted also by contemporary authorities.

Chajes was well aware of the fact that this conclusion is not without its problems. For at one point Nachmanides cites an excerpt from the text of Megillath Shushan.⁵⁹ But this quotation does not appear in the Shoshana text known to us. How then, can one identify Megillath Shushan with Shoshana; might they not be two separate works? Chajes' explanation is that Nachmanides' quotation, for which the latter names Megillath Shushan as a source, is actually taken from an anthology which includes the book of Shoshana, along with Barukh and Tobit. Consequently, Nachmanides does not necessarily mean the text of Shoshana as such, but is merely referring to the title of the anthology, often called by the name of the first work. Rapoport, however, accused Chajes of deliberately seeking to mislead the student with this explanation. For a careful search reveals that, in fact, the passage quoted by Nachmanides does not appear

⁵⁶ Zunz, ha-Derashoth, p. 59.

⁵⁷ MNZ, p. 52.

⁵⁸ Kol Sifrei, II, 539.

⁵⁹ Deutonomy 21:14.

anywhere in the anthology of which Chajes speaks. However, a passage similar to the one cited by Nachmanides does occur in The Book of Judith, and Rapoport proceeds to find an acceptable reason for assuming that Megillath Shushan is simply another title for The Book of Judith.⁶⁰

In general, while Krochmal, as a historian, seems to elaborate and explain the historical background of the Apocrypha, Chajes merely suggests points for further analysis. The difference in approach can best be illustrated by the startling discovery--claimed by both authors--⁶¹ that Ben Sira is quoted only in the Babylonian Talmud, and rarely, if at all, in the Palestinian Talmud. Krochmal attributes this omission to the great fear of heresy among the rabbis in Palestine, the birthplace of Christianity, which led the Sages there to play down the writings of the Apocrypha. Chajes, on the other hand, merely calls attention to the omission without attempting to explain it.

Summary

In recapitulation, the problem in this section of our study was to determine the attitude that seems to have held Chajes back from making a thorough, scholarly study of Apocryphal literature. The level--qualitatively and quantitatively speaking--of his treatment of the Apocrypha hardly

⁶⁰"Mikhtav 14," Kerem Hemed, VI (1841), 256-58.

⁶¹Krochmal in Kitvei RaNaK, p. 120; Chajes in Kol Sifrei, I, 152-53.

merits the adjective "scholarly." He does not deal at all with questions of authorship, dating or literary style.

The sole aspect of Apocryphal literature which Chajes sees fit to discuss, namely the reason why the Apocryphal writings were not included in the Biblical canon, is limited to a footnote. There, he explains that the Apocrypha could not be considered part of the Scriptures because the action in many of these narratives runs counter to halakhah. He then offers several illustrations from the writings to prove his point. Such is the extent of Chajes' treatment of a subject which was intriguing the German non-Jewish scholars of his day.

It was precisely this clash with halakhic tradition that explains the lack of interest on the part of traditional Jews in the Apocryphal writings. In Chajes' day, the time was simply not ripe for any serious study of these works even among non-traditional Jewish scholars. As a consequence, one could hardly expect Chajes, the conservative among the maskilim, to pursue this field to any great extent.

The mere fact that Chajes read the Apocryphal works at all is not insignificant. It is also interesting to note that of all the Apocryphal writings, he singles out Ben Sira for the greatest attention. He finds a basis for comparing it with Megillath Ta'anith in that the Babylonian Talmud applies certain hermeneutical principles to both,⁶² without

⁶² Sanhedrin 99b in reference to Ben Sira; Ta'anith 18a with reference to Megillath Ta'anith.

fear lest this comparison might give the student the impression that Ben Sira is part of the Biblical canon. Moreover, the Talmud refers to Ben Sira as Ketuvim (Writings),⁶³ a term frequently used in Talmudic literature for Biblical writings. Accordingly, Chajes concludes that all post-Biblical literature, except the Oral Tradition, may be subject to hermeneutical interpretation and that Ben Sira is an early example of this type of literature.

Megillath Ta'anith

Chajes quite frankly claims credit for the originality of his observations on the nature of this Talmudic work. He is proud to reveal to his readers "an important rule [as regards this matter] . . . for the Almighty assisted me to draw valid conclusions here, and to explain the matter of Megillath Ta'anith."

Chajes is fascinated by his discovery that "once it was permitted to write down this [work], an additional honor was bestowed upon it; namely, that it is explained by the same hermeneutical method applied to the Holy Scriptures." After citing an example of hermeneutical interpretation from the text of the work, he says: "We see, then, that [the Sages] applied very precise methods of investigation with regard to every word that seems superfluous [in Megillath

⁶³ See Chajes' "Hagahoth al ha-Talmud," Babylonian Talmud (Vienna, 1843), Babba Qama 92b and Kol Sifrei, I, 152. In both instances, he draws a comparison with Megillath Ta'anith.

Ta'anith] just as they do with Scriptural texts; you will not find them applying such precise methods to the investigation of every letter in any mishnah in the Talmud."⁶⁴

In our view, one may question Chajes' argument that Megillath Ta'anith was accorded Scriptural status. The example of hermeneutics Chajes cites from Megillath Ta'anith involves the investigation of a word, and not of a letter. Letter-by-letter interpretation is confined to those Talmudic interpretations that deal with Scriptural texts. The investigation of words that seem repetitious, on the other hand, is not limited to Biblical texts, but may be applied to any intelligent serious piece of literature.

It is, then, not surprising that on many occasions, the mishnaic Sages make a point of discussing the omission of even one minor word from a Mishnah. Such omissions have been made subjects of serious Talmudic investigations.⁶⁵ It does not necessarily follow, then--as Chajes would have it--that Megillath Ta'anith has been bestowed with any "additional honor" and that it enjoys a status superior to mishnah.

The next piece of evidence Chajes brings to bear in support of his theory on the scriptural status of Megillath Ta'anith is the fact that the Talmud, in referring to a passage of this work, uses the phrase mah Talmud lomar which,

⁶⁴Kol Sifrei, I, 151.

⁶⁵See Tosafists Babba Qama 2a for an explanation of the omission of the word "hen."

Chajes says, is "exclusively reserved for references to Scriptural passages."⁶⁶

In our opinion this argument, too, is debatable. While it is true that, as a rule, this phrase is used to introduce Biblical quotations, there is at least one instance in which it occurs in a non-Scriptural text; namely, in connection with the first mishnah of chapter five of Avoth. The MaHaRaL, in his commentary on this passage in Avoth, shows that mah Talmud lomar is not used exclusively with reference to Biblical passages.⁶⁷

Thus, the technical arguments on which Chajes bases his thesis are weak. But even more important, Chajes' reasoning as such is not in keeping with the traditional view which considers the Scriptures a unique phenomenon, with each particle of the text having its own "super-significance," to the extent that the Sages have derived myriads of halakhoth from the tagim (diacritical marks) above each letter of a Scriptural text.⁶⁸ These derivations, obviously, are not based on "scientific" textual investigation; rather, their intent is to attest to the Divine source of every single iota of the passage involved. Thus, although

⁶⁶Kol Sifrei, I, 151.

⁶⁷Derekh Hayyim (Warsaw, 1897). The MaHaRaL explains that it is the term "מָה לָנוּ לִמְדָה" which is limited to Biblical use. "Mah Talmud lomar" simply means "what are we to learn from this?"

⁶⁸See Eruvin 21b.

Chajes makes a clear distinction between the sanctity of the Scriptures and that of extra-Biblical texts, he is not unwilling to grant the extra-Biblical text of Megillath Ta'anith a quasi-Scriptural status.

Some authorities claim that the above thesis was not original with Chajes. In citing the thesis, Krochmal does not explicitly name Chajes, but states that he is quoting the view of "a loved one and a friend, one of the greatest and best of rabbis of our times."⁶⁹ Klausner believes that Krochmal's reference may be not to Chajes at all, but to Rapoport.⁷⁰ We cannot agree with Klausner. The anonymous reference to Chajes is probably Krochmal's way of repaying Chajes for the latter's tendency never to refer to Krochmal by name when citing ideas derived from Krochmal. Eventually, Klausner himself eliminates Rapoport as the author of the thesis, for he finds it difficult to imagine that in view of the strained relations between the two authors at the time, Krochmal would have bestowed such lavish praise on Rapoport.⁷¹

⁶⁹MNZ, p. 207.

⁷⁰Klausner, ha-Sifruth ha'-Ivrith, II, 168.

⁷¹This consideration, however, does not move Klausner to accept Chajes as the original propounder of the thesis under discussion. Another indication of Klausner's neglect of Chajes' writings may be found in his reference to Rapoport's rebuttal of his opponents in the sixth volume of Kerem Hemed. Klausner only cites Rapoport's replies to Rebyah, the Spectators and to Rosenthal. He fails to mention the lengthy confrontation with Chajes which appears in that same issue of Kerem Hemed. See Klausner, ha-Sifruth ha'-Ivrith, II, 246. In general, he mentions the Prague rabbinate as the only bone of contention between Chajes and Rapoport; he fails to mention Rapoport's attack on Iggereth Biggoreth.

Krochmal associates with Chajes yet another bibliographical point with regard to Megillath Ta'anith, namely that the work may clearly be broken down into two separate strata. The core, the Aramaic text, which contained only a list of commemorative dates, was recorded by the disciples of Hillel and Shammai. The outer layer, in Hebrew, which explains the historical significance of these dates, was not set down in writing until the late Amoraic period. This conclusion is based on historical and linguistic considerations. But in this case, Krochmal credits Chajes only with the evidence⁷² and claims the hypothesis as his own. Chajes, on the other hand, takes credit for the hypothesis as well, since he states that "in my humble opinion, the Almighty helped me [emphasis mine] draw valid conclusions."⁷³

Like Chajes, Zunz, too, took the Aramaic portion as the "core" of the Megillah;⁷⁴ however, unlike Chajes, he did not draw sharp demarcation lines between earlier and later strata.

Modern investigations tend to support Chajes' theory even though they do not all agree on the dating scheme. While such studies maintain that "the Hebrew commentary is

⁷² MNZ, p. 220. "One strong proof for my assumption was told to me by . . ." This point is mentioned by so recent an author as Reuven Margulies, though he cites neither Krochmal nor Chajes as his source. See his Yesod ha-Mishnah ve'-Arikhatah (4th ed., Tel-Aviv, 1956), p. 20.

⁷³ Kol Sifrei, I, 153.

⁷⁴ Zunz, ha-Derashoth, p. 61.

probably no older than the seventh century,"⁷⁵ Chajes actually suggests a much earlier date.

Summary

In recapitulation, it may be said that Chajes' approach to Megillath Ta'anith reflects his haskalah tendencies. In addition to presenting a structural and chronological analysis of the work, he accords it a quasi-Scriptural status. The Rabbis, he points out, had given explicit permission to record this text, a privilege reserved for Scriptural works only; also like Biblical writings, the text of the work is interpreted by the hermeneutical method. We have questioned Chajes' arguments on two grounds: 1) The hermeneutical method of interpretation employed in the case of Megillath Ta'anith differs from the method used in Biblical texts in that the former is limited to questions of seemingly superfluous words and does not deal with the text letter by letter as would Biblical interpretation; 2) The phrase mah Talmud lomar, which Talmudic literature employs with reference to the Megillah is not, as Chajes would have it, associated exclusively with Biblical texts.

The very fact that Chajes could postulate such a hypothesis indicates that in a very subtle sense he did not regard the Bible as a totally unique and transcendent work.

⁷⁵"Megillath Ta'anith." Universal Jewish Encyclopedia, 1948, VII, 441.

Palestinian Talmud

Chajes' interest in the Palestinian Talmud reflects a new trend in rabbinic studies. "Although Chajes wrote nothing which bore directly on the Palestinian Talmud," Louis Ginzberg notes, "his notes on the Babylonian Talmud are valuable for an understanding of both. He was one of the first Polish Talmudists to study critically the relation of the two Talmuds to one another."⁷⁶ He was also "doubtlessly the first to undertake a project to prove that the editors of the Babylonian Talmud had seen the Palestinian Talmud."⁷⁷

Chajes' critical studies of the Palestinian Talmud did not take the form of systematic treatises but occur in footnotes,⁷⁸ miscellaneous addenda to chapters of his writings,⁷⁹ or in brief comments in his glosses on the Babylonian Talmud.⁸⁰ He makes reference to a future work, entitled The Order of the Talmud, in which he promises to discuss the subject at length, but no such work is known to

⁷⁶Ginzberg, The Palestinian Talmud, p. 61. It is of interest to note that the renowned Galician Rabbi Joseph Saul Nathanson arranged a system of cross-references for the text of several tractates of the Palestinian Talmud as early as 1836. Concern with the Palestinian Talmud, as such, is thus not limited to the circle of maskilim.

⁷⁷Yequtiel Y. Greenwald, he-Ra'u mesaddrei ha-Bavli et ha-Yerushalmi (New York, 1954), p. 124.

⁷⁸Kol Sifrei, II, 537, 895.

⁷⁹Ibid., I, 349.

⁸⁰"Hagahoth" to Yevamoth 21a, Nazir 20b and Sanhedrin 49.

us. Although Rapoport, in his earliest correspondence with Chajes, had urged the latter to publish a commentary on the Palestinian Talmud,⁸¹ it seems that Chajes never followed up the suggestion.

In his various notes, Chajes sets out to prove that the Palestinian Talmud had been completed by the time the Babylonian Talmud was set down in its final version, and that the full text of the former had been known to the redactors of the latter. The scholars who compiled the final edition of the Babylonian Talmud had taken into consideration the various arguments and conclusions presented in the Palestinian work. Accordingly, anything in the Babylonian Talmud that was at variance with the Palestinian Talmud was frankly intended to supersede the latter and could not be explained away by the assumption that the redactors of the Babylonian Talmud had been unaware of conflicting statements in the Palestinian counterpart.

In support of his reasoning, Chajes not only cites Rabbi Isaac Alfasi (RIF: 1013-1103), who held the same view,⁸² but also quotes several passages in the Babylonian

⁸¹"Schreiben des Herren S.L. Rapoport in Lemberg an Herren Rabbiner Hirsch Chajes in Zolkiew," Ozar Nechmad, I (1856), 22-23. The letter is dated 1830.

⁸²Greenwald, he-Ra'u mesaddrei ha-Bavli et ha-Yerushalmi, p. 124, claims that there is a lack of precision in Chajes' paraphrase of Alfasi's statement. While Alfasi only states that "the Babylonian Talmud is later than the Palestinian, and the former were well acquainted with the Palestinian Talmud," Chajes quotes Alfasi as stating ". . . the Palestinian Talmud was already arranged when the

Talmud which appear to presume general knowledge of the Palestinian Talmud. The Babylonian Talmud⁸³ even brings a quotation from a Sage that appears only in the Palestinian Talmud. Similarly, an explanation, in the Babylonian Talmud,⁸⁴ of a halakhah which is never explicitly mentioned in the Babylonian work, has been found to refer to a halakhah occurring in the Palestinian Talmud.⁸⁵

In the course of his presentation of this thesis, Chajes mentions that he had a difference of opinion on the subject with a "scholar,"⁸⁶ a designation he usually employs with reference to Krochmal. It seems that Krochmal quoted a statement from the Tosafists which implied that the Palestinian Talmud was of later origin than the Babylonian Talmud.⁸⁷

Babylonians arranged their own." However, Alfasi's words do not necessarily imply that the editors of the Babylonian Talmud saw the Palestinian Talmud in its present arrangement.

⁸³Niddah 8a.

⁸⁴Ta'anith 15a.

⁸⁵Kol Sifrei, I, 349.

⁸⁶The original Hebrew text reads: "I have seen this point raised by a scholar." Shachter, The Student's Guide through the Talmud, p. 266, translates this phrase as: "A certain scholar . . . has drawn my attention to this observation." We do not consider this rendering accurate, for Shachter's translation makes it appear to be part of a personal conversation, while Chajes is apparently referring to something written by the unnamed scholar.

⁸⁷At a later date, Yonah E. Wiesner, too, in "Givath Jerusalem," ha-Shahar (II) 1870, devotes an entire pamphlet to proving that the Babylonian Talmud antedates the Palestinian one. He cites Chajes by name on p. 78 and attempts to refute his proofs.

Chajes refutes Krochmal's argument.⁸⁸ (It is interesting to note, however, that Halevy, himself an ardent protagonist of Chajes' view, admits that the arguments used by Chajes to refute Krochmal's thesis were founded on crass ignorance.)⁸⁹

Similarly, Chajes also exposed himself to a confrontation with Rapoport with regard to the relationship between the two Talmuds.⁹⁰ Chajes--while opposing Rapoport--emphasized the superiority of the Babylonian over the Palestinian Talmud. His comments drew a furious attack, both personal and academic, from Rapoport, who accused Chajes of fraud in that he posed as the advocate of this thesis while opposing Rapoport's thesis. Yet Rapoport himself had not only quoted but even substantiated Alfasi's statement implying that the redactors of the Babylonian Talmud had had full knowledge of the Palestinian one. Moreover, Rapoport argues, Chajes' reference to the fact that Alfasi's statement was quoted by Azariah de Rossi⁹¹ can only be explained as a deliberate attempt to conceal his, Chajes', indebtedness to Rapoport for the quotation. Why else should Chajes have deemed it

⁸⁸Kol Sifrei, I, 349.

⁸⁹Halevy, Doroth ha-Rishonim, III, 133.

⁹⁰The polemics appeared in "Mikhtav 14," p. 227.

⁹¹Kol Sifrei, I, 230.

necessary to make a point of telling his readers that Alfasi is cited by de Rossi?⁹²

Closely related to the question of the relationships between both Talmuds in that of the degree of contact between Babylonian and Palestinian Jewish scholarship in general. Here, too, Chajes confronts Rapoport. He takes sharp issue with Rapoport's contention that "most of the Babylonian Geonim knew nothing of the Palestinian Talmud. The She'iltoth . . . has no mention of it; the first Gaon to cite it is Rabbi Sherira Gaon."⁹³ Chajes indicates that the author of She'iltoth does make mention of the Palestinian Talmud. Hereupon, Rapoport accuses Chajes of misrepresentation; he claims that Chajes had deliberately distorted his, Rapoport's, information to make it appear as if Rapoport had said that Sherira Gaon had been the first Gaon to have knowledge of the Palestinian Talmud. when, in fact, Rapoport had said no such thing. The statement in Rapoport's article reads: "Most of the early Geonim did not know of the Palestinian Talmud; those who did know it studied it only occasionally."

Thus, Rapoport, in an attempt to ward off Chajes' offensive portrays Chajes as tilting at windmills: Chajes

⁹²Me'or Eynayim, p. 368. In defense of Chajes, it might be said that he probably cited de Rossi's mention of Alfasi in an attempt to show the acceptance of this thesis by so critical a mind as de Rossi.

⁹³Kol Sifrei, II, 537. Chajes is hereby paraphrasing Rapoport's "Toledoth Rabbenu Hananel ben Rabbenu Hushi'el ve-Rabbenu Nissim . . . ," Bikkurei ha'-Ittim, XII (1831), 65, #16.

is picking a fight with Rapoport about a thesis which Rapoport had never even proposed.

Then, however, Rapoport proceeds to defend points on which he does differ with Chajes. One such instance may be mentioned in the present study. Although Rapoport admitted that some of the Geonim who were active prior to the days of Sherira Gaon were already acquainted with the Palestinian Talmud, he would not concede that the author of She'iltoth, too, was familiar with it. Chajes, himself, Rapoport points out, had been able to adduce only one passage in support of his thesis that the She'iltoth was based on the Palestinian Talmud. And, in Rapoport's opinion, that passage did not even substantiate Chajes' argument; in fact, Rapoport interpreted the passage in such a manner as to trace its origin directly to the Babylonian Talmud.

Chajes devoted an entire treatise, le-Qavyem Divrei ha'-Iggereth to a rebuttal of these attacks by Rapoport, to whom he refers as "the slandered."⁹⁴ Unfortunately, this work, to which Chajes makes frequent reference, is unknown to us. However, a passing statement in another context indicates that, as a result of Rapoport's counter rebuttal,⁹⁵ Chajes admitted his error in the dispute over the relationship between the She'iltoth and the Palestinian Talmud.

⁹⁴ "Hagahoth" on Megillah 7b.

⁹⁵ Kol Sifrei, II, 946.

Many later scholars have dealt extensively with this point. Halevy cites two passages from the She'iltoth to which Chajes makes no reference and which, to his mind, can only be explained on the basis of the Palestinian Talmud, even though they make no specific mention of that work. He claims that there is no way of interpreting them on the basis of the Babylonian Talmud.⁹⁶ Ginzberg disagrees with Halevy.⁹⁷ He claims that neither of the two passages cited by Halevy is derived from the Palestinian Talmud; the one is quoted verbatim from the Mekhilta of Rabbi Simon bar Yohai, and the other is based on the Babylonian Talmud. Strack prefers to leave the general question in abeyance until "we possess a critical edition of the She'iltoth."⁹⁸ Such a critical edition has been published in 1960. In his introduction, the editor reviews the opinions on the question and concludes that the whole debate is based on the assumption that the She'iltoth in its entirety is the work of one person--Rabbi Ahai. This assumption, he explains, does not correspond to fact. Careful study indicates that Rabbi Ahai had only acted as the editor of a vast amount of material gathered from Talmudic schools of thought, going back to the days of the Amoraim. Since the text of She'iltoth, then, is a composite of material from many different eras, it would

⁹⁶Halevy, Doroth ha-Rishonim, III, 132ff.

⁹⁷Louis Ginzberg, Geonica, I (New York, 1909), 78-86.

⁹⁸Strack, Talmud and Midrash, p. 267.

not testify to the degree of Geonic indebtedness to Palestinian scholarship.⁹⁹

More recent scholars, with a larger selection of Geonic literature at their disposal than had been available in the days of Chajes, have not limited their study of Geonic indebtedness to the Palestinian Talmud to the text of She'iltoth. Halevy cites responsa by Amram Gaon and Nahshon Gaon that contain references to the Palestinian Talmud.¹⁰⁰ In the middle of the nineteenth century, Jacob Reifman and Solomon Buber compiled a list of references to the Palestinian Talmud from various Geonic writings.¹⁰¹ Ginzberg finds Reifman's research on this issue "by far more serious and painstaking" than those of Halevy.

In all fairness, it should be noted that--as the above scholars--Chajes and Rapoport, too, did not limit their investigation of this significant question to the text of She'iltoth. Both studied another Geonic text, Halakhoth Gedoloth, as to any possible bearing on the issue of Geonic indebtedness to the Palestinian Talmud. While Chajes' proof of the She'iltoth's dependence on the Palestinian Talmud proved questionable, he was able to offer three proofs that

⁹⁹ Samuel K. Mirsky, ed., She'iltoth d'Ahai (Jerusalem, 1960), p. 19.

¹⁰⁰ Doroth ha-Rishonim, III, 130.

¹⁰¹ Jacob Reifman, "Ezer ve-lo me'at le-Toledoth ha-Talmud ha-Yerushalmi," ha-Carmel, I (1871), 279-83; Solomon Buber, "Imrei Binah," Ibid, 558-70.

the Halakhoth Gedoloth was based on it. Rapoport's view on the sources of the work is more complex. On the one hand, he rejects one of the quotations given by Chajes as a misquotation of the Geonic text. He accepts the validity of Chajes' two other proofs but then proceeds to nullify their significance by presenting his own theory on the authorship of Halakhoth Gedoloth. In Rapoport's opinion, the non-Aramaic portions of this Geonic text, in which most of the references to the Palestinian Talmud occur, are the work of Rabbi Simon Qayyara of Cairo. Rabbi Simon's familiarity with the Palestinian Talmud could be attributed to his having lived so close to Palestine. Such familiarity would, however, not exist in more remote centers of Babylonian Jewry. As to quotations from the Palestinian Talmud found in other portions of Halakhoth Gedoloth, Rapoport asserts that these had been inserted by scholars of a later generation. In other words, Rapoport did not have to deny Chajes' illustrations indicating that the text of Halakhoth Gedoloth is based on the Palestinian Talmud in order to reject Chajes' general thesis that Babylonian Geonic literature has drawn heavily on the Palestinian Talmud. Rapoport merely ascribed those particular illustrations to non-Geonic authorship.

Regardless, then, of the controversy between Chajes and Rapoport as to the conclusions to be drawn from the illustrations--the simple fact remains that our text of Halakhoth Gedoloth is based on the Palestinian Talmud. Subsequent research corroborated these findings; thus, the

index of Hildesheimer's edition of Halakhoth Gedoloth shows that many passages of the work may be traced back directly to the Palestinian Talmud.¹⁰²

In summation of this issue, it should be realized that while Chajes and Rapoport agree that Jews of Babylonia were familiar with the Palestinian Talmud,¹⁰³ Rapoport attributes less significance to this fact than does Chajes. While Chajes stresses that there is ample evidence to prove his thesis, Rapoport keeps pointing out how little evidence there is in support of the theory.¹⁰⁴ Modern research tends to support Rapoport's view. Thus, Ginzberg states that "in the vast literature of the Gaonic era, the Palestinian Talmud is not mentioned more than a few dozen times, significant evidence of its utter neglect."¹⁰⁵

¹⁰² See Ezriel Hildesheimer, Die Vaticanische Handschrift der Halachoth Gedoloth (Berlin, 1890).

¹⁰³ Zechariah Frankel opposed this premise. In this context it is interesting to note that although Halevy, Doroth ha-Rishonim, III, 111 supports Chajes and Rapoport against Zechariah Frankel, [Mavo ha-Yerushalmi (Leipzig, 1870), p. 46], and supports the view that the Jews of Babylonia were familiar with the Palestinian Talmud at an early date, he cites only the points raised by Rapoport and not those mentioned by Chajes alone. It may be that, in so doing, Halevy was endorsing Rapoport's criticism of Chajes.

¹⁰⁴ Subsequent research has added to the amount of material relevant to this question. However, the manuscripts of many Geonic works were discovered and published several years after Chajes and Rapoport had presented their theories on the relationship between Geonic literature and the Palestinian Talmud.

¹⁰⁵ Ginzberg, Palestinian Talmud, p. 45.

The implications of the various views on the relationship between the two Talmuds are far-reaching, for it is the view one takes of this relationship that determines whether or not the Babylonian Talmud--which alone has been the basis of decisions in Jewish law throughout the centuries--does indeed overrule the Palestinian Talmud. This statement does not mean to ignore the fact that the adoption of the Babylonian Talmud, rather than of the Palestinian, as the supreme arbiter on matters of Jewish law has been ascribed also to other circumstances, such as the fact that the Babylonian Talmud became known to the West at an earlier date than its Palestinian counterpart,¹⁰⁶ or that the method of the former represent an improvement over those of the latter.¹⁰⁷ The major consideration, however, in favor of the Babylonian Talmud has been the assumption that its redactors were familiar with the Palestinian Talmud also. Ginzberg views the relative neglect of the Palestinian Talmud throughout the ages as proof of the acceptance of this assumption. However, shifting to an objective viewpoint, he questions the assumption, for if one concedes "that the compilation of the Palestinian Talmud preceded that of the Babylonian, which . . . is extremely doubtful, one has to admit that the differences between the two Talmuds are often

¹⁰⁶ Strack, Talmud and Midrash, p. 69.

¹⁰⁷ Ginzberg, Palestinian Talmud, p. 40, minimizes the significance of this consideration.

due to the fact that the Babylonians were not acquainted with the views of the Palestinians".¹⁰⁸

Accordingly, Ginzberg attempts to show that Alfasi's theory, to which Chajes so frequently refers, "reflected the view of some but not all Gaonim and that it was the result of an historic conflict which had begun already in the eighth century"¹⁰⁹--a conflict for power between Babylonian and Palestinian leaders. Alfasi, then, was endorsing the Babylonian claim to authority. Tchernowitz, too, asserts that the Palestinian Talmud is superior to the Babylonian as regards the reliability of its accounts of early traditions. Baron has pointed to the general tendency of modern scholarship to re-evaluate the Palestinian Talmud and to veer away from Alfasi's theory, which is considered an oversimplification.¹¹⁰

Thus, it is clear that Chajes took a conservative stand with regard to the supremacy of the Babylonian Talmud. This approach did, however, not preclude the acceptance of other critical hypotheses relating to different aspects of the Palestinian Talmud. He was still willing to accept the contention of "critical scholars" that certain historical events to which the Palestinian Talmud alludes actually

¹⁰⁸Ibid., p. 45.

¹⁰⁹Salo W. Baron, A Social and Religious History of the Jews, II (New York, 1952), 425, citing Louis Ginzberg, Perushim, I, 84ff.

¹¹⁰Ibid., p. 295.

occurred after the "closing" of this Talmud. Accordingly, Chajes concludes that the aggadoth contained in the Palestinian Talmud are the products of a later period.¹¹¹

But this "liberal" suggestion has met with rejection. As Jacob Shachter correctly indicates, the reigns of Diocletian and Julian--which Chajes mentions as late events in the Palestinian Talmud--came, not after, but before the closing of the Palestinian Talmud. Julian died in the year 363 C.E.,¹¹² and Ginzberg dates the completion of the Palestinian Talmud at the end of the 4th Century C.E.¹¹³ Even though Rabbi Johanan, whom Chajes--and Maimonides--name as the editor of the Palestinian Talmud, died as early as the end of the 3rd Century, it does not necessarily follow that isolated entries in this work may not be attributed to the generation immediately following.¹¹⁴

There has been no way of determining whether Chajes' view is merely based on a chronological miscalculation on his part with regard to the reign of Julian or whether he differed with the other authorities as regards the date of

¹¹¹Kol Sifrei, I, 350.

¹¹²Shachter, Student's Guide Through the Talmud, p. 270, #1.

¹¹³Ginzberg, Palestinian Talmud, p. 37; Strack, Talmud and Midrash, p. 65, holds that the Palestinian Talmud, in its present form, dates from the early fifth century.

¹¹⁴Halevy, Doroth ha-Rishonim, III, 126.

the completion of the Palestinian Talmud.¹¹⁵

In his study of the relationship between the two Talmuds, Chajes also attempts to explain blatant contradictions between their accounts of one and the same event. He first raised the problem in Mavo ha-Talmud, which appeared in 1845, but his proposed explanation is given only in Imrei Binah, which was not published until 1849.¹¹⁶ In his explanation, Chajes demonstrates that most of the contradictions between the two Talmuds occur in the aggadic portions. He attributes the contradictions to textual variations and copyists' errors, which occur more frequently in aggadoth than in halakhoth. Aggadoth were first set down in writing at an earlier date than halakhoth, he explains. Accordingly, the former have appeared in a greater number of editions than the latter, and, the more editions, the greater the chance of textual errors.

In another area of interest, Chajes attempted to establish a complete list of the works that comprise the Palestinian Talmud. This task was not as simple as it might

¹¹⁵It is of interest to note that a more accurate account of these events, already appeared in Zunz, ha-Derashoth, p. 177. Zunz states that the Palestinian Talmud was not edited until after the Emperor Julian.

¹¹⁶The problem is raised in Kol Sifrei, I, 350; the solution is presented ibid., II, 892. In a letter written in 1847, Chajes again raises the problem and promises the addressee that he will see the answer "when shortly . . . I will send my book, in which I will elaborate." See J. Heschel, Peletath Soferim (Volozhin, 1863), p. 8, in a special section at end of book.

appear at first sight. While as early an authority as Maimonides spoke of "five Orders" in the Palestinian Talmud and as recent a scholar as Zunz, too, made reference to "the first five Orders [of the Palestinian Talmud] with their missing parts,"¹¹⁷ other authorities maintained that "it is highly probable that the orders Qodashim and Taharoth [these are two of the six orders in the Babylonian Talmud], except for Tractate Niddah, were . . . never committed to writing."¹¹⁸ Indeed, of the last two Orders, only two chapters from Tractate Niddah have been found in the Genizah.

In his attempt to compile the list, Chajes set out to correlate the extant text of the Palestinian Talmud with all earlier references to this work. In his study of these references, he came across a number of passages that he did not find in our final Talmudic text. Chajes explains these discrepancies by stating that the passages in question do not allude to the Palestinian Talmud but to the Palestinian midrashim. "I considered this issue a serious problem," Chajes writes, "and now I have found that this [practice of referring to Palestinian midrashim as 'Palestinian Talmud'] is followed by all early scholars."¹¹⁹ But he fails to mention that Rapoport had offered the same explanation at

¹¹⁷Zunz, ha-Derashoth, p. 29.

¹¹⁸Strack, Talmud and Midrash, p. 66.

