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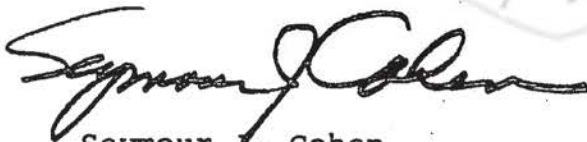
Dear Colleague:

Dr. Leonard Levin, a post-doctoral Fellow at the Seminary, has again provided us with insights into the Jewish experience in America. This time he has concentrated on topics which have their analogue in contemporary Jewish issues. Evidently, it's the setting, not the questions, which change from era to era. The more important the questions, i.e. the ones which go to the heart of Jewish expression in the democratic diaspora, the more likely they are to be with us as well as with our grandchildren's grandchildren.

We do hope that this mailing of gleanings and evaluations will add to your continuing preaching and teaching during this year of Bicentennial preoccupation.

With good wishes.

Sincerely,



Seymour J. Cohen



Stanley J. Schachter

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SOME PAGES FROM THE OCCIDENT

Selected and edited
with commentary by
Leonard Levin

In 1843, a new journal appeared in the United States under the name THE OCCIDENT AND AMERICAN JEWISH ADVOCATE. It was founded and edited by Isaac Leeser and appeared monthly from its inception in 1843 until 1869 (for two years, from 1859 to 1861, it came out weekly). It was the first serious journalistic attempt by and for Jews in this country. From the start, it served an extremely wide spectrum of interests and needs. It was at the same time a medium of Jewish education, featuring sermons and instructive essays on Judaism in every issue; a newsletter, reporting on noteworthy events in communities all over America; a historical journal, featuring essays on the history of Jewish settlements in various parts of America; a public forum, voicing the present needs of the American Jewish community and proposing projects to meet those needs; a religious-intellectual symposium, where the controversial issues in Jewish religious life could be debated seriously; a literary review, featuring fiction, poetry, and book reviews regularly; and an advocate for Jewish rights, vigilantly defending the civil liberties of Jews in America, debating with Christian missionaries, and calling attention to the plight of Jews overseas. It was the worthy founder of that tradition of Jewish journalism which has since been carried on by The Israelite, The American Hebrew, The Menorah Journal, and today's plethora of more specialized journals--Commentary, Midstream, Judaism, etc. It was more. Hardly an institution of present-day Jewish life--the synagogue unions, the seminaries, the rabbinical organizations, the Jewish Publication Society, the Zionist movement, the philanthropic federations, the Anti-Defamation League--cannot trace its origins to an idea or proposal in the pages of the Occident. It was the yeast of American Jewry, and its ferment is still with us.

The following selections deal with:

- I The Future of Jewry in America ("The Prospect")
- II Agenda for Communal Action
- III The Violation of the Sabbath
- IV Sunday Laws
- V Excerpts from Two Sermons
- VI Does Judaism Have A Stake in Political Issues?
- VII The Carillon-Marks Affair, or What Is the Basis and Scope of Talmudic Authority?

I THE FUTURE OF JEWRY IN AMERICA

(We think of the great ages of Jewish Immigration to America as 1849-70 for German Jewry and 1881-1914 for Eastern European Jewry. The catastrophes which precipitated them--the 1848 revolution, and the pogroms under Czar Alexander III--were by their nature not specifically foreseeable. The remarkable accuracy of Leeser's predictions in 1846 must be credited to his sensitivity to long-range historical trends--the continuing persistence of anti-Jewish sentiment in Europe, the continuing expansion of opportunity in America and the durability of its libertarian traditions.

The readers of the Occident were remarkably well informed about the conditions of Eastern European Jewry; the series "Sketches on Jewish Life in Europe" was penned by none other than Max Lillienthal, who in 1844 left his position as administrator of the Czarist-sponsored Jewish Crown schools and came to America. In venturing his predictions, Leeser was thus basing himself on the best available contemporary sources. His outlook was flawed in only one important respect--how could he hold forth a future vision of Russian-Jewish-American farmers?)

AMERICAN JEWISH

THE PROSPECT

We are apt to speak of the progress which we have made within the last half century; and self-congratulations innumerable are constantly uttered about the march of improvement which we have seen developing itself within our presence, and we profess to experience heartfelt pleasure at the bright and beautiful change which has come over our condition in modern times. Truly, there has come a change, which may well fill our souls with astonishment, when we contrast what has been with that which passes now before us; but we ought also not to forget that the revolution wrought in our favour has been the work of Providence, and that we should therefore feel grateful, and look to the Source whence our enlargement has sprung, to aid us yet farther and for ever with his blessed protection, that we may be permitted to live at peace among the gentiles whilst it is his will that we shall remain far from our original home, the beloved land of Israel.

In America especially, where the constitution, the supreme law of the land, secures to every person the enjoyment of life, liberty, and the pursuit of happiness, without any one having the right to question him concerning his religious opinions or acts, the children of Jacob have received a new home, where they can, if so their mind inspires them, pursue any avocation or line of business, without restraint or molestation on account of their religion....

Judaism...has pointed out to it in the United States...a course full of glorious anticipations, and a path is opened to its progress, which if properly pursued will enable us to develop the true character of our heavenly institutions, in a manner more glorious and influential than ever was attained since the enemy overthrew our own state and destroyed our sanctuary....

The "Prospect" now is, that great numbers of Israelites will be induced to quit ancient Europe and settle in the new world, partly driven out by the iron hand of power, which renders their native countries unfit homes for those who pant for freedom; partly because the immense area of the western continent offers a wide field for individual enterprise, the like of which is unattainable in the confined and overcrowded districts of England, Germany, Poland, and the adjacent countries. One thing is certain, that the measures of exclusion which have been so long the policy of Christian government on the eastern side of the Atlantic, have enkindled a desire for happier homes in the bosom of the poorer classes of our people....

Many of them, therefore, for years past, have longed to quit their native land, which to them was not a home of joy; and they turned their faces westward to escape the hand of oppression....At first the arrivals were but few and at comparatively rare intervals; of late years, however, as the ties of relationship existing between those here already and those yet behind in their native countries have become more ramified, the amount of emigration has become annually increased, until there is every probability that before long there will be many and numerous congregations in most parts of America, until we shall have indeed a Jewish public, respectable at least for its numerical strength, to a far greater extent than was thought of as likely but few years ago.

...Were the Jews generally given to agriculture, there could be no doubt but that thousands would seek a home in the fertile soil of Western Virginia and Pennsylvania, and the states of Texas, Indiana, Illinois and Missouri, Canada, &c.; but as few of our German friends have any practical knowledge of this important pursuit, it is not to be expected that many will invest their means in experimenting as farmers, which would in all likelihood entail upon them great pecuniary losses. Nevertheless, should we be able to provide an asylum for our greatly afflicted Russian and Polish brothers, who, whatever may be said of the benevolent intentions of the Czar and his counsellors, are subject to the arbitrary will of an irresponsible despot and the exaction of his heartless underlings: there would be an absolute certainty that large masses would hasten hither as tillers of the ground, as many of them are practical farmers and farm-labourers....

In the meantime, we earnestly wish those of our readers who are acquainted with agriculture in this country and other matters connected with this subject, to favour us with their ideas, in order to lay them before the public; and we would be glad were those who have the means and power to take some steps to render these loose ideas efficient by some plan of action. It is impossible that we can look coldly on the distress which it is but too likely will overtake the Jews in Russia after 1850; now, therefore, is the time of action, and let us not be deceived by the apparent lull in the storm of persecution which we have lately witnessed.

(THE OCCIDENT IV:265-272)

II AGENDA FOR COMMUNAL ACTION

(The pages of the Occident teem with proposals and recommendations for a wide variety of communal endeavors--education on every level; a professional ministry; a college for training communal leaders and rabbis; a Jewish Publication Society--which we hear was started and later languished; charitable institutions. The following is a follow-up to an earlier call for a conference to form a union of congregations. In its urgent, activist tone and in the ideals it espouses, it is a worthy sample of this genre of Occident writing.)

SHALL WE MEET?

...Let us speak of the subject calmly and rationally. We do not expect a very great deal of benefit at the outset from a union meeting, since the interests and views are entirely too diverse to promise an immediate good result. But the very presence of so little harmony in action demands that an effort

should be made to bring the elements into contact, so as to cause by degrees a suitable fusion for all purposes where a union is requisite or even desirable. It is almost superfluous to reiterate what we have said before, that we should deprecate any proceedings which would injure the independence of the congregations; but, we will repeat it however, that so far as we are concerned in this movement, it is proposed merely to unite for a common benefit, to recommend measures for the acceptance of the various bodies, not to legislate for them. We know there are the sectional feelings of the Portuguese and Germans; a difference of views between natives and foreigners; but what do they amount to? Is there any tangible reason why they should not unite for a promotion of religiousness among all classes?

