

basis of its own proposals, thus keeping up its orthodox character. Its influence on the administration of the hospital and the cemetery was again confirmed. The appointment of the rabbi to be charged with the supervision of the ritual institutions was to be made according to the proposal of the Ritual-Commission. It was also to be consulted before the appointment of all other rabbis holding office in conservative synagogues. Moreover, its approval was required for the appointment of all officials in the ritual institutions.

Only through these regulations, put into force on April 1, 1900, did the Frankfurt Gemeinde become an "Einheitsgemeinde." This was effected in keeping with all the principles laid down in the reorganization statute of the eighteenth-seventies. The tradition-observing character of the institutions used in common with the orthodox could not be affected by the composition of the executive board—Bamberger had already considered this as the decisive characteristic of the reorganization²¹—and they were removed from the sphere of influence of the liberal rabbis. Whereas for instance in Breslau rabbis of both groups belonged to the ritual commission and only institutions having ritual functions were subordinated to its authority, the Ritual-Commission in Frankfurt was of a strictly orthodox character. It had the right to participate in the decision on matters concerning all institutions to be used in common with the other faction (hospital, cemetery). Moreover, it had a decisive influence on the religious orientation of the rabbis holding office in synagogues of the tradition-observing type, while, for instance in Berlin, it was possible for liberal rabbis, too, to officiate in such synagogues up to the last time. It goes without saying that no estrangement between the two factions was brought about in this way. In front of Rabbi Nobel's pulpit there sat also men who had nothing to do with traditional Judaism. Men and women of all factions worked together in the various committees and since 1912 also on the executive board. The unity of the community was preserved not through effacement of its factions but while their individual character was distinctly stressed.

²¹ In his "Offene Antwort," printed in Hirsch, *Gesammelte Schriften*, IV, p. 532.

THE HISTORICAL SIGNIFICANCE OF THE STRUGGLE FOR SECESSION FROM THE FRANKFURT JEWISH COMMUNITY

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[Translated from the German by JACOB BREUER]

TODAY it seems more than ever imperative to scrutinize closely the drama that unfolded during the second half of the nineteenth century in the old Jewish metropolis on the Main and to examine it in the light of historical development.

It would be gross, nay illicit, superficiality to hand down these historic events to posterity as incoherent, incidental events lacking all spiritual relations. These historic events include: the founding of the "Israelitische Religionsgesellschaft" in Frankfurt in the year 1851; the calling of Rabbi Hirsch to Frankfurt; the establishment of his high-school; the winning of the struggle for the right to separate from the compulsory local community because of religious reasons; the sustaining of the opposition to the neologue-orthodox, *neutral*, uniform community ("Einheitsgemeinde"); and finally, the gaining of governmental recognition for the orthodox "Religionsgesellschaft" as a community with equal rights in general and especially with the right of taxation.

All these events unfold before those who survey them in the light of historical development, as *phases of one great universal struggle* for one of the *fundamental ideas* of the Torah-Weltanschauung, for *מדת מלכות*, for the problem of the Kingdom of God over the Jewish *communities* as the visible bearers of Jewish nationhood.

The Kingdom of God is embodied in the *sovereignty of the revealed Torah-Law* over the Jewish people and its representative corporate bodies.

This universal-historical struggle for the Kingdom of God—which has in our days led to a crisis among the peoples of the world within the United Nations and which, analogously within the Jewish people, has led to a present-day struggle for *democracy or theocracy* in a Palestine-Jewish Commonwealth—basically provided the theme for the great spiritual controversies between Samson Raphael Hirsch and his opponents in and outside of Frankfurt, even though the participants hardly realized this.

I. THE BEGINNINGS

When Hirsch came to Frankfurt in 1851, the old "Israelitische Gemeinde," to which for centuries all Jews of Frankfurt had been compelled to pay taxes, had ceased for more than fifty years to be a *Jewish Kehilla*; for it had ceased to recognize the *obligatory power* and the *divine character* of the Torah. Basic Jewish truths were rejected by proclamation from the pulpit of its temple; prayerbook and school had been completely adapted to the spirit of the times. These facts proved decisive, not the lack of reliable institutions of "religious ritual." This trend of the times—although it originally reflected only the humanistic rationalism of the period of enlightenment together with its prerequisites in the sphere of biblical criticism—was about 1850 already on the point of passing over into philosophic materialism and the religious negation embodied in the theory of evolution.