¹¹⁹Kol Sifrei, II, 892.

an earlier date.¹²⁰ Although some authorities have contested Chajes' thesis,¹²¹ later scholars have followed his line of thought and have made additions of their own to the list of passages cited by Chajes in support of his theory.¹²²

However, Chajes, in the end, was not content with the explanation he himself had offered, for he came upon many instances giving direct quotations from Talmudic passages, and even indicating the folio on which the passages were supposed to occur, only to find that none of these quotations appeared in the extant text of the Palestinian Talmud. He therefore felt compelled to conclude that the extant text of the Palestinian Talmud was incomplete; he claimed that the entire Order of Qodashim, as well as other whole sections, were missing.¹²³ In his Comments on the Talmud, he makes

¹²⁰Rapoport, "Toledoth Rabbenu Hananel . . . ," p. 79, #39.

¹²¹Thus, the anonymous author of Sha'arei Homath Yerushalayim, the introduction to the 1926 Vilna edition of the Palestinian Talmud, cites Chajes' view on this matter, adding: "This is not plausible. For do not these very same authorities [who supposedly cite midrashim as coming from Yerushalmi] explicitly cite many other passages as deriving from a midrash Why, then, are they any different, and are they not designated as Jerusalem Talmud?"

¹²²See the lists by Buber, Epstein, and Rabinowitz as published in Jerusalem, VII (1906). Abraham Epstein, "Mavo 'oth le-Taggem," pp. 148-57; Wolf Rabinowitz, "Quntres Hesronoth ha-Yerushalmi," pp. 158-77; Solomon Buber, "Yerushalayim ha-Benuyah," pp. 229-78.

¹²³Kol Sifrei, II, 894; also in Bikkurei Ittim ha-Hadashim (1845), pp. 13-18, under the signature: נ"ג.

reference to some of these missing portions,¹²⁴ and mentions that many illustrations of these portions appear in his treatise le-Qayyem Divrei ha-Iggereth. He concludes with the hope that someday "the manuscript of the Palestinian Talmud, which without a doubt exists today in some royal archives, may come into our hands."¹²⁵ Chajes would have rejoiced to learn of the publication (in 1907) of a Talmud Yerushalmi Seder Qodashim which was supposedly based on a manuscript dating from 1212¹²⁶ and which was accepted as authentic by such modern scholars as Buber and Solomon Schechter.¹²⁷ Ultimately, however, the work was exposed as a forgery.¹²⁸

If a "keen interest in the Palestinian Talmud" is a hallmark of the modernists,¹²⁹ Chajes' concluding statement on the subject places him in the camp of the "moderns." "I hope," he writes, "that great scholars will come with new research studies that will clarify all questions with regard

¹²⁴"Hagahoth" to Berakhoth 15b and Megillah 12a.

¹²⁵Kol Sifrei, II, 989.

¹²⁶Solomon Friedlander, Talmud Yerushalmi Seder Qodashim (Szinervaralja, 1907).

¹²⁷Strack, Talmud and Midrash, p. 68.

¹²⁸For a bibliography of such articles, see Strack, Talmud and Midrash, p. 68, #16.

¹²⁹Baron, Social and Religious History, p. 295.

to the Palestinian Talmud and the differences between it and the Babylonian Talmud."¹³⁰

Summary

In recapitulation, it may be stated that, in contradistinction to modern scholars who tend to stress the Palestinian Talmud at the expense of the Babylonian, Chajes upholds the traditional view; namely, the supremacy of the Babylonian over the Palestinian. On the other hand, he places himself in the "modernist" camp by virtue of his keen interest in the Palestinian Talmud. His comments on it, though no more than sporadic, involve him in problems that have engaged the interest of many later scholars, including those of our own day. Thus, he investigates the extent to which Babylonian Geonic literature draws on the Palestinian Talmud. While logic compels him to agree with Rapoport's finding that She'iltoth, a Geonic work, is not based on the Palestinian Talmud, Chajes insists that another Geonic work, Halakhoth Gedoloth, does draw on it. This issue is a most important one, since halakhic legislation through the centuries has been based on the Babylonian rather than on the Palestinian Talmud.

Chajes also addressed himself to a more technical task--the compilation of an accurate list of treatises originally included in the Palestinian Talmud. In his

¹³⁰ Kol Sifrei, II, 898.

studies, he came upon references to specific passages of the Palestinian Talmud, passages which, however, he was unable to locate in the extant text of the work. These findings led him to the conclusion that many portions of the original text, particularly the Order of Qodashim, had been lost; he hoped that they might eventually be found in some library or archives.

Minor Tractates. Chajes does not engage in a detailed discussion of the origins of the minor tractates. At one point, however, he alludes to the tractates in a manner which would imply that he takes it for granted that they are of Babylonian origin. In his attempt to prove that the Babylonian Geonim had been familiar with the Palestinian Talmud, Chajes states that "the minor tractates--which were compiled in the days of Geonim--give many quotations from the Palestinian Talmud."¹³¹ However, Chajes does not cite examples of such quotations.

Rapoport, by contrast, claims that the minor tractates are of Palestinian provenance.¹³² To support his claim, he points out that these tractates show familiarity with grammatical and masoretic methods which were mainly taught in Tiberias, and that they discuss the details of customs observed at the home of the Palestinian Nasi.

¹³¹Ibid., p. 537.

¹³²"Mikhtav 14," p. 247.

Halevy, on the other hand, agrees with Chajes, without, however, contributing specific halakhic evidence in support of his view.¹³³

In Chajes' day, little was known about the minor tractates. Scholars were not even able to agree as to what works were actually included under that heading. Four of the tractates were published from a manuscript for the first time in 1851 by Raphael Kirchheim under the title Seven Minor Palestinian Tractates.¹³⁴

Kirchheim holds that the minor tractates are of Palestinian origin, although he rejects the view that the Palestinian provenance of these works is evident from their structure and from the fact that each chapter is divided into halakhoth.¹³⁵ He asserts that the tractates were composed in Palestine "in an era when knowledge of the Palestinian Talmud was more widespread than that of the Babylonian. Accordingly, . . . in cases where the Palestinian halakhoth differ from the Babylonian ones . . . there is . . . a greater tendency to follow the Palestinian halakhoth The language is also that of the Palestinian Talmud." Accordingly, Kirchheim continues, it should not be surprising

¹³³ Doroth ha-Rishonim, III, 137.

¹³⁴ Raphael Kirchheim, Seven Minor Palestinian Tractates (Frankfurt, 1851).

¹³⁵ This opinion is also cited in Rabbi Abraham ben Elijah (Gaon of Vilna), Rav Po'olim (New York, 1959), p. 14, in reference to the tractate Proselytes.

that there is so little mention of these tractates in Geonic literature. Modern scholars tend to accept Kirchheim's theory.¹³⁶

The Midrash

Beginning with the epoch-making work of Leopold Zunz, a major contribution of the Wissenschaft des Judentums movement was its historical studies of the midrashim. While Chajes claims originality in his Talmudic research, he openly admits his dependence on Zunz in his midrashic studies.¹³⁷ However, Chajes adds to Zunz's lists of midrashic quotations¹³⁸ and in some instances rejects Zunz's conclusions.

As Chajes stated in Iggereth Biggoreth, his intention was not to offer a mere paraphrase of Zunz's findings but to "present only new researches to the reader."¹³⁹ Chajes' treatment of the subject won the praise of Krochmal, although the latter stresses that studies of this sort were still at an early stage at the time and that "in all these subjects,

¹³⁶"Talmud Tractates, Minor," Universal Jewish Encyclopedia, 1948, X, 168. See also Michael Higger, ed., Tractate Soferim (New York, 1937), p. 80, in which he states that "in general, I am inclined to accept Rapoport's view that this work was composed in Palestine."

¹³⁷Kol Sifrei, II, 871.

¹³⁸For example, see ibid., p. 905, footnote.

¹³⁹Ibid., p. 495.

we still seek the light, which is lacking."¹⁴⁰

In the pages that follow, we shall attempt to present Chajes' views on various midrashic works.

Midrash Rabbah

Zunz disagreed with those of his contemporaries who regarded all the Rabbah midrashim as the work of one and the same author.¹⁴¹ He demonstrated that the earliest of the works--Bereishith Rabbah--was several centuries older than ba-Midbar, Devarim and Shemoth Rabbah.¹⁴²

While Chajes does not offer specific dates for the compilation of each Midrash Rabbah, he, like Zunz, draws a distinction between earlier and later works and names Bereishith Rabbah as the oldest of all Rabboth.¹⁴³ Not all scholars, however, agree with Zunz and Chajes on this point. While all authorities are in agreement that Bereishith and va-Yiqra Rabbah are both older than the other Rabboth, as recent a scholar as Mordecai Margulies leaves open the question as to which of the two works is the older and merely states that the author of both va-Yiqra and Bereishith Rabbah probably drew on the same sources.¹⁴⁴

¹⁴⁰Kitvei RaNaK, p. 450.

¹⁴¹Zunz, ha-Derashoth, p. 80.

¹⁴²Ibid., p. 77.

¹⁴³Kol Sifrei, II, 533.

¹⁴⁴Mordecai Margulies, Vayiqrah Rabbah, V (Jerusalem 1960), xiii.

Although Chajes does not specifically date midrashim, he occasionally cites evidence in support of his contention that the three later works of Midrash Rabbah were still not known to such late authorities as the Tosafists.¹⁴⁵

However, Chajes is not entirely consistent in his views on one particular aspect of the study of the date of va-Yiqra Rabbah; namely, the question whether va-Yiqra Rabbah had been known to Rashi. In Iggereth Biggoreth, which was published in 1840, Chajes clearly states that "Rashi cites it [i.e., va-Yiqra Rabbah] in [his commentary on] Parshath Tisa In [his commentary on] Leviticus, he cites va-Yiqra Rabbah only infrequently."¹⁴⁶ On the other hand, in his Hagahoth al ha-Talmud, which appeared three years later, he asserts with equal clarity that Rashi did not cite va-Yiqra Rabbah at all in his commentary on Leviticus.¹⁴⁷

Chajes does not offer an explanation for thus contradicting the fact he himself had presented in his earlier treatise. Be that as it may, this one inconsistency does not have a crucial bearing on Chajes' principal thesis; namely, that va-Yiqra Rabbah had already been compiled in the days of Rashi. In both of his works--Iggereth Biggoreth and Hagahoth al ha-Talmud--he concedes that "we know that

¹⁴⁵"Hagahoth" on Babba Qama 92b, Gittin 61a.

¹⁴⁶Kol Sifrei, II, 535.

¹⁴⁷Gittin 8a.

va-Yiqra Rabbah was arranged before the time of Rashi and that it is cited by Rashi in many instances."¹⁴⁸ Apparently, Chajes seeks to play down Rashi's references to va-Yiqra Rabbah in his Pentateuchal commentary and to highlight, instead, his more frequent allusions to it in his works on the Talmud and on the Megilloth. He explains Rashi's failure to make more frequent use of va-Yiqra Rabbah in his Biblical commentaries by the circumstance that, at the time, he had not been able to obtain the text of the midrash.¹⁴⁹

Although Chajes accepts modern bibliographical criteria for dating midrashic works, he hastens to add that "even in late midrashim, the subjects taken up are not of contemporary origin but were transmitted . . . by our Sages."¹⁵⁰ He then goes on to state that the theories attributing later dates to the midrashim do not refer to the time the works were originally composed but to the time at which they were finally compiled. Thus, he cautions the reader that "all the texts follow the pattern of early midrash writers."¹⁵¹ This last statement, which is somewhat ambiguous, is probably an attempt on the part of Chajes to reconcile the traditional view that the midrashim are of

¹⁴⁸"Hagahoth" on Berakhoth 8b.

¹⁴⁹Ibid., Gittin 8a.

¹⁵⁰Kol Sifrei, II, 535.

¹⁵¹Ibid., p. 536.

Tannaitic origin with the thesis of the modernists that they were composed at a later date.

There is, however, another modernist view concerning Midrash Rabbah, upon which Chajes does not take a stand. Zunz views the Rabbah collection as nothing more than an anthology of basically disparate entities,¹⁵² while the more traditional view accepts the collection as an intrinsically unified whole, despite the fact that its parts represent various structural forms and do not derive from the same historical era.¹⁵³ At no point does Chajes state whether the Midrash Rabbah constitutes one logical unit or whether it is nothing more than an anthology of essentially unrelated writings.

Perhaps this is an appropriate place to mention a disagreement between Chajes and Zunz on the subject of Devarim Rabbah. In the section of Imrei Binah dealing with the Rabboth on the Pentateuch, where Chajes discusses the Tanhuma-like structure of Devarim Rabbah, he mentions Midrash Ayleh Devarim Rabbah as one of the "missing" midrashic texts.¹⁵⁴ Zunz, on the other hand, considers that

¹⁵²Zunz, ha-Derashoth, p. 80.

¹⁵³Thus, Rabbi Abraham ben Elijah, Rav Po'olim, p. 20 is willing to admit that although Rabbi Johanan organized this work, we do not know who the final compiler was. Yet, this author offers an explanation for the comprehensive title Rabbah of this entire collection, and explains the unique attributes and qualities of the Midrash Rabbah. See p. 12.

¹⁵⁴Kol Sifrei, II, 538.

text to be identical with Devarim Rabbah,¹⁵⁵ a theory Chajes categorically rejects.¹⁵⁶

Summary

The study of this aspect of Chajes' activity shows that his treatment of Midrash Rabbah is largely confined to dating the Rabbah of the Pentateuch. He makes a list of rabbinic works in which these midrashim are quoted and then attempts to track down the earliest mentions made of the various Rabbah. From his studies he concludes that three of the five Rabbah seem to have been unknown to the Tosafists. In his effort to establish whether or not Leviticus Rabbah was known to Rashi, Chajes finds that the frequency with which Rashi would cite this text in his various works depended on whether, at the time he wrote the work in question, he had access to a copy of the Rabbah text.

Megilloth Rabbah

Chajes does not discuss the dating of these works in detail but merely--probably as a preliminary step toward the establishment of definite dates--cites various authorities who make reference to the Megilloth Rabbah.

Chajes' list of missing midrashim, like that of Zunz, contains no reference to the Midrash Zuta on four Megilloth,

¹⁵⁵Zunz, ha-Derashoth, p. 122.

¹⁵⁶Kol Sifrei, II, 532.

which was subsequently published by Buber.¹⁵⁷ Chajes mentions only the Aba Gurion Midrash on Megillath Esther, which Zunz had listed at an earlier date.¹⁵⁸

Pesiqta Rabbati

Chajes does not elaborate on the nature of this work but merely pinpoints the earliest reference to the Pesiqta by later authors. In this context, he states that his teacher, Rabbi Margulies, had discovered references to the Pesiqta in as early a source as She'iltoth. However, Chajes is not convinced of the validity of the evidence Margulies cites in support of this thesis.¹⁵⁹ Chajes' disagreement with his mentor is particularly interesting when one realizes that this rejection brought him closer to Zunz's view that the Pesiqta was dependent upon She'iltoth.¹⁶⁰ Subsequent scholars have been unable to resolve this question. While Bacher also dates Pesiqta Rabbati after She'iltoth, Friedmann holds that the author of She'iltoth had drawn on Pesiqta.¹⁶¹ Similarly, Ginzberg, cites one She'ilta as based on Pesiqta or one of the Pesiqta's sources. However, he immediately qualifies his view by adding, "[the view] that the Pesiqta

¹⁵⁷ Solomon Buber, Midrashei Megilloth (Vienna, 1925).

¹⁵⁸ Zunz, ha-Derashoth, p. 141.

¹⁵⁹ Kol Sifrei, II, 532.

¹⁶⁰ Zunz, ha-Derashoth, p. 118.

¹⁶¹ Strack, Talmud and Midrash, p. 213.

is of later origin than the She'iltoth is not a serious objection. Whatever may be its age in its present form, no one entertains a doubt that a very considerable portion of the Pesiqta is as old as the Talmud."¹⁶²

On another aspect of Pesiqta, Chajes, however, took issue with Zunz. He departed from Zunz's "brilliant conjecture" on the composition of the Pesiqtoth, i.e., of the existence of two Pesiqtoth: Pesiqta Rabbati and Pesiqta de Rav Kahane. In his recent edition of the Pesiqta de Rav Kahane, Mandelbaum is particularly impressed by the fact that "although [Zunz] had no manuscript of this text available to him, he raised conclusive arguments to prove its existence . . . it is difficult to exaggerate the value of this discovery for Jewish research."¹⁶³ Pesiqta de Rav Kahane was not published until 1868, by Buber.¹⁶⁴ Previous generations had only known of Pesiqta Rabbati. Accordingly, they frequently confused the Pesiqta de Rav Kahane with the Pesiqta Rabbati and often gave editions of Pesiqta Rabbati the erroneous title Pesiqta Rabbati de Rav Kahane. In his edition of the Pesiqta de Rav Kahane, Buber points to the error of both Margulies and Chajes in that these two scholars failed to differentiate between Pesiqta Rabbati and Pesiqta

¹⁶² Louis Ginzberg, Geonica, I, 80.

¹⁶³ Bernard Mandelbaum, ed., Pesiqta de Rav Kahane, I (New York, 1962), vii.

¹⁶⁴ Solomon Buber, ed., Pesiqta de Rav Kahane (Lemberg, 1868).

de Rav Kahane;¹⁶⁵ authorities cited by Chajes as quoting the Pesiqta Rabbati actually quoted the Rav Kahane text.¹⁶⁶ It seems that Krochmal, too, confused the two texts. In his subjective evaluation of aggadic material, he refers to "late [emphasis mine] midrashim such as Pesiqta de Rav Kahane, Tanhuma and Tanna de-Bei Eliyahu."¹⁶⁷ He was obviously referring to Pesiqta Rabbati, and not to its earlier Palestinian counterpart, Pesiqta de Rav Kahane, which is one of the oldest midrashic works.

It is of interest, here, to note the sound and advanced bibliographical knowledge on this subject shown by the School of the Gaon of Vilna. Although Rav Po'olim, a bibliographical study written by the Gaon's son, antedated Zunz,¹⁶⁸ it explicitly lists Pesiqta Rabbati and Pesiqta of Rav Kahane as two separate works.¹⁶⁹ Still another disciple, Rabbi David Luria, in his notes on Pesiqta Rabbati, attempts

¹⁶⁵ Ibid., p. vii. See Shachter, Student's Guide Through the Talmud, p. 218, n#5, who points to the fact that in a reference to Pesiqta, Chajes failed to specify which Pesiqta he meant. In light of our bibliographical study, it is clear that Chajes could not specify this, for he only knew of one Pesiqta.

¹⁶⁶ Kol Sifrei, II, 532.

¹⁶⁷ MNZ, p. 216.

¹⁶⁸ In his G-ttesdienstliche Vortrage (2d ed., Frankfurt, 1892), p. 90, Zunz even quoted the introduction to Rav Po'olim, although he was under a misapprehension concerning the authorship of the work. See details of this matter in Solomon Buber, Aggadath Bereishith (Vilna, 1925), p. xxiii.

¹⁶⁹ Rav Po'olim, pp. 97, 99.

to prove the existence of another Pesiqta in addition to Rabbati and to Pesiqta Zutrata (which is occasionally referred to as Legah Tov).¹⁷⁰ It would seem that Chajes largely ignored these observations. Actually, however, we have no evidence that Chajes had contact with any of the Gaon's disciples or that he knew of their works.¹⁷¹ Evidence that this school of bibliography and criticism was known to Chajes would indeed be an interesting revelation because such contacts would have the effect of a counterbalance to his close associations with the secular Wissenschaft des Judentums school of criticism.

Pirquei de Rabbi Eliezer

The following comparison between the views of Chajes and those of other scholars will serve to shed additional light on Chajes' approach to midrashic literature. Zunz held that the Pirquei de Rabbi Eliezer had been written no earlier

¹⁷⁰Pesiqta Rabbah de Rav Kahane (New York, 1959), p. 8.

¹⁷¹The name of Luria does, however, appear in a letter to Chajes. Jacob Bachrach, Sefer ha-Yahas li-Khtav Ashuri (Warsaw, 1854), no pp., in an 1854 letter writes: "In reference to your honored comment . . . how greatly I rejoiced to find two great contemporaries arriving at the same conclusion. For so too did the great Gaon Rabbi David Luria comment in his notable commentary on Pirquei de Rabbi Eliezer, which is currently being published." However, this letter was written within a year of Chajes' death so that the development of any relationship does not seem very feasible. On the other hand, it should be recognized that the book which Bachrach says is currently in the process of publication, had actually appeared two years earlier, so that Chajes might have been interested in getting the book.

than the eighth century C.E.¹⁷² Chajes on the other hand, holds that the work had been compiled "at a very early date."¹⁷³ This expression seems to imply Chajes' agreement with the traditional view that considers all midrashic literature to date back to the Talmudic era. This view is generally rejected by modern scholars.

"No critical scholar will venture today to uphold the authenticity of an overt apocryphon like Pirke de Rabbi Eliezer . . . but it still makes a great deal of difference whether we ascribe its compilation to the Talmudic age and merely admit some later accretions, or consider the whole work, as is more likely, as being of early Muslim origin."¹⁷⁴

Chajes' phrase "at a very early date" is rather vague. It leaves open the question whether Chajes was merely repeating and attempting to uphold the traditional view or whether he was really convinced that Pirkei de Rabbi Eliezer had been written at a date much earlier than that suggested by Zunz.

At any rate, we are confronted with another example of inconsistency on the part of Chajes. For one of Zunz's arguments in support of his contention that the work could have been written no earlier than the eighth century is that "not only many of the names, but also specific

¹⁷²Zunz, ha-Derashoth, p. 136.

¹⁷³Kol Sifrei, II, 532.

¹⁷⁴Baron, Social and Religious History, p. 296.

incidents [mentioned in the work] . . . indicate that the author lived under Muslim rule."¹⁷⁵ Albeck notes that Zunz was apparently referring to Chapter 30 which mentions two names--Adisha and Fatima--which were definitely Muslim.¹⁷⁶ In the case of Pirgei de Rabbi Eliezer, Chajes seems to have ignored these names. But in the case of Targum Jonathan on the Pentateuch, where these two names also occur, Chajes cited them as proof that the Targum had originated at a date later than that suggested by its attribution to the Tanna Jonathan. "We see," Chajes concludes in this instance, "that he [the author of the Targum Jonathan] must have known of Mohammed, who first became active in the Geonic period."¹⁷⁷

The question thus arises whether Chajes followed a more traditional view with regard to Pirgei de Rabbi Eliezer than he did in the case of Targum Jonathan. Or did it not occur to him that Zunz's reference in the case of Pirgei de Rabbi Eliezer was to the two Muslim names? In other words, why should Chajes have accepted the Muslim names as a consideration in one case and not in the other?

As the source for this chronological consideration in the case of the Targum, Chajes cites "a scholar," a designation he customarily uses with reference to Krochmal. Indeed, Krochmal had written a letter to Chajes containing

¹⁷⁵Zunz, ha-Derashoth, p. 135.

¹⁷⁶Ibid., p. 420.

¹⁷⁷Kol Sifrei, II, 514.

the information attributed to him.¹⁷⁸ Rapoport also claims credit for having suggested this consideration to Chajes.¹⁷⁹ We see, then, that this was one point on which Chajes, Rapoport and Krochmal were all agreed.

Rabbi David Luria, in his commentary on Pirgei de Rabbi Eliezer, sharply attacks the contention that the book had been written after the rise of Islam. [He says he saw this contention in "a work"--probably a reference to Chajes.]¹⁸⁰ He refutes Chajes' argument by pointing out that the name Fatima did not originate in the era of Mohammed; in midrashic literature it had been the name also of Ishmael's daughter. Mohammed in turn was well acquainted with midrashic literature, and incorporated a considerable amount of midrashic material into his own writings.¹⁸¹ Since Ishmael is considered the forefather of the Muslims, it is only natural that Fatima later became a name associated with that group.

¹⁷⁸ Kitvei RaNaK, p. 448.

¹⁷⁹ "Mikhtav 13," Kerem Hemed, VI (1841), 222.

¹⁸⁰ Krochmal's and Rapoport's comments are only included in private correspondence. Although Luria's comment is amended to Pirgei de Rabbi Eliezer, he specifically notes that the author of "the work" raises the consideration of Fatima and Adisha in relation to Targum Jonathan.

¹⁸¹ Pirgei de Rabbi Eliezer, with a commentary by Rabbi David Luria (Warsaw, 1852; reprinted in New York, 1946), chapter xxx, note lviii.

Rabbi Luria's view is typical of his consistently traditional approach, which he is able to defend in objective, scholarly terms.

Tanhuma

Here, again, Chajes disagrees with Zunz. While Zunz feels compelled by considerations of content to ascribe the Tanhuma to an author of European origin,¹⁸² Chajes holds that the work was that of a Palestinian, with subsequent Babylonian accretions.¹⁸³

Zunz and Chajes both found themselves faced with the task of explaining why the Tanhuma--a work with a definitely Palestinian background--should contain a reference to the two great Talmudical academies of Babylonia.

The two scholars do, however, agree on the nature of the relationship between Tanhuma and Yelamdenu, an issue that has remained unresolved to this day. Both agree that the Yelamdenu is the core around which the Tanhuma is built.¹⁸⁴ Zunz also calls attention to the existence of several Tanhuma texts, a fact substantiated by more recent publications.¹⁸⁵ In a more similar vein, Chajes implies that the Tanhuma text in our possession today is not

¹⁸²Zunz, ha-Derashoth, p. 111.

¹⁸³Kol Sifrei, II, 628.

¹⁸⁴Chajes in Kol Sifrei, II, 628; Zunz in ha-Derashoth, p. 109.

¹⁸⁵Solomon Buber, Midrash Tanhuma (Vilna, 1885).

identical with earlier texts. In one of his Talmudic Comments, he states that "the Tanhuma cited in earlier generations was longer than ours."¹⁸⁶

Halakhic Midrashim

Chajes devoted much more attention to homiletical and expositional midrashim than to those referring to halakhah. Thus he makes only tangential references to the Mekhilta--primarily in relation to a "Mekhilta which was known to Maimonides but is unknown to us."¹⁸⁷ In his investigation of the question whether or not there was such an unknown Mekhilta, he cites examples of quotations which Maimonides attributes to Mekhilta, but which are in fact identical with passages in Sifrei Zuta on the Book of Numbers.¹⁸⁸ This thesis has been accepted, and even specifically attributed to Chajes, by such eminent modern scholars as Jacob N. Epstein and Hanokh Albeck.¹⁸⁹

Having discovered the "unknown Mekhilta," Chajes makes a blanket statement to the effect that a vast number of passages in the works of Maimonides could and should be

¹⁸⁶"Hagahoth" on Shabbath 87a.

¹⁸⁷Kol Sifrei, II, 625.

¹⁸⁸See Chajes' Hiddushim u-Meqorim (sic) al ha-Rambam in Maimonides, yad ha-Hazaqah (Vilna, 1928), Hilkhoth Teshuvah, chapter i, #1 for an example of Maimonides' tendency to cite Sifrei Zuta as Mekhilta.

¹⁸⁹Jacob N. Epstein, Introduction to Tannaitic Literature (Tel-Aviv, 1957), p. 741; Albeck in Zunz, ha-Derashoth, p. 242, #46.

traced back to this Sifrei Zuta or Mekhilta which we no longer possess.

Chajes' conclusion, however, is erroneous, having been based on incomplete knowledge. He did not know that there were, indeed, two separate Mekhiltoth. A total of one hundred passages from the writings of Maimonides have actually been traced to the Mekhilta of Rabbi Simon bar Yohai,¹⁹⁰ which was reconstructed by David Hoffmann several decades after the death of Chajes. The fact that there were two separate collections of Mekhilta was mentioned by such early authorities as Maimonides and Nahmanides, but was practically ignored until the publication of the writings of Hoffmann.¹⁹¹ Even Zunz, the careful researcher, identified Rabbi Simon's Mekhilta as a kabbalistic work.¹⁹² Only in recent years has it become generally known that there exist, in fact, two Mekhiltoth representing two parallel schools of thought in Tannaitic literature--that of Rabbi Agiva and that of Rabbi Ishmael.¹⁹³

¹⁹⁰ See Menahem Kasher, ha-Rambam ve-ha-Mekhilta de Rashbi (New York, 1943). The particularly difficult passages which Chajes lists, are not traced to this Mekhilta.

¹⁹¹ David Hoffmann, Zur Einleitung in die Halachischen Midraschim (1887), pp. 45-51.

¹⁹² This identification appeared only in the first edition of his work; he omitted it in later editions. See Albeck's notes in ha-Derashoth, p. 243, #49.

¹⁹³ Strack, Talmud and Midrash, p. 206.

Here again we have evidence of the highly sophisticated bibliographical knowledge demonstrated by David Luria and by the author of Rav Po'olim. The latter specifically lists the Mekhilta of Rabbi Ishmael and that of Rabbi Simon bar Yohai (of Agiva's school) as two separate works.¹⁹⁴ Luria, too, is aware of Rabbi Simon's Mekhilta as a separate work in its own right.¹⁹⁵ He rejects the view of those who held that Rabbi Ishmael was a spokesman of the school of Rabbi Agiva. Current scholarship agrees with Luria and, in fact, regards Rabbi Ishmael as the leader of a school which opposed that of Rabbi Agiva. Luria even ventures to reconstruct the opening sentence of the Mekhilta of Rabbi Simon. His conjectured version has been substantiated, with only slight modifications.¹⁹⁶ The question arises once again: did Chajes have any contact with this school?

Just as he gives only fleeting attention to the composition of halakhic midrashim, so, too, Chajes does not

¹⁹⁴Rabbi Abraham, Rav Po'olim, p. 82.

¹⁹⁵See his commentary on Pirgei de Rabbi Eliezer, vi.

¹⁹⁶On the basis of other midrashic works patterned on Rabbi Agiva which open with quotes from Rabbi Eliezer, he assumes the same to be true of Mekhilta de Rabbi Shimon. Actually, it opens with a passage by Rabbi Shimon. The 1905 edition of Berlin, does not include a quote from Eliezer till the beginning of the second parshah. This edition, however, is merely a reconstruction of the text rather than the actual original. In the 1955 edition of this Mekhilta (Jerusalem), which is based on the actual manuscript of this text as found in the Genizah, Eliezer is actually mentioned in the very beginning of the work, following a short passage by Shimon himself.

go into the historical factors that led to the development of these midrashic works--factors which are included in Krochmal's studies.

Tanna de-Bei Eliyahu

Chajes' view on the date and authorship of Tanna de-Bei Eliyahu is firmly rooted in tradition. While Zunz considers the work to be pseudepigraphous [it seems to him as if "the words are being said by an ancient Sage, who taught in the great academy of Jerusalem"],¹⁹⁷ Chajes asserts that "one is compelled to say that this work is [indeed] by the Prophet Elijah who frequented the Palestinian and Babylonian academies."¹⁹⁸ Tradition holds that the prophet Elijah occasionally appeared to these scholars, who, of course, were active long after the prophet's death. Thus, Chajes disagrees with views advanced on this subject by many of his contemporaries, such as Zunz, Rapoport and Krochmal who insist that the work was composed at a later date.¹⁹⁹ While Chajes is willing to concede that the text contained

¹⁹⁷Zunz, ha-Derashoth, p. 54.

¹⁹⁸Kol Sifrei, II, 966.

¹⁹⁹Zunz, ha-Derashoth, p. 53; Rapoport, "Toledoth Rabbenu Nathan Ish Romi Ba'al he-Arukh ve-Qoroth Sifro," Bikkurei ha-Ittim, X (1829), 43; see also Joseph Kobak, ed., Jeschurun, Zeitschrift fur die Wissenschaft des Judentums, II (1856), 50; Krochmal, MNZ, p. 216. Rapoport accused Krochmal of plagiarizing this fact, see N. S. Leibowitz, Iggereth Biggoreth (2d ed.; Jerusalem, 1929), pp. 25-27.

"abundant accretions from a later period,"²⁰⁰ he upholds the Talmudic account,²⁰¹ according to which the original version of the work had first been publicized by Anon--a pupil of Rav.

In many of his studies, Chajes merely rejected Zunz's conclusions without going into detail. In the case of Tanna de-Bei Eliyahu, however, he takes the trouble of citing Zunz's arguments verbatim and then proceeding to refute them.²⁰² This refutation, first given in a letter to Dembitzer, was later published as part of Chajes' Imrei Binah.