(the need for a competent ministry)

...The ministers are only elected to supply a public demand, and communities are established and Synagogues are erected, because men find that religious union and public worship are necessary for their spiritual welfare; they feel a yearning to rise above the world, and to enter into a union with their Maker; hence they ought to see that the cause for which they unite, should not suffer from any neglect of theirs, and that those they appoint should not alone be capable, but worthy likewise, and that when such are found, they be duly supported and encouraged in the discharge of their duty. But how is it now? are the means at your command to appoint such persons? and if you have them, do you support them duly, so that their efforts are not rendered almost nugatory by the interference of unauthorized persons, of those who have really no scientific knowledge of religion?....

(the need for a central religious authority)

...We have spoken before this of an ecclesiastical authority, to which body all strictly religious questions should, as of right they ought to be, left. As it is, let any congregation elect a religious chief, and we ask, where is his authority? where are his decisions recognised? Just by those who have elected him, and by none else. But, choose men of eminent talents, known for their piety and religious fervour, and we believe that no individual or congregation would think of slighting an authoritative opinion proceeding from such a source. We want such a body to watch over the local ministers; we need the same to prevent unworthy or incompetent strangers being chosen to corrupt the people instead of improving them; we require the same to be devoted day and night to diffuse knowledge on the most important concerns of life, and this without being subject or controlled by individual communities, but being armed with the confidence of the general body, to be able to reprove without fear, and to speak with a certainty of being attentively listened to....

(concerning education)

Next, do we want proper religious schools. They too require to be placed under a general system, by which alone proper school-books can be produced among us....We want a high school where religion is to be taught as a regular science, whence might issue those who are to be our Hazanim, our teachers, and our ecclesiastical councillors; whence the Israelite who is to devote himself to commerce or a trade, to the bar or the practice of medicine, may go forth fortified with such a knowledge of his faith that he may be able to meet without danger the infidel and those belonging to other systems of religion; a school which may shed its benignant influence on the female sex likewise, and arm our maidens and matrons with the strong weapons of religion, to be ready at all times to defend the good cause, to draw thence comfort and support for all the trials of life, that they may understand the full force of the truth which is with us, and never swerve to the right or the left to seek for consolation and spiritual

support from any other source save the religion of Heaven which is within our custody.

(concerning communal charities)

We want a union of our charities, to enable us to rescue the orphan and the stranger from the snares of vice; we require hospitals, where the poor Israelite may seek and find medical treatment and brotherly kindness without being required to transgress his religion. Singly, no congregation, we fear, will be able to effect any such desirable enterprise, but combined, what is there beyond the power of the already existing bodies in this country to accomplish? It is true, a convention will not be able to lay a tax on the people, nor is it desirable that this should be; but the delegates may recommend to the congregations which they represent, or to their individual friends, to be active in thus doing good. And shall it be said that nothing can be done by this means? We are not of those who would utter such a libel on American Israelites; we believe them capable and willing to do a great deal, provided they know their own strength, and this they can only learn when they meet in a friendly convention, and compare the statistics and the resources of the various communities scattered over the land.

We therefore ask again, "Shall we meet?" and it is for the congregations to answer either affirmatively or otherwise as they may deem proper. We trust that they may do it affirmatively, and they may command our services in any way we can prove useful....At the first assembly of the delegates it is most likely that only a constitution for farther proceeding will be adopted; but in so doing there will be laid the foundation of a permanent union of American Israelites, and should we then meet hereafter, measures now appearing merely as a dim and distant shadow, may and will be brought forward as absolute realities, and posterity will bless those who built up religion here on a firm and unshaken basis....We say therefore to the friends of the measure, "Rest not, be not discouraged though now defeated, for the end is worth the struggle, and success must at length crown the efforts which you at first commenced amidst the doubts and misgivings of many, and the fears of others." The word is "Onward!"

(THE OCCIDENT, VII:61-72)

III THE VIOLATION OF THE SABBATH

(The laxity of religious observance among average American Jews is a problem with a long history. In the following selection, Isaac Leeser calls attention to the problem and suggests an unusual solution.)

THE VIOLATION OF THE SABBATH

In several articles which we have laid before our readers we have uniformly insisted upon the impropriety of the police interfering with the observance or the non-observance of a day of rest, since we honestly deem all such matters to be exclusively belonging to conscientious convictions, not affecting the moral welfare of society at large, and hence nowise referable for enforcement to the civil authorities of the country. In other words, we would leave it to every individual to observe a Sabbath or not merely upon the promptings of his own conscience, and not allow the officers of government to interfere in a matter which of right does not belong to their supervision; since the general good of the commonwealth cannot be more injuriously affected by the violation of this particular religious institution than any of all the others which belong to the same department. But we contend, on the other hand, that the institution of the

Sabbath is to the Israelite of the gravest importance; not so much because a day of rest is necessary to his well-being, though this is undoubtedly true also, but because the seventh day was instituted as one of the tokens of the covenant between the God of heaven and earth and his chosen people, by the observance of which they would prove their true allegiance to the Author of their religion. But if one coming from abroad were to be transported suddenly to the cities of America or to the villages where scattered Israelites dwell, he would be very apt to imagine that but few Jews could be discovered among the inhabitants; since by those who bear Jewish names the Sabbath is not considered as sacred, but that, on the contrary, it is actually the busiest portion of the week for all practical purposes. And truly a long residence and a somewhat extensive acquaintance with the habits of the Israelites of the western hemisphere will not familiarize one to the open profanation of the Lord's day which we are constantly called upon to witness; and the longer one thinks of the scandal thus given to the enemies of our faith, he must confess that liberty of action has not improved our moral condition. The sincere believer who, under adverse circumstances, produced by pressure from without, and the great competition which exists in the crowded markets of the Old World, has sacredly observed the Sabbath, and been happy could he assemble around his simple board on the blessed eve of the Sabbath all his household, and whatever guests his humble roof could shelter--how must he feel when he beholds those who, since their arrival in free countries, where no one can of right molest them for their religion, where labour is freely rewarded by a much greater return than abroad, have acquired increased means, and are fast arriving at an ample competence, treat the Sabbath as though no precept of the Decalogue were given to enforce it, who labour thereon as on other days, and who resort not to the house of prayer as in their days of lowly circumstance and unrequited toil....

...In conclusion, for the present, we would call the attention of our friends to the mortifying spectacle exhibited in so many towns, of Jewish shops and stores being open on the days holy to the Lord. A little union would soon obviate the fear of others gaining while we are resting. Could not such a union of the faithful in Israel be formed? Could not a society like that on TEMPERANCE be established, each member of which should pledge himself to the other to keep holy the Sabbath? Such a brotherhood would soon awaken a better feeling of religion among our brethren, and a stranger arriving among us would not be led to suppose that we are all infidels or that the Sabbath is unknown among us. The houses dedicated to God would not then be empty, because they who should be there are in their counting-houses or workshops, and then a true union of hearts and interests would form us into a strong community, able and willing to labour in the cause of Heaven, and we should not bear the reproach of the gentiles that we have forgotten our God, and then it would not be said with truth that by our misuse of liberty we have proved that freedom destroys our national adhesion, and that only in adversity Israelites cling to the God of their fathers.

(THE OCCIDENT, V:169-177)

IV SUNDAY LAWS

(In the nineteenth century, the United States was much more markedly Christian in several respects than it is today. In place of non-sectarian public schools, there were private schools with Christian orientation. Societies to convert the Jews were prominent and respected; the Occident reports often on these missionizing Christians, and extensive space is given to refuting their arguments. Another topic which arises with amazing frequency is the laws passed by many states establishing Sunday as a universal mandatory day of rest, and attempts by Jews to have these laws modified. The

following tells of the success which crowned one such effort.)

SUNDAY LAWS IN VIRGINIA

At length we see daylight; reason and true liberty have triumphed in Virginia over the narrow-sighted bigotry which can only see right on its own side of the question; and it is with no common satisfaction that we are enabled to present the readers of the Occident with the subjoined proceedings of the Legislature of the Ancient Dominion, lately assembled at the Fauquier Sulphur Springs, to revise the code of Virginia....The result of the whole is, that those who conscientiously keep the seventh, shall not be coerced to rest on the first day, but shall not have the right to compel those subject to them, and not having the same faith, to labour on the general day of rest--a restriction which we ourself admitted as proper when complaining of the decision of the Supreme Court of Pennsylvania. (Occ. vol. vi. p. 272) We rejoice at this enlightened legislation, not that we wish the Jews to open their shops in large Christian communities, and invite persons to come and deal with them in violation of their principles; but we wish them to be at liberty to act at their pleasure, to open or close their places of business as they may see fit....We should never complain were all the Jews to resolve never to work on Sunday or any other day of the week; but we shall always object to its being demanded of them by the legislature or the courts; we will resist tyranny in any shape, even that of opinion, for this is the manner in which all obnoxious measures are forced upon the public in republican countries, wherefore it behoves every one to see that his ideas or particular views are not exposed to public censure, through which means he will be more injured, if he has any self-respect, than by the imposition of a fine, or even a temporary imprisonment. Now, as Jews, and being in a large minority, it is our especial business to keep public opinion in our favour, and to see at the same time that it becomes not our tyrant, before whom we have to pray with bended knees. We therefore repeat that we rejoice at this first success of an appeal for justice to one State Legislature, and hope to be able to announce a similar result in all other parts of the Union; and sure we are that agitation will be carried forward, nay, there too where Jews have no influence as yet, even in New England, till such a thing as a compulsory Sunday law shall not exist in the whole country....