Thus the institutions of the Gemeinde, in most unmistakable terms, proclaimed their refusal to shoulder the *עול מלכות שמים* the "yoke of God's sovereignty" on the part of the Jewish people.

One need not be surprised that the small group of adherents to the old Torah-tradition in Frankfurt—who had sought refuge in gathering for a regular *Minyan* in an old, rickety, gloomy place on a dim side alley and who had even kept a *Sbas-Hevrah* and several *Minyanim* for the older people—took exception less to the *spirit* of apostasy prevalent in the pulpit and in lecturing than to its *practical consequences* in the community life. Even men like Rabbi Moses Mainz

and other real *talmide bachamim*—who spent their days within the four cubits of the *Beth Hamidrash*—even they took exception, perhaps exclusively, to the lack of reliable *kasbruth* and *tabarab*-institutions and a decent religious service unblemished by the use of an organ.

Quite different was the attitude of the genius who, as if by divine providence, was called away from his high office as "Oberlandesrabbiner" of Moravia to become the spiritual leader of the Religionsgesellschaft.

To this genial leader—who deeply understood the metaphysical and metahistorical indications of his time, and who, in several immortal works, had paved the way for revival of Torah-Judaism from the grave of apostasy and modern skepticism—the institutions of synagogal reform, neglected *kasbruth*, and closed or obstructed *mikvaoth* were only *external symptoms* of that profound and life-endangering mental illness, which threatened to destroy the Jewish people under the assault of revolutionary materialism and criticism.

In his opinion there was no other remedy than, first, to render the divine truth of the Jewish religion accessible to all—and this in the face of the prevalence of misguidance through foreign culture. For the individual this was to be done through education in the ways of God both in Torah and in the sciences. Second, for the community it was to be done by reestablishing true Jewish communities which were to proclaim the eternal and exclusive reign of God over the Jewish people, their sons and daughters, and the world at large.

II. "AUSTRITT"

As early as 1863, in his famous article "The Trial of a Jewish Craftsman," published in *Jeschurun*, Hirsch had protested against the religious and moral confusion of principle which presumed to authorize the raising of taxes from conscientious orthodox Jews for the upkeep of institutions of reform communities, their pulpits and schools, on behalf of the government.

Thirteen years later, on July 28, 1876, when the bill on

the "Austritt" from church communities became law, the long-awaited moment had come for S. R. Hirsch to end this confusion of ideas and principles in public life by calling upon the members of his small congregation—at that time it numbered about three hundred—to demonstrate by the act of "Austritt" their legal and public renunciation of Reform and its ideological system. It never occurred to Hirsch to use this "Austritt" as a *weapon* or means of *black-mail* to obtain *concrete* concessions from the Gemeinde for the benefit of ritual institutions. In the same year 1876 he wrote the following on the relationship between orthodoxy and neology:

Jewish orthodoxy and Jewish neology, the latter forming the basis for the contemporary reform congregations, are absolute antitheses, completely excluding each other. What the one affirms is denied by the other, and vice versa. Jewish orthodoxy fully adheres to the eternal and inviolable binding force of the Jewish religious laws as based upon Bible and tradition. Neology denies this binding force. If thus orthodoxy is absolute truth, neology must be a lie. If neology is the truth, orthodoxy must be a lie. They are essentially and emphatically opposite ideologies, opposing one another like "yes" opposes "no." They can never be combined at the same time without being toyed with in a most frivolous manner. A Jew who calls himself orthodox and lives accordingly, but at the same time voluntarily belongs to a neologue reform congregation, denies through this attitude the sincerity and truthfulness of his name and life. He thereby pronounces that to him the denial and derision of the Law are as justified as its sanctification before God. It is as if a Jew were to submit to baptism and yet continues to keep the Jewish religious laws. His attitude would be as frivolous in playing with the Christian religion and Judaism alike, as that of an orthodox Jew who voluntarily joins a reform congregation.

