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Between East and West: Modernity and Traditionalism in the Writings of Rabbi Yehi'el Ya'akov Weinberg

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A preeminent twentieth-century halakhist, Rabbi Yehi'el Ya'akov Weinberg (1884–1966) stands out as a singular personality venerated by, and exercising a profound influence upon, both traditionalist and acculturated sectors of the Orthodox community. Born in Chiechanowiec, Poland, he became known as a talmudic prodigy in his youth during his years of study at the *yeshivot* of Mir and Slabodka. He served with distinction as rabbi of the Lithuanian town of Pilwishki until 1914, at which time he emigrated to Germany where he pursued studies at the Universities of Berlin and Giessen. He received a Ph.D. from the University of Giessen for a thesis on the Masoretic text of the Pentateuch and was appointed to the faculty. Later he established residence in Berlin and assumed the post of rabbi in the Charlottenburg district. In 1924 he joined the faculty of the Berlin *Rabbinerseminar für das Orthodoxe Judentum* and was subsequently appointed its rector in 1931. During the pre-World War II era, he was viewed as the major halakhic authority for German Orthodoxy and, after the war, upon settling in Montreux, Switzerland, he was

regarded as one of the few surviving halakhic authorities who remained on the European continent. While continuing to be a champion both of *mussar* and of traditional talmudic scholarship, Rabbi Weinberg was a keen advocate of the appropriation and integration of modern academic scholarship within the framework of traditional Torah study.

The discerning reader will find a synthesis of East and West revealed in Rabbi Weinberg's several volumes of responsa, *Seridei Esh*, as well as in his essays and homiletical writings. These writings reflect depth and breadth of scholarship, independence of thought, and keen insight in carefully formulated positions regarding social, technological, and philosophical questions of the day. They consistently manifest a reverence for time-hallowed values combined with an understanding of the temper of the age.

Many of the questions addressed to Rabbi Weinberg arose from intramural tensions between diverse segments of the Jewish community. Among Rabbi Weinberg's essays and homiletical writings are also historical sketches that reveal his critical approach as an analyst of the Jewish religious movements and trends of his time.

An analysis of these and other writings of Rabbi Weinberg serves to illustrate his unique method of combining the new with the old in preserving tradition in the face of modernity. A study of the writings of a revered Torah authority undertaken by someone who was not privileged to have had personal contact with the author of those writings must, of necessity, be flawed and limited. Hence this endeavor, which is an attempt to present an analysis of some of the written works of Rabbi Weinberg, his *Torah she-be-ktav*, is sorely lacking in the added dimension of *Torah she-be-al Peh*, direct oral transmission. A cursory glimpse at the biographical writings of colleagues, students and disciples of Rabbi Weinberg reveals a force of personality of which only a glimmer can be obtained from the written word alone.¹ Yet the written word, naked and unadorned, has a life of its own.

In analyzing R. Weinberg's views on the subtle interaction of different factors in Jewish communal and intellectual life, interpretive opinion may

¹See, for example, Chanan Lehrmann, introduction to J. J. Weinberg, *Das Volk der Religion: Gedanken über Judentum* (Geneva: Éditions Migdal, 1949), pp. 9–18; Eliezer Berkovits, "Rabbi Yechiel Yakob Weinberg Satzal, My Teacher and Master," *Tradition* 8:2 (1966): 5–14; *idem*, "Sirtutum le-Ishiyuto shel Mori ve-Rabbi," *Ha-Darom* 24 (1966–67): 6–11; David Ben-Davied, "Kavim li Demuto shel ha-Rav Weinberg Zatzal be-Tor Posek," *ibid.*, pp. 12–15; C. D. Chavel, "Mitzvot Mikhtavim shel ha-Rav Weinberg Zatzal," *ibid.*, pp. 16–20.

differ. This writer has therefore used direct citation liberally in order to present R. Weinberg's thinking in his own words so that the reader is free to reach independent conclusions, at least on the basis of the sources selected as representative of his thinking. Unfortunately, the distinctiveness and stylistic beauty of R. Weinberg's expression of the rabbinic idiom in flawless modern Hebrew cannot be reproduced in translation.