(THE OCCIDENT, VII:467-470)

V EXCERPTS FROM TWO SERMONS

(Starting from Leeser's introduction of the weekly sermon at Mikve Israel in 1830 (see Appendix to the sermons of Gershom Mendes Seixas, distributed earlier), preaching became a central preoccupation of the Jewish ministry (not as yet called "rabbinate") in America. Each month, from its inception and for many years, the Occident featured a sermon by some congregational leader, according to the stated rationale that---

...sermons are perhaps the best vehicle for information which religious subjects admit of. They are so many essays on the points which they discuss; and, being generally coupled with exhortations and directions how to apply the subject-matter to every-day life, they leave a strong impression upon the mind of the reader, much more vivid, indeed, than a mere dry dissertation on the same subject by an ordinary teacher of moral philosophy. (Leeser in II:2)

The following excerpts are from Leeser's Shavuot sermon of 1844 and a sermon by Max Lillienthal the following year on the duties of a rabbi to his congregation.)

THE REVELATION ON HOREB

(A SERMON FOR PENTECOST, 5604)

...BRETHREN,

Malachi, the last of the prophets, at the close of his book, exclaims as the summing up of his prophetic mission:

זכרו תורת משה עבדי אשר צויתי אורגו בחורב על כל ישראל
 חקים ומשפטים: מאכי ג'כ"ב:

"Remember ye the law of Moses, my servant, to whom I commanded on Horeb, for all Israel, statutes and judgments." MALACHI, iii. 22.

...The call is addressed to all Israel, to every one whose lineage or choice makes him one of those who have a share in the heritage of Jacob; and each one of all these is admonished to remember the law--because, in the first place, it was commanded by God; secondly, because with the observance thereof are connected the hope of salvation, and the exemption from the curse which attaches itself by the immutable will of God to disobedience.--And this day of Pentecost is well fitted to induce us to dwell upon the theme, and to refresh our memory with the great doings of the Lord, when He instituted the seed of Abraham a nation before Him, to stand foremost among the families of the earth, as a kingdom of priests and a holy people. It is for this reason that our wise men have instituted the particular portion, embracing the descent on Sinai and the ten commandments, to be read in all our assemblies as the lesson of the day, in order to recall every year, on its anniversary, the great event which contains the seed of all that the Lord will ever do to bring the world under the subjection of the truth, the germ, as it were, of the emancipation of mankind from error at the time when a new energy will be infused in the sons of Adam, who will have been spared, to seek the Lord and his strength.

Ye sons of Israel, remember the law of Moses! When you enter upon the path of life, when you seek your daily bread by the toil of your hands, when the hours of labour follow unceasingly one upon the other, when care is there, and temptation should point out a probable means of enriching yourselves, in contravention to the will of God, at the expense of the rights of others: O, then remember the law of justice, which descended unto you from heaven; lay it as a check upon your spirit, and allow not the tempter to find a response in your heart; but toil on, toil on, amid care, even amid despondency; your God watches you, He beholds your sorrows, and will bless the faithful servants who eschew evil and do good, because they thus deem themselves fulfilling the will of their Maker; and before long the task will be lightened, and you will bless the hour that your religion counselled you to prefer honourable poverty to inglorious ease; and mankind too will accord you the meed of approbation, and be improved by the example of the triumph which you achieved in subduing your evil desires, in subjecting your inclinations to the statutes of the law!

But when prosperity is yours, ye favoured sons of the earth! When you see your substance multiply, your children grow up around your table like olive shoots in a fruitful soil; if ease and health crown your manhood, and every thing invites you to pleasure and enjoyment: O then remember the law of Moses, the servant of God. The teacher, too, like yourselves, ye fortunate! was great in worldly things, he was the adopted son of a princess of Egypt; endowed with mind of a high order he might, with his courage and address, have stood foremost, had it so pleased him, amidst the throng of honoured menials who surrounded the great Pharaoh's throne. But he disdained the pomp and enjoyment of a courtly life; he saw his brothers enslaved, and he could not resist taking part in their sorrow; in his zeal, an agent of the tyrant fell by his hands, and he fled from his native soil to roam alone in foreign lands. Again he rose from the

lowly state of a shepherd in the desert, and he issued forth the leader of the house of Israel, after their chains of bondage had been broken; and yet he loved not to rest in idleness, though age now counselled repose; he gave himself up to the glorious task of instructing and remodelling, by the divine aid, an entire people, though they were thankless and constantly forgetful of the good things the Lord had wrought for them through the agency of his servant; and he, therefore, became the means, the instrument of the noblest monument of divine wisdom being imparted to man; he received, as a gift, the commandments from on High, and they are called, after him, "the Law of Moses;" they were given for Israel and for the world, and the son of Amram's name is imperishably interwoven with them in all the lands where the glorious tidings have penetrated.

Remember then, in your moments of ease, the law which has descended through Moses; let it admonish you to beware of yielding to the temptation of luxury and sinful enjoyment; peruse its pages, that it may tell you what the law asks of you, and abide strictly by its ordinances and judgments. O think not that your opulence or your station can be any excuse for your neglect of our heavenly faith; you, though blessed, belong to Israel! you, though ill at ease, are amenable to the God who spoke through Moses! Remember your mortality, remember that the Lord is undying; let you escape from visitation an hundred times, retribution is nigh if you continue to forget, if you indulge in your desires, unmindful of what has been written in the book of the law. O believe not that your station exempts you from duty!...

(THE OCCIDENT, II:272-283)

THE VOCATION OF THE MINISTER

---A Sermon by Dr. Max Lilienthal

...BELOVED BRETHREN,---

Since the time your honoured choice, which places me to-day at your head as religious guide, fell upon me, I had the pleasure of performing three marriage ceremonies,--of being three times the means of uniting loving hearts. But the most beautiful union to be consummated by me, was reserved for the present hour. The love which united us at the first moment, the confidence which animated us from the first hour, the sympathies which from our first meeting brought us together still nearer and nearer, have at last caused us to conclude a holy, glorious, and blessed alliance. As a fair, beautiful bride I look upon you to-day, my beloved congregation, in the youthful bloom of faith, in the freshness of religion, courage, and zeal, in the splendour of the most brilliant early morning light that dawns on you on this beautiful bridal-day **הַנְּךָ יָפֵה לְעֵינַי הַנְּךָ יָפֵה** --"Thou art beautiful, my friend, thou art beautiful," and loudly beats my heart towards thee in love and delight. Thou art beautiful before the Lord, our God! to whom you have devoted yourselves; thou art beautiful before the world, which you have afforded so brilliant an example of deep, true religious feeling; thou art beautiful before me, to whom thou hadst spoken: **אֲבַקֶּשֶׁה אֶת שְׂאֵהְבָה נַפְשִׁי** --"Long I have sought after him, whom my soul loveth!" Let me then believe, my brethren, that you love me; let me believe that, as you are every thing to me, I likewise am something to you; that not cold calculation, but a higher and sincerer object has brought us together; ay, let me believe this, my brethren, for your love is my pride, my delight, and my joy. Is it not true, that our hearts beat in unison to-day? that they glow in the fire of love, and of gratitude towards Him, who dispenses all blessings, all salvation, and all success? Yes, the Lord has said: "They shall make unto me a sanctuary, and I will dwell among them;" yes, the Lord enters the house of God, the dwelling of faith, and of religion, which we erect unto him; it is He who blesses our covenant; it is He, who rejoices

in the hour in which we begin such great things, and under Him, and before Him, the Almighty, I pronounce the words:-- **הרי את מקדשת לי** --"I wed thee unto me," my flock! as that being, to whom my life and thoughts, my feelings, and my labours shall be devoted for evermore. Joyously I exclaim with the prophet: "I will betroth thee unto me for ever. I will betroth thee unto me in righteousness, in right, and in mercy; I will betroth thee unto me in the holy faith in which thou worshippes the God of thy fathers."

...But if we wish to act together, and if our united efforts shall succeed: then is it necessary, that a mutual, sincere confidence inspire us; but a sincere confidence grows there only, where every one knows his duties and fulfils them faithfully. Let us then devote this hour of consecration and devotion to answering the question: "What do we expect from each other?" by explaining and showing the duties of the Rabbi:--1, in the congregation; 2, in the Synagogue; 3, in the school; and 4, in domestic life.

We find a very appropriate text in the prophet Malachi, chap. ii. 6-7:

**תורת אמת היתה בפיהו ועולה לא נמצא בשפתיו בשלום ובמישור
הלך אתי ודברים השיב מעון: כי שפתי כהן ישמרו דעת ותורה
'בקשו מפיהו כי מלאך ה' צבאות הוא:**

"The law of truth was in his mouth, and iniquity was not found on his lips; in peace and equity he walked with me, and many did he turn away from iniquity. For the priest's lips should keep knowledge, and the law they should seek at his mouth; for he is a messenger of the Lord of hosts."