Similarly, Chajes rejects Zunz's and Rapoport's implied differentiation between Seder Eliyahu Rabbah [cited by Natronai Gaon] and our text of Tanna de-Bei Eliyahu.²⁰³ Albeck agrees with Chajes; he, too, concludes that "one should certainly not differentiate between the text cited by Natronai . . . and ours, as did Zunz and Rapoport. One

²⁰⁰Kol Sifrei, II, 967. In Albeck's comments in ha-Derashoth, p. 293, this opinion is only attributed to "some who say." Chajes' defense of the view is not mentioned.

²⁰¹Ketuboth 106a.

²⁰²It is of interest to note that Meir Friedmann, in his careful edition of Seder Eliyahu Rabba and Seder Eliyahu Zuta (2d. ed.; Jerusalem, 1960), pp. 91ff., reviews the history and early opinions regarding the author and origin of this work. In his introduction, he carefully quotes and refutes both Zunz and Rapoport, but makes no attempt to include Chajes in his survey.

²⁰³Zunz, ha-Derashoth, p. 292, #129; Rapoport, "Toledoth Rabbenu Nathan," p. 43.

may therefore infer that the text was composed before the ninth century . . . but was differently divided."²⁰⁴

Conclusions regarding Chajes' midrashic studies

1. Unlike the studies of Zunz and Rapoport, who devote considerable attention to the reconstruction of the form and order of previously unknown midrashic works, Chajes' midrashic studies merely deal with dating of the works along with miscellaneous general questions.

2. Chajes devoted much time and effort to the search for midrashic passages upon which other authorities based their arguments. Thus, in one of his comments, he simply states: "This midrash is one of those lost to us, for I have searched but found no indication of these midrashic passages in any one of our [extant] texts."²⁰⁵

3. In his theoretical disagreements with Zunz, Chajes often comes closer to the findings of more recent research. Cases in point are his thesis of the Palestinian origin of Tanhuma and on the basic identity of the extant text of Tanna de-Bei Eliyahu with passages cited in earlier references to this work.

4. On the other hand, Chajes does not recognize the existence of two distinct Pesiqtoth.

²⁰⁴Zunz, ha-Derashoth, p. 57.

²⁰⁵Haqahoth on Hulin 84a; see also Kol Sifrei, II, 535, 899.

5. Much midrashic material that was completely or partially unknown to Chajes' haskalah contemporaries was already mentioned in writings by disciples of Rabbi Elijah of Vilna. Thus, the author of Rav Po'olim and Rabbi David Luria knew of the Mekhilta of Rabbi Simon and were aware of the existence of two Pesiqtoth. Chajes, however, appears to have been unaware of the writings of Rabbi Elijah's disciples.

6. In general, when dating midrashic works, Chajes tends to accept their antiquity; he merely concedes that they also contain addenda of later dates. Thus, the dates he gives for Tanhuma, Pirgei de Rabbi Eliezer and Tanna de-Bei Eliyahu are earlier than those suggested for these works by Zunz. Only in the case of ba-Midbar Rabbah and Shemoth Rabbah does Chajes concede that they had not yet been arranged at the time of the Tosafists. It seems that Chajes' conservative approach to the dating of midrashic literature was motivated by his basic traditionalism, as was his hesitation to class as pseudepigraphic those works explicitly mentioned in the Talmud.

Avoth de Rabbi Nathan

Chajes' traditionalism is particularly manifest in the case of Avoth de Rabbi Nathan. As opposed to Zunz, who ascribes the final arrangement of this work to a post-Talmudic author,²⁰⁶ Chajes states that

²⁰⁶Zunz, ha-Derashoth, p. 52.

like other texts of the Sages . . . this work was properly arranged by the author to whom it is attributed, with only a few later additions . . . (which, however, afford no basis) for concluding that the work was written at a later date.²⁰⁷

Chajes admits the probability of later additions to the work, but at the same time refutes Zunz's dating, which is based on a reference in the text to so late a Sage as Joshua ben Levi.²⁰⁸ Chajes' traditionalism, however, does not cause him to overlook textual inconsistencies. In such instances, his critical sense impels him to deal with them, either tracing them to a later addendum to the text or dismissing them as no more than a superficial impression.

Modern scholarship does not uphold Chajes' traditionalist view on the dating of Avoth de Rabbi Nathan; it does not regard our text as being arranged by "the author to whom it is attributed." Moreover, it holds that Rabbi Nathan's original text is no longer extant. Accordingly, the title of the work creates a problem. However, it is generally felt that

though there is no internal evidence to corroborate the tradition . . . one hardly dares deny it. The best original text on which present . . . recensions are based probably gave enough evidence of Nathan's connection with it.²⁰⁹

²⁰⁷ Kol Sifrei, II, 959.

²⁰⁸ Ibid., Chajes claims the presence of a textual error in the name of Rabbi Joshua ben Levi.

²⁰⁹ Louis Epstein, "Aboth de Rabbi Nathan," Universal Jewish Encyclopedia, 1948, I, 34.

While Chajes follows a conservative line in the dating of Avoth de Rabbi Nathan, he employs a singularly modern terminology and approach in his detailed discussion of the work. In defining the connection between Avoth de Rabbi Nathan and tractate Avoth of the Mishnah, on which Avoth de Rabbi Nathan is an elaboration, Chajes follows Zunz's reasoning regarding the question why chapter eighteen of Avoth de Rabbi Nathan has no parallel in tractate Avoth. It is clear, Zunz reasons, that chapter eighteen is a later addition. This is borne out by the contents of the chapter: it opens with the words, "Rabbi Judah the Prince is lavish in his praise of the scholars" In view of the relationship between Rabbi Nathan and Judah the Prince, Zunz continues, it is unthinkable that the reference to Judah the Prince should have come from the pen of Rabbi Nathan.²¹⁰ While Zunz does not describe the relationship between the two scholars, Chajes proceeds to elaborate on the "hatred between them,"²¹¹ which would make it highly improbable that an entire chapter in the original version of Avoth de Rabbi Nathan should have been devoted to Judah the Prince.

This is clear evidence of the influence of haskalah in Chajes' writings. Readiness to cite personal animosities between individual Sages as factors in the arrangement of the Talmud is typical of a modern secular approach. Chajes

²¹⁰Zunz, ha-Derashoth, p. 52.

²¹¹Kol Sifrei, II, 953.

cites in his support cases in which the Talmud itself refers to rulings which were handed down as a result of animosity between such scholars as Rabbis Nathan and Gamaliel.²¹² As a result of such animosity, the latter even decreed a degree of estrangement upon the former. But tradition interprets these rulings not as the products of personal antagonisms between the authorities directly concerned but as the fruits of strict halakhic objectivity. Rabbi Gamaliel, tradition holds, would have imposed the same excommunication on Rabbi Nathan even if he had not been personally involved in the controversy. Thus, Rabbi Gamaliel's rejection of Nathan mentioned in the Talmud might properly be attributed to the academic controversy between the two Sages but not to any personal animosity between them.²¹³

Chajes next takes a path which he asserts none have trodden before him;²¹⁴ namely, he proudly announces his

²¹²Horiyoth 13.

²¹³See Halevy, Doroth ha-Rishonim, III, 115 for a discussion of a passage in Menahoth, 100a which apparently does indicate animosity as a factor in halakhic rulings. A point in case: in Hulin 6b, we find Judah the Prince altering a ruling handed down by one of his ancestors for no academic consideration; but only respect for Rabbi Meir motivated Judah the Prince. If, as Chajes maintains, there had been hatred between the school of Rabbi Gamaliel on the one hand, and that of Rabbis Meir and Nathan, on the other, how is the conduct of Judah the Prince--of Gamaliel's school--to be explained? Moreover, we find Judah confessing "It was only childishness, which caused me to act with such audacity towards Rabbi Nathan." See Baba Batra 131a.

²¹⁴Solomon Schechter, Aboth de Rabbi Nathan (New York, 1945), xvii, however, points out that this original suggestion was actually raised in an earlier work--Ahavath Hesed

discovery that there are, in fact, two different versions of the text. He bases his conclusion on the fact that direct quotations from Avoth de Rabbi Nathan in the works of Maimonides and Rashi's commentaries do not coincide with the Avoth de Rabbi Nathan text known to us today. Chajes considers the version we know as Palestinian; the earlier text, he holds is of French provenance. Schechter has corroborated the existence of two versions of Avoth de Rabbi Nathan. In his edition of the work, he brings both versions, set in parallel columns. However, Schechter does not agree that Version B is of French origin. He supports his thesis with evidence that it was widely used by Spanish scholars, as opposed to Chajes, who insisted that it was more frequently cited by Ashkenazic authorities.²¹⁵

Targum Ongelos

One of Chajes' most extensive bibliographical studies is that of the Targum, particularly Targum Ongelos. Although he prefaces his earliest treatise on this subject with the declaration that "I do not have [in my possession] any book on the Targum,"²¹⁶ it is obvious that he must have had

by A. Witmund (Amsterdam, 1777), a commentary on Avoth de Rabbi Nathan. Schechter is only willing to credit Chajes for finalizing the thesis.

²¹⁵ Kol Sifrei, II, 962. Schechter, Avoth de Rabbi Nathan, p. xx explicitly refuted Chajes and concludes that "Chajes' theory is baseless, for we cannot designate version A or B as either French or Palestinian."

²¹⁶ Kol Sifrei, II, 501, 511.

access to earlier pertinent studies. For, in discussing a question relating to the terminology in Ongelos, he admits that he might have first come upon the problem "in the work of a recent author."²¹⁷ A search for earlier studies on Ongelos reveals an essay on that very question by Judah Yutelis (1773-1838).²¹⁸ Another related study, Luzzatto's Ohev Ger, had come out a decade prior to Chajes' work; it is hardly conceivable that Chajes had no knowledge of this important treatise.²¹⁹ Consequently, it may be assumed that when Chajes states that he did not "have" any book on the Targum, he merely must have meant that, at the time he wrote his work, the other texts had not been physically available to him.

In his other midrashic studies, Chajes as a rule confines himself to dating the composition and determining its relationship to other midrashic writings. In the case of Targum Ongelos, however, Chajes also attempts to trace the general principles on which the work is based. Several earlier authorities had already pointed to certain such principles. Maimonides had emphasized the tendency to avoid anthropomorphisms. Zunz and others noted still another

²¹⁷Ibid., p. 501.

²¹⁸"Hevdel Tirgum Ongelos be-milath Ivri," Bikkurei ha-Ittim, X (1829), 21. This entire article is devoted to the problem which is later raised by Chajes.

²¹⁹In Chajes' later work, Imrei Binah, in Kol Sifrei, II, 871, he states, "Now, I have a copy of Ohev Ger." This work was published in Vienna, in 1830.

principle in Ongelos' practice to include halakhic material in his Targum,²²⁰ but none had attempted to explain why Ongelos should have done so in some passages and not in others. Chajes, however, took upon himself the task of establishing the principle by which Ongelos chose the passages where halakhic interpretations should be introduced into the Targum and where the literal translation of the Biblical law was sufficient. Chajes arrived at the conclusion that in the case of laws applicable only to the learned beth-din (rabbinical court), Ongelos considered a literal translation sufficient, while, in the case of legislation binding also on the unlearned masses he deemed it necessary to add halakhic explanations in order to make sure that the law was properly understood.

Chajes shows the same approach in his aggadic studies; namely, he holds that the texts were deliberately amended to make them understood by the "plain folk." In the case of Ongelos, Chajes seems to downgrade the Targum, as if it were a mere popular paraphrase, intended for the "plain folk." His views run counter to that expressed in the Talmud, which holds the Targum Ongelos in high esteem for its intrinsic value.²²¹

Luzzatto's approach to the Targum seems similar to that of Chajes. "The Targum," he writes, "was not made for

²²⁰Zunz, ha-Derashoth, p. 38.

²²¹See Shulhan Arukh, Orah Hayyim, No. 285.

the wise, but for the plain folk."²²² Unlike Chajes, however, Luzzatto does not attempt to determine the rules that governed Ongelos' choice of passages needing supplementary halakhic explanation. Nevertheless, in his Imrei Binah, Chajes states that Luzzatto was in agreement with the "plain folk" theory. Rapoport, too, claims credit for the essentials of the "plain folk" theory and feels that Chajes had wronged him by his failure to give credit to him although he, Chajes, must have known of Rapoport's views.²²³

By way of comment upon Chajes' approach to the Targum, one might cite the Talmudic decision according to which certain passages of the Targum must not be read aloud in public so that the congregation should not hear them. Obviously, then, the original text had not been written with the "plain folk" in mind.²²⁴

Other arguments against Chajes' approach, in fact, come from Rapoport and Krochmal themselves.²²⁵

²²² Ohev Ger, p. 1.

²²³ "Mikhtav Gimel," pp. 44ff and Rapoport, "Mikhtav 13," p. 223.

²²⁴ For the pertinent Talmudic decision see Megillah 25b בְּקִרְיָא וְלֹא מִפְּנֵי הַמַּלְאָכִים. However, our line of reasoning might be refuted by noting that the ban on reading the work aloud in public was motivated by respect for the personalities described in the texts, rather than by the desire to conceal information from the public.

²²⁵ Rapoport in "Mikhtav 13," p. 218. Yet Rapoport himself had written and espoused the same principle, so that in Jeschurun, p. 47, Rapoport even accuses Chajes of plagiarism on this score. See also Solomon J. Rapoport,

Notwithstanding these arguments, Chajes firmly upholds his theory and seeks to justify it.

Chajes next attempts to determine the provenance and authorship of Targum Onqelos. According to the Talmud, the Targum Onqelos is not the original creation of Onqelos, the disciple of Rabbi Aqiva, but is of Sinaitic origin.²²⁶

Chajes questions this assumption, pointing out that the text is written in Aramaic; this language was first adopted by Jews during their sojourn in Babylonia. Furthermore, this Targum employs such terms as "yehudim" which originated during the period of the Babylonian exile.²²⁷ Chajes thus reinterprets the Talmudic dictum which ascribes the Targum to Sinaitic origin to mean that only the halakhic explanations and additions which were included in this Targum are of Sinaitic origin. "These additions and explanations were not said on his [Onqelos'] own, but were transmitted from Sinai; Onqelos merely stylistically arranged it in the vernacular."²²⁸

Divrei Shalom ve-Emeth (Prague, 1861), p. 9 for his reference to this theory; Krochmal is cited in a footnote in Chajes' own work, Kol Sifrei, II, 511.

²²⁶ See Samuel Eliezer ben Judah, Hiddushei Aggadoth on Nedarim 38b.

²²⁷ Kol Sifrei, II, 500.

²²⁸ Ibid., p. 501. It should, however, be noted that despite the arrangement of the Targum by Onqelos, it was not committed to writing until sometime later in the era of the Saboraim. Kol Sifrei, II, 540.

What exactly, however, was Onqelos' affiliation with Babylonian Jewry? Like Zunz, Chajes takes the references in the Babylonian Talmud to "our Targum" to denote the Targum Onqelos.²²⁹ This assertion is questionable because Onqelos was a disciple of the Palestinian Sages. Nevertheless, Chajes insists that Targum Onqelos is a "Babylonian" work; he describes it as a restoration of a lost Targum by Ezra, "arranged for the returning [Babylonian] exiles."²³⁰

Krochmal is not convinced of the Babylonian origin of this Targum.²³¹ Rapoport, on the other hand, explains that the Targum had originated in the great academies of Babylonia, and holds that there must have been some special reason for naming it after Onqelos.²³² Chajes rejects Rapoport's thesis, asserting that Targum Onqelos was not a product of the Babylonian academies, but of the earlier age of Ezra the Scribe and had been imported into Palestine from Babylonia by Ezra.²³³ Current theories, however, tend to bear out Rapoport's view; it is claimed that the Targum had been edited in the academies of Babylonia although the author

²²⁹Zunz, ha-Derashoth, p. 36; Chajes, Kol Sifrei, II, 512.

²³⁰See Megillah 3a.

²³¹Kitvei RaNaK, p. 449 (Letter #16).

²³²"Mikhtav 13," p. 213. He does not specify this mysterious reason.

²³³Kol Sifrei, II, 905.

had drawn on earlier Palestinian traditions.²³⁴

As for the authorship of the Targum, Chajes asserts that Onqelos is not identical with Aqilas; Onqelos had made an Aramaic translation of the Pentateuch only, while Aqilas had translated all the Holy Scriptures into Greek.²³⁵ Rabbi David Luria and Rapoport agree with Chajes.²³⁶ Krochmal holds that the name Onqelos was not necessarily the name of an individual but was used as a title to indicate that this Aramaic translation follows the pattern of its Greek prototype; namely, that of a Greek named Aqilas.²³⁷ This point is still debated by scholars today.

In Imrei Binah, Chajes comments on the relationships between Targum Onqelos and the Palestinian Talmud²³⁸ and also makes a survey of the various Targumim of Scriptural works.²³⁹ Geiger admits that his own theories on the

²³⁴Hugo Fuchs, "Targum," Universal Jewish Encyclopedia, 1948, X, 174.

²³⁵Kol Sifrei, II, 515.

²³⁶Luria in Hiddushei RaDaL appended to Koheleth Rabbah, Chapter xi; Rapoport, "Mikhtav 13," p. 223.

²³⁷Kitvei RaNaK, p. 450 (Letter #16).

²³⁸Kol Sifrei, II, 920.

²³⁹Most of the comments refer to the listing of passages which would indicate post-Talmudic authorship of Targumim. These examples are not without error. Thus, for example, he cites the fact that the heads of Babylonian Talmudic academies are mentioned in Targum Shir ha-Shirim as evidence of Geonic authorship. However, such academies are already referred to in the Talmud, e.g., Gittin 6a.

Jerusalem Targumim are, in fact, only elaborations on those set forth by Chajes.²⁴⁰

Miscellaneous

Chajes questions Rashi's authorship of the commentaries on tractate Ta'anith and Pirgei Avoth which are attributed to him.²⁴¹ He stressed the need for amendments and even revisions of the Talmudic text.²⁴² He notes the many inconsistencies in Iggereth Rav Sherira Gaon, and states his intention to make a detailed study of these at some later date.²⁴³ This is of special significance when one realizes that Chajes' intention was stated in 1845, the year which saw the publication of the Goldberg edition of this Epistle.²⁴⁴ This editor suggested that there were two separate editions of this rabbinic work. This suggestion gave the initial impetus to the scientific study of the Epistle.

Chajes' interest in Biblical texts and in midrashic studies led him to some original interpretations. A

²⁴⁰Louis Ginzberg, "Chajes," Jewish Encyclopedia, 1912, III, 661 citing Zeitschrift der Deutschen Morgenlaendischen Gesellschaft, XIV, 314.

²⁴¹Kol Sifrei, II, 901, 962.

²⁴²Hagahoth, introduction.

²⁴³Kol Sifrei, I, 348.

²⁴⁴Ber Goldberg, Hofes Matmonim (Berlin, 1845), pp. 17-43. So recent a scholar as J. N. Epstein maintains that the original version is the French edition. See his Introduction to Tannaitic Literature, 610ff.

midrashic passage under discussion by Chajes reads: "It was investigated and found that the Torah could not be perfectly translated except in Greek. A watchman 'took out' for them the Latin from the Greek." Chajes explains, "There are two different Latin translations of the Bible. One was based on the Greek Septuaginta; the other was taken directly from the Hebrew text when [Gentile] scholars gained a knowledge of our Holy Tongue."²⁴⁵ In other words, the midrashic passage referred to the early Latin version which was based on the Greek text.

Rapoport rejected this theory; how, he demanded, could the Palestinian scholars who compiled the Midrash Rabbah and the Palestinian Talmud have known about the Latin translation of the Bible, which had been produced in far-off Africa?²⁴⁶ Nevertheless, as recent a scholar as Lieberman arrived independently at the explanation offered by Chajes.²⁴⁷ But regardless of whether one agrees or disagrees with Chajes on this issue, the point worthy of note is that a Galician rabbi should have known the history of the Vulgate.

Another original thought of Chajes, which elicited comments from a current scholar, is his suggestion of

²⁴⁵Kol Sifrei, II, 516. The midrashic passage appears in Esther Rabbah, IV.

²⁴⁶"Mikhtav 13," p. 222.

²⁴⁷Saul Lieberman, Greek in Jewish Palestine (New York, 1942), p. 17, #15.

identifying criteria for certain unusual-sounding surnames of Sages named in the Talmud; that is, he demonstrated a connection between the surname by which the Sages were known, and the Talmudic passages with which these scholars are associated.²⁴⁸ Margulies implies that this idea had already been stated by earlier authorities.²⁴⁹ However, neither Margulies nor others²⁵⁰ accept the theory without qualifications; they prefer the approach of Rabbi David Luria, who explained a number of Talmudic surnames as deriving from the places from which these Sages had originally come.²⁵¹

In addition to such isolated comments on different topics, one more general point should be made about Chajes' bibliographical studies. A cursory study of Chajes' works is sufficient to realize the extent of his erudition and the breadth of his knowledge. He quotes not only rabbinic sources but also a wide assortment of secular literature, including historical works and the writings of Gentiles. He draws on the travelogues of Benjamin of Tudela, The Examination of Religion, a quasi-critical work by Elijah

²⁴⁸Kol Sifrei, I, 318.

²⁴⁹Reuven Margulies, le-Heger Shemoth ve-Khinuyim ba-Talmud (Jerusalem, 1960), p. 5. See also T. H. Levin, "Omer ha-Shikhhah, Knesseth Yisra'el, I (1886), 157, for a review of earlier precedents on this matter.

²⁵⁰Yosef Z. Stern, Tahalukhoth ha-Aggadoth, p. 34. A similar interpretation as that of Margulies and Stern is offered by Rapoport in Erekh Milin (Warsaw, 1914), p. 205, who does not even allude to Chajes' theory.

²⁵¹"Hiddushei RaDaL," Numbers Rabbah, chapter xxii, #16.

del Medigo, and the writings of Voltaire which he had read in the original French.²⁵² Bodek reports that Chajes read nearly all the French and German books on Judaica that were available in Galicia in his day.²⁵³

Chajes was an avowed bibliophile. On occasion, he refers to "precious moments" spent going through a rare volume. Observations such as "I have read, in a very old text entitled Kaftor va-Ferah . . .";²⁵⁴ "I have seen this in a passage copied from an ancient Syriac text";²⁵⁵ ". . . this is a very precious work and I could place my hands upon it for only a short while";²⁵⁶ are but a few expressions of his appreciation of the written records of human knowledge.

Zolkiew, where Chajes was active, was a center of Hebrew printing and publishing. Nei, one of the leaders of the haskalah in that city, owned a vast library containing

²⁵² Benjamin is cited in Kol Sifrei, II, 985; del Medigo on p. 457; Voltaire on p. 354.

²⁵³ Bodek, "Chajes," p. 33.

²⁵⁴ Kol Sifrei, I, 69. This is actually a work of Ashtro ha-Parhi, although Chajes identifies the author as Isaac ha-Parhi. See relevant footnote in Shachter's Student's Guide Through the Talmud, p. 212. The book is mentioned again in Kol Sifrei, II, 844. Chajes' endorsement of the 1852 Berlin edition of this work appears in that text.

²⁵⁵ Kol Sifrei, I, 319. Shachter cannot identify this book.

²⁵⁶ Ibid, p. 400, in reference to Milhemeth Hovah by Shlomo ben Zemah.

many rare books and manuscripts.²⁵⁷ Thus Chajes lived and worked in an environment that stimulated and catered to his interest in books. In his writings, Chajes drew on an impressive variety of rare sources, including Nefutzoth Yehudah,²⁵⁸ Match Dan,²⁵⁹ and Even Boheh.²⁶⁰

Summary

The Wissenschaft des Judentums movement in both Germany and Galicia was spearheaded by bibliophiles. Zunz unearthed and studied myriads of manuscripts and unpublished texts. Rapoport and Krochmal were in close contact with Luzzatto, who had access to the vast scholarly libraries of Italy. The studies by these authorities stimulated a wide interest in the study of ancient, long-forgotten classic texts.

In line with this new tendency, Chajes undertook studies of rabbinic literature attempting to trace the dates, origins and authorship of such classics as Midrash Rabbah,

²⁵⁷ See Kerem Hemed, VI (1841), 44.

²⁵⁸ Kol Sifrei, I, 462. The reference is to Judah Muscato's work.

²⁵⁹ Ibid., p. 366. The work is by David Nieto (1654-1728), and is a defense of the Oral Law.

²⁶⁰ The author, Qlonymos ben Qlonymos, was a contemporary of Immanuel of Rome, the Hebrew poet of the early fourteenth century of Italy.

The excerpt from this work which appeared in Geiger's Tzitzim u-Perahim (Leipzig, 1856), pp. 30-36, could not have served as the basis for Chajes' reference, because Chajes died before the edition appeared.

Pesiqta, Avoth de Rabbi Nathan, Megillath Ta'anith, the Minor Tractates and Pirgei de Rabbi Eliezer. He claimed credit for such "discoveries" as the various Hebrew and Aramaic "strata" on Megillath Ta'anith, the existence of two versions of Avoth de Rabbi Nathan and the thesis that the text of the Palestinian Talmud known to us today is not complete.

Except in the case of Targum Onkelos, Chajes did not attempt to establish or discuss the patterns that determined the content of these works, or the approach employed by their authors. For the most part, he confined his studies to the history and origins of the text as such, with only incidental comments on their structure.

Throughout, Chajes appears as a figure of conflicting tendencies. The mere fact that he made scientific studies of Biblical and rabbinical texts does not in itself classify him as a non-traditionalist. Such avowedly traditional scholars as David Luria and Abraham of Vilna advanced more radical conclusions than Chajes with regard to the identity of texts such as Pesiqta and Mekhilta.

Nevertheless, certain elements in Chajes' studies reflect the influence of "modernism" on his mentality and method. Thus, he is willing to admit personal animosities between scholars as a factor in the arrangement of the Talmud (e.g., Avoth de Rabbi Nathan); he applies the hermeneutical principles of the Bible to Megillath Ta'anith;

and he accepts a hypothesis which classes parts of Targum Onkelos as a popularized version of the Bible, intended for use by the ignorant "plain folk." These are instances of views that run counter to rabbinic tradition and serve to identify Chajes with the maskilim more than with the traditionalist disciples of the Gaon of Vilna.

Nevertheless, Chajes cannot be classed as a maskil, for he is very distant, ideologically, from haskalah. Thus, he is not ready to accept dates of composition later than those traditionally given for such works as Tanna de Bei Eliyahu and Pirquei de Rabbi Eliezer. In the same "traditional" spirit, he tends to stress the supremacy of the Babylonian Talmud and thus the universally binding character of halakhic legislation.

Thus it would seem that Chajes never was able to resolve the conflict between his genuine piety, and his modern scholarship. The "critical scholar" and the "halakhist" within Chajes each vied for the upper hand.

CHAPTER VII

HISTORICAL RESEARCH

Chajes certainly was a man of his era in his emphasis on the importance of historical perspective. The nineteenth century in Central Europe was marked by a pronounced interest in the study of history. In scholarly circles the "developmental" approach was not confined to the study of history alone but was also applied to the study of jurisprudence, art, literature and philosophy. The center of this school of thought was Germany. Baron declares that never before had such a great number of distinguished historians and such profound attempts to investigate the past been concentrated in one country during so brief an era. Analysis and sources of information became increasingly sophisticated. Long-forgotten manuscripts were unearthed and put to new use.¹

In the Jewish world, this new trend became manifest in the nineteenth century movement known as Die Wissenschaft des Judentums. The center of this school of thought, too, was in Germany; its pioneers were German--Jost, Zunz and Graetz. Although it was distinctly colored by apologetics

¹Baron, History and Jewish Historians, p. 242.

and by a desire to justify the "degeneration" of the Jew in terms of the oppression he had suffered over the centuries, Die Wissenschaft des Judentums was strongly rooted in the general historical outlook of the era. It viewed Jewish history as "the gradual progression of the Jewish religious or national spirit in its various vicissitudes and adjustments to the changing environments."²

Before long, the influence of this movement had reached Galicia. There, Rapoport, the compiler of several biographical monographs, was making use of newly-rediscovered ancient sources. Krochmal, the philosopher of Jewish history, stressed the developmental history of all nations; in his search for the basis of the uniqueness of the Jewish people, he traced the evolution of Judaism.

This cultural climate influenced Chajes' thoughts and studies. Although, unlike Krochmal, he never wrote a historical work, he constantly stressed the need for such studies. Describing the vast amount of secular knowledge the Talmudic Sages possessed, he writes: "And above all, they studied world history."³ He regretfully admits that the works of Maimonides lack historical perspective and he feels compelled to qualify Maimonides' statement that the study of history was a "waste of time."⁴ Chajes asserts

² Ibid., p. 76.

³ Hagathoth al ha-Talmud, Berakhoth, intro.

⁴ Kol Sifrei, I, 209.

that Maimonides did not mean history as such but only Arabian history and its love stories; after all, is it not beyond question that "the study of history is necessary?"⁵ It is interesting to note that Geiger gives the same explanation as Chajes for Maimonides' rejection of historical studies. Baron, on the other hand, disagrees with Geiger who, he says, bases his opinion on his own limited knowledge of Arabic historical literature. "Geiger, writing in 1850, was familiar with only a few, rather inferior Arabian historical writings." The most significant historical contributions of Arab scholars did not become available to the modern Western public until the second half of the nineteenth century. But they must have been well known to Maimonides, and it is hardly probable that so great a scholar should have singled out these historical works for rejection.⁶

Although, as has just been mentioned, Chajes never wrote a historical work of his own, he edited Halpern's Seder ha-Doroth and commented on it.⁷ He suggested that a comparative study be made of Talmudic accounts of certain historical events and descriptions of the same events by general historians. To illustrate what he meant, Chajes

⁵Ibid., p. 406.

⁶Baron, History and Jewish Historians, pp. 111-12.

⁷Kol Sifrei, II, 873.

offered several examples of parallels between historical information in the Talmud and the works of Flavius Josephus.⁸

Chajes was acquainted not only with such Jewish critics as de Rossi and Jost,⁹ whom he greatly admired, but also with such classic non-Jewish sources as Cicero, Horace and Herodotus.¹⁰ Thus he feels qualified to state that "Herodotus makes no reference to Jews."¹¹ This opinion has been upheld by contemporary historians. Recent scholars have stated that Herodotus refers to the "Syrians of Palestine" in connection with the rite of circumcision, but that "we have no means of knowing whether or not he means the Jews."¹² Similarly, Chajes' conclusion that the origins of Rome's Jewish community can be traced back no further than the Hasmonean era¹³ has been accepted by such recent historians as Cecil Roth.¹⁴ His emphasis on the

⁸Ibid., I, 320. Stern, Tahalukhoth ha-Aggadoth offers a long list of such comparative examples.

⁹Both are mentioned in Kol Sifrei, II, 873.

¹⁰Ibid., pp. 887-88. One must however, realize that Chajes' knowledge of these sources had come from a secondary source, probably Jost, for Chajes himself did not know Greek.

¹¹Ibid.

¹²Paul Radin, The Jews among the Greeks and Romans (Philadelphia, 1915), p. 80.

¹³Kol Sifrei, II, 888.

¹⁴The Jews in the Renaissance (Philadelphia, 1959), p. 3; see also H. Vogelstein, Rome (Philadelphia, 1940), p. 9.

fact that Rome had never in its history been without Jews¹⁵ is still reiterated by so late an authority as Baron.¹⁶

Indeed, to say that Chajes was "acquainted" with historical sources is hardly an adequate description of his extensive knowledge. Bodek relates that Chajes could literally cite the page in Jost's work on which a given point of information appeared.¹⁷ His interest in Jewish history extended to events of his own day. Thus, he offers a census of Jews in various countries of the world.¹⁸ He also deals with the 1840 Damascus affair¹⁹ and wrote an essay on accusations leveled against Jews and their rebuttal.²⁰

Chajes was not slow to apply his factual knowledge and historical perspective to his Talmudic and Judaic studies. Thus, he set out to identify people, places and events mentioned in the Talmud on the basis of ancient writings. He identified "Queen Zimzimzi" as Zenobia, Queen of Palmyra, though he offers little documentation in

¹⁵Kol Sifrei, II, 978.

¹⁶Salo W. Baron, A Social and Religious History of the Jews, I (New York, 1952), 246. He, however, mentions one short banishment during the reign of Tiberius. See also Vogelstein, Rome, p. 3.

¹⁷"Chajes," ha-Maggid, I (1856), 33.

¹⁸Kol Sifrei, II, 980.

¹⁹Ibid., I, 359.