Little wonder that the vast majority of the Frankfurt *baale batim* was hardly prepared to understand this purely philosophical attitude toward the opposing religious ideas within the Jewish bodies. Only 85 members, a small minority, which included the teachers and employees of the Religionsgesellschaft, participated in the "Austritt." Strangely enough, some of them hesitated to admit to the judge that their own conscience—and not only the demands of their spiritual leader—had caused them to take the step. *The majority of the members preferred to remain voluntarily in*

the reform community, be it that they feared the social consequences of the "separation," or because they were determined not to pass up the chance of obtaining practical concessions or, finally, because out of subconscious Jewish national feelings they placed this emotional national unity represented by the "old" *Kehilla* with its cemetery, *above* the *genuine* Jewish national unity, as perceived in its full extent by S. R. Hirsch *alone*, a unity which culminates in the homogeneous subordination of the *people's will* under the *sovereignty of the Torah-Law*.

For this reason the struggle for the "Austritt" was, from the very beginning, practically lost for S. R. Hirsch, especially since his opponents succeeded in obtaining far-reaching practical concessions from the Gemeinde for the orthodox minority. True, the *unity* of the community under a uniform neologue board of trustees was upheld but under a comparatively autonomous "Ritual-Commission" an orthodox synagogue came into being besides the neologue one, an orthodox rabbinate besides the neologue one, and also all other required ritual institutions (but no orthodox school).

Replying to this blow, on January 26, 1877, S. R. Hirsch made the following statement in the course of an extensive comment on the "additional rules" created by compromise with the Gemeinde:

He who agrees to these "additional rules," i.e., to membership in the *orthodox-neologue* community, and makes a declaration to that effect *denies to a much higher degree* all the sacred principles of Jewish orthodoxy than he who fails to meet his religious duties by the mere fact of his non-"Austritt."

He who fails to make his decision for "Austritt" proclaims thereby his *tacit* agreement with the principles of Reform, a tacit recognition which places a heavy responsibility upon the sincere follower of orthodox Judaism.

He, however, who declares his intention of remaining a member of the Gemeinde in accordance with these "additional rules" *sanctions in the most outspoken manner the apostasy of Reform and denies orthodox truth; for he has chosen to remain a member of the reform community and thus recognizes formally the justification of Reform; he does not cease but continues to renew his obligation to support with his means and with his contributions the cultural and educational aims of Reform.*

One can see from this statement that for Hirsch it was *purely a fight for ideas*, a fight for the essence of the Jewish community as a body and the exclusive submission of the *Jewish national* will under the demands of the Divine Law. It certainly was not a fight for practical living conditions for orthodox Jews within an un-Jewish majority.

III. THE HALACHAH OF "AUSTRITT"

That S. R. Hirsch was not privileged to witness the triumph of his communal-political ideas in his own circle, was, aside from the three above-mentioned psychological causes mainly due to the intervention in the Frankfurt struggle of a leading rabbinical personality of that time, Rabbi Seligmann Baer Bamberger of Würzburg. Bamberger, a *talmid bacham* of the old kind and influenced by Rabbi Moses Mainz, declared the "Austritt" as no longer required ("nicht mehr geboten") in view of the promised practical concessions of the board of trustees of the Gemeinde. The fact that Bamberger grossly contradicted himself after he had declared the "Austritt" in Karlsruhe and Vienna as an absolute religious duty because of far milder deviations from the tradition, was impressively brought home by Hirsch in the ensuing polemics. Bamberger's reply could not weaken this proof. For posterity, however, it may be important to note that *in fine* Bamberger's minimum conditions were not met even in Frankfurt where the neologue board of trustees with its *mehallele Shabbath* represented to the last the national unity of neology and orthodoxy, that is to say, *equality of faithfulness and betrayal* among the Jewish people.

Bamberger's intervention produced the historically significant result that S. R. Hirsch, who until now had more or less fortified his "Austritt" demands with arguments of an *ideological* nature, now, in his defense against Bamberger, carved out that memorable *halachic* foundation for his "Austritt" doctrine which brought the entire dispute to the roots of Torah science and bestowed upon it the *eternal value of Torah itself*.