And may the Lord show us the way which leads to our salvation, here on earth and hereafter in heaven. Amen....

(the body of the discourse follows)

(THE OCCIDENT, III:583-596)

VI DOES JUDAISM HAVE A STAKE IN POLITICAL ISSUES?--LEESER vs. WISE

(In 1849, Isaac Mayer Wise came out with a new journal, the *Asmonean*. Leeser congratulated him on this, and took the opportunity to debate with him a topic which Wise raised in an early issue--the substance of the Jewish mission in the world. We present here one side of the argument, but the other side can be clearly inferred.)

...Our object, however, in introducing the appearance of the new journal in our leader, not the usual place for literary notices, is to say some few words on a letter of Dr. Wise, in the third number of the *Asmonean*, with regard to the union of the American Jewish congregations, of which a great deal was said in our magazine during the course of last year. Dr. W. begins by rejoicing that a new paper devoted to Jewish interests has appeared, from the fact that such a journal can be of service to the Jews in America. He next avers that America has a great mission to perform, to undermine the thrones of tyrants, and to cause liberty to move upon the vast chaos of overthrown monarchies, crowns, sceptres, laws, privileges, and despotism, and thus to reorganize and regenerate the world. Judaism, he avers, "has, on the other hand, the task of uprooting the foundations of paganism, atheism, indifferentism, and a hundred other isms, together with obliterating the darkness of prejudice and superstition, and then to unfurl upon the corpse of that thousand-headed hydra, ignorance, the banner

of truth and enlightenment. An American Jew, you perceive, has a twofold mission, to promote truth and liberty." We are as ardent an advocate of liberty as Dr. Wise; and we have shown this, we think, on all occasions when it concerned us to defend our political rights, though attempted to be abridged only in a slight degree, and in points where, but for the exception, the privileges themselves were matters of but small moment. We nevertheless do not see that the American Jew, or the Jew in America--there is some difference in the terms--has any business with an active uprooting of thrones, any more than with pulling down Christian churches, Mahomedan mosques, or infidel conventicles. If his love of freedom and truth, upheld in his own example, will have that tendency,--if the pursuit of his religion will banish ultimately or speedily all other modes of worship,--every lover of his people will rejoice; but he is not to labour as a missionary, with furious and intemperate zeal, to effect it. In the same manner, if the example of the American people could reform the whole world, and make all lands governed by free and equitable laws, it were much to be rejoiced at to behold this result; but it is not the business of the inhabitants of this land to foment discord and internal strife in other countries, in order to promote a crusade against thrones, kings, popes, privileged classes, and antiquated abuses. Hence, we do not see what politics have to do with a journal speaking for Jews and Judaism. On the contrary, we see ample reason why such subjects should be carefully avoided, as being not our concern, if we are regarded as a religious body. If, indeed, a Jew direct a political paper, he has the same right as any other man to espouse either party he pleases. He may be a monarchist, a democrat, an aristocrat, or a socialist; but only as a man, not in quality of his religion; for which reason we have not, as a journalist, in the first place, rejoiced over the dawn of liberty in Europe during the last twenty-two months [of the 1848-49 revolutions], nor uttered bitter lamentations over the disappointed hopes of the many ardent spirits who drew the sword in their righteous contest against tyrants. Not that we hesitated in our preference; for if we have any feeling at all, it is a thorough and absolute detestation of all royalty, privilege, or title, by which one mortal lifts himself above his fellow by a sort of divine right, to which the assent of the governed is not asked nor required; and had we been on the spot, we do not think that we should have remained a passive spectator, and a timid watcher of the progress of events, but joined the popular cause, as did so many of our brother Israelites, wherever the banner of freedom was thrown to the wind. But as the conductor of a religious magazine, our business was, as it is now, with our religion and its progress; and hence we had no space to devote to party politics, nor to rejoice over a political victory, nor to weep over the defeat of the party we had espoused in our own mind. Hence, we repeat that neither we nor any other Jewish journal has any special concern with thrones or tribunes, with churches or mosques, and cannot lend our work to propagandism of any sort--by the by, one of the isms against which Judaism has to contend, as opposed to the silent, and therefore real march of truth.

(THE OCCIDENT, VII:434-435)

SOME PAGES FROM THE OCCIDENT--continuation

Selected and edited
with commentary
by Leonard Levin

VII THE CARILLON-MARKS AFFAIR, OR WHAT IS THE BASIS AND SCOPE OF TALMUDIC AUTHORITY?

(In the early nineteenth century, reform was just beginning to emerge as an option in Jewish life. To some, it meant slight changes in the prayers or the introduction of a sermon and some prayers in the vernacular; to others it meant the adoption of new customs such as confirmation and the use of an organ on the Sabbath; to still others, it meant the radical abolition of central traditions--circumcision, tallit, tefillin, dietary laws, the two-day observance of festivals.

Such divergences in practice inevitably led to debate in matters of theology. It is interesting to see how the question of the nature of rabbinic authority became a central focus of discussion, and how the proliferation of positions on this topic anticipated the diversity of opinion that is still common among committed Jews today.

This lively exchange of correspondence began with a friendly letter in which the Rev. Benjamin Cohen Carillon reported on recent developments in his congregation at St. Thomas in the Caribbean:)

St. Thomas, 10th August, 1843.

REV. ISAAC LEESER,

RESPECTED FRIEND,--As I know how much you are interested in the welfare of our people, and above all, in their religious development, I believe it will give you satisfaction to be acquainted with the situation of my congregation, and with the improvements I have introduced there.

When I arrived here, I found the congregation number about five hundred souls, and it increases with every day. We have here Jews from all parts of the world, Frenchmen, Englishmen, Dutchmen, &c. In former years the religious spirit had almost died away; but thank God, there is now a revival. Many who before did not keep the Sabbath now do so, and every week the Synagogue is better attended.

I cannot sufficiently praise Mr. Aaron Wolff, the president of the community. He has established a Sunday-school, where all the children of the congregation are taught our blessed religion. Your "Catechism for Younger Children" is used, as being the best existing in the English language. We moreover have made a law, sanctioned by the king, "that all the children have to be confirmed when they have entered their fourteenth year;" and for the purpose I have composed a confirmation, which ere long I will take the liberty of sending to you, to have it printed under your care. All offerings except one, when called to Sepher, are abolished, and the greatest order reigns in the Synagogue during divine service. As very few of the children could read the sacred tongue, I established a school where I teach the Hebrew gratis, and in one year I hope, under the blessing of Israel's God, to see all the children able to join in the worship.

On my arrival, I found the congregation disposed to adopt the prayer-book of the "Reformed London Jews." Almost every one was provided with a set, and they had only waited for me to approve it. To the amazement of many, I rejected that book entirely, and I will give you my reasons. 1st. The most beautiful hymns of the Portuguese liturgy were left out. 2d. Why should I sanction a

prayer-book adopted by a few laymen, having no Rabbi among them? My greatest reason, however, was that the Rev. Mr. Marks had dared to deny all Talmudic authority. [Footnote by Leeser: "We think that, judging from his consecration sermon, Mr. Marks admits measurably the authority of the Rabbis.--ED. OC."] Now, denying the divine claim of the Talmud, or its authority, are two different cases. Mr. Hurwitz, who certainly knows more of the Talmud than Mr. Marks, has said that "The Talmud is not divine;" and so do I say. But I agree with Mr. Hurwitz, "that the Talmud is the satellite of Holy Writ; that it contains those illustrations and interpretations of Scripture which were given by our blessed teacher, Moses himself; and that by denying the authority of these illustrations and interpretations, we deny Holy Writ itself; because without them, Scripture would be unto us as a sealed book." The presumption of Mr. Marks is the greater, as even the Christians acknowledge the authority of the Rabbis, in whatever concerns the rules of grammar. Nay, dear friend and fellow-labourer in the vineyard of the Lord; I would not approve a rite established by men who speak so lightly of those noble Rabbis, the pillars of the Synagogue, the spiritual fathers of Israel, and, under God, the cause of our existence as a peculiar people. I confess that we are at liberty to alter customs, to substitute prayers; but we must not touch the essential points of our religion. I would like to know whether Mr. Marks lays Tephillin or how he wears the Tsitsit? If he does, then he contradicts himself, as it is only by Rabbinic authority that we know how to obey those and most other commandments.

Nevertheless, I have granted several alterations which I shall communicate to you at another opportunity. Suffice it to say, that this congregation gradually increases in piety and faithfulness, and that the Eternal Unity is worshipped in this Island by the children of that people which "He hath given for a light to the gentiles," and chosen to be "the witnesses of his Unity."