²⁰Ibid., 483.

support of this conclusion.²¹ He defines Artaban as a dynasty of Persian rulers and accordingly changes the name Adrikhan in tractate Avodah Zarah to read Artaban.²² He states that "Abba Sigra" is not a proper name, but a title designating the head of the Sigorigim movement²³--a contention that caused Rapoport to accuse him of plagiarism.²⁴ He equates the idol "Margulis," which is frequently mentioned in the Talmud, with Mercury,²⁵ and conjectures that the name of Johanah ha-Sandler indicates the Alexandrian origin of the Sage.²⁶ On the basis of manuscripts re-discovered in a period closer to his own day, he emends a Rashi text to read "Donnolo" instead of "Detolo,"

²¹Hagahoth al ha-Talmud, Shabbath 63a. For the identity of Zenobia, see Baron, Social and Religious History, II (New York, 1952), 211, 407; and III (New York, 1957), 63.

²²Hagahoth al ha-Talmud, Avodah Zarah 10b. This point is also mentioned by Solomon Judah Rapoport, Erekh Milin (Warsaw, 1914), p. 17.

²³Hagahoth al ha-Talmud, Gittin 5b. This was an extremist movement active during the Jewish rebellion against the Romans prior to the destruction of the Second Temple.

²⁴"Mikhtav Gimel," Jeschurun, Zeitschrift für die Wissenschaft des Judentums, II (Lemberg, 1856), 47. However, this theory concerning Abba Sigra has been rebutted by Reuven Margulies, le-Heger Shemoth ve-khinuyim ba-Talmud (Jerusalem, 1960), p. 63.

²⁵Kol Sifrei, II, 875.

²⁶Ibid., I, 448.

explaining that the "manuscript of his [writings] has [just] been found in libraries in our [own] times."²⁷

Chajes' Talmudic studies also deal with chronological issues. He carried on a detailed correspondence with Hayyim Dembitzer on the possibility that there were two scholars by the name of Joshua ben Ḥananya²⁸--one belonging to the generation immediately following the destruction of the Temple and the other active during the reign of the Emperor Julian the Apostate. This assumption would explain how the midrash could claim that permission to rebuild the Temple was issued in the era of Rabbi Joshua. For on the one hand, we know "from the annals of history that Julian [of the fourth century] was the only emperor to grant such permission"; on the other hand, however, Joshua is generally assumed to be the disciple of Johanan ben Zakkai, of the first century.²⁹ Regarding the report in tractate

²⁷Hagahoth al ha-Talmud, Eruvin 56. Chajes, here, specifies the text of Tahkemoni--a pharmacological work. He adds that "recent writers have devoted adequate discussion to this matter." Since Moritz Steinschneider's publication of Donnolo's pharmacological works did not appear until 1867, Chajes was apparently referring to general discussions of the man and his work which appeared in earlier instances. See Samuel D. Luzzatto, "Mikhtav 3," Kerem Hemed, VII (1843), 61 or Solomon J. Rapoport, "Mikhtav 3," Kerem Hemed, VI (1841), 18. Abraham Geiger, too, discussed Donnolo in Melo Hofnayim (Berlin, 1840), p. 95. His name is mentioned also in Leopold Zunz, ha-Derashoth be-Yisra'el, trans. by H. Albeck (Jerusalem, 1947), p. 176.

²⁸Kol Sifrei, II, 930.

²⁹Ibid. See Bereishith Rabbah, lxiv. Dembitzer, however, maintains that permission was also granted in the

Berakhoth that Ezra changed the text of a prayer to refute Sadducee ideology, Chajes notes that the Sadducee movement must have had its early beginnings in the days of Ezra and not after the Hellenistic era as is usually assumed.³⁰

Elsewhere, he identifies the minim [lit. "heretics"] against whom Rabbi Abbahu frequently led debates, as Gnostics.³¹ Büchler expands upon Chajes' identification of the minim with the Gnostics, matching many Talmudic passages describing the ideas of the minim with actual Gnostic thought.³² And still another instance; assuming that rabbinic polemics are frequently anti-Christian in nature, Chajes comments on a passage referring to such debates in a Babylonian city that ". . . by the time of Rav Ashi they [Christians] had spread . . . and had even come to Nehardea."³³

time of Trajan, and one need not postulate the existence of two Rabbi Joshuas. Rapoport, Erekh Milin, p. 36, accepts the fact that Hadrian, too, permitted the construction of the Temple. See Heinreich Graetz, Divrei Yemei Yisra'el, trans. by Saul P. Rabinowitz, II (Warsaw, 1893), 425, for the text and discussion of Julian's permission to rebuild the Temple.

³⁰Haqahoth al ha-Talmud, Berakhoth 54a.

³¹Kol Sifrei, II, 1018. The same identification also appears in Krochmal, MNZ (Lemberg, 1851), p. 226.

³²A. Buchler, "Über die Minim von Sepphoris und Tiberias im zweiten und dritten Jahrhundert," Judaica, Festschrift für Hermann Cohen (Berlin, 1912), pp. 271-95.

³³This statement is historically valid; for even in an earlier era in Babylonia, we already find Yazdegard I (399-420), relating to Christians while Shapur II persecuted Christians.

On occasion, Chajes emended rabbinic texts on the basis of his chronological findings. Thus, in the account given in tractate Gittin of the destruction of Beth-ther (135), he substitutes Hadrian (ruled 117-138) for Vespasian (d.79) as the responsible emperor.³⁴ In a reference in tractate Yoma, to the relationship between the Persian king Artaban and Rabbi Judah the Prince, he substitutes the name of Rav for the latter, explaining that the Persians had not as yet established themselves in Babylonia or in Palestine during the time of Judah.³⁵

On a more sophisticated level, Chajes reads specific historical backgrounds into the intent of given halakhic and Talmudic passages. Thus, he considers the stringency of the Talmud with regard to the observance of netilath yadayim, the ritual washing of hands, as an attempt to counteract the laxity of the early Christians with respect

³⁴Hagahoth al ha-Talmud, Gittin 57a.

³⁵Ibid., Yoma 11. It is of interest to note that Rapoport not only left this passage unemended, but he also found another passage in which Judah the Prince was mentioned as a contemporary of Artaban. See "Mikhtav 9," Kerem Hemed, VII (1843), par. 25. Baron, too, in Social and Religious History, II, 316, simply states that "Judah the Patriarch sent a mezuzah to Artabanus of Parthia," and sees no need to emend any text. Chajes' statement is indeed startling. The Artaban dynasty belonged to the Parthian Arsacid empire which ruled over Babylonia till 226. To what, then, does Chajes refer when he says that the Persians reached neither Babylonia nor Palestine by the days of Judah the Prince? Apparently, Chajes erroneously assumed that Artaban was a Persian king rather than a Parthian; and the neo-Persians, indeed, did not gain control until after Judah's death.

to this ritual and their downright opposition to it.³⁶ Similarly, he attributes differences between Sephardim and Ashkenazim in halakhic traditions to differences in the conditions obtaining in their respective countries of residence.³⁷

In a similar spirit, Chajes notes the tendency common to many authors to refer to earlier periods in terms of their own generation, giving as an example a Talmudic reference to the Biblical Phineas as a Pharisee.³⁸ Yet the Pharisees did not emerge as a movement until the era of the Second Commonwealth. Chajes points out that this tendency leads to distortions of proper historical perspective. Krochmal echoes Chajes' view, stating that "there is nothing worse than failure to differentiate between eras and developments."³⁹ Rapoport, too, after duly stressing the value of traditional Talmudic study, concludes that it would be well for the student to understand various pertinent historical and social data "in order to obtain a better insight into Biblical and Talmudic writings."⁴⁰

³⁶Kol Sifrei, II, 1003. For further comments on this interpretation, see Zvi Perez Chajes, "Hagahoth," Tifereth le-Yisra'el: Festschrift zu I. Lewys 70 Geburtstag (Breslau, 1911), p. 175 Hebrew Section.

³⁷Kol Sifrei, I, 224.

³⁸Hagahoth al ha-Talmud, Sanhedrin 82b.

³⁹Rawidowicz, Kitvei RaNak, p. 211.

⁴⁰"Mikhtav lo, Teshuvah le-Hassagoth ha-Ro'im al ha-Kotev," Kerem Hemed VI (1841), p. 121.

"There are limits to the achievements of research and wisdom in every age," Chajes declares, "and not all times are equal";⁴¹ in other words, each era must be viewed in its own context.

In one instance, Chajes interprets a Scriptural passage in terms of the economic conditions prevailing at the time. Unlike the classical commentators, who interpret it as a metaphor for a risky undertaking, Chajes explains the phrase in Ecclesiastes, "Cast your bread upon the waters" in terms of the commercial contact maintained by the author, King Solomon, with the Phoenicians. The very same interpretation is offered by Krochmal, who was even more modernist-oriented than Chajes.⁴²

Although Chajes freely acknowledges that the Talmud contains vast amounts of historical data, he points out that not all the material found there was meant to be taken literally. The statement in Gittin attributing the destruction of the Temple to an ugly incident involving Bar-Qamtza does not rule out the role of political and other factors in the catastrophe.⁴³ In a similar vein, Chajes holds that statements attributed to Haman could be

⁴¹Kol Sifrei, II, 643.

⁴²Chajes in Kol Sifrei, I, 356; Krochmal in Rawidowicz, Kitvei RaNak, p. 149.

⁴³Kol Sifrei, I, 330. The incident with Bar Qamtza appears in Gittin 56a.

understood also in figurative terms "to explain what anybody could [emphasis mine] have said in that situation."⁴⁴

The only historical topic systematically surveyed by Chajes is that of the various Jewish sects. Oddly, this survey appears in the middle of Darkei Mosheh, a work written by Chajes in defense of Maimonides and his treatises. Chajes states that the survey was intended to cover all the Jewish sects "until . . . the time of Maimonides, and [from there] I will continue until . . . our own day."⁴⁵ Nevertheless, it may justly be asked whether this insertion--which takes up thirteen pages of the text--is merely a tangential digression or whether it is intrinsically linked with Chajes' study of Maimonides. Perhaps Chajes had intended to show the extent to which even so liberal and rationalist an authority as Maimonides opposed trends far less radical than modern Reform Judaism. A more superficial study of the Jewish sects is contained in Minhath Qena'oth, where Chajes seeks to demonstrate that no dissident sect in Judaism had so clearly discarded the essentials of the Jewish religion as had the Reform movement.

The interest in dissident groups within Judaism was characteristic of Chajes' era. While Jost's exhaustive study of the subject was not published until years after

⁴⁴Ibid., p. 339.

⁴⁵Ibid., p. 441.

Chajes' death,⁴⁶ he had shown an interest in the question long before. Krochmal, Rapoport, Kirchheim, Beer and Fürst⁴⁷ wrote a number of treatises on the evolution of, and the trends within, these groups.

Chajes devoted his attention primarily to the multitude of sects active during the period of the Second Commonwealth. It is interesting to note that in contrast to some modern scholars, he does not list the Pharisees as a sect, thereby abiding by the traditional view, which regards the Pharisees as identical with the authentic mainstream of Jewish life and considers the Sadducees to be dissidents. From time immemorial, orthodox Judaism has identified itself with Pharisaism. It is mainly "New Testament writers who single out the Pharisees as a relatively small minority in the population."⁴⁸ Krochmal attempts to reconcile the contradiction between Jewish and non-Jewish views of the Pharisees by explaining that the ideas of the Pharisees are indeed identical with the

⁴⁶ Isaac M. Jost, Geschichte des Judenthums und seiner Secten (3 vols.; Leipzig, 1857-59).

⁴⁷ Krochmal, "Iggereth Beth," Kerem Hemed IX (1856), pp. 14-19; Rapoport, "Zeman u-Meqom R' Elazar ha-Qalir ve'-Inyenei Piyyutav u - Piyyutei Zulato, u-Qetzath Inyenei ha-Tefilloth," Bikkurei ha'-Ittim X (1829), p. 118; Raphael Kirchheim, Karmeil Shomron (Frankfurt, 1851); Peter Beer, Geschichte, Lehren und Meinungen . . . Secten der Juden (Brunn, 1823); Julius Fürst, Geschichte des Karaerthums (3 vols.; Leipzig, 1862-69).

⁴⁸ Baron, Social and Religious History, II, 343.

mainstream of Jewish tradition, but that the fact of its having organized in a specific group gave Pharisaism a negative connotation.⁴⁹ Chajes, however, adheres more closely to the rabbinic view and never refers to the Pharisees as a mere "sect" within Judaism.

It is the Sadducees and the Essenes, whom Chajes regards as possible dissident "sects." Thus his sketch of the history of sects deals with these groups rather than with the Pharisees. He rejects de Rossi's contention that Maimonides and Judah ha-Levi disagree with regard to the relationship between Sadducees and Karaites. Nowhere does he find ha-Levi opposing Maimonides' opinion that the two sects were much alike.⁵⁰ It is, however, interesting to note that many do assume that ha-Levi did not connect the Karaites with the Sadducees. Thus, Karaites in many instances "sharply repudiated the association of their sect with the much-hated Sadducees. . . . They preferred to believe, therefore, with Judah ha-Levi that the Sadducees . . . were just another group of minim."⁵¹

⁴⁹Rawidowicz, Kitvei RaNak, p. 74.

⁵⁰Kol Sifrei, I, 447.

⁵¹Baron, Social and Religious History, V (New York, 1957), 255. See p. 407 for comments and bibliography on this topic. This topic was also frequently discussed in the Jewish literature of the seventeenth century Italy. For example, see Simhah Luzzatto, Ma'amar al Yehudei Venezia (Jerusalem, 1950), p. 147, who considers Karaites "remnants of the early Sadducees."

Chajes' study of Karaism includes the Karaite movement as it was in his own day. He gives statistical information--he says that the Karaite movement in his time numbered 4,000 heads of families--and lists the places having Karaite communities, including two towns in Galicia, one of which, he says, "adjoins my home town--and it is now three years that all of its inhabitants have left."⁵² He had gained his knowledge of that community--Kokisow--at first hand.

Chajes' trip to Kokisow assumes additional significance if one considers the vehement opposition of the ultra-orthodox to Krochmal's visit to that town in 1815.⁵³ Even Girondi of Padua, a comparative modernist, with whom Chajes corresponded, admonished a student for devoting so much study to Karaite literature, although he himself felt

⁵² Kol Sifrei, I, 451. It should be noted that Kokisow was part of the Zolkiew district--under Chajes' jurisdiction. See Isaac M. Jost, Geschichte der Israeliten IX (Berlin, 1828), Appendix 85. Subsequent studies of the history and development of Karaite communities in Galicia appear in an article by Meir Balaban, "le-Qoroth ha-Karaim be-Polin," ha-Tegufah XVI (1923), pp. 293-307; see also Reuven Fohn, le-Qoroth ha-Karaim be-Galicia (Berlin, 1910).

⁵³ Rawidowicz, Kitvei RaNak, p. xli. It is of interest to note that Rapoport also showed a keen interest in the Karaites. He studied Karaite claims regarding the antiquity of the sect by analyzing inscriptions of tombstones on Karaite cemeteries. He found Firkowicz's claim regarding the antiquity of the sect of dubious validity. See Rapoport, "Mikhtav 17," Kerem Hemed V (1840), pp. 197-232. See also Isaac Barzilay, "The Scholarly Contribution of Shir," Proceedings of the American Academy for Jewish Research, XXXV (1967), p. 22.

the need to become better acquainted with the views of the opposing camp.⁵⁴

Similarly, Chajes' study of the Samaritans reaches into his own day. He quotes as his source "Jewish travelers of Palestine,"⁵⁵ and states that at the time he made his study there were fifty heads of families in the Samaritan community of Nablus. He does not specify whether the reports he received were first-hand or gleaned from written material. He also refers to their history by citing the severe ban that Talmudic Sages placed upon this community although the Samaritans were much closer to Jewish observance than the Reform movement of his day.⁵⁶ However, Chajes has not left detailed accounts of Samaritan customs and history.

The only sect whose doctrines and customs Chajes discusses in some detail is the Essene group. He attempts to substantiate Krochmal's and Rapoport's view that the Essenes are identical with the "Early Pietists" (hasidim

⁵⁴"Mikhtavim Odoth ka-Karaim," Yerushalayim (ha-Benuyah) III (1845), p. 45. See infra., p. 431, for a discussion of the relationship between Chajes and Girondi.

⁵⁵Kol Sifrei, I, 447. Kirchheim, Karme'i Shomron, p. 16 cites Robinson, be-Masa'oth Eretz Yisra'el as counting 150 Samaritans in Nablus. See also Mordecai A. Ginzberg, Devir, I (Vilna, 1844), 25-35 for a report of the life of Samaritans in Nablus. However, the information in this report does not include any figures. Consequently, this report must be ruled out as a possible source of Chajes' information.

⁵⁶Kol Sifrei, II, 1009.

rishonim) to whom the mishnah repeatedly refers.⁵⁷ He then states his own view, suggesting that the Essenes or the Early Pietists were not a separate sect and "did not deviate from the ways of the Pharisees." Thus, both Krochmal and Chajes maintain that, for instance, the Essene doctrine of fatalism is not in itself at variance with the belief in Divine providence. Also Chajes points out, there is no historical confirmation for Azariah de Rossi's allegation that the Essenes denied the validity of the Oral Tradition.⁵⁸

Having disposed of doctrinal issues, Chajes proceeds to demonstrate that a number of laws peculiar to the Essenes, such as capital punishment for anyone swearing by the name of Moses,⁵⁹ are rooted in rabbinical sources.

The question whether or not the Essenes may be classed as a legitimate group within Judaism has been the subject of considerable debate among more recent scholars.

⁵⁷ See supra, note 47.

⁵⁸ Kol Sifrei, I, 449.

⁵⁹ Chajes cites Maimonides' statement that "one who swears by the name of Moses is equivalent to one who swears by the name of the Almighty." Sefer ha-Mitzvoh, Mitzvath Aseh #7. The source of this statement has baffled many a commentator. See Saul Lieberman, Tosefta ki-Fshutah, VII (New York, 1967), 396, where it is shown that "mohi," a term commonly used for "oath," has another connotation in the Palestinian Talmud, where it designates Moses. One could, therefore, find the source of Maimonides' statement in this term "mohi" which equates oath and Moses. Lieberman, in his comments to Nedarim 10b, specifically cites Chajes' discussion of this issue.

Kurman lists a number of observances in which the Essenes did not follow the mainstream of Judaism.⁶⁰ For instance, they were opposed to the offering of animal sacrifices. As a consequence, Kurman asserts, they could hardly be considered identical with the "Early Pietists" who, the mishnah relates, were constantly seeking opportunities to make such offerings to the Lord. Baron, on the other hand, states that their "rejection of animal sacrifices may have been simply a radical offshoot of tendencies general in all Pharisaism."⁶¹

In general, modern scholars are reluctant to declare for, or against, the inclusion of the Essenes among the "legitimate" Jewish sects. They decline to pass judgment, pleading scarcity of data,⁶² or, at least they warn readers that "although there must have been many points of strict religious observance common to the Rabbis and the Essenes," one should not hasten to identify an otherwise unidentified individual in rabbinic literature as an Essene.⁶³ Baron, however, has firmly adhered to his view that, all their unique customs notwithstanding, the "Essenes were Jews,

⁶⁰Abraham Kurman, Zeramim ve-Kitoth ba-Yahaduth (Tel-Aviv, 1966), pp. 215-17.

⁶¹Baron, Social and Religious History, II, 50.

⁶²R. Travers-Herford, "Essenes," Universal Jewish Encyclopedia 1948, IV, 168.

⁶³Adolf Buchler, Types of Jewish Palestinian Piety (London, 1922), p. 126.

even Pharisaic Jews. They observed the minutest detail of every Pharisaic law."⁶⁴

On occasion, Chajes adds seemingly innocuous historical comments to a Talmudic text which, on closer study, turn out to be veiled barbs aimed at those who did not agree with him. Thus Chajes noted in connection with a Talmudic passage that "in Nehardea, even prior to the arrival of Rav, the Jews were well-versed in Torah, thanks to the old-established Academies there."⁶⁵ This statement is a rebuttal of Rapoport, who had openly taken issue⁶⁶ with Chajes' contention in Iggereth Biggoreth⁶⁷ that the Babylonians had Beraitoth even before the days of Rav.

Rapoport accuses Chajes of not giving a fair presentation of his opponents' views. For instance, Chajes is supposed to have supported his rebuttal with a quotation from the writings of Rav Sherira Gaon without mentioning the fact that Rapoport used the same passage in his initial attack on Chajes. Unlike Chajes, who accepts the information given by Rav Sherira at face value, Rapoport claims that the Gaon's references to the great age of the Babylonian academies were not founded so much on fact as they

⁶⁴Baron, Social and Religious History, II, 50.

⁶⁵Haqahoth al ha-Talmud, Babba Qama 80a.

⁶⁶"Mikhtav 10," Kerem Hemed VI (1841), pp. 143-47.

⁶⁷Kol Sifrei, II, 519ff.

were colored by Sherira's personal interest in portraying these institutions as ancient seats of learning.

This is a crucial issue in the controversy between tradition and modernism. Rapoport's contention echoes the tendency of modern scholarship to view Palestine as the sole center of Jewish life; this would make the Oral Law not part of age-old Jewish tradition but a sectarian creation of the Pharisees.

Rapoport's thesis is sharply rebutted by Halevy, who devotes large portions of his work to prove that the Oral Law was known and taught in Babylonia at a very early date. Conceding that Chajes' arguments in support of this claim are not strong enough, Halevy offers an impressive array of additional evidence.⁶⁸

If even Halevy, who often shared his basic views, described Chajes as "immature," it should not come as a surprise that his opponents used much stronger language in criticizing his historical naivete. Reggio ridiculed Chajes' acceptance of the Talmudic claim that the prohibition to drink the wine of Gentiles dated back to the Biblical era--more specifically, the time of Phineas.⁶⁹ He cites this point as an example of the extent to which

⁶⁸Halevy, Doroth ha-Rishonim, II, 162-252; Ibid., I, 94.

⁶⁹"Schreibn des Herrn, Reggio an hrn. Gabriel Polak in Amsterdam"; Ozar Nechmad, II (1857), pp. 200-203.

Chajes' mind was fettered by outworn tradition. Chajes clarifies his views on the subject in an article published in the Allgemeine Zeitung.⁷⁰

Chajes touched on many questions that engaged the interest of more recent scholars. One such issue was Chajes' suggestion that many prayers were written down even before permission was given to commit the Oral Tradition to writing.⁷¹ More recently, Ginzberg has reviewed various theories relating to this issue in connection with his study on the Siddur of Saadia Gaon.⁷²

On the other hand, Chajes did not investigate historical questions called to his attention by some of his contemporaries, such as Krochmal's comment on Chajes' Iggereth Biqqorteh to the effect that it was difficult to understand Ongelos' scrupulous avoidance of anthropomorphic terms in his Targum when neither the Talmud nor the midrash exercised such caution in this respect.⁷³ Chajes fails to take up this point in his discussion of the Targum in Imrei Binah.

⁷⁰Allgemeine Zeitung des Judentums, IX (1845), p. 701.

⁷¹Kol Sifrei, II, 961.

⁷²Louis Ginzberg, Al Halakhah ve' -Aggadah (Tel-Aviv, 1960), pp. 171-204.

⁷³Rawidowicz, Kitvei RaNak, 450.

Summary

In view of the foregoing, it is clear that Chajes cannot be counted as one of the pioneers of the Wissenschaft des Judentums school. His historical studies are not noted for their comprehensiveness nor for careful collection of data. He merely showed an unusual interest in history, which was expressed in his attempts to identify Talmudic references to various events and personalities and to explain chronological discrepancies to his satisfaction. Still, his critical sense was so strong that even in those halakhic writings where he stressed the immutability of Torah, he conceded that Judaism had, indeed, undergone a process of natural evolution, shaped by changing times and conditions.

But regarding his basic concept of history, Chajes stood firmly on the ground of tradition. Unlike Jost, whose view of history was frankly un-theological, and Krochmal, who only on occasion referred to an "Absolute Spirit" guiding the Jewish people, Chajes unequivocally declared that the purpose of studying Jewish history was to realize the profound wisdom of Divine Providence.⁷⁴ Also unlike other nineteenth-century Jewish historians, who could not agree whether Judaism was a religion or a national entity, Chajes accepted the traditional concept

⁷⁴Kol Sifrei, I, 406.

that, in Judaism, religion and nationhood were inseparable. While he accepted the developmental approach concerning adjustments Judaism had made to changing times and circumstances, Chajes remained loyal to the basic tenets of traditional Judaism.

PART III: THE PERSONAL RELATIONSHIPS OF RABBI CHAJES

CHAPTER VIII

PERSONAL RELATIONSHIPS OF RABBI CHAJES

The dualism evident in Chajes' scholarly writings is reflected also in his contacts with the noted rabbis and Jewish scholars of his day. He had associations with such leading champions of tradition as Rabbis Moses Schreiber and Solomon Kluger, on the one hand, and with such prominent leaders of haskalah as Nahman Krochmal and Shlomo Yehudah Rapoport, on the other.

We will now attempt to make a study of these relationships with a view to obtaining a clearer picture of Chajes, the man and the scholar. Was Chajes a genuinely orthodox rabbi, seeking out the maskilim only in order to bring traditionalist influence to bear upon the modern generation? Or was he trying to formulate for himself a synthesis between classic tradition and modern scholarship? Or was he, perhaps something of a hypocrite in that he kept up his contacts with the traditionalists for the sake of propriety and to protect his standing in the religious world, but felt closer to the spokesmen of "enlightenment" and secularism?

Numerous scholars have attempted to find answers to these questions. Herscovics insists that Chajes enjoyed

the genuine respect of Rabbi Schreiber, the universally accepted advocate of uncompromising orthodoxy.¹ Chajes' contemporary, Isaac Jost, on the other hand, claims that Chajes was essentially a radical but often was afraid to speak up for fear of jeopardizing his rabbinical title and position.² Rapoport declares that "even if he [Chajes] says that his words match his thoughts, a number of his acquaintances will doubt it."³ Chajes' own grandson, Zvi Perez Chajes, conceded that, in order not to give offense to the orthodox, Chajes had "frequently suppressed his own critical views and contented himself with simply arranging vast amounts of scholarly and historical material."⁴ The present study was intended to determine which of these evaluations of Chajes' personal relationships comes closest to the truth.

¹Herscovics, "Al Hudaḥ shel Maḥat," p. 90.

²Isaac M. Jost, ed., Israelitischen Annalen (1841), p. 72, in a review of Tifereth le-Yisra'el. In the same volume, p. 224, Jost expresses the sincere hope that Chajes will still utilize his talents for the benefit of modern progressive trends. See also Allgemeine Zeitung des Judentums, IX (1845), p. 795, cited by Herscovics, "Rabbi Zvi Hirsch Chajes," p. 182. A typographical error has obviously occurred; for the 1845 volume of the journal does not even include so many pages.

³"Mikhtav 13," Kerem Hemed, VI (1841), 215.

⁴Hirsch Perez Chajes, Reden und Vortrage, p. 188.

E. Z. Margulies (1762-1828)

One of Chajes' early mentors was E. Z. Margulies of Brody, who made his living as a merchant⁵ but was the author of many halakhic texts⁶ and was recognized as a great halakhic authority by no less a traditionalist than Rabbi Schreiber.⁷ Chajes frequently refers to Rabbi Margulies as his "master"⁸ and makes many references to Margulies' published writings and to their private talks.⁹

Rapoport questions Chajes' description of himself as a student of Margulies: "It is known to his acquaintances," he writes, "that he [Chajes] . . . visited him [Margulies] only from time to time, as did the other young men of Brody." Moreover, Margulies did not even head a Talmudical academy, or any other institution of Jewish learning.¹⁰ On what basis, then, Rapoport asks, did Chajes

⁵For details of his commercial enterprises see Nathan M. Gelber, Brody, Vol. VI of Arim ve'-Imahoth be-Yisra'el, ed. by Judah L. Fishman (Jerusalem, 1955), 155. It is probably safe to assume that the Chajes family, in general, had contact with Margulies; for both were involved in the same branch of industry, i.e. coral. See Gelber, ibid., pp. 65, 201.

⁶For a complete list of his writings, see a eulogy in Bikkurei ha'-Ittim, XI (1830), 130.

⁷Moses Sofer, She'aloth u-Teshuvot Hatam Sofer, Yoreh De'ah #234, 235.

⁸Kol Sifrei, I, 222, 231, 261.

⁹References to published writings appear in Kol Sifrei, I, 222, 231; II, 528; to private talks in ibid., II, 509, 516.

¹⁰"Mikhtav 13," p. 208.

regard himself as a disciple of Margulies? It would seem, however, that Chajes was correct in describing Margulies as his teacher; it was entirely in accordance with Jewish tradition that any person from whom one has acquired knowledge through personal contact should be acknowledged as one's "master," even if that contact was not in the context of a formal school situation.

The fact, apparently, is that Chajes saw Margulies more often than merely "from time to time." In a letter to Rabbi Schreiber in 1833, he wrote that "I did not move away from the home of my mentor, Rabbi Margulies, who raised me as a father would and who enjoyed my company."¹¹ Bodek reports that once, when Chajes was ill and did not come to the beth ha-midrash (House of Study), Margulies went to visit him.¹² That Margulies held Chajes in high esteem may be seen also from the fact that he conferred the traditional semikhah (rabbinical ordination) upon him.¹³

Rapoport's main purpose in seeking to "play down" Chajes' relationship with Margulies was to belittle Chajes' stature and to undermine his prestige in the scholarly

¹¹This letter is cited in Beth Halevi, Chajes, pp. 80-85. The Hebrew text reads:

¹²Bodek, "Chajes," ha-Maggid, I (1856), 33.

¹³Ibid. One should note, however, that the letter of the Spectators merely mention Margulies' esteem and admiration for Chajes; they maintain that in reality it was Rabbi Segal-Landau who ordained Chajes. See "Tzeror Mikhtavim," ha-Shahar, XI (1883), 502-04.

world. If Margulies was indeed Chajes' master, Rapoport asks, why did Chajes refer to him as such only in one of his works? On the basis of this question, one might think that when Rapoport asked that question--in 1841--Chajes had already published numerous works containing many references to Margulies but without identifying the latter as his "master." But the truth is that prior to 1841, Chajes had published only one work, Torath Nevi'im.¹⁴ In all his later works, with one sole exception,¹⁵ Chajes consistently refers to Margulies as his teacher. Any skeptic who would reply that Chajes might have deliberately filled his later works with these references in order to refute Rapoport's allegations should be directed to the letter mentioned above which Chajes had written to Rabbi Schreiber eight years earlier, in 1833.¹⁶

That Chajes succeeded in gaining the favor of both the maskilim and the orthodox is shown by the fact that,

¹⁴Although Misped Tamrurim was also published by 1841, that work is merely a small pamphlet containing Chajes' eulogy on Francis I and is not a scholarly work.

¹⁵Kol Sifrei, II, 993.

¹⁶Beth Halevi, Chajes, pp. 80-85. Although it is clear that Chajes introduced himself as a student of Margulies in order to win favor in the eyes of Rabbi Schreiber, it is difficult to believe that the fact was entirely invalid. One should, however, realize that this letter was written after Margulies' death and could not be verified by Schreiber. Subsequently, Chajes has often been referred to as a disciple of Margulies. See for example Yequiel Kamelhar, Dor De'ah (Pietrikow, 1935), p. 152.

when Chajes assumed the rabbinate of Zolkiew, Margulies personally accompanied him on the journey to that city. It was, indeed, unusual--a rabbi appointed to his post thanks to the intervention of Krochmal, the influential maskil, is escorted to his new position¹⁷ by his mentor, a renowned orthodox leader. Herscovics,¹⁸ cites this fact as an argument against Rawidowicz's view that the appointment of Chajes to the Zolkiew pulpit marked a triumph of the haskalah element in that community.¹⁹ If the situation had been as Rawidowicz described it, Herscovics asks, would Margulies have done Chajes the honor of escorting him to his new post?

However, as Herscovics himself admits, Chajes had been called to Zolkiew through the good offices of Krochmal, who was a warden of the community. Would Krochmal's approval not render Chajes' orthodox status suspect?²⁰

¹⁷Herscovics, "Yaḥas ha-Ḥatam Sofer el Chajes," 137. See also Herscovics, "Ḥudah shel Maḥat," 75. He proves that this trip to Zolkiew must have preceded Chajes' final acceptance of the rabbinate. For by the 1829 date of his appointment to the position, Margulies had already died. One might note that a typographical error has entered the first article, and the date of Margulies' death is given as 1825 instead of 1828.