The essence of the "Austritt" *Psak*, which has been

characterized as "*irrefutable*" by no less a personality than Rabbi Esriel Hildesheimer in a letter to Rabbi Marcus Horowitz in Gnesen, is to be found primarily in the identification of the modern *מנינות ואפיקורסות* with *עבודה זרה* and in the thorough study and application of the halachic concept of *מחזיק ידי עוברי עברה* in all its deviations. This entire material which nowadays, in the age of the nascent Jewish state in Palestine, has achieved surprising actuality, and regrettably cannot be treated here because of space limitation. A reprint of the whole Hirsch-Bamberger polemics has appeared in 1908 in Volume IV of Hirsch's *Gesammelte Schriften*. It includes Bamberger's defense.¹

IV. POSTHUMOUS VICTORY

On December 31, 1888 (5648), S. R. Hirsch died, an octogenarian. There still rings in my ears his last moving *Teshuvah* sermon in Tishri, 5648, in which he, in the midst of a lengthy speech of admonition, suddenly as from the bottom of a desperate heart, exclaimed: ". . . and yet it must be said again and again: *There still lives a grave sin in our midst*: the non-"Austritt."

However, the wise saying, "greater are the just ones after their death than during their lifetime" was also to come true with regard to Samson Raphael Hirsch.

In 1898, ten years after Hirsch's death, a lawsuit concerning communal Jewish taxes, before the highest court (Moos contra Israelitische Gemeinde) brought to light that the right of the Gemeinde to compulsory taxation was nothing but a legend and legally did not exist. In the wake of the Napoleonic disorders in the Grand-Duchy of Frankfurt it had been simply forgotten to revive in the territory of the "Free City of Frankfurt" the former law on which the right

¹ The halachic controversy which deserves to be made accessible to the rabbinic world by translation into Hebrew was revived during the years 1926-27, forty years after Hirsch's death, between Rabbi Dr. Klein, now in Haifa, and Rabbi Dr. Unna, who recently died in Jerusalem. This fact is proof enough for its timeless character. See also "Die wissenschaftliche Diskussion über die Austrittsentscheidung," in Jacob Rosenheim, *Obole Yaakov: Ausgewählte Aufsätze und Ansprachen*, I (Frankfurt a. M., 1930), p. 370.

of taxation of the Gemeinde was based. Thus the Jews found themselves in a complete legal vacuum, enabling the Israelitische Religionsgesellschaft, whose membership had grown considerably, to obtain legal recognition of the right of taxation while a new communal statute for Frankfurt was prepared. The relationship between Gemeinde and Religionsgesellschaft was now formulated in such a manner that formal "Austritt" was no longer necessary. Instead, anyone, upon completion of his twenty-first year, by positive declaration could choose to which of the two Jewish communities he preferred to belong. This could be done within three months and with no interference of the courts. With *one* stroke all the factors were eliminated which in the past frequently had rendered difficult or even prevented *exclusive* membership in the orthodox community. An illustration of the consequences, is the situation during the period of 1900-1930. Of about 1200 members of the orthodox community not more than 100-150 belonged *simultaneously* to the Gemeinde to which they also paid taxes, while *all others*, in accordance with the will of the great leader, belonged exclusively to "Kehal Adass Jeshurun."

In justice to historical truth it must be stated that, during these three decades, hundreds, perhaps even thousands of more or less Torah-true individuals joined the orthodox-neologue "Israelitische Gemeinde." They were for the most part the numerous immigrants from Russia and Poland who lacked any understanding of the significance of the communal struggle in Frankfurt and who obviously found all they wanted in the ritual institutions of the religiously neutral Gemeinde, which were exemplary for all practical purposes. Social factors—the greater financial capacity of its social and charitable institutions—increased the attractiveness of the religiously neutral Gemeinde for those who came from the rural districts or from other countries to settle in Frankfurt. Thus the basic contrast between independent Orthodoxy and the so-called "Gemeinde-Orthodoxy" became an ideological concept of far-reaching import for the future historical development.