Hoping that the God of our fathers may spare you many years, for the spiritual well-being of his chosen ones, I remain most respectfully yours,

B.C. CARILLON

(THE OCCIDENT, I:347-8)

(We note in passing that the adoption of the confirmation ceremony, which the moderate Carillon saw nothing wrong with, occasioned a good deal of controversy, some of which found its way into later issues of the Occident. Leeser regarded the new ceremony with suspicion but did not condemn it altogether. See IV:339-350 and 544-547.

The first response to Carillon was from a certain Henry Goldsmith of New York, who argued that since the Talmud is the repository of the Oral Law, and the Oral Law was communicated by God to Moses, the Talmud is in fact of divine origin:)

New York, Tishry 12, 5604

TO THE EDITOR OF THE OCCIDENT,

It was a source of gratification to me to see in the last number of the Occident that some one has at last broached the subject of rabbinical authority. I am alluding to the Rev. B.C. Carillon's communication, without, however, sharing his sentiments, as you will perceive from the remarks which I beg to submit to your consideration....The reverend gentleman wishes to draw a line between the divine authority of the sages and that ceded to them by mankind on account of their superior wisdom and grammatical knowledge. Now, I am of opinion that no such distinction can be made. No law is binding to us unless it be divine; therefore, if the Talmud be not divine, it is not binding. If

the question be asked, "Were the rabbins inspired or not?" I would unhesitatingly answer in the negative, since after the destruction of the holy temple, prophecy and **רוח הקדש** have been taken away from Israel. But as regards traditional laws, they are most unquestionably divine, having been transmitted to our sages from Moses by the hands of Joshua, the elders, the prophets, &c., as we find in Aboth.

Nor is it possible that the law of Moses should have been given to the Israelites without subsequent or simultaneous explanation....I am rather inclined to believe that when the law was given, "Thou shalt bind them for a sign upon thy hand, and they shall be as frontlets between thine eyes," the question must most assuredly have suggested itself to some one's imagination, whether it were to be fulfilled literally or spiritually? and an answer must have followed which caused this ceremony to be handed down from generation to generation, and to be observed even at the present day. If the answer had been "spiritually," no one would ever have dreamed of imposing a burthen upon ourselves which was not originally intended. The same I presume to have taken place in regard to the injunction **לֵא תַעֲשֶׂה נָל מִלֵּאכָה**; as it is not defined in Holy Writ what is a **מִלֵּאכָה**, and what is not, a subsequent explanation was necessary; hence we have the thirty-nine **אֲב מִלֵּאכֹת**, the **תולדות** being mere analogous deductions. I could cite many more laws, which would be equally as unintelligible, were it not for the exposition of the Rabbis.

Nevertheless, I do not wish to advance that every word contained in the Talmud is of divine origin. Nay, far from it. Such as **הגדות, מדרשים** and interpretations of passages in Scripture where no point of law is at issue, I do not consider to be authority. You will find Aben Ezra, Kimchi, Rashi, Maimonides, and many more of our principal commentators, to interpret passages in diametrical opposition to the Rabbis. I am alluding only to **הלכות**, and that is all which is claimed by them, or for them.

Should my opinions be attacked, you will always find me prepared to defend them to the best of my poor ability. I am yours very respectfully,

HENRY GOLDSMITH. (I:395-7)

(Carillon promptly wrote back in defense of his earlier distinction between "divine origin" and "authority":)

St. Thomas, 4th of Dec., 1843

REV. MR. LEESER,

Dear Sir---...It has pleased Mr. Henry Goldsmith to state, that "the position I have assumed demanded refutation." Granted, however, that I assumed a position; but did Mr. G. make good his refutation? What did he prove? He only said "that the traditional laws are most unquestionably divine." But where are his proofs? He says, "In Aboth." A beautiful proof, indeed! He quotes the Talmud to prove that the Talmud is divine!! Can he prove it from Scripture, from Josephus, or from those Jews, who, long before the second Temple, scattered over China, Tartary, and Hindoostan, knew and know nothing either of a Talmud or of traditional laws? He certainly cannot.

Mr. G., it seems, cannot understand how a law can be authority without being divine. Mr. G., indeed, should have pondered better upon my communication, before he took up the pen to refute it. Where did I speak of rabbinical laws? I said authority, not laws; for I deny to the Talmud and to all the Rabbis in

the world, the right of making religious laws. We, the children of Israel, have but one law, even the law of the One God, given to us by the hands of the "faithful in all his house," and to which not one iota may be added. If I understand my own words, I said that "the Talmud contains the true interpretation of Scripture, and is our best guide for understanding the law correctly." And this is the only authority which I ascribe to the Talmud. But God forbid that any Jews should commit rebellion against the God of our fathers, by adding human laws, to the divine, pure, and perfect code, destined to be at a future period the code of all mankind.

...With every pious Jew, I love to dwell upon the glory of my ancestors; and whilst in Holy Writ I see the spiritual superiority of Israel, I also admire in the Talmud and other rabbinical writings the great wisdom and philosophy that have flourished amongst us. But there is a wide difference between the book of revelation and the productions of wise and learned men. The latter are the fruits of skill and labour, worthy of imitation, of praise. But there we must stop: no reverence may be given to them. The former is the word of the living God. There are no arguments, no rules of logic. There it is God that speaketh; and who shall withstand? Let us admire the Talmud; let us ponder over its contents; let us teach it to our children; and let its wisdom produce such men as a Maimonides, a Mendelssohn, and other such luminaries in Israel. But never, never let us call it divine. By doing so we turn heretics; for the only book divine is that of Moses and the Prophets. That is the code, the law of Israel; our wisdom, our life, our salvation: and faithful to God's command, let us turn from it neither to the right nor to the left.

...Hoping that the God of our fathers will soon reunite us in our blessed Palestine, under the sway of our own King Messiah, I most respectfully remain yours,

B.C. CARILLON (I:557-9)

(In the same number of the Occident, the Rev. A. Rice tried to clarify the issues by citing Maimonides;)

Baltimore, 18th December, 1843.

REV. I. LEESER,

Respected friend--You know how much I am interested in every development of our religion, and how much I should wish to restore the genuine light of Talmudic authority; but the little acquaintance I have with the English language is the only reason why I cannot defend my opinions before the community. But having seen a part of the subject discussed in two late numbers of the Occident, by the Rev. Mr. Carillon and Mr. Henry Goldsmith, I am induced to break my silence, and to speak on the matter as well as I can in a language new and foreign to me. Neither of the two learned gentlemen has taken notice of the preface of Maimonides to the Mishna, where he illustrates this subject in plain terms. He says, "that the Talmud must be divided in five parts:

"First. Laws and explanations of laws which have been transmitted from Moses with references to Scriptural passages; all such are unquestionably divine.

"Second. Oral laws without Scriptural reference, which we call הלכה למשה בסיני, which are also divine.

"Third. Laws deduced by explanations from the Scriptures in accordance with our Scriptural logic **יג מדות שהתורה נדרשת בהן**; all such are not immediately divine, and we find, therefore, that many such questions are

debated in the Talmud, and the decision was obtained through the vote of the majority.

"Fourth. Institutions and ordinances **גזירות** of Prophets and Rabbis, intended to act as a hedge around the vineyard of the Lord, **כדי לעשות פניג לאורה**, these are from their very nature not divine; and

"Fifth. Customs, **תקונים ומנהגים**; but many of these customs are doubtlessly transmitted from Moses himself. (See Berachot, folio 48; Megillah, folio 4.)"

I believe that these illustrations of Maimonides are the only true defence against the invaders of the Talmudic authority. Such passages as **מדרשים** and **הגדות** (allegorical comments upon Holy Writ and legends) are not points of law, and have nothing to do with this question; but the learned men in Israel know very well that in the **הגדות** (legends) are contained treasures of wisdom, of which the unbeliever cannot form a proper estimate.

Should you find that this crude essay is deserving of publicity, and think it worthy a place in the Occident, it is at your service; and you will find me always prepared to defend our religion as far as my want of acquaintance with the language of the country will permit me. I am very respectfully yours,

A. RICE (I:559-560)

(In the meantime, the Rev. David W. Marks of the West London Synagogue of British Jews had an opportunity to respond to the original letter of Rev. Carillon which had opened the discussion. Rev. Marks had a very different story to tell of the circumstances of Mr. Carillon's involvement with the St. Thomas congregation:)

London, January 1st, 5604 (1844)

TO THE EDITOR OF THE OCCIDENT.

Rev. Sir--I am by no means insensible to your kindness and liberality, in offering me the use of your widely circulated journal, for the purpose of repelling charges,--some from ignorance, some from design--which have been brought against me and my congregation....