¹⁸Herscovics, "Ḥudah shel Maḥat," p. 27.

¹⁹Rawidowicz, Kitvei RaNak, p. lxxxv.

²⁰It is of interest to note that when Rapoport sought the Tornopol rabbinate, Perl did not openly support him lest this antagonize the religious element of the community and thereby minimize Rapoport's chances of success. See "Mikhtav 26," Kerem Hemed, IV (1839). The mere support of a leading haskalah figure was viewed with suspicion.

Accordingly, one need not rule out the possibility that Margulies went to Zolkiew with his pupil not merely out of respect and affection, but in order to maintain close contact with him and thus to be a good influence on him as he assumed the rabbinate of a community where the haskalah trend was strong. At the time, Chajes was still quite young--only 24 years old--to obtain so important a position. It would not be unreasonable, then, to assume that Margulies, aware of the young man's brilliance²¹ would want to act as the guide of one of his most promising students, who had already²² come into close contact with the maskilim to the extent that he had been endorsed by one of their leading spokesmen.

True, it is reported that Rabbi Jacob Orenstein, who was widely known for his vehement opposition to haskalah,²³ also approved Chajes' appointment to Zolkiew,

²¹Lavish praise was bestowed upon Chajes in Margulies' work Mateh Ephra'im, section Elef la-Mateh, Dinei Qaddish Yatom, cited by Meir Herscovics, "Nispaḥoth le-Pereq al Rabbanuth Zvi Hirsch Chajes," ha-Dorom, XIII (Nisan, 5721), 250.

²²See Levinsohn, Be'er Yitzḥaq (1902), p. 98, in which the author relates that "when still a young lad of thirteen, he [Chajes] constantly came to my home, and was already then an exceptional child in Brody, and all foretold a great future for him."

²³It was he who was designated by the maskilim as "the Lemberg Inquisitor," and who excommunicated Rapoport in 1816. See Klausner, II, 224.

but the reliability of this report has been questioned by a number of authorities.²⁴

On the other hand, it may be that Krochmal wanted Chajes in Zolkiew not because he already considered him a maskil but because he hoped that given his guidance, this brilliant--young rabbi might develop into a staunch adherent of haskalah.

In other words, there is reason to believe that the forces of orthodoxy and haskalah were waging a silent battle over the mind and soul of young Chajes.

Nahman Krochmal

One of Chajes' closest relationships was the tie that bound him to Nahman Krochmal (1785-1840). The two men frequently exchanged words of high praise. Krochmal concludes one of his early letters to Chajes with "genuine and everlasting affection."²⁵ One of Krochmal's last letters, written to Chajes the year of his [Krochmal's] death, ends with the writer's assurance that he is "bowing from afar to [your] excellency."²⁶

In his published works, on the other hand, Krochmal merely refers to Chajes in anonymous terms as "a loved one and friend, one of the greatest and best rabbis of our

²⁴Beth Halevi, Chajes, p. 14.

²⁵Rawidowicz, Kitvei RaNak, p. 420.

²⁶Ibid., p. 450.

day."²⁷ This may have been Krochmal's way of reciprocating what seems to have been Chajes' practice in most of his own writings, of referring to Krochmal simply as "the scholar."²⁸ It is interesting to note that, during the final months of his life, Krochmal sharply reprimanded Chajes for failing to mention Leopold Zunz by name in his Iggereth Biggoreth.²⁹ Although there is no explicit indication to that effect, Krochmal may have chosen this reprimand as a way of expressing his own annoyance at never having been mentioned by name in Chajes' works.

Krochmal's letter yielded results, for in Imrei Binah, a sequel to Iggereth Biggoreth, Chajes openly states, "I mention today that which I previously concealed . . . the great scholar . . . Zunz." He refers to Krochmal's reproof on the issue³⁰ and names Zunz as his

²⁷ Ibid., pp. 240, 254.

²⁸ See for example Kol Sifrei, I, 304; II, 511, 514. Shachter, Student's Guide Through the Talmud, p. 180 assumes that the title "the scholar" is reserved for Krochmal. At the particular point where Shachter inserts this note, much more than an "assumption" is involved. For the very same comment which Chajes cites, at this point, in the name of a scholar actually appears in Krochmal's Moreh Nevukhei ha-Zeman. See Rawidowicz, Kitvei RaNak, p. 240. However, Shachter's rule is not without exception. See Rawidowicz, Kitvei RaNak, p. lxxxvii. At times, it is Rapoport who is referred to as "the scholar."

²⁹ Rawidowicz, Kitvei RaNak, p. 452. Zunz is usually referred to as "the author of the work." See Kol Sifrei, II, 495, 514, 515, 538, 539. See Alexander Marx, Studies in Jewish History and Booklore (New York, 1944), p. 352, that Zunz "was very sensitive to the lack of recognition."

³⁰ Kol Sifrei, II, 871.

reference in connection with several items of information.³¹

Chajes' original practice of not referring to Krochmal and Zunz by name was obviously motivated by his fear of orthodox opposition to frankly complimentary references to haskalah heretics. In an article Chajes wrote for Zion, a German-Hebrew periodical, we find him explicitly citing a comment of "my friend, the great . . . scholar and researcher . . . Nahman ha-Kohen Krochmal."³² On the other hand, when he cites the very same comment in Hagahoth al ha-Talmud, he merely says that he is quoting the words of "a scholar."³³ In other words, he felt free to name maskilim in the German work, which the orthodox would never have read because they probably never heard of it, but he hesitated to do so in a Talmudic treatise which the orthodox would be bound to read.

However, Chajes is not consistent in this respect. Prior to the publication of Imrei Binah in 1849, he, generally, does not pay heed to Krochmal's 1840 reprimand. It is only with the appearance of the text of Imrei Binah that Chajes expresses regret for failing to mention Zunz and Krochmal by name. On the other hand, he does mention Krochmal by name in Darkei Mosheh which antedated Imrei

³¹Ibid., 915.

³²"Ḥaqqiroth al Inyanim Shonim," Isaac Jost and M. Kreizenäch, ed., Zion, II (1841-1842), 151.

³³Eruvin 4a.

Binah by four years.³⁴ Perhaps he felt that in the cases of Mavo ha-Talmud and Hagahoth al ha-Talmud which are strictly Talmudic works, he would have to be careful not to give offense to the orthodox, but that he needed no such consideration when it came to Darkei Mosheh, a historical work that was more likely to be read by the enlightened Jewish public than by the strict traditionalists. Yet Darkei Mosheh was part of the same series [Atereth Zvi] as Iggereth Biggoreth, in which he studiously avoided mentioning Krochmal's name.

It is interesting to note that Chajes gives no explanation for his anonymous references. In apologizing in Imrei Binah for his failure to mention Zunz by name, he writes, "I mistakenly thought that such minor issues would not offend him [Zunz]."³⁵

Of course, this is no justification for failure to acknowledge indebtedness to a source of information, even if the authority involved does not demand to be given the credit. But from all that has been noted above, it may safely be concluded that the true reason for Chajes' reluctance to mention haskalah leaders by name in his works was his fear of antagonizing his orthodox readers.

One wonders whether Chajes' fear of offending the orthodox does not also hold the answer to a question that

³⁴Kol Sifrei, I, 449.

³⁵Ibid., II, 871.

has long occupied students of Chajes' life;³⁶ namely, the abrupt cessation of Chajes' prolific output of original works. The last of his major writings appeared in 1849 and 1850. Imrei Binah--where Chajes openly refers to haskalah leaders--appeared in 1849. It may be assumed that the book met with scathing criticism from the orthodox. The next two works--a volume of Responsa and Minhath Qena'oth--which appeared within the year, were, as opposed to Imrei Binah, highly conservative. The book of responsa was primarily a collection of Chajes' earlier writings, and most of Minhath Qena'oth had originally been written at the time of the Frankfort Conference of Reform Rabbis in 1845.³⁷ Since Imrei Binah and the two last-mentioned books are all part of a larger series of responsa, it might be assumed that the conservative works that followed Imrei Binah were intended to counterbalance the controversial book, thereby mollifying orthodox critics.

At any rate, it would appear that Chajes allowed the increasing opposition from the orthodox to "cramp his style," as it were, so that he stopped publishing "original" ideas.

It is evident that Chajes was not too eager to flaunt his relationship with Krochmal in orthodox circles.

³⁶Beth Halevi, Chajes, p. 42.

³⁷Kol Sifrei, II, 973.

But he never gave up Krochmal. He found his lengthy evening discussions with Krochmal on an endless variety of scholarly themes a most rewarding experience.³⁸ Chajes sent manuscript copies of Iggereth Biggoreth to Krochmal and eagerly awaited his comments.³⁹ As a matter of fact, Chajes incorporated Krochmal's comments--anonymously, of course--into the final version of the work and into Comments on the Talmud.⁴⁰ Chajes' texts are replete with references to views expressed by Krochmal.

Eventually, Chajes found that this friendship with Krochmal also yielded a practical advantage. When the Jewish community of Prague set about to choose a new chief rabbi, Krochmal let it be known that his personal choice for the position was Chajes rather than Rapoport.⁴¹

Krochmal also showed his respect and affection for Chajes by entrusting him with the care of his son when he, Krochmal, was forced to leave Zolkiew,⁴² and by urging

³⁸Rawidowicz, Kitvei RaNak, p. lxxxiv.

³⁹Ibid., pp. 448-50.

⁴⁰Kol Sifrei, II, 511, and Hagahoth al ha-Talmud, Yoma 15b. In Iggereth Biggoreth, Chajes does not explicitly mention sending the manuscript copy to Krochmal. He merely states "when part of these sections reached the attention of my friend." In Imrei Binah, however, he openly ascribes the comment to Krochmal. See Kol Sifrei, II, 511, 909.

⁴¹Klausner, ha-Sifruth ha'-Ivrith, p. 245.

⁴²Rawidowicz, Kitvei RaNak, pp. 430, 454. In later years, this son presented a debate on Spinoza in which the participating figures were Chajes and Krochmal. Abraham Krochmal, "Even ha-Roshah," ha-Shahar, II (1871-1872), 6.

Chajes not to be discouraged by the criticism of such formidable opponents as Rapoport.⁴³

Thus, generally speaking, a mutual admiration and respect marked the relationship of Chajes and Krochmal. It is, however, a debatable question as to who was more deeply indebted to whom. While Krochmal may have outstripped Chajes in modern scholarship, he frankly acknowledged that Chajes was more competent in matters of halakhah. Thus, in a letter to Chajes concerning the use of certain Talmudic passages in support of his arguments, Krochmal writes, "And your Honor knows them better than I."⁴⁴ On the other hand, Klausner maintains that Krochmal's influence is felt even in Chajes' strictly Talmudic works--Torath Nevi'im and Darkei ha-Hora'ah. But Klausner admits that, in the final analysis, Chajes "goes his own way, and it is difficult to class him as a disciple of Krochmal."⁴⁵ Lachower, on the other hand, maintains that, on the contrary, Krochmal was influenced by Chajes.⁴⁶ Herscovics finds that each of the two scholars was strongly influenced by the works of the other.⁴⁷

⁴³Rawidowicz, Kitvei RaNak, p. 453.

⁴⁴Ibid., p. lxxxiv.

⁴⁵ha-Sifruth ha'-Ivrith, pp. 167-68.

⁴⁶Fishel Lachower, Al Gevul ha-Yashan ve-ha-Hadash (Jerusalem, 1951), p. 177.

⁴⁷Herscovics, "Hudah shel Ma'hat," p. 77.

Some authorities detect this mutual influence in such small matters as the fact that both scholars use identical Scriptural passages in the introductory remarks to their works. Chajes concludes his introduction to Torath Nevi'im with the same passage that Krochmal uses to open his forward to the Guide for the Perplexed of our Time.⁴⁸ The verse which Krochmal takes as the device for the second section of his text is also the motto of Chajes' Tifereth le-Mosheh.⁴⁹

Thus we see Chajes, the official orthodox rabbi of Zolkiew, as the close friend of Krochmal, the maskil, who was honest enough to refuse a rabbinical position⁵⁰ because he felt that, in view of his radical ideas, he was not qualified to accept an orthodox pulpit. Rawidowicz interprets Krochmal's attitude as a frank confession that while he was still observant in practice, he no longer regarded himself as a bearer of the unbroken chain of Jewish tradition.⁵¹ Rawidowicz further holds that, in contrast to Chajes, Krochmal's reluctance to publish his own works was

⁴⁸Lachower, Al Gevul ha-Yashan ve-ha-Hadash, p. 177.

⁴⁹Simon Rawidowicz, "Al Qelithath RaNak ve-Hashpa'ato," ha'-Olam, XV (1927), 359.

⁵⁰His candidacy was suggested for a Berlin rabbinical position. Klausner [in ha-Sifruth ha'-Ivri, II, 164], assumes that Zunz was instrumental in this proposal. For the text of Krochmal's refusal, see Rawidowicz, Kitvei RaNak, p. 448.

⁵¹Rawidowicz, Kitvei RaNak, p. lvii.

motivated not by fear of orthodox opposition and its consequences but by the hesitation to take the responsibility of introducing his unorthodox ideas to the general Jewish public.⁵²

How did Chajes himself view his relationship with Krochmal? Herscovics maintains that Chajes was very much aware of the gulf between Krochmal's orthodox observances and his radical ideas. "There were basically two Nahman Krochmals. Apparently Krochmal's conduct posed no danger in Zolkiew; the only problem lay in his theories. . . . Once Chajes realized this, there was no longer any need [for him] to fear either [Krochmal's] critical studies or his historiography."⁵³

Herscovics' assumption is based on the belief that Chajes did not permit his exchange of ideas with Krochmal to sway him in his strict adherence to orthodoxy in principle. Why, then, should Chajes be criticized for keeping up a friendship from which he derived both stimulation and encouragement? After all, Chajes had expressed his disapproval of Bible criticism, though Krochmal was an ardent follower of the Critical School.⁵⁴ And might it not be argued that, through this friendship, Chajes had been able

⁵² Ibid., p. lxxxxi.

⁵³ Herscovics, "Hudah shel Mahat," p. 82. The sentence order has been rearranged in the translation.

⁵⁴ Ibid.

to influence Krochmal to exercise some restraint in setting forth his radical views.

There is no doubt that Chajes remained convinced of the Divine origin of both the Written Law and the Oral Tradition, the basic doctrine of orthodoxy which was challenged by many of the studies emanating from the circles of Die Wissenschaft des Judentums. Yet, it does not follow as clearly as Herscovics would have it that Chajes' own ideas remained unaffected by the views current in the haskalah circles with which he had chosen to develop close relationships. Throughout this study it has been shown that Chajes expressed--albeit in a most subtle form--rather unorthodox views on the very same issues that he chose to defend as the champion of orthodoxy. Thus, he rejected Bible criticism but implied acceptance of the critical views on dates of canonization;⁵⁵ he upheld aggadah as a legitimate branch of the Oral Tradition, but referred to some aggadoth as mere homilies intended for the "plain folk";⁵⁶ he did not class the Pharisees as a mere "sect" in Judaism, but accepted the dissident Essenes as a very pious group;⁵⁷ he vehemently attacked the Reform movement, but many of his own statements on "adjustment" and

⁵⁵Kol Sifrei, I, 94.

⁵⁶Ibid., 321.

⁵⁷Ibid., 449.

"evolution" of Jewish law and tradition echo reformist ideas.⁵⁸ Evidently, then, Chajes was not immune to the influence of his haskalah friends.

Even if these unorthodox influences were not too strong, there is a highly significant point to consider in this context. Some authorities have sought to compare Chajes to Samson Raphael Hirsch (1808-1888), the champion of neo-orthodoxy, and have classed both scholars as "moderate" in their views of Jewish tradition.⁵⁹ The comparison may be valid to the extent that both Hirsch and Chajes favored secular education and that both rabbis introduced certain innovations--such as sermons in the vernacular--into the orthodox synagogue. However, there is a basic difference between them that is all too often overlooked. Integral part of the modern world though he was, Hirsch was more than outspoken in his criticism of those whose ideas he considered to be at variance with the fundamental principles of Jewish tradition.⁶⁰ He did not hesitate to voice his convictions even if it meant disavowing cherished personal associations.⁶¹ No one, not even his most bitter

⁵⁸ See supra, pp. 31ff.

⁵⁹ Friedmann, Galizischen Juden, p. 42.

⁶⁰ The classic example of this approach can be found in his attack on Zecharias Frankel in "Anmerkung der Redaktion," Jeschurun, VII (Shevat, 1861), 252-69, 347-73.

⁶¹ Note his relationships with his earlier disciple, Heinrich Graetz, who in 1846 dedicated his work

opponents, ever doubted Hirsch's sincerity. Chajes, too, was a valiant fighter for Jewish tradition in an age that questioned time-honored values. But though Chajes disapproved of Krochmal's pursuit of Bible criticism, Chajes never raised his voice in open protest against the radical views advanced by his friend. He received and read the manuscript version of Krochmal's Guide for the Perplexed of Our Time and said nothing about the sections discussing the "objectionable" passages found in aggadic literature. If Chajes was, indeed, aware of the ideological barriers between himself and Krochmal, why did he never speak out in opposition to Krochmal's ideas? Obviously, Chajes was afraid that such action on his part would jeopardize the personal relationship he so greatly treasured. It is not on his friendship with maskilim, but on his failure to speak out against their ideas, that orthodoxy was, at times, suspicious of Chajes' true loyalties. His unwillingness to speak his mind for fear of the consequences to himself enabled members of both camps to label him cowardly and insincere.

Gnosticisumus und Judentum to Hirsch, "an unforgettable teacher and fatherly friend . . . in love and gratitude." Yet when Graetz's History of the Jews appeared in 1856, Hirsch regarded it his duty to indicate the errors in that work, thereby incurring the wrath of the author, which found its expression in his preface to the fifth volume in which he alludes to Hirsch as a "hermit sniffing around for heretics."

Shlomo Yehudah Rapoport (1790-1867)

Chajes' relationship with Shlomo Yehudah Rapoport was much more complex than his association with Krochmal. Unlike his friendship with Krochmal, which endured unbroken until the latter's death, his ties with Rapoport were frequently strained to the breaking point by bitter quarrels. Starting with cordiality and mutual respect, the relationship deteriorated to sharp antagonism, though in the end, even if only posthumously, the atmosphere of admiration was restored.

It would seem that the friction between Chajes and Rapoport was due in large measure to their similar aspirations, background and personality. Because of their different backgrounds and ambitions, Chajes and Krochmal were able to help each other in many ways, with each frequently in a position to fill the other's needs. Chajes and Rapoport, on the other hand, often found themselves in conflict with each other in pursuit of their respective life goals.

Unlike Krochmal, who refused to accept a pulpit, Rapoport served as a rabbi in Tarnopol and later in Prague; he and Chajes found themselves competing for the latter pulpit. For as opposed to Krochmal, Chajes considered the rabbinate as the most appropriate platform for preaching

his ideas,⁶² and Rapoport also was more than eager for the "crown of the rabbinate."⁶³

Krochmal was aware that while he had a better background of secular training than Chajes, he could not match him in halakhic scholarship. Accordingly, he was willing to defer to Chajes in questions of halakhah. Rapoport, by contrast, had spent his early youth in Talmudic studies to the exclusion of all else, not even touching non-Talmudic literature until he was twenty years old.⁶⁴ Having become a maskil, Rapoport was forever worried lest the traditional-minded rabbis might cast doubts on his Talmudic erudition and skills.⁶⁵ But as a matter of fact, even the modernist Klausner, commenting on Rapoport's superiority to his Wissenschaft des Judentums contemporaries when it came to Talmudic studies, found it necessary to qualify his opinion with the note, "except for Chajes."⁶⁶ Consequently Rapoport regarded Chajes, the Talmudic scholar who moved in the very same haskalah circles, as a serious competitor.

Another factor that made Chajes' relationship with Rapoport different from his association with Krochmal was

⁶²Beth Halevi, Chajes, pp. 80-85.

⁶³Rawidowicz, Kitvei RaNak, p. lviii.

⁶⁴Klausner, ha-Sifruth ha'-Ivrith, p. 218.

⁶⁵Dinaburg, "me'-Arkhyono shel Shir," 155.

⁶⁶Klausner, ha-Sifruth ha'-Ivrith, p. 218.

the difference in general temperament between Krochmal and Rapoport. Krochmal did not crave publicity; he aspired to the search for truth as an end in itself. Accordingly, he spoke with disdain of those who were quick to teach to others that which they themselves had only learned the day before.⁶⁷ Rapoport, on the other hand, was a prolific writer, and an ardent seeker of recognition and fame. In a letter to the Prague communal leader, Solomon Rosenthal, Rapoport insists that he be addressed as Gaon--"For I am not less worthy than the Rabbi of Zolkiew, and others of lesser stature, who are all addressed by this title."⁶⁸ In other words, it plainly irked Rapoport to be placed on a lower rung than Chajes. Rapoport has been severely criticized for his attitude toward those who attacked his views. Reffman accuses Rapoport of thinking "that no one else exists beside himself,"⁶⁹ and Weiss claims that "Rapoport could not stand being contradicted."⁷⁰ Krochmal, too, testifies that Rapoport "hates all those who contradict him, even if they do so only softly and gently."⁷¹ Chajes too, became the target of Rapoport's attacks.

⁶⁷Rawidowicz, Kitvei RaNak, p. lxxxxv.

⁶⁸Ibid.

⁶⁹ha-Davar, XIII, No. 28, cited by Meir Herscovics, "Titen Emeth le-Ya'aqov," ha-Dorom, XVI (Tishrei, 5722), 54.

⁷⁰Isaac H. Weiss, "Devarim Aḥadim," he'-Asif (1894), 104-24.

⁷¹Rawidowicz, Kitvei RaNak, p. 453.

Chajes had first met Rapoport as early as the second decade of the nineteenth century at the home of Nirenstein, a well-known maskil in Brody.⁷² In a letter written in 1830, Rapoport, then in his forties, addresses Chajes, who was then just twenty-five years old, as one "young in years but old [i.e. mature] in wisdom," for, as Rapoport puts it, "who else is there in our generation who has reached such profound and broad knowledge in all Judaica and in relevant non-Jewish sources as your Honor, despite your early age."⁷³ By that time, Rapoport had already published several sections of his biographical studies, which had won Rapoport lasting fame and served as a major basis for the new Wissenschaft des Judentums. Yet, here he was, showering praises, respectfully phrased in the third person, upon a man almost two decades his junior. At the same time, Rapoport considered himself Chajes' guide in the development of his future projects.⁷⁴ The major portion of this particular letter from Rapoport is devoted to the writer's reaction to Chajes' comments on his biographical studies. Considering Rapoport's

⁷²Bodek, "Chajes," ha-Maggid, I (1856), 33.

⁷³"Schreiben des Herrn S. L. Rapoport in Lemberg an Herrn Rabbiner Hirsch Chajes im Zolkiew," Ozar Nechmad, I (1856), 22.

⁷⁴One of the suggestions proposed was that Chajes undertake the project of commenting upon the Palestinian Talmud and upon halakhic midrashim.

reluctance to engage in private correspondence on scholarly topics,⁷⁵ the exchange of ideas reported in this letter is of particular interest.

Two years later, Chajes and Rapoport were still lavishing praises and titles upon each other, not in private correspondence but in public. Clearly, then, the two men were not simply flattering each other. Each was willing publicly to enhance the prestige of the other. Thus, Chajes wrote a letter praising Rapoport's wisdom and piety, and declaring Rapoport eminently qualified for the rabbinate in a prominent Jewish community. While this fact is not reported in Bernfeld's biographical study of Rapoport, Dinur assumes that Chajes had written this letter in support of Rapoport's candidacy for the rabbinate of Altona.⁷⁶ That same month, Rapoport wrote to Rosenthal, highly recommending Chajes for the pulpit of Alt-Ofen and attesting to Chajes' Talmudic scholarship, piety, erudition in modern scholarly literature, both Jewish and non-Jewish, and to his proficiency in many languages.⁷⁷ The fact that these letters were written almost at the same time may have been no more than mere coincidence; on the other hand, one

⁷⁵ See Rapoport's letter to Dembitzer in Joseph Koback, ed., Jeschurun, Zeitschrift für die Wissenschaft des Judentums, II (Lemberg, 1856), 44.

⁷⁶ Dinaburg, "me'-Arkhyono shel Shir," p. 152.

⁷⁷ Leopold Greenwald, Toledoth Mishpahath Rosenthal (Budapest, 1921), p. 34. Alt-Ofen was one of the oldest known Hungarian Jewish communities.

wonders whether the two men might not have made a "deal" whereby each promised to give the other "a good reference" for the position to which the other aspired. As it happened, it seems that neither recommendation brought the desired result.

In 1838, Rapoport accepted the rabbinate of Tarnopol. But by the end of the year he already wanted to leave this position and sought the pulpit of Prague, which Chajes, too, coveted. Competition created friction. Thus, in 1838 Rosenthal, the communal leader in Prague, severely criticized Chajes for his conduct towards Rapoport. "It is hard to believe," Rosenthal wrote to Rapoport, "that the scholar Chajes should repay you by spreading vicious slander about you."⁷⁸

It may be that the relationship between Chajes and Rapoport had begun to deteriorate at an even earlier date, for when Rapoport was first elected to the rabbinate of Tarnopol in 1837, he received congratulatory messages from such prominent figures as Krochmal, Luzzatto and Shalom Cohen, but we do not find that Rapoport received felicitations from Chajes.⁷⁹ It is known that the question of Chajes' candidacy for the Prague pulpit was raised as

⁷⁸Alexander Buchler, "Die Wahl Rapoport's in Prag und Salomon Rosenthal," "Das Centenarium S.J.L. Rapoport's" in Osterreichische Wochenschrift (Vienna, 1890), No. 21, p. 408.

⁷⁹See "Mikhtav 26," Kerem Hemed, IV (1839).

early as 1835⁸⁰ and while we have no evidence that Rapoport, too, sought the same position even then, it may be stated that in the late 1830's the relationship between Chajes and Rapoport had begun to cool off.

Relations between the two men seem to have reached their lowest ebb in 1840. By that time, Chajes and Rapoport were exchanging bitter personal and scholarly attacks. Chajes wrote to Rosenthal, upbraiding him for supporting Rapoport.⁸¹ At the same time, Rapoport bluntly asserted that "if any Polish Jew becomes rabbi in Prague, it will be only I and no one else";⁸² this was obviously a slap at Chajes. In Iggereth Biggoreth, Chajes sharply criticizes "the author of the biography of Rabbi Nissim"--namely Rapoport--for erroneously concluding that most of the Babylonian geonim were not familiar with the Palestinian Talmud.⁸³

Rapoport counters with equally harsh criticism. He refutes Chajes' academic views and attacks his literary and scholarly practices such as "not mentioning the sources of his information by name . . . except one . . . (namely)

⁸⁰Chajes' letter to Rosenthal (in Shimon Buchler, Shay la-Moreh, pp. 27-29) and the letters of the Spectators to Landau bear an 1835 date.

⁸¹Bernfeld, Toledoth Shir, p. 93.

⁸²Ibid., p. 94.

⁸³Kol Sifrei, II, 537.

his own brother-in-law,"⁸⁴ A. S. Horowitz. However, this charge of family partiality is not entirely justified, for Chajes also frequently refers by name to his mentor, Rabbi E. Z. Margulies.⁸⁵ If Chajes failed to mention such prominent haskalah personalities as Zunz [he simply refers to him as "the scholar and author of the aforementioned work"], Krochmal [whom he also merely describes as "the scholar"] and Rapoport, he did so not out of disrespect for these men, but in order not to incur the anger of the orthodox.

Rapoport further demanded to know why Chajes chose to identify him quite plainly ["the author of the biography of Rabbi Nissim"] when he disagrees with him but found it sufficient to describe Rapoport only vaguely "as one of the critics"⁸⁶ when he accepted his views. It does not seem quite fair to offer more clues to the identity of an author when one criticizes him than one does when praising him. But here, too, closer study would indicate that Rapoport's charge does not correspond to fact, for the quotation which is attributed in Iggereth Biggoreth to the

⁸⁴"Mikhtav 13," Kerem Hemed, VI (1841), 204.

⁸⁵Kol Sifrei, II, 515, 528, 532.

⁸⁶Ibid., 534.

"critics" may not have been Rapoport's at all but from a work by Zunz.⁸⁷

Rapoport repeatedly criticizes Chajes for not duly crediting the authorities he cites in his writings and goes so far as to accuse him of plagiarism. Ten years after the initial accusation, Rapoport still refused to forgive Chajes, saying that it was "a mere game for him to take over the work of another person and stow it away in his own satchel. He does not even remember which is his own and what he borrowed from another."⁸⁸ Rapoport then gives a long list of instances from Chajes' writings where Chajes failed to cite Rapoport as the source of his information. Thus, Rapoport lists two instances in which Chajes cites Rapoport's original interpretation of a Talmudic passage⁸⁹ without crediting Rapoport as his source.

Is Rapoport's accusation justifiable, and if so, to what extent?

To begin with, there is the matter of Chajes' varying interpretations of the passage under discussion. He refers to the passage in four different works--Tifereth

⁸⁷Zunz, ha-Derashoth be-Yisra'el, pp. 76-78; see also p. 337, n. 32. However, Zunz himself acknowledged that the comment was made by Rapoport.

⁸⁸"Mikhtav Gimel," p. 44.

⁸⁹Sanhedrin 11b. The phrase referred to is אחרי while the phrase is usually translated as "after his impeachment," Chajes translates it as "after they pronounced it a leap year."

le-Mosheh (1841), Darkei ha-Hora'ah (1842), Comments on the Talmud (1843) and Imrei Binah (1849). In the 1841 treatise he offers the standard, accepted translation of the passage.⁹⁰ In Darkei ha-Hora'ah he offers the new [Rapoport] interpretation, admitting the possibility that it might not be his own discovery. "It is now sixteen years," he writes, "since I heard a scholar elaborate on the matter in this vein and my memory has failed me."⁹¹ The fact that Chajes offers the standard translation in Tifereth le-Mosheh, but a new interpretation in a work published only one year later is not unusual. It is not out of the ordinary for Talmudic scholars to present different versions of the same text in different contexts. However, one question remains: in the third work--Comments on the Talmud--Chajes specifically attributes the novel interpretation to one of the early Tosafists, and does not even suggest "the scholar" [meaning Rapoport] as his source.⁹² But six years later--in Imrei Binah--he states that the new interpretation was called to his attention by "a great rabbi." However, he hastens to add: ". . . I now [emphasis mine] have found this explanation in . . .

⁹⁰Kol Sifrei, I, 405.

⁹¹Ibid., I, 262.

⁹²Hagahoth al ha-Talmud, Sanhedrin 11b. The source cited is Shittah Megubetzeth.

the [works of a] Tosafist."⁹³ In other words, Chajes--in Imrei Binah--presents the Tosafist source as a new discovery when, in fact, he had cited the same interpretation in his Comments on the Talmud six years before. Thus, it would appear that Chajes' memory failed him on two counts--as regards the presentation by "the scholar" [i.e., Rapoport] and as regards the fact that the discovery he describes as "new" had been published before--in one of his own earlier works.

In view of the above, Rapoport's charge that Chajes was guilty of outright plagiarism seems too harsh. It is entirely possible that Chajes had really forgotten the exact contents of the scholarly conversation he had heard over a decade before. What is more, his frank admission that he might have heard the interpretation from "the scholar" but might have forgotten it may be taken to attest to his intellectual honesty. Finally, the Comments on the Talmud is the only one of Chajes' works in which he fails to mention--even indirectly--his indebtedness to Rapoport for the interpretation of the Talmudic passage, and this omission might have been due to Chajes' feeling that a work consisting only of brief annotations and comments was not the place for going into detail about a source of information.

There may, of course, be other instances where Rapoport's accusations might be better substantiated.

⁹³Kol Sifrei, II, 968.

Chajes was deeply hurt by the accusations leveled against him by the "great rabbi and famed scholar, . . . S. J. Rapoport . . . who declared war upon me in the sixth volume of Kerem Hemed, not merely refuting my theories, as would be appropriate for scholars . . . but rising up as my enemy, pointing his arrows toward me as (to) a conceited person who has adorned himself with the garments of others."⁹⁴ In turn, Chajes vilified Rapoport by referring to him as "the slanderer."⁹⁵ Krochmal, who claimed he had tried to intervene and to mollify Rapoport, wrote to Chajes that Rapoport "is roaring like a lion . . . because you did not act properly toward him."⁹⁶

Bernfeld, on the other hand, finds that despite the harshness of the tone in which he addressed himself to Chajes, Rapoport was more restrained in his opposition to Chajes than he was in his objections toward another group of opponents--the Spectators.⁹⁷

Chajes' own replies to the charges leveled against him by Rapoport have been lost,⁹⁸ except for a lengthy

⁹⁴Kol Sifrei, II, 871.