V. THE LIBERAL "RICHTLINIEN" AND ZIONISM

On December 1, 1912, the boards of trustees of the two largest "Einheitsgemeinden" of Germany, namely, those of Berlin and Frankfurt-on-the-Main, made public the following declaration:

We are led to publish the following statement:

1. Within German Jewry there exist manifold ideologies and factions which are held together by the Jewish communities. This inviolable unity can be shattered neither by declarations of liberal rabbis nor by statements of orthodox or traditional Torah-true rabbis.
2. No religious group within Judaism can claim the right to deny another group the privilege of belonging to the religious community or attach to it the stain of religious inferiority.
3. We regret and disapprove of the fact that a number of rabbis of a certain group claims the right to declare as *not valid or dangerous the religious decisions and functions or the religious instruction of the rabbis elected by the Jewish communities.*
4. In the selection of rabbis we take into account the different religious trends existing within the community. We are determined to prevent any attempt to violate the authority of our rabbis to whatsoever religious group they may belong.

Berlin, December 1, 1912.

Board of Trustees and Assembly of Representatives
of the Jewish Community of Berlin
Board of Trustees of the Israelitische Gemeinde
of Frankfurt-on-the-Main.

This statement was the immediate reaction to the profound excitement which took hold of the entire *Torah-true* Jewry, including a large part of the "Gemeinde-Orthodoxy" in the face of an open declaration of the *liberal* rabbis for the so-called "Richtlinien" of liberal Judaism.

As Dr. Joseph Wohlgemut proved at that time with scientific clarity and exemplary objectivity, these "Richtlinien" amounted to a confession which was "*closer to liberal Christianity than to historical Judaism.*" In contradiction to the unanimous vote of almost *all* Torah-true rabbis of Germany, *this* confession inspired by liberal-Protestant theology, was now to be forced upon the two communities *by their official representatives* as "*a Judaism not less worthy*

and acceptable as recognized community Judaism" with no regard for their Torah-true members. This happened *thirty-six years* after S. R. Hirsch with prophetic insight had condemned the pious "additional regulations" of the "Israelitische Gemeinde" as an abandonment of the traditional Jewish truth. It was a tragic justification of S. R. Hirsch's clear judgment. It was a declaration of bankruptcy of the theory that liberal-orthodox "Einheitsgemeinden" could exist within the framework of historical Judaism. It meant essentially a *de-confessionalizing* of the Jewish community which thereby was reduced to a *mere racial community of individuals of different denominations*. In the face of such betrayal, what could a "Ritual-Commission" mean?

The development of the religious-neutral community which Hirsch aimed to *prevent* by his decision on "Austritt," joined with the spiritual trend that in the meantime had arisen within Judaism: the trend of the *confessionless, poleless, political nationalism*.

Zionism has defined its attitude toward Torah in the short slogan: "*Religion is everyone's private affair*" or, as formulated by Herzl: "We shall confine our rabbis to the synagogues as our soldiers to their barracks."

Liberal Reform and secular nationalism apparently are basically opposed to each other. Yet both are but milestones on the disastrous road which deprives the Jewish people as a whole and the Jewish *Kehillah* as a representative of the nation of their unique historical character. Thereby the community's recognition of the *revealed Law of the Torah* is replaced by a subjectivism of the individual belief or by faithless national self-adoration.

I may be permitted to conclude this article with a few sentences which I wrote in 1926 on the occasion of the fiftieth anniversary of the "Austritt" law. In view of the decisive struggle for the character of the Jewish community in Eretz Israel, they seem to me more timely than ever:

The historical significance of the Prussian "Austritt" law—regardless of the motives of its supporters and its creator—does not lie in the release of a number of individuals from a taxation which they considered a restraint on their freedom of conscience or in the fact that a liberal

board of trustees of a Jewish community could be forced into a tolerant attitude, but rather in the legally created possibility of forming *independent Jewish bodies which are solely based on the Divine Law*. The replacement of a Jewish community, based only on common *territory* and common *racial* origin, by a *community of religious duty*, the replacement of merely materialistic, comparatively superficial ties of community by an *ethical* motive, that means, by the authoritative, socially creative power of the Torah-Law, *this is the ideal meaning and the historical significance of the Prussian "Austritt" law for the entire Jewish community*.