In February, 1842, a letter was addressed by Mr. A. Wolff of St. Thomas to Mr. Moses Mocatta of London, congratulating this gentleman upon the part he had taken in the establishment of the West London Synagogue of British Jews, and praying him to use every exertion, in order to obtain a competent minister for St. Thomas, who might be enabled to carry out there the improvements introduced into the London Synagogue. "There is a prevailing wish amongst the better informed part of our congregation," writes Mr. Wolff, "to change our present mode of worship for one more congenial to their feelings; and which would have a tendency of producing not only the spiritual consolation which every one has a right to expect in visiting the house of God, but particularly of impressing upon the minds of the juvenile branches the true tenets of our blessed and sublime religion."....."We have hitherto been debarred from carrying this object into effect, from the difficulty of finding a minister, competent in every particular to take the lead, and who could, in the English language, develop, explain, and invitingly represent the beauties of the Jewish religion." Mr. Wolff then appeals, on behalf of himself and colleagues, to Mr. Mocatta, to procure for the Synagogue of St. Thomas "a minister of gentlemanly deportment, possessing a thorough knowledge of the English language, a strict Mosaic believer, a liberal man, who does not place the rabbinical writings on a level with the

Pentateuch; one who feels the difference between worship and heartfelt religion; a pious man of talent, of a patient and forbearing temper, always as willing to listen as to be listened to, and more ready to give instruction than to receive applause."

This letter was placed in my hands by Mr. Mocatta, who accompanied it with a request that I would immediately put myself in communication with the authorities of the Synagogue of St. Thomas. I accordingly wrote to Mr. Wolff, expressing my conviction that he had by no means overrated the qualifications necessary for a Jewish minister; but as no provision had as yet been made in England for instructing and training youth, in order to qualify them for Synagogue appointments, I more than doubted the probability of finding in this country a minister, who would unite the above and various other qualifications. To render the thing practicable, I advised that some of the qualifications should be dispensed with, provided a minister could be procured of tolerable capacity, and possessing such habits of application and study, that would hold out a promise of his future improvement.

My suggestion was approved; and in the following July, I received an authorization, signed by all the officials of the St. Thomas Synagogue, to engage a minister, at a liberal salary, on my own responsibility. The same letter brought an order for fifty sets of the Daily, Sabbath, and Festival Liturgies, as used in the "West London Synagogue of British Jews."

The prayer books were duly forwarded, and the necessary steps were taken for obtaining a minister; but though there were many applications for the appointment, from men of unquestioned piety and learning, not one of the applicants was found capable of preaching with ease and fluency in the English language.

Not having succeeded in securing the services of an eligible minister, and the Synagogue of St. Thomas having been for many months without a reader, the congregation, as Mr. Wolff informed me, determined to receive back the Rev. Mr. Carillon, who had made an application to be re-engaged, declaring at the same time that he had made considerable improvement in the English language, as well as in other matters connected with his vocation. Mr. Wolff's letter conveys to me also the intelligence, that on and after Passover, 5603, the forms and services of the West London Synagogue would be adopted by the congregation of St. Thomas.

...From the above plain statement, it will be seen that the members of the West London Synagogue of British Jews did not intrude their views nor their formularies upon the Synagogue of St. Thomas; but that our West Indian co-religionists, anxious to introduce into their house of prayer the same mode of worship that obtains in ours, and desirous of obtaining a more competent minister than the one they possessed in the Rev. Mr. Carillon, sought our aid to enable them to accomplish those objects.

...I have deemed it right to make these facts known, in order to have done, once for all, with those insinuations which from time to time are whispered forth, as though the members of our congregation had sought by indirect or unfair means to propagate the system of our worship.

That "almost every one" of the families of the island was in possession of our ritual, and that the leaders were desirous of adopting the same publicly, at the time of Mr. C.'s return, is a pleasing proof of the intrinsic merit of our Prayer Book, which though proscribed and excommunicated by those who consider proscription and excommunication religious behests, endeared itself to the community of St. Thomas, by the simplicity of its forms, and the purity of its contents. That the Rev. Mr. Carillon found means to overrule the predilection

of his flock for the improved ritual, does honour, I admit, to his powers of persuasive eloquence, and claims my admiration for the zeal with which he must have combated the efforts of his conscientious flock, on behalf of what they conceived to be a more edifying form of worship.

I cannot, however, say as much for the reasons which, according to the reverend gentleman's statement, influence him to reject the obnoxious book.... Mr. Carillon appears to have condemned our ritual on three grounds.

First. "The most beautiful hymns of the Portuguese liturgy were left out." ...Is it obligatory upon any Jewish community to adopt in its ritual any hymns or piutim at all? If the absence of the most beautiful Portuguese hymns affects the orthodoxy of a prayer book, what must then be the fate of the German and Polish rituals, on which the majority of our brethren look with confidence? If the presence or absence of either German or Portuguese hymns can influence the religious character of a prayer book, what shall be said of the rituals used previously to the age of the Paitanim, by whom these hymns were composed, and who began to flourish only about the year 1000 of the vulgar era?...

Second. Mr. C. condemns any ritual emanating from our Synagogue, à priori, "because we have no Rabbi amongst us." If this be meant as an assertion that there is no one amongst us paid for allowing himself to be called "Rabbi," we plead guilty to the impeachment, and our opponents are welcome to make the most of the admission. But should the reverend gentleman labour under the presumption that we are without men acquainted with our holy law and with the ancient writings bearing on this important subject, he may procure himself an opportunity of correcting his erroneous impression, if he will appear before the world with a clear investigation into the acts of violations of essentials, attempted, as he appears to believe, by our body....

Third. The great reason, however, why the minister of St. Thomas set his face against the ritual of our congregation was, as he says, "because the Rev. Mr. Marks has dared to deny all Talmudic authority." Now it might be supposed that the reverend gentleman would have sought to learn what our principles were, before he deliberately sat down to abuse them in a public journal; but that Mr. Carillon never read the consecration sermon, in which they are fully developed, is quite certain, (for I cannot believe that he would wilfully misrepresent them;) or he never would have penned such a sentence. Your editorial note, sir, to this passage of the gentleman's letter, exonerates me from the task of investigating farther, how much I am misrepresented by the minister of the St. Thomas Congregation. But is it not very astonishing that he should wax so wroth with me for having concurred in introducing certain alterations in our form of worship, while in the same breath he confesses "that we are at liberty to alter customs and to substitute prayers," nay, admits that "he has granted several alterations?" What greater liberty have we taken than that which the reverend gentleman claims for himself?...

The reverend gentleman throws the divine claim of the Talmud overboard with the exclamation, "The Talmud is not divine, so do I say." He is certain, however, that the authority of the Talmud must be upheld, strictly upheld. Nevertheless (says he) we are at liberty to make alterations in the prayers, in the customs, prescribed by those very Rabbis, by denying whose authority "we deny Holy Writ itself." Nevertheless "we must not touch the essential points of our religion." Nevertheless, Mr. C. "has granted several alterations," which are to be communicated hereafter.

Strange that a theologian rejoicing in so slippery a profession of faith, should bargain for consistency in other men! Whether I wear Thephillin and how I wear Tztizith is the query with which Mr. C. seeks to drive me upon the horns of his dilemma....It is a vulgar error, shared by Mr. C., that the adoption or

retention of one talmudic observance or principle enforces, by the laws of consistency, adhesion to the whole mass of rabbinical ordinances. I concede that for him who finds in the Talmud the very word of God, to slight one command is to question the stability of the whole divine fabric. But those, who concur with the Rev. Mr. C. in denying the divinity of the Talmud, cannot surely be charged with inconsistency, for adopting from the doctrines of the Rabbis, such as are congenial to their religious feelings, while they reject such other rabbinical dicta as appear to their understandings impracticable or objectionable. I, for one, should feel sorry to recommend to my youthful flock, to get married, in pursuance of the rabbinical statutes, at thirteen years of age, certainly at sixteen; on pain of incurring the divine curse, (Kiddushin, xxix. 2,) if after the completion of the twentieth year, they be still found bachelors....

When speaking of the important day of Purim, I abstain from exhorting my hearers to intoxicate themselves on the anniversary of the feast, till they become unable to distinguish between a curse on Haman and a blessing on Mordecai, although the Talmud (Meguilla, vii. 2) literally prescribes this Bacchanalian excess. I disregard as unauthoritative this ordinance of Raba, and gladly recognize the beauty of that other rabbinical apothegm: "These three the Lord loveth, him that is not given to anger, him that abstains from inebriety, and him that is not too much taken up with his own importance." I must say that I find it more in the spirit of consistency to select the homogeneous principle from the Talmud, than to set up the whole heterogeneous mass as one system....

I am, reverend sir,
With sentiments of high regard and profound respect,
Your obedient servant,
D.W. MARKS.
(II:53-56, 88-91)

(The issue which included the second half of Rev. Marks's letter also featured a second rejoinder by Mr. Goldsmith. We cite some brief excerpts:)

New York, Shebat 19, 5604.

TO THE EDITOR OF THE OCCIDENT:

...What I mentioned about Aboth was not (as Mr. Carillon endeavoured to make out I did) in evidence of the truth of the Talmud, but merely to describe the links that connect the chain of tradition together, from Moses down to the Sages. I did not attribute any qualities to the latter which might assimilate them to those who were inspired by the Almighty; nor did I ascribe to them the power of making laws not based upon divine authority....