⁹⁵Hagahoth al ha-Talmud, Megillah 7b. The exact term is "לְרִיב",

⁹⁶Rawidowicz, Kitvei RaNaK, p. 453.

⁹⁷Bernfeld, Toledoth SHiR, p. 110.

⁹⁸This work was entitled le-Qayyem Divrei ha-Iggereth. Herscovics, "Titen Emeth le-Ya'aqov," p. 56, reports that Beth Halevi informed him that the manuscript was in possession of Chajes' son and that its contents consisted primarily

footnote in Imrei Binah, in which Chajes lists a number of authorities who had each cited a crucial statement by Alfasi on the relationship between the Babylonian and Palestinian Talmuds. Chajes' purpose was to allay "the suspicions of the great and famous rabbi who criticized my work Iggereth Biqqoreth . . . [saying] that I had been guilty of trespassing on strange territory and cited the [statement by] Alfasi which he [i.e., the rabbi] quoted, as if he alone and no one else beside him had seen that quotation. Yet look at the great number of authors who cite the same opinion"99

While it is true that Chajes' failure to identify his sources explicitly cannot be easily justified, this does not mean that Chajes is guilty of plagiarism or of "adorning himself with the garments of others." After all, Chajes openly admits that the information he cites is not original with him. Besides, Chajes cautiously noted in Iggereth Biqqoreth, seven years before Rapoport's attack, that "I think I saw where some recent author raised that point."¹⁰⁰ In subsequent works Chajes continues in the same way, even

of aggadic matter. This fact would shed light on Chajes' statement (Kol Sifrei, I, 243) that a discussion of the reason for the inclusion of aggadoth in the Talmud appears in this work.

⁹⁹Kol Sifrei, II, 895. Zvi Perez Chajes protested the unjustified listing of Iggereth Biqqoreth in Steinschneider's catalogue Bodl. col 819a as "abgelehnt von S. L. Rapoport." See his Reden und Vortrage, p. 187.

¹⁰⁰Kol Sifrei, II, 501.

acknowledging a comment he had heard in a personal conversation with Rapoport: "I believe I heard of this argument some time ago from a scholar."¹⁰¹

On the other hand, one of Chajes' references to Rapoport seems an attempt at appeasement rather than a genuinely objective acknowledgement. In his 1842 work, after stating that he might first have heard a certain comment from Rapoport, he adds: "If this scholar anticipated me, may he be credited with it, for Heaven forbid that I should adorn myself with the garments of another."¹⁰² Note that this is the same metaphor that Rapoport used in his 1841 article accusing Chajes of plagiarism.¹⁰³

However, there are, indeed, instances in which Chajes quotes comments from other sources without indicating that the comments were not original with him. In the very same work that contains his apology for precisely that type of omission, Chajes explains the origin of the name Abba Siqra and of the term Dimus¹⁰⁴ without indicating that these explanations had been not his own, but Rapoport's. But these

¹⁰¹Ibid., I, 345.

¹⁰²Ibid., 262.

¹⁰³Ibid., II, 871.

¹⁰⁴A discussion of the definition of the latter term already appears in Rapoport's 1830 letter to Chajes. See Rapoport, "Schreiben des Herren S. L. Rapoport in Lemberg an Herren Rabbiner Hirsch Chajes in Zolkiew," p. 22.

examples need not necessarily be indications of deliberate plagiarism on the part of Chajes. A man who has absorbed as much knowledge in his life as did Chajes might find it difficult at times to recall which items from his vast store of information derives from his own findings and which from other sources.

It was, however, not the scholarly disagreements, as such, which were primarily responsible for the bitterness that disrupted the friendship of Chajes and Rapoport. Probably more important was the personal rivalry between the two, particularly in their simultaneous aspiration to the rabbinate of Prague. Before, Chajes had readily declared Rapoport to be a man of great piety,¹⁰⁵ despite the fact that Rapoport had been publishing works of Biblical criticism for some time.¹⁰⁶ But when he found himself competing with Rapoport for the Prague pulpit, Chajes felt free to rebuke Rosenthal for supporting the candidacy of a man with such heretical tendencies as Rapoport.¹⁰⁷ This leads us to question Chajes' sincerity in his relations with Rapoport, for it would appear from the above that Chajes was willing to shower Rapoport with praises as long as he felt it would

¹⁰⁵Dinaburg, "me-Arkhyono shel SHiR," p. 152.

¹⁰⁶See "Al Devar Yehudim Hofshim ha-nimtza'im be-eretz Arav u-be-eretz Kush Od ha-yom ve'-asher nimtze'u sham Kevar lifnei ve-aharei Geloth Yisra'el od kammah me'oth Shanah," Bikkurei ha-Ittim, IV (1823), pp. 51-77.

¹⁰⁷Bernfeld, Toledoth SHiR, p. 93.

bring him, Chajes, advantages, but was ready to attack Rapoport the moment their interests conflicted. Rapoport's views had not changed so radically between the time he sought the pulpit of Altona and the year he was a candidate for the Prague position to justify Chajes' calling him a heretic when he had classed him as "pious" before. Clearly, Chajes' condemnation of Rapoport was motivated not so much by strong religious conviction as by the urge to strike back at Rapoport.

But unlike Rapoport, who, whether of his own accord or under the influence of the maskil, N. M. Schorr,¹⁰⁸ seems to have nursed his grudge against his younger colleague, Chajes acted the gentleman and before long, indicated that he was ready to forgive and forget.¹⁰⁹ As a token of good will, he sent Rapoport a copy of his Mavo ha-Talmud.¹¹⁰ However, Rapoport rejected the gesture, maintaining that whatever he had said or done to Chajes had been in self-defense only, so that it was his place to forgive Chajes rather than the reverse.¹¹¹ It is interesting to note that, at about the same time, a sharp rift had developed between Rapoport and Luzzatto, but that in the case of the latter,

¹⁰⁸Dinaburg, "me-Arkhyono shel SHiR," p. 155. He was the brother of the more prominent Joshua Schorr.

¹⁰⁹Kol Sifrei, II, 871.

¹¹⁰Balaban, "Iggereth le-SHiR," pp. 174-80.

¹¹¹"Mikhtav Gimel," Jeschurun, p. 44.

Rapoport had readily agreed to let bygones be bygones.¹¹²

If Dembitzer's efforts to mediate in the conflict between Rapoport and Chajes proved unsuccessful during Chajes' lifetime, they yielded results after Chajes had died. Rapoport, who survived Chajes by twelve years, expressed deep regret that his letter to Dembitzer, criticizing Chajes, should have been made public. Rapoport had intended the letter as a constructive criticism only, and writing to Dembitzer, Rapoport said, was the best way of effectively appealing to Chajes. However, Rapoport admitted that this was only a partial excuse at best, for he confessed that he had allowed his anger to lead him astray, so that he had passed unfair judgment on a pious man who was a great scholar in both rabbinical and secular studies. While he still ventured that Chajes had had a tendency to downgrade the knowledge of others and not to give due credit to his sources of information, Rapoport openly retracted his other slurs on his late colleague and restored him to his former place in his high esteem.¹¹³ In a letter to one of Chajes' sons, Rapoport wrote that the conflict between him and Chajes had been aggravated by slanderers

¹¹²See Klausner, ha-Sifruth ha-Ivrith, p. 76, for a short summary of these developments. Luzzatto's letter of divorce to Rapoport was sent in April, 1839.

¹¹³"Mikhtav 4," Jeschurun, III (1857), 9.

and instigators. "In my heart," Rapoport declared, "I never withdrew from him for even one moment and I always knew to respect his worthiness."¹¹⁴ It seems that after Chajes had died, Rapoport's feelings toward him were softened by nostalgia.

How valid was Rapoport's one remaining criticism of Chajes, namely, that he was arrogant and "viewed his contemporaries as mere grasshoppers"?¹¹⁵ Chajes' published works and his private correspondence offer evidence in support of Rapoport's claim. For instance, in expressing his indebtedness to Maimonides, Chajes adds, "and the Almighty has assisted me . . . in comprehending most of his secrets. . . . And I have fully understood all his words."¹¹⁶ In view of the fact that even the greatest rabbinical authorities never claimed to have fathomed the depths of Maimonides' wisdom, this statement seems to betoken anything but humility.

In a letter to Rabbi Schreiber, asking him to intervene in his behalf with the community of Alt-Ofen which was then seeking a rabbi, Chajes introduced himself as a disciple of Rabbi E. Z. Margulies, "who raised me as a father would

¹¹⁴"Peletath Soferim," ha-Carmel, II (1873), 26. The letter is dated Iyyar 1863. An error has been introduced into the signature which reads Shlomo Zvi ha-Kohen Rapoport.

¹¹⁵"Mikhtav 4,"

¹¹⁶Kol Sifrei, I, 210.

and enjoyed my company."¹¹⁷ Although it was only natural for Chajes to want to present his best "credentials" in order to make a good impression on Schreiber, his statement that Rabbi Margulies, his mentor, "enjoyed his company" smacks of a measure of conceit.

Another proof of Chajes' tendency to insist on what he considered the respect properly due him as a rabbinical luminary is found in a letter he wrote to Rapoport, in which he complained that while Zechariah Frankel referred to Rabbi Schreiber--his bitter opponent--as rabbi, "he does not call even me 'Rabbi'."¹¹⁸ Chajes could hardly have compared himself to Schreiber. All their disagreements notwithstanding, Frankel could not deny that Schreiber was a universally respected and accepted Talmudic authority. Chajes did not enjoy nearly so much prominence in the rabbinical world.

Of course, these fragmentary pieces of evidence do not admit of a definitive conclusion regarding the personality or temperament of Zvi Hirsch Chajes. But while Rapoport's attack on Iggereth Biqqoreth was out of all proportion to Chajes' disparaging comments about him, Rapoport's remark about Chajes' conceit may contain a kernel of truth.

¹¹⁷Beth Halevi, Chajes, pp. 80-85.

¹¹⁸Balaban, "Iggereth le-SHir."

ha-Ro'im (The Spectators)

Closely linked to the association of Chajes and Rapoport was Chajes' relationship with a group known as ha-Ro'im¹¹⁹ which included such scholars as Nahman Fishman, Jacob Bodek, Mendel Mohr and Jacob Mentsch. This group had been formed for the purpose of publishing a critical journal, in which contemporary Jewish scholarly works were analyzed. The criticism offered in the journal was usually negative and destructive. One of its early targets was Rapoport, who was attacked for such points as his derogatory references to the Babylonian Talmud, for suggesting that there was no Jewish scholarship in Babylonia prior to the time of Rav, and for his contention that the Oral Law had not been committed to writing even as late as the period of the Amoraim. Rapoport admonished the critics and urged them to engage in constructive activity, i.e., the study of history, rather than hurling denunciations at others.¹²⁰

The group was closely linked with Chajes, to the extent that it applied pressure on Landau, an important communal figure in Prague, to endorse Chajes as the candidate best qualified for the Prague rabbinate.¹²¹ In a

¹¹⁹This name was based on that of their periodical ha-Ro'eh u-Mevaqqer Meḥabb'rei Zemanenu. The first copy was published in Lvov, 1837, the second in Ofen, 1839.

¹²⁰"Mikhtav 10," Kerem Hemed, VI (1841), 119-59.

¹²¹"Tzeror Mikhtavim," ha-Shaḥar, XI (1883), 502-04.

letter to Landau, Bodek expressed his disappointment that Landau should have found it necessary to inquire about Rapoport's abilities when Chajes' superior qualifications for the position were so well known.¹²² That the Spectators should have been close to Chajes is not surprising when one considers that their critical attacks, though "not always sincerely motivated . . . still retained a somewhat conservative tone."¹²³ Thus, it is interesting to note that they agreed with Chajes that Talmudical academies had existed in Babylonia at an early date. This is a basic tenet of the traditional viewpoint.¹²⁴ They rejected Rapoport's view, which Chajes shared, concerning the date when the Oral Tradition was first recorded, but this point is not of basic doctrinal significance.

However, once Rapoport had been accepted as rabbi of Prague, the Ro'im moved away from Chajes and shifted their allegiance to Rapoport. The most outspoken of Chajes' deserters was Mohr who, in 1845, wrote to Rapoport strongly denying reports "that we extol the Rabbi of Zolkiew . . . and overlook his misconduct in the Belz affair The moment the rumor reached us we wrote a letter openly reprimanding him He has been angry with us ever since and

¹²²Ibid., 504-07.

¹²³Fischel Lachower, Toledoth ha-Sifruth ha-Ivrith ha-Hadashah, II (Tel-Aviv, 1927), 190.

¹²⁴See supra, pp. 359-60.

has not answered at all."¹²⁵ This was the same Mohr who, years earlier, had penned a sharp letter to Rabbi Schreiber, criticizing him for having befriended Rapoport.¹²⁶ Bodek, on the other hand, remained loyal to Chajes. When, years after the rift between the latter and the Ro'im, Chajes was called to the rabbinate of Kalisz, Bodek was to write an admiring and reverent biographical sketch of the former rabbi of Zolkiew.¹²⁷

During the years 1844-45, Bodek and Mohr, who were brothers-in-law, joined forces to publish another journal, Yerushalayim ha-Benuyah (Jerusalem Rebuilt), which clearly reflects the shift of Ro'im loyalties from Chajes to Rapoport. Mohr explicitly states his "eternal regret for having attacked Rapoport, since I [now] realize his great worth."¹²⁸ Even Bodek reports having been invited to Rapoport's home for a sabbath meal, and that he, Bodek, was "very happy to see that he has forgiven us all our sins."¹²⁹ At the same

¹²⁵Dinaburg, "me-Arkhyono shel SHiR," 55. Dinaburg assumes the incident to be a reference to Chajes' welcome of the Belzer Rabbi.

¹²⁶Shimon Bichler, Shay la-Moreh (Budapest, 1895), p. 46.

¹²⁷Bodek, "Chajes"; also "Keter Torah," Kochbe Jizchak XVII (1852), 93; XVIII (1852), 53; XIX (1852), 49; XX (1852), 60.

¹²⁸"Devarim Ahadim," Yerushalayim ha-Benuyah, I (1844), 52 [entitled only Yerushalayim].

¹²⁹Ibid., III (1845), 15.

time, Bodek and Fishman both mention Chajes with the greatest respect.¹³⁰ In a letter to Mohr, Bodek names Chajes among a number of other Galician rabbis who, he feels, should join the battle against the Reform movement. "Why do they not also raise their voices [in protest] at this time . . .?"¹³¹ But when Chajes did "raise his voice," Mohr reports with a degree of Schadenfreude that Chajes got his just desserts from a censor who "suppressed the article he wrote about the Reform association in Frankfurt."¹³²

Probably, therefore, it is no mere coincidence that Mohr should have referred to Chajes simply as "one of the rabbis."¹³³ While discussing the rejection of Apocryphal literature by the Jews, he mentions that an explanation has been presented by "one of the rabbis in a footnote." This is obviously an allusion to Chajes' lengthy footnote in Torath Nevi'im.¹³⁴ Of all the authors to write articles in Yerushalayim ha-Benuyah, Mohr was the only one to refuse to refer to Chajes by name. Thus, Mohr was guilty of the same practice which his new master, Rapoport, had deplored--that

¹³⁰Bodek, Yerushalayim ha-Benuyah, III (1845), 59, 77; Fishman, ibid., I (1844), 23.

¹³¹Ibid., III (1845), 15.

¹³²Dinaburg, "me-Arkhyono shel SHiR," 155.

¹³³"Aleh ha-Devarim," Yerushalayim [ha-Benuyah], III (1845), 64.

¹³⁴Kol Sifrei, I, 94.

of making anonymous references to great authorities when citing their words.

Chajes does not refer to the Ro'im frequently. However, he respectfully mentions Bodek as "my friend, the great rabbani," and as "the perfect scholar"¹³⁵ in as late a work as Minhath Qena'oth, which appeared about eight years after the Ro'im had decided to follow Rapoport. Bodek, in turn, respected Chajes for his modernist attitude. In his biographical sketch, Bodek describes Chajes as unique "in that the new living modern spirit is reflected in all his works."¹³⁶ He deplores Chajes' departure from Galicia to accept the rabbinate of Kalisz¹³⁷ because he considers Chajes the only living rabbi of true worth in Galicia.

It is of interest to note that Chajes' complimentary reference to Bodek in Minhath Qena'oth relates to Bodek's discovery of a supposed halakhic basis for abolishing the traditional prohibition against eating rice and beans during Passover. It so happens that Chajes does not agree with Bodek's views in that particular instance and reiterates the prohibition, but he does so more out of protest against the demands of the reformers for this change than upon purely halakhic grounds. Bodek, too, was alarmed

¹³⁵Ibid., II, 948, 970, 1027, 1048.

¹³⁶"Chajes," ha-Maggid, I, No. 10 (1856-57), 37.

¹³⁷"Keter Torah," p. 93.

at the growing influence of the Reform movement¹³⁸ but he was less conservative than Chajes and was willing to accept the abolition of what he considered "mere custom."

Another member of the Spectator group, Mendel Mohr, may have served Chajes as a source for his interpretation of a Talmudic passage referring to the uses of various languages. According to the text, the Latin language best serves the purpose of qerav, which is usually rendered as "war" or "closeness." Chajes, however, associated the term with qerovoth, i.e., "hymns of prayer," and, accordingly, holds that the Talmudic text meant to refer to the use of Latin as a language for prayer among the Gentiles.¹³⁹ This very interpretation was given also by Mohr, in an article published in Yerushalayim ha-Benuyah¹⁴⁰ four years prior to Chajes' Imrei Binah. There is no way of establishing whether Chajes had arrived at the interpretation independently of Mohr, whether he had read Mohr's essay but had forgotten it, or whether he had deliberately refused to give credit to Mohr, who by that time had turned against him. It is interesting to note, however, that in a later treatise Chajes does acknowledge having read the interpretation as presented by "a Lemberg maskil."¹⁴¹

¹³⁸Yerushalayim [ha-Benuyah], III (1845), 15.

¹³⁹Kol Sifrei, II, 904.

¹⁴⁰"Devarim Aḥadim," Yerushalayim ha-Benuyah, I (1844), 49.

¹⁴¹Kol Sifrei, II, 951. One may take note of the

Samuel David Luzzatto (1800-1865)

The relationship between Chajes and Luzzatto might be studied against the background of the contest between Chajes and Rapoport for the rabbinate of Prague. Luzzatto wrote a letter to Moshe Landau, a communal leader in Prague, urging that the community take Rapoport.¹⁴² The letter appears to have been written in response to an official inquiry from Prague, for several months earlier, we find that Rapoport had written to Luzzatto: "You are right in not writing to Prague, and I bear you no anger for this inaction . . . [for] how could you write a letter of recommendation without being asked [to do so]" ¹⁴³ However, Luzzatto's letter, in and of itself, should not be interpreted as a rejection of Chajes; perhaps it was merely a gesture of esteem and friendship toward Rapoport.¹⁴⁴ Might there, however, not be other considerations to substantiate the interpretation that this letter does signify a rejection of Chajes?

Chajes had never been very close to Luzzatto. In 1839-40, the year that saw a low ebb in relations between Chajes and Rapoport, Chajes and Rapoport found common ground

fact that Rabbi David Luria offers this same interpretation in his comments on the Midrash Esther Rabbah, chapter iv, #18.

¹⁴²Eisig Graber, ed., Iggroth Shadal, IV (Przemysl, 1882), 590.

¹⁴³Eisig Graber, ed., Iggroth Shir, I (Przemysl, 1885-1886), 104.

¹⁴⁴See Graber, Iggroth Shadal, II, 185-86, for an 1831 expression of deep esteem for Rapoport's qualifications as a great scholar.

in their attack¹⁴⁵ on Luzzatto's sharp criticism of the writings of Maimonides.¹⁴⁶

Labeling Luzzatto as a mishtadel (a pun on his initials, and also the title of his Pentateuch commentary), Chajes accuses him of downgrading Maimonides on the basis of insufficient and insignificant evidence. His spirited defense of the master, Chajes explains, was motivated by his deep attachment to the teachings of Maimonides, from which he had drawn much wisdom and knowledge and on which he had been "nurtured from [his] earliest youth."¹⁴⁷ Had Luzzatto's findings been based on cogent premises, he, Chajes, swears that he would have kept silent, for "truth is the most important thing . . . and if [Luzzatto's] arguments were valid," he, for one, would be willing to accept them.¹⁴⁸ What disturbs Chajes is that anyone should attack a luminary of the stature of Maimonides with arguments devoid of all sense or meaning.

Chajes proceeds to cite the passages from Luzzatto's writings which he, Chajes, finds objectionable, and to refute them, one by one. He attempts to correct Luzzatto's image of Maimonides as a savant strongly influenced by the Greek

¹⁴⁵Iggroth Shir, II, 129, 131-132; [Krochmal in "Mikhtav 27," Kerem Hemed, IV (1839), 260-274].

¹⁴⁶See "Mikhtav 5," Kerem Hemed, III (1838), 67-70; Iggroth Shadal, II, 245-247, IV, 599-600; V, 675-676.

¹⁴⁷Kol Sifrei, I, 210.

¹⁴⁸Ibid., 402.

spirit and echoing Aristotelian notions in Yad ha-Hazaqah¹⁴⁹ as well as in the Guide for the Perplexed. Chajes shows that the passages quoted by Luzzatto in support of his argument are actually based on Talmudic sources.¹⁵⁰ The fact that Maimonides also refers to Greek sources does not warrant the conclusion that Greek thought was the dominant influence in his writings. Maimonides consistently gave first place to the Talmud, to the extent that he even included in his codex statements which cannot be comprehended in rational terms. He drew on the intellectual products of ancient Greece only for the purpose of conveying to his audience a better understanding of Talmudic wisdom.¹⁵¹ Chajes asserts that even Maimonides' attempts to offer rational explanations for certain religious observances should be taken only as "trimmings or embellishments." How else, Chajes asks, was one to interpret Maimonides' explanation in the Guide that the purpose of sacrifices in the days of the Temple had been

¹⁴⁹The reference is meant to emphasize the Yesodei ha-Torah section of Maimonides' Yad ha-Hazaqah. See Rabbi Abraham Isaac Kook, "Ma'amar" in Zev Jawitz, Toledoth Yisra'el, XII (Tel-Aviv, 1935), 211-19.

¹⁵⁰Kol Sifrei, I, 437-41. Moreover, Chajes maintains that in his Novellae on Maimonides, he systematically traces the origin of many apparently Greek-oriented passages to Talmudic sources. See Kol Sifrei, I, 415. We know of no such published work. We do, however, know of Hiddushim u-Meqorim [sic] al ha-Rambam, in Maimonides' Yad ha-Hazaqah (Warsaw, 1881). These short comments, however, only trace four of Maimonides' passages to Talmudic or midrashic sources. One wonders whether these short glosses in this published manuscript is what Chajes refers to as Novellae. The manuscript of Novellae is listed in Beth Halevi, Toledoth Yehudei Kalish (Tel-Aviv, 1961), p. 223.

¹⁵¹Kol Sifrei, I, 416-17.

to keep the Jews from idolatry when he states in Yad ha-Hazaqah that the sacrificial service will be reinstated when the Temple is rebuilt¹⁵²--a day when paganism will long have been a thing of the past?

Chajes deals at length with Luzzatto's allegation that Maimonides' failure to mention Talmudic sources in his Yad ha-Hazaqah is indicative of the master's scant respect for the Talmud. Citing an impressive array of bibliographical and logical evidence in his support, Chajes points out that Maimonides' early writings included a commentary on the Mishnah, and that the master made frequent reference to this opus even in his later works.¹⁵³ Furthermore, the Rambam's writings are replete with allusions to names and events which have meaning only for readers who are thoroughly familiar with the Talmud. Above all, Chajes reminds Luzzatto, Maimonides himself had stated in no uncertain terms that the study of the Talmud was a religious obligation.¹⁵⁴

Chajes refutes Luzzatto's theses that Maimonides disdained non-Jews for personal reasons,¹⁵⁵ that he regarded intellectual rather than moral perfection as the ultimate goal of mankind¹⁵⁶ and that his idea of defining Judaism in

¹⁵² Ibid., II, 995.

¹⁵³ Ibid., I, 403-404.

¹⁵⁴ Yad ha-Hazaqah, Hilkhoth Talmud Torah, chapter i, #12-13.

¹⁵⁵ Kol Sifrei, I, 427.

¹⁵⁶ Ibid., 430.

terms of thirteen principles of faith was foreign to the Jewish religion.¹⁵⁷ Chajes demonstrates that Luzzatto had arrived at his erroneous conclusions because he had examined and interpreted the Rambam's statements out of their proper context. As for Maimonides' alleged personal prejudices against Gentiles, Chajes recalls Maimonides' close associations with Arab philosophers of his day.

Klausner mentions that in addition to Tifereth le-Mosheh Chajes had written one other tract to refute Luzzatto's views on Maimonides¹⁵⁸ but he offers no further details about the work. In summarizing Chajes' writings on this subject, a twentieth-century author holds that Chajes' contributions on this particular issue should not be consigned to oblivion but should be regarded as documents of historical and cultural significance.¹⁵⁹

Chajes' other references to Luzzatto are not particularly negative in tone. In Minhath Qena'oth, Chajes cites questions raised "by the scholar SHaDaL" (Luzzatto's initials) concerning the duty of local courts of religious law to force the circumcision of a male infant whose father is absent. Chajes argues that there is no basis for Luzzatto's question.¹⁶⁰

¹⁵⁷ Ibid., 419.

¹⁵⁸ Klausner, ha-Sifruth ha-Ivrith, II, 108, #42.

¹⁵⁹ N. Wahrmann, "Zvi Hirsch Chajes' Verteidigung der Schriften Moses ben Maimons," Monatsschrift für Geschichte und Wissenschaft des Judentums, LXXIX (1935 N.S.), 164-168.

¹⁶⁰ Kol Sifrei, II, 1005.

In Imrei Binah, Chajes compares a question put to him with one studied by "the wise scholar . . . SHaDaL."¹⁶¹

On the other hand, there are instances in which Chajes' silence speaks for itself and carries a negative undertone. Despite his statement in his earlier critical work, Iggereth Biqqoreth, that he had no access to any contemporary studies of the Targum,¹⁶² it is difficult to believe that Chajes did not know of Ohev Ger, Luzzatto's classic work on the subject which had been published ten years before. Since Iggereth Biqqoreth was published at the time when Chajes and Rapoport both sought the Prague rabbinate, it may well be that Chajes deliberately failed to mention Luzzatto's study out of annoyance with Luzzatto for having supported Rapoport's candidacy.

By 1840, the annoyance was apparently mutual. For in October, 1840, Luzzatto wrote to Joshua Schorr that "I was expecting that, perhaps, you would send me Chajes' book (Tifereth le-Mosheh)." However, Luzzatto adds, "perhaps it is better that you did not send me the book, for it would only have caused me to waste my time refuting (its) fantasies."¹⁶³ Judging by the date of this letter, it seems that Luzzatto must have known of Chajes' Tifereth le-Mosheh even

¹⁶¹Ibid., II, 946.

¹⁶²Ibid., II, 501, 511.

¹⁶³Iggroth Shadal, II, 709. Literally the text reads: "their fantasies." The plural "their" is a reference to the works of the Spectators as well as to those of Chajes.

prior to its actual publication, for although this rebuttal of Luzzatto was begun as early as 1829--at which time it received the written approval of Rabbi Orenstein¹⁶⁴--it was not published until 1841.

There is valid evidence that these scholarly disputes affected also the personal relations between Chajes and Luzzatto, for Chajes' own grandson, Zvi Perez Chajes, states that, to the best of his knowledge, their academic disagreements were the reason why there was no "further" correspondence between them.¹⁶⁵

Isaac Samuel Reggio (1784-1855)

To the extent that he "nods his head"¹⁶⁶ in approval of Luzzatto's attack on Maimonides, Isaac Samuel Reggio also came under attack from Chajes. However, desiring to maintain personal contact with Reggio, Chajes sent him a copy of Imrei Binah. But Reggio seems to have had no desire to start a correspondence with Chajes for, as he put it, "there is no hope that we will reach any agreement or consensus of opinion." Reggio sent Chajes a copy of his Behinath ha-Kabbalah, an outspokenly radical work, so that Chajes might see for himself the full extent of their differences. "Let

¹⁶⁴Kol Sifrei, I, 396.

¹⁶⁵Hirsch Perez Chajes, Reden und Vortrage, 188. Although he refers to the lack of any "further" correspondence, a search through Iggroth Shadal fails to reveal any earlier communications between the two.

¹⁶⁶Kol Sifrei, I, 402. See I. M. Jost, Israelitische Annalen (1839), 22, for Reggio's article on Maimonides.

this," Reggio wrote, "serve as a way of justifying my refusal to comply with your request."¹⁶⁷

Reggio's thesis in Behinath ha-Kabbalah (1852) that the Talmud should not be considered as a code of laws but simply as a record of religio-legal debates is diametrically opposed to Chajes' repeated emphasis on the binding character of Talmudic law. Although this work was published only several years after the appearance of Chajes' Imrei Binah, Reggio had already been known many years before as one of the first commentators to take the liberty of introducing emendations into Scriptural texts. His Torath Elohim, an Italian translation of the Bible--with a commentary in Hebrew--published in 1821, had already made him "many enemies . . . because of his attempt to correct errors which had crept into the Biblical text."¹⁶⁸ In 1841 Reggio put out another controversial work--Mafte'ah el Megillath Esther--in which he depicted Mordecai as a villain rather than as a hero.¹⁶⁹

Why, then, should Chajes have been so eager to befriend him?

¹⁶⁷See Meir Letteris, Mikhtevei Benei Qedem (Vienna, 1866), p. 137.

¹⁶⁸"Reggio, Isaac," Universal Jewish Encyclopedia, 1948, IX, 113.

¹⁶⁹Perhaps Chajes was unaware of the contents of this specific text. He was, however, certainly aware of its publication. For the very same page of Israelitische Annalen (1841), 224, which announces the forthcoming work of Mafte'ah also includes a review of Chajes' work Atereth Zvi. It is difficult to imagine that Chajes' interest in current works and publications would not prompt him to obtain one of Reggio's books.

Perhaps Chajes felt that his influence might bring Reggio to see the error of his ways and to modify his radical views. Reggio, Chajes may have reasoned, might even find himself enjoying contact with a Galician rabbi who was able to discuss Talmudic questions in the idiom of modern historical research. There is, indeed, evidence, that Chajes' writings were cited in rebuttals of Behinath ha-Kabbalah.¹⁷⁰

Contrary to Chajes' hopes, Reggio disapproved of "this author [Chajes] . . . who never, not even in the slightest degree, has touched upon the matters with which I occupy myself . . . who believes that every Jew is obliged to accept certain opinions even when there is no proof that they are truth . . . merely because they have been set down in ancient writings Neither his ways, nor his thought, are mine."¹⁷¹ Clearly, then, Reggio considered that he and Chajes were separated by an unbridgeable chasm. Chajes, on the other hand, did not seem to think so. We have found no evidence to substantiate Zvi Perez Chajes' claim that even as Chajes' approach was objectionable to Reggio, so, too, Reggio's views were not welcome to Chajes, "the conservative Talmudist."¹⁷² Logically, one might have expected this to be the case, but we have found no indication of strained

¹⁷⁰"Schreiben des Herrn Reggio an Hrn. Gabriel Polak im Amsterdam," Ozar Nechmad, II (1857), 200-203.

¹⁷¹Ibid.

¹⁷²Hirsch Perez Chajes, Reden und Vortrage, p. 188.

relations between the two scholars, except for their disagreement concerning Luzzatto's views of Maimonides.

At the most, one might argue that Reggio was more acutely aware of the views and writings of Chajes than Chajes may have been of those of Reggio. Reggio was the editor of a Hebrew supplement to Busch's "Oesterreichisches Centralorgan für Glaubensfreiheit" during the period when Chajes, Luzzatto and others had contributed articles to that learned journal.¹⁷³ Also, Chajes contributed an essay to Bikkurei Ittim ha-Hadashim while that periodical was under Reggio's editorship.¹⁷⁴

The extent to which Chajes was familiar with Reggio's writings is of great significance for the understanding of Chajes' references to Reggio in the introduction to his Imrei Binah. In his brief survey of contemporary critical and historical studies, Chajes lists the contributions of "the scholar YaShaR [Reggio's initials] of Goricia and of the scholar ShaDaL [i.e., Luzzatto] from Padua" among the works of scholars who edited and published old Jewish texts that Chajes considered to be of scholarly value.¹⁷⁵ However, Reggio's major contributions to Jewish scholarship did not consist of mere "texts." While "he edited the works of

¹⁷³ Salo W. Baron, "Revolution of 1848 and Jewish Scholarship," Proceedings of the American Academy for Jewish Research, XVIII (1948-49), 54.