For two milleniums the Jewish Galuth community had been, in absolute identity, a community, bound by territory, blood and duty alike.

The Reform erased the duty. What remained was a *national* structure, hiding under the false veil of a confession, which bound together Jews of all denominations on the basis of their common dwelling-place and their common descent. By its very existence it threatened to destroy the historical consciousness of the call to obedience at Sinai not only of the individual community but of the Jewish people in its entirety.

The men who fought successfully for the "Austritt" legislation, Hirsch and Hildesheimer, did not originally act with these trends of thought in mind (as evidenced by their writings). They acted as tools selected by Providence which shapes the fate of the people; they acted upon the demand of the hour and above all upon the depth of their halachic conviction which prescribed their course in complete clarity, although they must have realized the extreme difficulty of their mission. They knew that only few would be able to muster the strength of father Abraham on the day of the *Akedah* to place their adherence to God above the call of blood and despite all social, personal, economic and even psychological obstacles—the latter resulting from the manifold experiences of their common history—to complete the separation, for the sake of God, the fateful and positive significance of which for the preservation of the national adherence to the truth they could not even have begun to visualize.

The interdependence of German Orthodoxy, spiritually trained by the ideal of community independence, and the east-European giants of Torah, still deeply rooted in unadulterated Jewish history, created *Agudath Israel* which, no longer on the basis of the individual community, but on a nation-wide scale, struggles with a historical Zionist nationalism for the soul and the spiritual future of the Jewish people.

In conclusion, it seems worthwhile, therefore, to quote a few sentences from the fundamental resolutions at which the Grand Rabbinical Council of World-Agudah arrived in

1937, in reference to a Jewish state in Palestine. They clearly demonstrate the inner connection between this most modern problem with the history of the struggle for the character and shape of the Jewish *Kebillab*. Following are excerpts from these resolutions translated from the original Hebrew text:

The existence of a Jewish state is possible only if the Torah-law is recognized as the constitutional basis (חוקה יסודית) of the state, and if the rule of the Torah is clearly expressed in the administration of that state. A Jewish state which is not based on the principles of the Torah and its laws constitutes a denial of the original Jewish source (מקור מיישראלי) and a negation of the essential and true character of the Jewish people, an *undermining of its very existence*. . . .

Seventy years ago in the city on the Main river the fight was waged for the *supremacy of the Torah in Israel*. On the outcome of this fight on the soil of Eretz Israel and over the entire sphere of history will depend *the redemption of Israel and mankind* and the erection of the מלכות שמים, the Kingdom of God on earth.

NATIONALITY AMONG CZECHOSLOVAK JEWRY

By BRUNO BLAU
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A Jewish settlement in Prague can be traced back to the tenth century. About the middle of the thirteenth century Jewish communities were founded in Brno (Brünn), České Budějovice (Budweis), and in other towns of Bohemia and Moravia. A hundred years later more Jews immigrated from German countries and from Austria into Bohemia and Moravia-Silesia, so that towards the end of the fourteenth century about 3000 Jewish inhabitants are estimated to have lived in Prague. Some time later we find Jewish communities in 28 townships. In contrast to Germany, where Jews were permitted to engage in a few occupations only, there were originally no restrictions in Bohemia and Moravia-Silesia, and Jews could become farmers as well as artisans; while many Jews were weavers, miners, masons and sailors. Thus a close contact could develop between them and the other inhabitants, and their every-day language was Czech. In works of the medieval rabbinic literature written in Hebrew in Bohemia Slavic glosses are inserted. Jews had Czech first and family names; and an official register of the Jews of Prague dated 1546 contains a great number of typically Czech names.

After the Thirty Years War the use of the German language spread increasingly in Bohemia and Moravia. It was acknowledged as the official language equal to Czech which until then had been the only official language. Although in this period correspondence between Jews and the authorities and nobility was mostly written in Czech, about half of the private correspondence of this time was already in German. Through the influence of Jews from Germany Yiddish became more widely used.