So much in justification of my views stated in my first letter. In reply, Mr. Carillon says: "Where did I speak of rabbinical laws? I said authority, not laws, for I deny to the Rabbis and the Talmud the right of making laws." Now I am really at a loss to understand this. If he believes the laws which we find in the Talmud to emanate from the divine legislator, then they are incontestably divine. If they do not, we are not bound to abide by them if the Rabbis have no authority to enact laws, as Mr. C. asserts. The conclusion I wish to draw from this is, that there is no juste milieu. The Talmud is divine, or it is not entitled to authority.

The views of Maimonides which the Rev. Mr. Rice cites, cannot be quoted in evidence of the truth of traditions, for as soon as a person admits that oral laws have been transmitted from Moses, their divine nature is then already sufficiently obvious. If not transmitted from Moses, they are not entitled to be called divine:

I am yours, very respectfully,
HENRY GOLDSMITH. (II:94-96)

("Juste milieu," or "golden mean," was of course the nickname given to the "bourgeois monarchy," the French attempt at compromise between monarchical and parliamentary forms of government between 1830 and 1848. The phrase came to be applied popularly to any compromise position, or ironically to any attempted compromise between seemingly irreconcilable alternatives. This reference by Mr. Goldsmith called forth an additional comment by Rev. Rice:)

MR. EDITOR,--The kind indulgence with which you were pleased to notice my first attempt to write in the English language, induces me again to speak freely concerning the letter of Mr. H. Goldsmith, and to offer at the same time some remarks upon the course of the Rev. Mr. Marks towards the Talmud.

The endeavours of Mr. Goldsmith, to prove the divine authority of the Talmud, are in so far praiseworthy as they show his adherence to that compendium of laws; but in my humble opinion, it is as dangerous to enlarge the limits of talmudic authority, as infidelity itself. The reason for this opinion cannot be better supported than from the letter of Mr. G. itself. He says, "There is no juste milieu; the Talmud is divine, or it is not entitled to authority." This conclusion must appear erroneous to every man who has studied the Talmud in a proper manner.

On the contrary, the Talmud is entitled to authority, though every part of it is not divine. But the question: "Who gives the Rabbins the right to make laws?" is answered in the Talmud itself. (Tractate Sabbath, fol.23) The Talmud takes up the question: "How can we say in our blessings when performing a Rabbinical ordinance (מצוה דרבנן) אשר קדשנו במצותיו וצונו 'who hath sanctified with his commandments and commanded us,' when in no place in the law is such an ordinance as the talmudical law of lighting the lamps on the festival of dedication (נר חנכה) or the reading of the book of Esther on Purim enjoined by the Almighty?" To which it is answered, that we are specially commanded in Deut. xvii.11: "According to the law which they (the teachers) shall teach thee, and according to the judgment which they will say unto thee shalt thou do, thou shalt not depart from the thing which they will tell thee to the right or to the left." Here the Lord requires of us to follow the laws which our Rabbins may make, and all Rabbinical ordinances (מצות דרבנן) possess divine authority only in so far as the injunction "Thou shalt not depart" (לא תסור) extends. This is the true juste milieu which Mr. G. has perhaps from inexperience in the correct talmudical exegesis denied to the Talmud.

...This authority to make ordinances, has ceased with the close of the Talmud, when the Israelites became more scattered in small numbers all over the world, and there lived no longer masses of a thousand learned men in one place, as it was in the earlier times, when all the doctors who taught in the spirit of the Talmud, lived in the Holy Land or its vicinity. Maimonides says, therefore, that "Institutions and ordinances since then adopted by any בית דין (ecclesiastical tribunal) have never been able to receive the universal sanction in Israel, as was the case with the enactments recorded in the Talmud."...

With reference to the letter of Mr. Marks, I will merely tell him that his ironical question will hardly weaken the authority of the Talmud, for he has not comprehended the spirit of the talmudical interpretation. He ought to have known that the recommendation of early marriages applies only to the climate of the Holy Land, where puberty occurs earlier than in colder countries (see Aber Ezra).

Again, with regard to intoxication in Purim, he has not truly understood the meaning of the text. The Talmud wishes to teach us allegorically, that we ought to consider whether the elevation of Mordecai **ברוך מרדכי** or the sudden fall of Haman, **ארוך הימן** was the greatest miracle, (or in other words, that in rejoicing over the success of Israel, in escaping from the danger which so fearfully threatened them, we should be careful not to curse with the bitterness of hate, those who endeavoured to work our destruction); and surely such a construction will more harmonize with the general principles of the Rabbins who worked for the glorification of the name of God, than the ironical remarks of Mr. Marks.

Your obedient servant,

A. RICE. (II:253-5)

(Meanwhile, Leaser had been editorializing constantly against the many moves towards religious reform that were then current. In one place he had seemed to lump the West London Synagogue together with the reformers of Hamburg and Frankfort. Mr. Benjamin Elkin of the West London Synagogue objected to this classification. Leaser published a clarification of his own position, together with Mr. Elkin's objection:)

AMERICAN JEWISH ARCHIVES
THE CONGREGATION OF BRITISH JEWS, LONDON

In the discharge of our duty as an editor of a Jewish periodical, and minister of our religion, we have been impelled to bear our decided testimony against all the attempts lately made to establish a reform which will naturally cause a disruption in our communities, and lead to the establishment of sects in our bosom....We do not, however, mean to say that our system of observances and ancestral ceremonies (we do not speak of the LAW, for that is perfection) could not be improved in some particulars; nor do we assert that there are not some things which will strike the uninitiated as strange and useless; but this we will maintain against all contradiction, that there is nothing whatever in the manner and substance of our prayers and ceremonies which could induce any sober-minded Israelite to separate himself from the Synagogue, because his advice or request had not been followed in the adoption of the improvement which he may have suggested....We too are for progress, but it must be a progress, not for lopping off an observance here and there, and striking out a phrase or a passage or a portion of the prayers, simply because one does not like rabbinical portions, another not the metrical hymns, another does not approve the doctrines embraced in the terms of our ritual, or because a fourth finds some critical faults....

In our September number we spoke of the "Reform Verein" in Frankfort, and in discussing the merits of this monstrous abortion, we said: "But it has been reserved for the ultra-liberalists to form themselves into distinct sects with avowed peculiar doctrines, by which they sever themselves from the majority of Israel. We have thus a Temple Association at Hamburg, a Congregation of British Jews at London, and a Reform Society at Frankfort."...It seems that our remarks, without our intending it, have given cause of umbrage to a highly respectable gentleman connected with the West London Synagogue of British Jews, in saying that this association had rejected, equally with the Frankfort union, the authority of the Talmud. We certainly ought to have remembered that there is a difference between rejecting it and not calling the whole of divine origin, especially as we hold the same opinion. Still, we cannot see, if this be precisely the case, why Mr. Elkin, our esteemed correspondent, and his highly respectable associates, several of whom we have much cause deservedly to appreciate, should deem themselves compelled to set up a new Synagogue, with a different organization, and distinct from the fellowship of their brothers of the other Synagogues.

...As we are supposed to have been wrong in our remarks alluded to above, and as our language is liable to a construction which we did not mean to give it, we publish the subjoined from the last letter of our correspondent....At the same time we cannot help stating that every one will do us the justice to remark that by giving publicity to the two sermons of Mr. Marks we have done something to make his views on the Messiah and the duties correctly understood, much to his advantage over the Hamburg reform.--ED. OC.

London, 18th Nov. 1844.

REVEREND AND DEAR SIR,

There is an article in the Occident, No. 6, which, proceeding from your pen, surprises me much; for how could I ever expect that you, who in an editorial note, had defended us from the sweeping, unqualified charge of Mr. Carillon, as to our having denied all talmudic authority, would yourself have brought the like indiscriminating charge! My letter to the Occident irrefragably proves that we do not deny, never did deny the authority of the Talmud in the unqualified manner you represent....Surely then it is not just to say, because we bow more reverently to the Holy Oracles of God, that we pay no reverence to the Talmud....My letter, Sept. 10th, will, I hope convince you, that we little deserve to be classed with the Frankfort Reform gentlemen. To prove our dissimilarity from them, let me inform you that from our pulpit we have lately had a series of sermons on the perpetuity of the Laws of Moses--sermons striking terror into the heart of the Sabbath-breakers--enforcing the obligation of wearing Tephillin--of fixing the Mezoozoth and also denouncing the eating of prohibited food; and yet are we classed with men whose latitudinarian principles have lately been deprecated from our pulpit! (Vide Voice of Jacob, No. 85.) Fearlessly, I say, "we are more sinned against than sinning;" but the consolation is left us, that from the aspersions of man, we can appeal with a clear conscience, to that Righteous Judge who weighs the actions of all his creatures....

Yours very respectfully,
BENJ. ELKIN

(II:544-8)

(It is apparent from the remarks just cited that Leeser still was not fully informed about the complex of motives leading to the establishment of the West London Synagogue. He thought reform was the only issue; it is clear from what follows that there was another issue, namely an archaic cherem of the London Jewish community that banned the construction of any new synagogue in the city. Leeser's call for peace and conciliation on both sides provides a fitting close to the controversy, and a message quite appropriate for our own day.)