¹⁷⁴ "he-Inyan ha-Yerushalmi....," Bikkurei Ittim ha-Hadashim, I (1845), 13-18.

¹⁷⁵ Kol Sifrei, II, 873.

earlier scholars [and annotated them] with interesting comments,"¹⁷⁶ Reggio had published an original work, an Italian translation of the Pentateuch with a commentary, as early as 1821. Indeed, Reggio was known so much better for his original contributions than for his editions of early texts that the latter are not even mentioned in his biography in the Universal Jewish Encyclopedia. Moreover, Reggio's own autobiography seems to emphasize his original works rather than his editions of older texts.¹⁷⁷

Why, then, did Chajes make no mention of Reggio's original works? Did he deliberately omit references to Reggio's Biblical commentaries because he disapproved of Reggio's radicalism? An answer to this question would shed a most interesting new light on the subject of our study.

Abraham Geiger (1810-1874)

While, at first, the correspondence between Chajes and Geiger, the champion of classic Reform, indicated mutual respect, Chajes later was quite outspoken in his attacks on Geiger's ideas. A letter written by Geiger to Chajes in 1841¹⁷⁸ seems to imply that Chajes had suggested that he and Geiger begin an exchange of each other's published works. Geiger seems surprised that Chajes would want to study his

¹⁷⁶ M. Margolis and A. Marx, A History of the Jewish People (Philadelphia, 1963), p. 640.

¹⁷⁷ Isaac S. Reggio, Mazkereth Yashar (Vienna, 1849).

¹⁷⁸ Dinaburg, "me-Arkhyono shel SHiR," 156-159.

writings, for, earlier in that same letter, Geiger had noted that "my thoughts are very different from yours." While, like Rapoport and Krochmal, Geiger criticizes Chajes for failing to credit Zunz and himself (Geiger) when he draws on their works as sources in his writings, Geiger has much praise for Chajes' breadth of erudition.

Geiger's relationship with Chajes was apparently not unknown; for in a letter, also written in 1841, Reifman, a Galician maskil, asks Chajes to use his close contacts with Geiger for "improving my (i.e., Reifman's) standing."¹⁷⁹

The strained relations between Chajes and Geiger in later years were due to Geiger's official assumption of the leadership of the Reform movement, which Chajes vehemently attacked in his Minhath Qena'oth. Although Chajes remained true to his resolve not to make personal attacks on individuals with whom he disagreed,¹⁸⁰ he was more than frank in voicing his opposition to Geiger's activities.¹⁸¹

It is significant to note at this point that when Chajes spoke out against individuals with reform tendencies, he singled out for attack only those persons who had come under criticism also from Krochmal and Rapoport. Thus, the Reggio-Luzzatto's criticism of Maimonides and Geiger's Reform

¹⁷⁹This letter has been published in ha-Dorom, XVI (Tishrei, 5722), 61.

¹⁸⁰Kol Sifrei, II, 976.

¹⁸¹Ibid., 999.

activities had both met with the outspoken disapproval of Rapoport and Krochmal.¹⁸² We do not find Chajes protesting with equal vehemence against the radical elements in the writings of Krochmal, of which he certainly did not approve. From these facts, one may conclude that Chajes was anxious not to isolate himself from the maskilim; he attacked reformers only when he was sure that at least some of the maskilim would side with him. For else, why did Chajes cite his "profound admiration for Maimonides"¹⁸³ rather than attachment to all of Jewish tradition as the reason for his inability to maintain cordial relations with Luzzatto?

Other Maskilim: Galician

Chajes maintained close contact with a number of Galician maskilim other than Krochmal and Rapoport--men like Shimshon Bloch (1784-1845), Hirsh Pinelis (1805-1870), and even Jacob Reifman (1818-1895) who was younger than Chajes. His relationship with Bloch may be traced back to the years Chajes assumed the pulpit of Zolkiew.¹⁸⁴ During the years that followed, the two men became close friends; when Chajes sought the rabbinate of Prague, he asked Bloch to persuade Landau to endorse his candidacy for the position. Bloch, not without hesitation, promised to comply with his request.¹⁸⁵

¹⁸²Rapoport in Tokhahath Megullah (Frankfurt, 1845); although Krochmal died before the official advent of Reform, he would not condone such a movement; see supra, p. 55.

¹⁸³Hirsch Perez Chajes, Reden und Vortrage, p. 187.

¹⁸⁴Allgemeine Zeitung des Judentums, IX (1845), 702.

¹⁸⁵Letteris, Mikhtevei Benei Qedem, p. 155.

It seems, however, that Chajes consistently refrained from referring to Bloch by name; as with his other haskalah contemporaries, he always referred to Bloch in anonymous terms as "a scholar."¹⁸⁶ In view of what we already know about Chajes' fear of losing the favor of the orthodox, this should come as no surprise; Bloch had written so radical a work on the history of the kabbalah that he lacked the courage to publish it because of opposition from the orthodox camp.¹⁸⁷ Moreover, like his fellow maskilim, Bloch was an opponent of hasidism.¹⁸⁸

Nevertheless, when Bloch died in 1845, Chajes wrote-- a eulogy, albeit in a German journal--praising Bloch's achievements.¹⁸⁹

Hirsh Mendel Pinelis (1805-1870)

Lachower mentions Pinelis in connection with Chajes and Benamozegh as an opponent of the uninhibited critical study of Judaica.¹⁹⁰ But while it is true that Pinelis

¹⁸⁶See, for example, Kol Sifrei, II, 528. Rapoport, in "Mikhtav 13," Kerem Hemed, VI (1841), 206, identifies Bloch as the originator of this comment.

¹⁸⁷Klausner, ha-Sifruth ha-Ivrith, II, 357.

¹⁸⁸See his letter against Byk's acceptance of hasidism. "Mikhtav 34," Kerem Hemed, I (1833), 109, 121.

¹⁸⁹It is interesting to note from Chajes' tribute to Bloch that some of Bloch's writings refuting Luzzatto's attacks on Maimonides were couched in such bitter terms that Bloch had been advised not to make them public. See Allgemeine Zeitung des Judentums (1845), p. 702.

¹⁹⁰Lachower, Toledoth ha-Sifruth, II, 190. Benamozegh was the author of Ta'am le-Shad (Livorno, 1863), a rebuttal of Luzzatto's theories on the origin of kabbalah.

opposed the radical views of his older associate, Joshua Schorr, and attacked all attempts to belittle Judah the Prince,¹⁹¹ he is anything but a traditionalist. Thus, Pinelis attempts to demonstrate that in many instances the Sages sanctioned prevailing practices on the basis of arguments not well-founded in Jewish law.¹⁹² Pinelis' own brother-in-law published a sharp criticism of his work.¹⁹³

While Pinelis urged his students to read the works of Chajes as an example of an attempt at a proper synthesis between Torah and reason,¹⁹⁴ his own work expands on a thesis that is anything but tradition-oriented. He asserts that the Sages had the authority to enact even laws that were clearly contradictory to Biblical precept. One of Pinelis' statements in this context seems to have been directed specifically against Chajes' conviction, expressed in Torath Nevi'im that such rabbinic measures could never be more than temporary in character. Pinelis sets out to prove that these enactments were "set down for all time and not merely as temporary measures."¹⁹⁵

Chajes never saw Pinelis' work, for it was published only after Chajes' death. However, we have one piece of

¹⁹¹Hirsh Mendel Pinelis, Darkah shel Torah (Vienna, 1861), p. 12.

¹⁹²Ibid., p. 5.

¹⁹³M. Waldberg, Kakh Hi Darkah shel Torah, cited by Gelber, Brody, 211.

¹⁹⁴Darkah shel Torah, intro.

¹⁹⁵Ibid., p. 7.

documentary evidence that affords some indication of Chajes' opinion of Pinelis. As late as 1849, Chajes refers to Pinelis, who was related to him, as "the great rabbi and true scholar."¹⁹⁶

Jacob Reifman (1818-1895)

Chajes was friend and advisor also to Reifman, a much younger contemporary. Although Reifman had incurred the wrath of the hasidim as early as 1833 when, himself only fifteen years old, he had attempted to set up a modern heder in Lublin,¹⁹⁷ Chajes befriended him. Thus, in a letter written in 1841, in reply to one from Chajes, Reifman expressed his pleasure that Chajes' love for him was "as strong as death."¹⁹⁸ Reifman asked Chajes to reprimand Rapoport for his "baseless attacks" and to inform him of "my merits."¹⁹⁹ It is an odd request if one considers, as Reifman himself also knew,²⁰⁰ that relations between Chajes and Rapoport at the time were rather strained. Similarly, Reifman regarded Chajes as a man of great influence with the circles

¹⁹⁶Kol Sifrei, II, 933; see also a correspondence between them in an astronomical-halakhic issue in Kerem Hemed, IX (1856), 102-04.

¹⁹⁷Yivo Bletter, XXXVI (1952), 42-44.

¹⁹⁸For the text of this letter see Herscovics, "Titen Emeth le-Ya'aqov," 53.

¹⁹⁹Ibid., 56.

²⁰⁰In the following paragraph of the very same letter, he urges Chajes not to refrain from publishing le-Qayyem Divrei ha-Iggereth, which was his counterattack on Rapoport.

of men like Geiger, Jost and Furst, for he begged Chajes to intercede on his behalf with these German scholars "who alone are just and kind."²⁰¹

The association between Chajes and Reifman is reflected in both actions and words. First, in deeds, the high esteem in which Chajes held Reifman is shown by the fact that he entrusted his own son to Reifman's care.²⁰² As for words, Chajes occasionally notes his correspondence with "the great and wise scholar, Jacob Reifman." In Darkei ha-Hora'ah Chajes refers to a letter he had written to Reifman in which he had "elaborated upon many topics cited by early scholars from the Palestinian Talmud, topics which do not appear in texts available to us today."²⁰³ Another point of interest is Chajes' halakhic response to a question from Reifman concerning circumcision.²⁰⁴

Nor was the association between Chajes and Reifman unknown, for we find Isaac Levinsohn asking Reifman to convey his kindest regards to Chajes.²⁰⁵

²⁰¹Ibid., p. 61.

²⁰²Herscovics, "Rabbi Zvi Hirsch Chajes," p. 176.

²⁰³Kol Sifrei, I, 222, 263.

²⁰⁴Ibid., II, 800. The text of this decision appears in Kochbe Jizchak, I (1845), 40, although its authenticity has been questioned. See the pertinent footnote in ha-Dorom, VI (Nissan, 5718), 144, #176. Chajes' ruling, which is based on a decision handed down by Rabbi Schreiber in a similar case, was on the lenient side. However, Chajes does not mention the fact that Schreiber's decision had been intended only for cases of emergency and had not meant to be universally applicable.

²⁰⁵Levinsohn, B'er Yitzhaq, p. 198.

German Maskilim

As indicated elsewhere, Chajes sought contact also with such contemporary scholars in Germany as Geiger (see above), Frankel, Jost, and Furst. As Chajes himself says in a letter to Rapoport written in 1846, he did not succeed in establishing relations with Zechariah Frankel (1801-1875). Frankel never acknowledged receipt of the copy of Mavo ha-Talmud which Chajes had sent him, and he characterized as "distorted" Chajes' views on situations in which burial might be delayed under Jewish law.

Nevertheless, Chajes was eager to join the Dresden Conference to counteract the Reform movement, a conference in which Frankel was one of the principal figures; as he put it in a letter to Rapoport, Chajes felt that "any activity undertaken by Your Honor [i.e., Rapoport] and Rabbi Frankel will without a doubt benefit Judaism."²⁰⁶ In his treatise against Reform, Chajes praises "the great Rabbi Zechariah Frankel"²⁰⁷ for having left the Frankfort Conference in protest against its dissident resolutions and policies. It seems that, at the time, Chajes was not aware of the difference between such leaders as Rabbi Samson Raphael Hirsch and Rabbi Jacob Ettlinger, who were staunch adherents of uncompromising orthodoxy, and Frankel, who also opposed Reform but followed a road different from the orthodox-- that of "Conservative" Judaism.

²⁰⁶Balaban, "Iggereth le-Shir," p. 179.

²⁰⁷Kol Sifrei, II, 1019.

Chajes' other contacts with scholarly contemporaries in Germany were through his contributions to their learned journals. Thus, Zion, a periodical edited by Jost and Kreizenach, carried an article by Chajes with a comment from the editors that it served as testimony to the necessity for correcting ancient texts and not "depending on earlier commentators but relying on truth alone."²⁰⁸ Chajes revered Jost; it has been claimed that he had committed all of Jost's historical works to memory.²⁰⁹ Jost, on the other hand, criticized Chajes for having "changed from a liberal thinker favoring Reform into a bitter persecutor and attacker of all that is calculated to arrest superstition,"²¹⁰ an accusation which Ginzberg has correctly labeled as "unfounded."²¹¹ In a similar vein, Jost reproaches Chajes for having concealed many of his "modern" ideas for fear of endangering his rabbinical position.²¹² Nevertheless, Jost found it worthwhile to consult with Chajes on official procedures followed in making appointments to the Galician rabbinate, and cited

²⁰⁸Zion (Shevat, 1852), p. 150.

²⁰⁹Bodek, "Chajes," p. 33. It is of interest to note that Luzzatto in a letter to Rapoport writes: "I hate and despise Jost . . . can I consider one who . . . proves that the Pentateuch is a composite collection of different scrolls written by various authors . . . a lover of my nation." Iggroth Shadal, II, 178.

²¹⁰Israelitische Annalen (1841), p. 72.

²¹¹Louis Ginzberg, "Chajes, Zvi Hirsch," Jewish Encyclopedia, III (1912), 661.

²¹²See supra, n. 2.

Chajes' opinion in his work.²¹³ Jost's Annalen and Furst's Orient²¹⁴ both published reviews and German translations of Chajes' writings.

Chajes and the Leaders of Orthodoxy

Like his contacts with maskilim, so, too, Chajes' associations with orthodox rabbis extended over a wide geographical area and embraced a broad intellectual spectrum. Chajes sent rabbinical responsa to a relative who served as rabbi in The Hague, Holland,²¹⁵ to a Sephardic rabbi in London,²¹⁶ to the rabbi of Modena, to Lithuania and even to Russia.²¹⁷ The present study will show Chajes' associations and contacts with representative orthodox leaders of different geographical, cultural and ideological backgrounds.

At the outset, it is worth noting that while Chajes had close contacts with haskalah leaders in Germany, we have

²¹³ See Beth Halevi, Chajes, p. 17.

²¹⁴ Jost's translation of Mavo ha-Talmud appears in Literaturblatt des Orients (1845), pp. 251, 284, 327, 436, 553. Furst's translation of Iggereth Biqqoreth is presented in the same periodical (1841), p. 609; Atereth Zvi is reviewed in Israelitischen Annalen (1841), p. 224; and Tifereth le-Yisra'el is in the same issue, p. 72.

²¹⁵ Kol Sifrei, II, 774.

²¹⁶ Ibid., 761. The query was sent by Girondi, on behalf of this Sephardic rabbi. A copy of Girondi's letter to the latter indicating Chajes' response and support of the London rabbi has been published by Meir Herscovics, "Mikhtav me'eth . . . Girondi," ha-Dorom, XXV (Nisan, 5727), 205.

²¹⁷ Rabbi of Modena, Kol Sifrei, II, 667; Lithuania, ibid., 323; Russia, ibid., 689, 741.

found no evidence of similar links between Chajes and the spokesmen of German Orthodoxy, who should have attracted Chajes by virtue of their combination of traditionalism and secular erudition. The only evidence we have that Chajes knew of Hirsch, Ettlinger, and Bernays is supplied by his praise of their opposition to the activities of the Reform movement.²¹⁸ Although these references were not published until 1849 in Minhath Qena'oth, by the early 1840's Chajes had already come under criticism for his associations with German orthodoxy. In a letter to Kreizenach, Zechariah Yolles expresses anger at Chajes' opposition to liberal German scholars. ". . . and in order not to remain alone like a mast upon a mountain peak," Yolles writes, "he [Chajes] screams to the gazelle of Oldenburg [i.e., Hirsch] and hides beneath his cloak."²¹⁹ The basis for this statement is not known to us. On the other hand, it is surprising that, despite his

²¹⁸The reference to Hirsch appears in Kol Sifrei, II, 987-988: "And so I saw the great Rabbi Hirsch of Nikelsburg in his work-Naftali" The reference here is to the follow-up of Hirsch's Nineteen Letters of Ben Uziel (1837) as it appears in Naftulei Naftali (Altona, 1838). The reference to Ettlinger is in Kol Sifrei, II, 1019; to Bernays in Kol Sifrei, II, 1015.

²¹⁹Zechariah Yolles, Sefer ha-Torah ve-ha-Hokhmah (Vilna, 1913), p. 480. This reference to "gazelle" is an allusion to Rabbi Hirsch, since "zvi," gazelle, is the Hebrew equivalent of the German-Yiddish "hirsch." Yolles' letter is undated, but was obviously written in the early forties. The basis for this conclusion follows: (1) It refers to Chajes' appointment to Zolkiew as "about ten years ago"; and he was initiated to that position in 1829. (2) On the other hand, it already refers to Krochmal's death, and must therefore have been written in the forties. (3) It still refers to Hirsch of Oldenburg, where he served the community until 1841, before being elected to the rabbinate of Aurich and Osnabruck.

knowledge of German and his familiarity with German periodicals, Chajes makes so little mention of so prominent a figure as Hirsch. Moreover, Chajes most probably knew of Hirsch personally. For in 1846, Chajes and Hirsch both vied for the rabbinate of Nikelsburg. In that same year Hirsch was appointed rabbi of Nikelsburg.²²⁰ It is highly doubtful that Chajes did not hear of this fact and of Hirsch's reputation. One wonders whether this personal fact is not involved in Chajes' failure to mention Hirsch.

Similarly, in view of Chajes' oft repeated insistence that rabbis should keep abreast of current affairs,²²¹ it seems odd that he never refers to Germany's first German-language orthodox newspaper, Zionwaechter, with its Hebrew supplement, Shomer Zion ha-Ne'eman, which was founded by Ettlenger in 1847. Chajes makes mention of Zunz's journal and other German language Jewish periodicals;²²² why, then, does he ignore a German-language journal of which, in view of his traditional learnings, he could have been an able champion?

It is reasonable to assume that Chajes simply did not know about the existence of Ettlenger's journal. For in view of his frank opposition to Reform, it would have been only

²²⁰ Isaac Hirsch Weiss, "Zikhronotai," Genazim, I (1961), 52. We believe that although Hirsch's fame was primarily achieved in the latter half of the nineteenth century, our point is still valid. Chajes, most probably, knew of Hirsch.

²²¹ Kol Sifrei, II, 1016.

²²² Ibid., 874.

natural for him to join forces with articulate opponents of Reform in Germany, the land from which Reform had sprung.

Mordecai Samuel Girondi (1799-1852)

Chajes and Girondi, rabbi of Padua, were linked by a relationship of mutual admiration and respect. Chajes refers to Girondi as "my close colleague, the great, distinguished rabbi and true scholar,"²²³ and includes a number of his letters to him in his published responsa.²²⁴ As early as 1836, Girondi writes to the Spectators (in response to their request for his participation in their publication): "If your eyes have seen the glory . . . and the crown of splendor, the glory of the generation [i.e., Chajes] is close to you. . . . I have heard of his fine reputation which has traveled far"; why, ask for his (Girondi's) modest contribution.²²⁵ This letter seems to imply that, at the time, Chajes and Girondi had not yet established direct contact. Girondi had only heard of Chajes' "fine reputation"; he does not write on the basis of first-hand knowledge. We do, however, know that Girondi responded to the request of the Spectators by contributing articles and information gleaned from his vast personal library. As a matter of fact, it is this facet of

²²³Ibid., 817.

²²⁴Ibid., Responsa #1, 11, 12, 31, 67.

²²⁵Yerushalayim ha-Benuyah, I (1844), 6. The "crown of splendor" is an allusion to Zvi Chajes, for the word "zvi" means beauty.

Gironi's activity that Chajes refers to in his survey of contemporary *Judische Wissenschaft* achievements. In discussing the significant endeavors in publishing old *Judaica*, Chajes lists "my friend Rabbi Gironi of Padua" along with Luzzatto.²²⁶ Perhaps it was Gironi's library that offered the initial point of contact with Chajes, the bibliophile.

By 1853, Gironi had accorded Chajes a special place in his work, Toledoth Gedolei Yisra'el u-Geonei Italiah--an honor he had given neither to the Talmudic luminary Moses Sofer nor to so prominent a haskalah rabbi as Rapoport. Gironi describes Chajes as "a distinguished master of the Talmud . . . author of . . . [here Gironi gives a list of Chajes' works] . . . and many other works still in manuscript, in addition to his articles published in Bikkurei Ittim ha-Hadashim and other German periodicals."²²⁷

In the present study, an attempt is made to determine Gironi's views on Jewish tradition and modernism. It seems that he stood squarely on the side of traditionalism. He urged the Spectators not to publish any articles attacking the Talmud²²⁸ or belittling the importance of religious observance. He reprimands a correspondent "for the craving

²²⁶Kol Sifrei, II, 873.

²²⁷M. S. Gironi and H. Neppi, Toledoth Gedolei Yisra'el u-Geonei Italiah (Trieste, 1853), 4. In the interim, we also find a poem by Gironi in Kochbe Jizchak, XIII (1850), 80, expressing joy at the appearance of Chajes' responsa.

²²⁸Yerushalayim ha-Benuyah, I (1844), 7.

you show for Karaite works, which deny the Oral Tradition."²²⁹

He insists that the Karaites must be regarded as heretics "even if they accept some of the doctrines of our Torah, for anyone who denies the Oral Tradition is a heretic."²³⁰

Gironi's interests were, however, not limited to the traditional Jewish world; he ardently admired and pursued secular learning. He speaks with awe of the talent for languages with which his teacher, Isaac Finzi, was endowed. Finzi, Gironi writes, "attained broad knowledge in many fields until his fame spread, so that many students, including non-Jews, priests and royalty would flock to hear his sermons."²³¹ In the same vein, he identified Rabbi Judah Mintz as "a teacher of philosophy . . . many of the nobles were his disciples, and many Christians felt close to him."²³²

Gironi maintained close contact also with the leaders of haskalah. He described Reggio as "my beloved one."²³³ That he enjoyed the respect of Italian maskilim is clear from

²²⁹ Ibid., III, 45.

²³⁰ Ibid., 51.

²³¹ Gironi and Neppi, Gedolei Yisra'el

²³² It is of interest that the Universal Jewish Encyclopedia, 1948, VIII, 41, merely describes Mintz as a Talmudic scholar of the old school and makes no mention of these secular studies. Cecil Roth, Jews in the Renaissance (Philadelphia, 1959), p. 39, cites the view that Mintz lectured in philosophy at the University of Padua and that his statue was once to be seen on the main staircase. He, however, questions the authenticity of the fact and states, "This tale, too, circumstantial though it is, has no documentary support."

²³³ Yerushalayim ha-Benuyah, I, 6.

the eulogy written by Samuel David Luzzatto at the time of his death.²³⁴ His name became known also to wider haskalah circles through his contributions to various periodicals.²³⁵ Correspondence between Girondi and such maskilim as Reifman is still extant today.²³⁶

The facts cited above provide sufficient background for the type of correspondence that passed between Girondi and Chajes. Those of Chajes' responsa addressed to Girondi which were published contain not only halakhic discussions but also historical material. Thus, in his halakhic discourse on the permissibility of engraving a Scriptural passage containing the Divine Name on a signet ring, Chajes digresses to a discussion of the history of the art of printing and to an appraisal of the extent to which printing had aided in the dissemination of Jewish lore.²³⁷

Other responsa deal with Biblical exegesis in relation to Talmudic passages;²³⁸ Chajes supports his arguments not merely with quotations from the Talmud but with passages from the works of Josephus and from the Book of Maccabees.²³⁹ In his very first responsum addressed to Girondi, Chajes suggests an interpretation based on the thesis that the Bible contains sections of different degrees of sanctity. He substantiates

²³⁴Samuel D. Luzzatto, Kinor Na'im (Padua, 1879), p. 307.

²³⁵See, for example, "Mikhtav 5," Kerem Hemed, II (1839), 54-67.

²³⁶See Herscovics, "Titen Emeth le-Ya'aqov," p. 39.

²³⁷Kol Sifrei, II, 701; to a lesser degree also II, 817.

²³⁸Ibid.

²³⁹Ibid.

this thesis with quotations from the Talmud. However, one wonders whether Chajes was aware how greatly his thesis is at variance with traditional thought. Even those portions of the Bible that record utterances of various degrees of prophecy are all equally sacred by virtue of the fact that G-d Himself had commanded their recording. One wonders whether it was no more than coincidental that Chajes should have given this interpretation in a letter to Girondi, who was a modern scholar. Had he given it in a letter to Rabbi Schreiber, he would probably have come under sharp criticism from that uncompromising traditionalist.

Hayyim Nathan Dembitzer (1820-1892)

The correspondence between Chajes and Rabbi Hayyim Nathan Dembitzer, a judge in the Rabbinical Court of Cracow, was more genuinely "Talmudic" in character. Dembitzer had been ordained by the renowned Rabbi Solomon Kluger (see below) although he had never personally attended his lectures.²⁴⁰ This was the same Rabbi Kluger whom Ephraim Zalman Margulies, Chajes' mentor, had described in terms of profound respect as "the gaon of the generation."²⁴¹

Chajes and Dembitzer had in common a vast Talmudic background as well as an avid interest in historical topics. One of the responsa in Chajes' collection includes not only

²⁴⁰ Hayyim Nathan Dembitzer, Kelilath Yofi, II (Cracow, 1893), p. 37.

²⁴¹ Gelber, Brody, p. 264.

an elaborate Talmudic discourse but also a historical substantiation of his theory that the offering of sacrifices continued even after the destruction of the second Temple.²⁴² In another communication to Dembitzer, Chajes draws on Roman history in an attempt to identify that Rabbi Joshua ben Hananya in whose era a Roman Emperor granted permission to the Jews to rebuild the Temple.²⁴³ A third exchange between Dembitzer and Chajes concerns the proper identification of various Sages named Rabbi Gamaliel.²⁴⁴

Just as Chajes' contacts extended beyond the circle of the traditionalists to include the best-known leaders of haskalah, so Dembitzer, too, corresponded with Rapoport, Graetz, Weiss and Kaufman.²⁴⁵ In fact, he personally met with Zunz, "and had a pleasant conversation with him all day long on various matters."²⁴⁶

How is it, one might ask, that Dembitzer enjoyed the respect of such renowned orthodox Talmudic authorities as Kluger, Nathanson, and the hasidic rabbi Hayyim Halberstam²⁴⁷

²⁴²Kol Sifrei, II, 619. One may note that elaborate halakhic discussions with Dembitzer appear in Kol Sifrei, II, 660, 736.

²⁴³Ibid., 930.

²⁴⁴Ibid., 822.

²⁴⁵The correspondence with Rapoport included an attempt to mediate between Rapoport and Chajes. See "Mikhtav 3," Jeschurun, II (1856), 44; with Graetz, see Hayyim Nathan Dembitzer, Mikhtevei Biqqoreth (Cracow, 1892), letter #1; with Isaac H. Weiss, see Dembitzer, Kelilath Yofi, II, 59; with David Kaufman, see ibid., p. 91.

²⁴⁶Kelilath Yofi, II, 92.

²⁴⁷For Kluger, see ibid., p. 37; for Nathanson's opinion

despite his haskalah associations? The fact is that most of the endorsements from the Talmudic authorities came at a time before Dembitzer had begun his correspondence with the maskilim. Thus, the praises of the traditionalists date back to 1859, while Dembitzer did not meet Zunz until 1874, and did not write to Kaufman²⁴⁸ and Graetz until 1888 and 1890, respectively. Dembitzer's Kelilath Yofi, in which these letters to the maskilim were published, did not appear until 1893. By that time and by the time his Torath Hen was published, Nathanson and Kluger were no longer alive. One wonders whether the praise of Dembitzer expressed by these Torah luminaries would have been withdrawn in light of his later activities.

On the other hand, Rabbi Hayyim Elazar Shapiro of Munkasz, the violent opponent of haskalah, who was active in the early part of the present century, and who must have already known of Dembitzer's haskalah contacts, had extravagant words of praise for Dembitzer.²⁴⁹ In view of Shapiro's negative attitude toward Chajes,²⁵⁰ this seems strange. However, what appears to be inconsistency on the part of Shapiro may be due to the fact that while Chajes was generally

see Dembitzer, Torath Hen, p. 16; for Halberstam's opinion see his endorsement of Dembitzer's Torath Hen (dated 1859).

²⁴⁸ Dembitzer, Kelilath Yofi, II, 108.

²⁴⁹ See Leopold Greenwald, Otzar Nehmad (N.Y., 1942), p. 117.

²⁵⁰ Hayyim Elazar Shapiro, Minhath Elazar, I (Muncasz, 1902), 39 [#26].

believed to be under the influence of his close haskalah contacts, it was felt Dembitzer was keeping up his haskalah associations mainly for the purpose of obtaining certain historical information. Indeed, the Universal Jewish Encyclopedia, in its biography of Dembitzer, which lists his Talmudic and historical works and mentions his correspondence with the historians of his day, does not portray him as a modern researcher or as a protagonist of religious innovations as it does Chajes.

Whatever the extent of genuine respect that Torah luminaries may have had towards Dembitzer, he enjoyed the high esteem of the maskil-rabbi Chajes. It is known that Chajes frequently sought Dembitzer's opinion on such matters as the publication of Chajes' Minhath Qena'oth²⁵¹ and eagerly awaited his comments on Atereth Zvi.²⁵² Dembitzer was both flattered and mystified by this; as he puts it, "Why should my master, old in wisdom and widely known," want to turn to "a man as young in years and wisdom as myself [i.e., Dembitzer]?"²⁵³ Apparently, the interests which the two men shared--and which were unusual in the Galicia of their day--were keen enough to overcome the barriers of age and geography that separated them. It is known that the two men met in person only toward the end of Chajes' life--in 1850.²⁵⁴

²⁵¹Dembitzer, Torath Hen, p. 73.

²⁵²Ibid., p. 96.

²⁵³Ibid., p. 192.

²⁵⁴Ibid., p. 70. Chajes passed Cracow on the way to Kalisz.

Rabbi Jacob Orenstein (1775-1829)

This orthodox leader, who was widely known for his vehement opposition to haskalah and for the ban he placed on Rapoport, wrote a letter to Chajes praising his work Tifereth le-Mosheh.²⁵⁵ In this communication, Orenstein describes Chajes as his close friend, a great rabbi and a scholar in every branch of knowledge. Although Orenstein considers it beneath Chajes' dignity to occupy himself with so impudent a work as Luzzatto's attack on Maimonides, he has high praise for Chajes' treatise. This letter was written in 1829, soon after Chajes had been elected district rabbi of Zolkiew.

In a letter written in 1832, Rapoport expresses the fear that Orenstein would not recommend Chajes for the rabbinate of Alt Ofen, "since his [i.e., Chajes'] knowledge does not find favor in the rabbi's [i.e., Orenstein's] eyes, although . . . he obviously respects him."²⁵⁶ It is safe to assume that, irate over the ban Orenstein had pronounced against him in 1816, Rapoport felt that Orenstein would disapprove of anyone possessing secular knowledge. In the light of the fact that Orenstein himself praises Chajes' erudition "in every branch of knowledge" it is highly improbable that Rapoport's fears were based on fact. At least, we have no evidence of open friction between Orenstein and Chajes.

²⁵⁵Kol Sifrei, I, 396.

²⁵⁶Leopold Greenwald, Tbledoth Mishpahath Rosenthal (Budapest, 1921), pp. 38-39.

Another proof of the cordial relationship between Chajes and Orenstein is that, in their 1835 letter to Moshe Landau, the Ro'im cite among Chajes' credentials a German letter of recommendation from Orenstein.²⁵⁷ It is not known whether his endorsement had been penned for the specific purpose of helping him secure a new pulpit, or whether it was an earlier letter intended for general purposes only and was now put to use once again.