THE BURTON STREET SYNAGOGUE, LONDON

The establishment of any reform, or the movement taking place among the Israelites all over the world, is a proper subject of discussion for any religious periodical advocating the principles of Judaism. Hence, it need not cause surprise that we have frequently taken public notice of the reform movement, commenced in London, which resulted in the establishment of a separate or secession congregation, called the West London Synagogue of British Jews. But independently of public considerations, we have ample cause for our interference on other grounds. A gentleman with whom we had a personal acquaintance some years ago, when on a visit to this country, and with whom we had exchanged several letters, informed us in one of them that he had just joined the movement. As was natural, we replied to him, in the main deprecating the secession, even if there were some cause of complaint. Among other things we objected to the abolition of

the second days of the festivals, by the mere will of a few private gentlemen, who, however respectable, could not be trusted with improving our system. At the same time, we freely acknowledged, that to our view, the keeping of double holidays was one of the weakest of all our observances, the cause of their introduction having, in a measure, been removed. Nevertheless, we stated our convictions, and do so now, that arbitrary changes in this case would lead to no good result, and that hence it would be a useless innovation, especially as the Scriptures, by the examples they furnish, do not prohibit our keeping additional days. Regarding the prayer-book to be formed, we objected that it would be nothing but a human invention; and whilst admitting the prayer-book in use among all Israelites not to be divine, still, we could not think of abolishing it for the production of any new men in whom we could not place the confidence we have in our old teachers. We only quote from memory, not having kept a copy of our letter. It is needless to say that our advice was not taken, though no offence was given to our correspondent by our candour. In the process of time, the prayer-book of the Burton Street Congregation was ushered before the world, and its birth was heralded by an interdict, issued by the heads of the German and Portuguese congregations, against its use. We never understood that a formal Cherem, or excommunication, (which would have placed, according to custom, the delinquents, for the time being, beyond the society of the faithful,) was pronounced against the persons worshipping after the new form, and we so understood upon inquiry, because an impression was current, that the book and the people had been interdicted. The prohibition to use the new prayer-book, we consider to be a proper exercise of the prerogative of the heads of the Synagogue; they are placed in this position to be watchmen for the house of Israel; and when they see danger, they are bound to give warning. But we objected, and wrote to a distinguished gentleman, at the head of the opposite party, that according to our humble opinion, too much importance had been attached to the whole secession proceedings, and that a simple notice or circular, cautioning against the use of the new prayer-book, without entering into a denunciation of its authors, would have been enough and much more proper.

. So far our private acts. We never sought to interfere, but we could not avoid writing a reply, when the question had been brought before us first by one of each party. We do condemn what we consider a useless and burdensome law of the Portuguese congregation of London, imposing a Cherem upon all who establish a Synagogue within six miles of Bevis Marks (the site of the Synagogue Shaar Ashamayim); still we doubt whether this excommunication is of that grave kind which almost leaves the sufferer religiously dead. Be this as it may, there was a necessity for altering this law, as a Synagogue was required at the west end of London, to enable the many Israelites residing there to attend religious worship at least once every Sabbath. Why this permission was not granted, we do not know; perhaps the directors of the old Synagogue thought that reform, not a place of worship, was desired. But unless we greatly misunderstand the Jewish community of London, such a permission would have been ultimately granted, had the matter been urged respectfully, and without heat; perhaps some slight modification in the manner of conducting the worship, we should judge, might have been allowed without any infringement of our ancient usages. But it seems both sides were to blame, the reformers in demanding the right to introduce changes, the others in obstinately refusing every thing. The separation then took place. And scarcely had the minister pronounced his introductory or consecration sermon, when missionary societies, both in England and America, rejoiced over the separation, as though it were an approximation to Christianity. It was upon discovering this, that we took for the first time public notice of these transactions, in a note to page 102 of our Vol. I. Our friends in England will recollect that about the same time an advertisement appeared in the French Archives and two German papers, asking for a minister for St. Thomas, on the plan of the Burton Street reform. In consequence of this, when the Rev. Mr. Carillon returned to St. Thomas to resume his ministry, we admitted a letter which he wrote us, and prefaced it, with a few, what we thought, necessary

remarks. (Vide Occident, Vol. I. p.346.) Soon after this, we received a sermon preached by the Rev. Mr. Marks, which, as it contained a complete refutation of the unsoundness of the seceders upon fundamental doctrinal grounds, we hastened to insert. It was not our fault that some correspondents thought proper to animadvert upon Mr. Carillon's letter, and upon the supposed course of Mr. Marks's congregation; for we think that free discussion, especially where all are equally interested, ought not to be abridged. As soon as Mr. Marks became aware what was thought of his movements abroad, he wrote to us two letters for publication, which we gave in the first and second numbers of our second volume. Some animadversions sent to us upon these letters we declined inserting, thinking that enough had been said on both sides, in a fruitless controversy. Still we think that a few remarks which we appended to Mr. Marks's letters, gave offence in certain quarters, when we think that we treated the reverend gentleman with a great deal of courtesy. But this can be of no interest to our readers, so we pass it over, with but one remark, that in this as in our whole course as editor, we are perfectly willing to lay our conduct open to the examination of a disinterested person, to whom we will accord all the explanation requisite, and apologize if we cannot convince him or his friends of the correctness of our proceedings.

Thus matters stood when Mr. Elkin, of London, a gentleman who stands high amidst his congregation, wrote to us a letter upon the subject of the controversy, which we did not immediately publish, although permission had been given us to do so. When, however, we accidentally made some remarks, which Mr. Elkin thought unjust to his party, he sent us another epistle, which we gave in our eleventh number of last volume, together with an abstract of the previous letter, to wit, such parts as would plead as the best justification of the secession. But certain parts we could not give publicity to....Mr. Elkin, however, has thought proper to publish his letter to us in extenso, in the London Jewish Chronicle, with long explanatory notes, under date of March 21st....This publication has, however, produced a sharp reply from H. Guedalla, Esq., in the Chronicle of April 4th; but as we have not published any of Mr. Elkin's charges, we of course cannot undertake to discuss the merits of Mr. Guedalla's rejoinder. Still we cannot help remarking that Mr. Guedalla appears perfectly correct in his supposition, that a small measure of reform would not have satisfied the gentlemen who asked for change, or else they would not have carried measures so far as they have done. Mr. Guedalla is farther right in saying that no good can result from a farther controversy, and that all parties would best consult the interest of Judaism, by seeking peace and pursuing it; had this been thought of in the commencement of the movement, had the different parties endeavoured to approximate, had the ascama (law) against the erection of a new Synagogue been early revoked: who knows but that, differences though great, and reforms though ardently called for, peace might have been maintained between the various Israelites of London. But unfortunately, one party asked too much; the other, it seems, would not yield; and now each one thinks himself right, and condemns the other. Would it not be wise to endeavour to produce a conciliation? The revocation of the interdict against the prayer-book can hardly be expected; no Rabbi can conscientiously approve a ritual that was professedly framed without rabbinical authority; but surely we trust that its supporters are not so bigoted for the mere work of the day, as the prayer is, as to refuse all concessions because pious Israelites were cautioned not to use a work for their devotions not sanctioned by the heads of our church. And since both Mr. Elkin and Mr. Guedalla have done us the honour to send us their letters, we trust that we shall not be deemed officious if we ask of them in this public manner, they both being sincere friends of Judaism, to draw near unto each other, to endeavour to heal the breach so unfortunately existing. We are placed at a distance, and we can thus judge how fatal a blow they give to our holy faith, by contending against one another, and wasting their strength, which ought to be unitedly employed against foreign opponents....With these remarks we take leave of the subject at present.

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CENTER FOR THE STUDY OF
AMERICAN PLURALISM

June 30, 1976

Rabbi Marc H. Tanenbaum
The American Jewish Committee
165 East 56 Street
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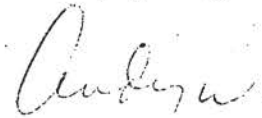
Dear Marc:

Thanks for the copy of your letter to the Catholic Accent. The editor there is a badly mixed up and confused man, and I'm afraid a good deal of his confusion is a fixation on me--a real hate sort of thing (can't imagine why!). I'm afraid you just happened to move across his line of sight, but you certainly handled it beautifully.

I'm working on two columns, copies of which I'll send as soon as I have them finished. One is on the new issue on Catholic-Jewish relations in the magazine Concilium, edited by Hans Kung, which I think is of utmost importance; and the other is a vigorous dissent from the conventional wisdom that now is the time for Israel "to trade land for peace." I had found this wisdom persuasive until recently, but the Lebanese situation prepares me to believe that even if Saddat and Assad really want to deal with Israel, they simply couldn't carry it off. This is a melancholy thought, but it's high time that American "enlightened opinion" faces the fact that there are a fair number of problems in the world that are insoluble--including Ulster, Cyprus, the Middle East. That's a hard thing for "enlightened American opinion" to accept, but I think it's true.

Hope all goes well with you.

Cordially yours,



Andrew M. Greeley
Director, Center for the
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