Moreover, we do not find any evidence for Beth Halevi's claim that Chajes came under attack from both Orenstein and Kluger.²⁵⁸ Such an assumption is not necessarily founded on fact but is based on what seems to be a misinterpretation of Dubnow.²⁵⁹ At one point Dubnow declares that Orenstein and Kluger opposed heresy. Later on, he states that haskalah rabbis such as Rapoport and Chajes were "persecuted." But it does not necessarily follow from these two separate statements that Rapoport and Chajes suffered persecution at the hands of just these particular two orthodox rabbis. As evidence of the lack of animosity between Orenstein and Chajes one should take note of the several positive references to Orenstein in Chajes' own writings.²⁶⁰

²⁵⁷ "Tzeror Mikhtavim," ha-Shahar, XI (1883), 502-504.

²⁵⁸ Beth Halevi, Chajes, p. 78.

²⁵⁹ Simon Dubnow, Divrei Yemei Yisra'el be-Doroth ha-Aharonim, II (Berlin, 1924), 93.

²⁶⁰ Kol Sifrei, II, 591, 601, 681, 786.

Rabbi Solomon Kluger (1786-1869)

This rabbi, too, describes Chajes on several occasions as his "eternal friend."²⁶¹ Chajes, in turn, mentioned Kluger in his works and maintained an extensive correspondence with him. "It is about three years that I have been discussing this issue with . . . Rabbi Solomon Kluger."²⁶² In another context, Chajes cites Kluger's urgent request for a copy of his responsum prohibiting the use of horse-drawn carriages for bringing the dead to the cemetery. Chajes' ruling in this case was guided by respect for custom (minhag) rather than by strictly halakhic considerations.²⁶³

In another responsum, Chajes mentions a letter he wrote to Kluger on the question whether it was permissible for a shohet (ritual slaughterer) to seek a position in a town where such a functionary was already employed.²⁶⁴

Chajes and Kluger found themselves differing on two issues of Jewish practice, namely, the advisability of agricultural training for Jews²⁶⁵ and the halakhic acceptability of etrogim grown in Corfu.²⁶⁶

²⁶¹See Beth Halevi, Chajes, p. 68.

²⁶²Kol Sifrei, I, 227.

²⁶³Ibid., II, 627.

²⁶⁴Ibid., 674.

²⁶⁵See supra, p. 111.

²⁶⁶See Ziskind Mintz, ed., She'aloth u-Teshuvot Pri Etz Hadar (Lemberg, 1846), p. 19, in which Chajes issues a verdict prohibiting etrogim from Corfu, despite the contrary decision of Rabbis Margulies and Kluger. Chajes, however,

Rabbi Joseph Saul Nathanson (1808-1875)

Unlike Rabbis Orenstein and Kluger, both of whom were older than Chajes, Rabbi Nathanson, one of the most respected and prominent orthodox leaders in Galicia, was younger. Nathanson had some sharp criticism for Chajes' Comments on the Talmud. He referred to Chajes as "one of the maskilim . . . who published his comments only for the purpose of showing off Is this worthy of being called comments? . . ." ²⁶⁷ Yet, it is reported that Nathanson eulogized Chajes in extravagant terms when he died. ²⁶⁸

In all of Nathanson's works there is only one reference to Chajes, ²⁶⁹ not in the form of direct correspondence or rabbinic responsum but merely in connection with a Talmudic discussion on a ruling by Chajes permitting a certain man, whose wife was still living, to marry another woman without divorcing his original spouse. Nathanson rejects the ruling; he insists that in this specific case, too, the husband needed the consent of one hundred rabbis before he could remarry. Nathanson's use of the title of "ha-Gaon" (His Eminence)

addresses Kluger with the title "my colleague, the ga'on." Margulies' decision appears in his Beth Efra'im, Orah Hayyim #56, 57.

²⁶⁷ Joseph Saul Nathanson, Sho'el u-Meshiv, V (N.Y., 1953), 23, #26. Although Chajes' name is not explicitly mentioned, the two passages cited by Nathanson coincide with those appearing in Chajes' Hagahoth al ha-Talmud. The first passage referred to is that of Baba Metzia 7a. The Nathanson text mistakenly reads 3a. The second refers to ibid., 16b.

²⁶⁸ Solomon Buber, Anshei Shem (Cracow, 1895), p. 199.

²⁶⁹ Nathanson, Sho'el u-Meshiv, I, #113.

in referring to Chajes is not a mark of special esteem but simply a form of address customarily employed when speaking to a duly ordained rabbi.

Rabbi Moses Schreiber (Hatam Sofer; 1763-1839)
(also known as Moses Sofer)

Of his contacts with orthodox leaders, Chajes' relationship with Rabbi Moses Schreiber (the Hatam Sofer) is probably the most complex and the most difficult to understand. We find Schreiber, one of the most outspoken opponents of haskalah, engaging in a lengthy correspondence with Chajes²⁷⁰ and praising him in the most extravagant terms: "You should be kissed";²⁷¹ "It is not my custom to elaborate on such matters . . . and I have only done it in [your] honor";²⁷² "as a token of warmth and appreciation, I read [your] Torath Nevi'im . . . on the Sabbath."²⁷³

Did all this praise reflect the true feelings of the Hatam Sofer, or was it simply Schreiber's way of trying to keep Chajes close to the orthodox camp? The latter possibility is suggested by Rabbi Aqiva Joseph Schlesinger, the son-in-law

²⁷⁰Moses Sofer, She'aloth u-Teshuvot Hatam Sofer, Orah Hayyim #54, 79, 140, 208, Yoreh De'ah #6, 338. Although the latter response is addressed to an anonymous party, it was doubtlessly designated for Chajes. This matter is taken up in our present study. Corresponding sections are to be found in Kol Sifrei, I, 177, 265; II, 578, 665.

²⁷¹She'aloth u-Teshuvot Hatam Sofer, Orah Hayyim #54.

²⁷²Ibid., #79.

²⁷³Ibid., #208.

of one of Schreiber's most prominent disciples.²⁷⁴ According to Schlesinger, the Ḥatam Sofer had "revealed the secret that Chajes is standing with one foot toward Aher [Aaron Chorin of Arad, a radical reformer] . . . and that if he [Sofer] would not make a special effort to maintain contact with him, [Chajes] would also join the ranks of the wicked" ²⁷⁵

It might be stated here that this remark is to be taken not literally but as a rabbinical hyperbole. Schlesinger did not necessarily mean that Chajes was in danger of becoming an advocate of Reform. The term "aher" was used merely to denote someone who was no longer strictly within the ranks of uncompromising orthodoxy.

In order to determine what it was that motivated Sofer's fulsome praise of Chajes, several important considerations will be reviewed.

In an attempt to demonstrate that Sofer was not rigid in his opposition to haskalah, a number of authors have cited what they considered Sofer's endorsements of haskalah, or of its various activities. Thus, Weingarten cites Sofer's endorsement of Bloch's Shevilei Olam.²⁷⁶ But this particular instance does not serve to prove what Weingarten sets out to

²⁷⁴See Solomon Schreiber, Iggroth Soferim (Vienna, 1929), Section 2, letter #33, for the text of Rabbi Hillel Lichtenstein's (Schlesinger's father-in-law) ordination.

²⁷⁵Aqiva Schlesinger, Lev ha-Ivri (Lemberg, 1868), p. 52.

²⁷⁶Samuel Weingarten, "ha-Ḥatam Sofer ve-ha-Haskalah," Sinai, XII (1943), 360-369. Sofer's endorsement appears in Shevilei Olam, II (Zolkiew, 1827).

demonstrate, for the text of Sofer's written approval specifies that his endorsement is not based on first-hand knowledge of Bloch or his ideas, but was made on the recommendation of the Rabbi of Pest. Moreover, the final version of Bloch's treatise includes an imprimatur also from Bloch's friend, Moshe Kunitz (also known as Kunitzer), a prominent advocate of Reform who had worked closely with Chorin.²⁷⁷ It is hardly likely that Sofer would knowingly have given his approval by implication to Kunitz or his cohorts.²⁷⁸

Specific instances of what seems support on the part of Sofer for haskalah leaders must be examined in their full context; isolated facts frequently serve only to distort the issue.

Weingarten maintains that Sofer did not oppose secular learning as such but only the alien influences to which the traditional Jew would be exposed in his pursuit of such

²⁷⁷ See Meyer Waxman, History of Jewish Literature, III (N.Y., 1960), 409. In 1818, Kunitz' responsum permitting the introduction of an organ into the synagogue was published with the responsa of Chorin and Lieberman in Noga Tzedeq . . . (Dessau, 1818)--the work which led to the rebuttal Aleh Divrei ha-Brith (Altona, 1839), including a sharp attack by Sofer.

²⁷⁸ It is, however, of interest to note that Chajes, in a letter to Sofer, specifically quotes the "sefer Ben Yohai by Rabbi RaMaK." Kol Sifrei, I, 185. This letter was written in the late thirties, years after the appearance of Kunitz' non-orthodox work. The fact that Ben Yohai stirred the opposition of the modern camp for its defense of the antiquity of the Zohar is insufficient to explain Chajes' fearless reference to Kunitz in a correspondence to Sofer. Moreover, in 1840, Rapoport accused Chajes of camouflaging his references to Kunitz in Iggereth Biqqoreth by indicating B.Y. as a source, which usually refers to Joseph Karo's work Beth Yosef and not to Ben Yohai.

knowledge. Greenwald, citing Sofer's endorsement of a long list of haskalah works including Lewisohn's Mehqerei Aretz (Vilna, 1839), concludes that Sofer encouraged the pursuit of all knowledge, including secular learning, as long as it did not entail "heresy."²⁷⁹

However, all the above would still not be sufficient to explain Sofer's positive attitude toward Rapoport, whose writings contain not only secular learning but outright heretical theories as well. The Hatam Sofer even incurred the anger of the Ro'im by bestowing on Rapoport such high-flown titles as "the star amongst the elite," thereby also jeopardizing his relationship with Rabbi Kluger, who violently opposed the showering of such praises on Rapoport.²⁸⁰ Weingarten assumes that Sofer's praise was genuine and that it was a factor in Rapoport's appointment to the Prague pulpit.²⁸¹ However, it is difficult to imagine that Sofer should have had a share in the appointment of so radical a spirit to the Rabbinate of Prague and that he would have given credence to the favorable opinion of Solomon Rosenthal, the Prague communal leader, rather than to the report from Rabbi Kluger. It would be much more

²⁷⁹Leopold Greenwald, le-Flagoth Yisra'el be-Ungarya (2d ed.; Deva, 1930), p. 10.

²⁸⁰Bichler, Shay la-Moreh, p. 46.

²⁸¹Weingarten, "ha-Hatam Sofer ve-Haskalah," p. 364, #22. Similarly, in another article, "Teshuvot she-Nignezu," Sinai, XXI (1950), 90-99, Weingarten assumes that the rigid attitude of Hungarian Jewry towards the modern camp explains the omission of any published responsa to Rapoport, although Sofer referred to "Torah topics in which I am in the habit of answering him."

plausible to assume that, as Greenwald concludes in another essay,²⁸² Sofer feared that Rapoport would break with tradition altogether if he, Sofer, were to reject him.

If this may be assumed to have been Sofer's motivation in heaping praises upon Rapoport, it may be suggested that Sofer was led by similar considerations in the case of Chajes, although the latter was by no means as radical as Rapoport.

Attempts to refute the authenticity of Schlesinger's reports have already been made in an earlier chapter.²⁸³ We shall now examine a number of additional factors that have bearing on our study of the relationship between Chajes and the Hatam Sofer.

In the earliest known published correspondence between Sofer and Chajes, dated Heshvan 1 5593 (1832), Sofer already addresses Chajes as the "great, distinguished and famous Gaon."²⁸⁴ Yet, some two months later, Chajes, then a candidate for the rabbinate of Alt-Ofen, in a letter to Sofer requesting him to endorse him for the position, felt it necessary to offer an outline of his background and qualifications because, as he puts it, "my master does not know me," although he, Sofer, may make inquiries about him.²⁸⁵ Clearly, then,

²⁸²Greenwald, Otzar Nehmad, p. 87.

²⁸³See supra, p. 57.

²⁸⁴She'aloth u-Teshuvoth Hatam Sofer, Orah Hayyim #54.

²⁸⁵The full text of this letter has been reproduced in Beth Halevi, Chajes, pp. 80-85.

the elaborate title by which Sofer referred to Chajes in his 1832 letter was simply a form of address commonly employed by rabbis in correspondence with colleagues.²⁸⁶

Sofer's letters published in the form of responsa to Chajes, following Chajes' "resumé" (which, naturally, makes no mention of Chajes' secular interests and pursuits) continue to be replete with praise for the "great, distinguished Gaon."²⁸⁷ However, there is no reference to what action Sofer took with regard to Chajes' request for support in his candidacy for the Alt-Ofen pulpit.²⁸⁸ The absence of such information in itself does not necessarily indicate that Sofer reacted negatively, or not at all, to Chajes' letter; it was customary to omit from the published editions of scholarly correspondence

²⁸⁶ Although many of the titles appearing in Sofer's responsa are less pompous, it does not necessarily follow that Chajes was held in greater esteem than the other addressees. For much of the correspondence was conducted with his own disciples, where less formal greetings would be used. See Orah Hayyim #52, 82, 84. In the case of official practicing rabbis, however, Sofer did employ lengthy titles of praise.

²⁸⁷ The response to this letter was written shortly afterwards (Orah Hayyim #140) and is dated 7 Adar, 5593. It mentions that a Talmudic question posed by Chajes had already been answered in another letter during the interim. The apparent reference is to the undated letter #6 in Yoreh De'ah; for Chajes, in his initial inquiry, mentioned the case of a sho'et who violated his oath . . . which is the subject matter of that undated response by Sofer.

²⁸⁸ Letter #140, Orah Hayyim begins: "In reference to your request, I have responded in my recent letter." The reference to "request" can not allude to the personal favor, for the conclusion of the phrase "responded" does not seem to fit. Obviously, the request is a reference to the responsum on the halakhic issue of the sho'et.

any personal items that may have been contained in the original handwritten letters. On the other hand, we have valid evidence that Sofer gave his endorsement to one Rabbi Heller, who eventually was chosen for the position.²⁸⁹ While Sofer's frank support of Heller does not necessarily mean that he doubted Chajes' religious qualifications, it does show that, no matter how highly Sofer may have esteemed Chajes as a person, it had not been enough to make Sofer want to endorse Chajes for a position of real influence in Jewish religious life.

The fact that Chajes was considering the rabbinate of Alt-Ofen, which was very close to Sofer's own bailiwick, may be cited as indicative of the frankness that characterized the relationship between Sofer and Chajes. If Chajes, one might ask, had had any reservations about his own complete identification with the traditional camp, would he have sought a position so close to the jurisdiction of so uncompromising a traditionalist as the Hatam Sofer?²⁹⁰ But even this argument loses its cogency if one considers that Chajes himself wrote to Rosenthal that "[you] could show my letter . . . to the people of Ofen, but if there is a chance that my having cited secular sources by name will displease them, I will ask [you not to show them the letter]." This would indicate a desire on the part of Chajes to conceal the true character of

²⁸⁹ Abraham Feigelstock, Tbledoth Hatam Sofer (N.Y., 1952), p. 41. We also know that other contenders for this seat appealed to Sofer. See Schreiber, Iggroth Soferim, section 2, p. 71.

²⁹⁰ Herscovics, "Yahas ha-Hatam Sofer le-Chajes," p. 118.

his religious philosophy from the people of Alt-Ofen, the neighbor city of Sofer's ultra-orthodox Pressburg.

For our present purposes, the most significant aspect of the correspondence between Sofer and Chajes involves the two responsa which are reproduced or mentioned, with some changes,²⁹¹ in Chajes' own writings. Both responsa deal with the question whether a Kohanite may act in the capacity of coroner; that is, whether he may examine a person who was already assumed dead. After lengthy halakhic deliberations, Chajes ruled that Kohanites were permitted by Jewish law to perform such medical examinations.²⁹² This ruling was vehemently opposed by the Hatam Sofer,²⁹³ who not only refutes Chajes' reasoning but also rejects the precedents cited by Chajes in his opinion. Eventually, apparently under the impact of Sofer's strongly worded objections, Chajes was to reverse himself.²⁹⁴

Sofer's ruling in the matter of Kohanite coroners contains the sharpest words of reproach to Chajes that we have

²⁹¹Thus, responsa #208 of Orah Hayyim includes several rebuttals which Chajes does not cite in his answers to Sofer. See Kol Sifrei, I, 177ff. One may justify this by maintaining that he merely cited those portions upon which he could offer his own rebuttals, and never intended the text to serve as a reprint of the letter in its totality. Some of the omitted points do, however, appear in Chajes' own discussions later. See Kol Sifrei, I, 193. One should realize that Chajes generally edited his own responsa prior to their publication. See Weiss, "Zikhronotai," p. 49.

²⁹²Kol Sifrei, I, 254ff.

²⁹³She'aloth u-Teshuvot Hatam Sofer, Yoreh De'ah #338.

²⁹⁴Kol Sifrei, II, 781. He does not, however, mention Sofer's name in this particular response.

on record. It is therefore of value to study it in its various aspects in an attempt to ascertain the true nature of the relationship between Sofer and Chajes. It is highly significant to note that, of all the responsa addressed to Chajes by the Hatam Sofer and published in Sofer's writings, the above is the only one not to mention the name of the addressee. Although it has been assumed that other responsa from the Hatam Sofer which do not specify an addressee had also been intended for Chajes,²⁹⁵ the one mentioned above is unusual in that Chajes, in his own writings, specifies that it had been addressed to him, and he continues to justify his own stand, which Sofer had so categorically rejected.²⁹⁶

The anonymity of the addressee in this particular responsum raises an interesting problem. Sofer offered to exclude from his published responsa any letters to Chajes which Chajes would prefer not to have published.²⁹⁷ If Chajes consented to have this particular letter included in the Sofer collection, why did Sofer have to conceal the identity of the addressee, as if attempting to spare Chajes the disgrace of being "found out" by Sofer's readers?

²⁹⁵Weingarten, "Teshuvoth she-Nignezu," p. 95.

²⁹⁶Kol Sifrei, I, 265. A typographical error appears in the text at this point; for while the date of the letter published in the Hatam Sofer's work reads Kislev 5597, our text states: "These are the answers to Rabbi Sofer which I wrote during the winter of 5596." Moreover, the first edition of Chajes' work correctly reads 5597.

²⁹⁷Kol Sifrei, I, 206. This letter is dated 5598.

The answer will be provided by a careful study of Sofer's published text. Although Sofer's signature appears only after the very last line of the letter, it is obvious to the alert reader that, in fact, the original manuscript letter ended before the final paragraph. The final paragraph begins with the words, "Returning to the issue [under discussion], I have examined it . . . and . . . it is definitely permissible I have not, however, so advised the addressee, lest it be said that I agreed to allow it for their [modernists] reasons, even as they attributed baseless words to Rabbi Emden, claiming that he permitted delays of burials, so will they do in my case I have, therefore, decided to maintain a policy of silence."²⁹⁸ In other words, this final paragraph is to be understood as an afterthought to Sofer's letter to Chajes; it appears in the published text but was not part of the original letter. Moreover, the sentences immediately preceding the final paragraph end with the standard type of metaphorical phrases for a complimentary close, thereby indicating the actual close of the letter. Thus Sofer consciously withheld his final decision from Chajes. Why? Why did Sofer not inform Chajes of this later change of heart, in which, in effect, Sofer permitted the family of the deceased to allow the examination of the body by the Kohanite coroner? The reason given by Sofer himself clearly indicates that he mistrusted Chajes; he considers Chajes too closely

²⁹⁸ She'aloith u-Teshuvoth Hatam Sofer. Yoreh De'ah #338.

identified with circles that would attempt to distort halakhic views for their own purposes and would make unfair use of Sofer's ruling. Consequently, it must be assumed that when Chajes consented to have the letter published in Sofer's book he had not seen Sofer's "afterthought." The publishers, however, had seen the "postscript" and apparently thought it best not to print the name of the addressee to spare him the disgrace of having the readers know that he was the man whom Sofer so mistrusted.²⁹⁹

In a current periodical, Shisha adduces further evidence in support of the above theory. Sofer's responsum to the unnamed addressee as given in his book is dated "Wednesday, the 19th day of Adar I, Kislev 5537." Shisha explains that this odd superscription (he notes, too, that Kislev 10 did not fall on a Wednesday in the year 5537) must have been taken by the printers from the copy of the letter in Sofer's files. The explanation for Sofer's odd way of dating his responsum is that the earlier (Kislev) date is the date when the original letter was written, while the later date (Adar)

²⁹⁹ It is of interest to note that Chajes saw fit to refer to himself as the addressee of this response, even in its published form. Sofer's work was published in 1841, before the appearance of Darkei ha-Hora'ah, in which Chajes discussed the letter. Apparently, he either knew that his identity had already been deciphered or he felt that his words of self-justification were of sufficient weight to overcome the damage of the revelation. After the completion of our analysis, we have found two other scholars sharing our thesis. See A. Shisha, "He'aroth Bibliographioth le-Sifrei ha-Hatam Sofer u-le-Teshuvotav," ha-Ma'ayan, IX (Tishrei, 1968), 59, and Tuvia Freshel, "min ha-Qorim," ha-Dorom, VII (Elul, 5718 [1958]), 127.

refers to the postscript, which Sofer added "for the record" only after the original letter had been delivered to Chajes.

Thus, notwithstanding the extravagant titles he continued to bestow upon Chajes,³⁰⁰ it is clear that Sofer was not sure of the strength of Chajes' religious convictions. Indeed, in his reply to Sofer, Chajes makes reference to Sofer's charge that he, Chajes, was identifying with those who were seeking forbidden innovations in religious observance.³⁰¹ Sofer's response to Chajes' rejection of the accusation starts out on a conciliatory note, but he does not retract his original charges.³⁰² Sofer then goes on to explain the importance of restraint in permitting innovations. Sofer's oft-repeated statement, "The new is forbidden by the Torah," is considered to be the slogan motivating his anti-haskalah endeavors. In other words, Sofer found Chajes guilty of precisely that conduct which he, Sofer, had fought all his life.

This last letter (i.e., Sofer's answer to Chajes' rejection of his charges) does not appear in Sofer's book. The

³⁰⁰She'aloth u-Teshuvot Hatam Sofer, Orah Hayyim #79, 208.

³⁰¹Kol Sifrei, I, 266. It is of interest to note that this specific quote does not appear in the published text of the Hatam Sofer's work. If the publishers of Sofer's work were willing to allow the derogatory references to Chajes at the end of the letter, as long as the addressee was not identified, why should these words of reprimand be deleted and withheld from the reader?

³⁰²Ibid., I, 269.

only reference to it is one to "my previous letter (in which I said) that the new is forbidden by the Torah." One cannot help wondering whether this omission was due merely to some technical reason or whether Chajes had asked Sofer not to print the letter. While it is true that Sofer's published responsa constitute only a fraction of his halakhic and other correspondence,³⁰³ and that other letters, including some which supported Chajes' views,³⁰⁴ were also omitted from the final publication, this particular omission is especially significant.

It may be argued that Sofer's suspicions concerning Chajes' orthodoxy were a late development, and that the praise Sofer had showered upon him before were indeed evidence of Sofer's genuine esteem for Chajes, an attitude which may have changed when Chajes expressed views that Sofer considered objectionable. However, this argument is not supported by the documentary evidence available, for we find that two of Sofer's published responsa addressed to Chajes subsequent to the accusation still open with elaborate encomiums.³⁰⁵ Unless one assumes that the last paragraph was only added years after the original letter had been written, the foregoing may be taken as proof of Schlesinger's thesis, i.e., that Sofer began to have misgivings about Chajes' orthodoxy at a very early date but wanted to show him every possible

³⁰³ Ibid., 227.

³⁰⁴ Ibid., 271.

³⁰⁵ Sofer, She'aloht u-Te shuvot Hatam Sofer, Orah Hayyim #79, 208.

outward sign of respect in order not to alienate him completely from the orthodox fold.

It was some time after his letter of accusation that Sofer, acknowledging receipt of Chajes' Torath Nevi'im, wrote a lengthy letter to Chajes, commenting upon the treatise and praising it. However, Sofer did refute some of the points in Chajes' work, items which Chajes later reprinted in a work of his own³⁰⁶ in an attempt to justify his stand.

While most of Sofer's rebuttals are complex and based on halakhic arguments, one point may be cited as indicative of Sofer's doubts about Chajes' orthodoxy. Sofer writes that he does not know "why you [i.e., Chajes] sought to exclude all the other tribes [besides the tribes of Levi] from the authority to hand down halakhic masorah."³⁰⁷ This is such an elementary rabbinical question that it would never have given rise to any misunderstanding unless Sofer really suspected Chajes of holding radical views on the "evolution" of halakhah. Nevertheless, Sofer's general tone in this letter, too, is one indicating sentiments of respect and appreciation for Chajes.

SUMMARY

The study of Chajes' personal relationships with contemporary rabbis and scholars reveals his strenuous attempts

³⁰⁶Kol Sifrei, I, 177ff.

³⁰⁷Ibid., 178, as cited from Sofer's letter #208 Orah Hayyim.

to be on peaceful and even cordial terms with two opposing camps--the representatives of strict orthodoxy, on the one hand, and the spokesmen of haskalah, on the other. It was a rare thing for a rabbi of Chajes' time to be regarded as an esteemed colleague by such orthodox luminaries as Sofer and Kluger, as well as by haskalah leaders such as Krochmal. Owing to his intellectual ties with both the old and the new, Chajes has been cited as an example of one caught between two epochs without being able to identify completely with either one.³⁰⁸ A representative of a transitional era in which modernism clashed with tradition, Chajes believed that he would succeed in effecting a synthesis between the two. His efforts in this direction are reflected in his ideas as well as in his personal contacts.³⁰⁹

The question now arises whether Chajes was completely honest in his contacts with the two opposing camps. Accusations of double-talk and hypocrisy were not unusual during that age of conflict. Thus, Schorr criticized Rapoport for attributing the Book of Ecclesiastes to King Solomon in his Hebrew treatise Erekh Milin while writing in the German periodical Orient that Ecclesiastes had been the work of the Essenes.³¹⁰ Geiger was not wrong when he declared that

³⁰⁸Hirsch Perez Chajes, Reden und Vortrage, p. 188.

³⁰⁹It was this unhappy blending which caused him to be looked upon with suspicion by many traditional authors. Thus Chajes is scornfully labeled "one of those who follow the path of innovations" פ'צ'ראנ' ד'א'ק by Mordecai G. Jaffe, Tekheleth Mordecai (Jerusalem, n.d.), p. 113.

³¹⁰he-Halutz, II (1853), 117-153, cited by Klausner, ha-Sifruth ha-Ivriith, II, 257.

Rapoport had "more daring views on Bible criticism than he had ever published." Geiger regarded Rapoport's double-talk as "the price he paid . . . for his lack of financial independence."³¹¹ In other words, the inconsistency in Rapoport's published views is not necessarily considered to be a reflection of any intellectual conflict that Rapoport might have been experiencing, but may simply be evidence of his attempt to conceal his radical thoughts from certain audiences in order not to antagonize the traditional circles on whom he was dependent for his livelihood. As a matter of fact, we find that S. Hurwitz advised Rapoport to seek a rabbinical position outside Galicia so that he would not "be forced to act contrary to his own inner convictions."³¹²

Our study has shown that Chajes, too, deliberately concealed his views in order not to jeopardize his relationships with certain rabbinical contemporaries. His failure to cite Zunz and Krochmal by name as his sources for certain data, his unwillingness to express his views freely in his works, his request to Rosenthal not to make known those of his (Chajes') activities that might prevent his election to the rabbinate of Alt-Ofen, and on the other hand his praise of Krochmal's interpretation of the Book of Psalms are only a few well-documented examples of what one might describe as a

³¹¹ Abraham Geiger, "Tzeror Mikhtavim," ha-Shahar, XI (1883), 263.

³¹² Klausner, ha-Sifruth ha-Ivrith, II, 240.

tendency on the part of Chajes to engage in "double-talk." Chajes' detractors were quick to point out inconsistencies in his views. Thus, Yolles accused Chajes of donning the cloak of a hasid and participating in hasidic festivities "while, in his secret chambers, he does as his heart desires."³¹³ Schorr charges Chajes with hypocrisy in that he praised Galician Jewry for their traditionalism and in the next breath condemned modern circles in Galicia for their laxity in certain religious observances.³¹⁴ However, Yolles' accusation is far from objective; it does not specify the extent of Chajes' participation in hasidic life nor does it offer specific instances of exactly what Chajes did "in his secret chambers."

But what was the basic motive which kept Chajes from being direct and open in expressing his views? Unlike Rapoport, Chajes did not depend on the traditional elements for his livelihood. He was a man of means and received generous financial support from his wealthy father. As late as 1836, when he had been Zolkiew's district rabbi for seven years, Chajes, in his Torath Nevi'im, expresses his gratitude to his parents for the financial support they were still giving him.³¹⁵ In his letter of introduction to the Hatam

³¹³ Yolles, ha-Torah ve-ha-Hokhmah, p. 481.

³¹⁴ he-Halutz, III (1857), 9-10. Schorr sees this as an attempt to appear conservative in his halakhic verdicts.

³¹⁵ Kol Sifrei, I, 136. He even mentions his father's financial support as late as 1849. See ibid., II, 861.

Sofer, he makes a point of mentioning that he does not seek the rabbinate of Alt-Ofen for financial reasons, since "my father . . . supports me and my entire household."³¹⁶

In view of the above, it would seem that Chajes' restraint was motivated by concern about his "image" rather than by financial considerations. He wanted to be respected as a Talmudic expert so that he might be able to bring his influence to bear upon many different circles in the Jewish community. Accordingly, he could not afford to incur the anger of his traditionalist contemporaries.

This, of course, does not mean that financial factors had no part at all in Chajes' considerations. It is known that he rejected a rabbinical position in Bonyhad because he did not think the salary offered was adequate.³¹⁷ On the other hand, Chajes' financial independence added a new dimension to the accusations leveled against him by his detractors. Thus, while many marveled that so young a man as Chajes should have been called to the rabbinate of Zolkiew, Yolles claimed that Chajes had "squandered . . . money to get the rabbinate of Zolkiew."³¹⁸ Documentary evidence of a more objective character is found in a letter from Rapoport to Rosenthal, urging Rosenthal to support Chajes' candidacy for the rabbinate of Alt-Ofen because "the rabbi of

³¹⁶Beth Halevi, Chajes, pp. 80-85.

³¹⁷Ibid. Yet this reason might have been a mere pretext.

³¹⁸Yolles, ha-Torah ve-ha-Hokhmah, p. 479.

Zolkiew is a man of means and will amply compensate all who will do something for him."³¹⁹ This, of course, is tantamount to bribery; similar attempts on the part of others had been bitterly condemned by such prominent authorities as Rabbi Abraham of Sochatchov.³²⁰ Another piece of evidence that Chajes had employed his wealth to advance his position is contained in Bloch's response to Chajes' request that he, Bloch, intervene on his behalf with Moshe Landau. In this communication, Bloch explains that since he had just written to Landau on behalf of Rapoport, he hesitates to do the same for Chajes lest Landau think that "the Rabbi of Zolkiew certainly has not vainly showered his money on this man [i.e., Bloch] also."³²¹ If we are to accept Perl's report--which probably was not entirely unbiased--Chajes used his wealth also to silence opposition from the orthodox, to the extent that he was "forced to give [away] all the money he had inherited from his father's fortune" for this purpose.³²²

³¹⁹Greenwald, Toldoth Mishpahath Rosenthal, pp. 38-39.

³²⁰Abraham Burstein, Avnei Nezer (Warsaw, 1914), Yoreh De'ah #465.

³²¹Letteris, Mikhtevei Benei Qedem, p. 157.

³²²Raphael Mahler, Hasidism and Haskalah (Merhavva, 1961), p. 177. No further details are offered to explain this statement. Perl, in his hatred of the rabbinical-orthodox circles might have considered them blind persecutors who may be silenced by bribery. This statement must therefore be questioned until further evidence may be brought to bear upon the problem.

Thus, Chajes appears as an individual who lacked the courage to express all his views openly, lest they jeopardize his standing in the Jewish community. He preferred to "play it safe" on all fronts. It is this attitude of Chajes that caused the Rabbi of Munkacsz to liken him to "one who alternately nods his head to the left and to the right, without the courage to stand up in either camp"--or even, if need be, to stand alone.

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