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1. The Writings

Despite the loss of many of his writings during the war, R. Weinberg left a considerable body of published material: His major *oeuvre*, four volumes of *Seridei Esh*, was published in Jerusalem by Mossad Harav Kook. The

Samuel Atlas, "Ha-Gaon Rabbi Yehi'el Ya'akov Weinberg Zatzal: Kavim li-Demuto," in *Sinai* 58 (1966): 281–92; Shilo Rafael, "Ha-Gaon Rabbi Yehi'el Ya'akov Weinberg Zatzal: Gadol u-Posek," *ibid.*, pp. 293–296; Gabriel Chaim Cohen, "Devarim le-Zikhro shel Harahag Dr. Yehi'el Ya'akov Weinberg Zatzal," in *De'ot* 31 (1966–67): 7–18; Avraham Abba Weingort, "Mi-Derekh Limmudo shel ha-Rav Yehi'el Ya'akov Weinberg," *ibid.*, pp. 19–22, also published in *Ha-Pardes* 41:9 (June, 1967): 38–41; Moshe Stern, "Ish ha-Eshkolot," in *De'ot* 31 (1966–67): 23; Hayyim H. Greenberg, *Mi-Gedolei ha-Dor* ([n.p.] 1967); Kalman Kahane, *Heker ve-Iyun: Kovetz Ma'amar'im* II (Tel Aviv: Mossad Yitzchak Breuer, 1967): 174–188; Moshe Auerbach, "Ha-Gaon R. Yehi'el Ya'akov Weinberg Zatzal be-Hever Morei Bet ha-Midrash Le Rabbanim be-Berlin," in *Sefer ha-Zikaron le-Morenu ve-Rabbenu ha-Gaon Yehi'el Ya'akov Weinberg Zatzal, Rosh Bet ha-Midrash le-Rabbanim be-Berlin*, ed. Eziel Hildesheimer and Kalman Kahane (Jerusalem: Keldheim, 1969), pp. 359–361; and Ze'ev Hayyim Lipschitz, "Hirhurim al ha-Ish bi-Tekufato: Kavim li-Demuto shel ha-Gaon Maran R. Yehi'el Ya'akov Weinberg, Zatzal," *ibid.*, pp. 363–387. For personal, anecdotal reminiscences and data regarding R. Weinberg's youth see H. L. Gordon, "Aharei Mitato," *Ha-Do'ar*, 21 Shevat 5726 (February 11, 1966), p. 235 and Z. Mateson, "Ha-Tragedyah shel Adam Gadol," *ibid.*, 12 Adar 5726 (March 4, 1966), pp. 284–285, with additional notes by I. Smolar, *ibid.*, p. 285. Hitherto unpublished talmudic novellae, responsa, and correspondence of R. Weinberg have recently appeared in *Hiddushei Ba'al "Seridei Esh" ha-Ga'on ha-Rav Yehi'el Ya'akov Weinberg Zatzal al ha-Shas*. That work, edited by Rabbi Abraham Abba Weingort, also contains a commentary, *Gahalei Esh*, by the editor as well as a valuable biographical essay. Regrettably, that significant volume of R. Weinberg's writings did not appear until after this book in press.

first three volumes appeared during his lifetime in 1961, 1962, and 1966, respectively, and the fourth was published posthumously in 1969 with an introduction by Rabbi Shilo Rafael. In addition to responsa, they contain talmudic novellae, scholarly studies on rabbinics, and essays on Jewish intellectual history. His *Mehkarim ba-Talmud* (Berlin: Bet ha-Midrash le-Rabbanim, 1937) included in *Seridei Esh* vol. IV, pp. 10–137, illustrates his mastery of both traditional and modern talmudic scholarship. Many of his essays and aggadic commentaries are collected in the Hebrew *Li-Perakim* (Bilgori: Chovevei ha-Agada ve-ha-Drush be-Warsaw, 1936; second, revised edition, Jerusalem: Kiryah Ne'emanah, 1967). A shorter collection of essays in German was published in *Das Volk der Religion: Gedanken über Judentum* (Geneva, 1949). Additional novellae, articles, and essays appeared in various Hebrew, Yiddish, and German periodicals.

The title of R. Weinberg's collection of responsa, *Seridei Esh*—*Survivors of the Fire*, or *Remnants from the Fire*—reflects his perception of himself as a brand plucked from the flames, a refugee, a survivor of a lost and bygone world. Rabbi Weinberg was tormented in the post-War years by the anguish of a survivor who had witnessed the death and destruction of so much that was beloved to him. He was painfully conscious of the fact that the responsa and novellae that he succeeded in publishing were but a remnant of his voluminous writings, the lion's share of which had been lost during the War, yet he harbored a hope that his work would serve as a memorial to cherished colleagues and to a Torah institution over which he had been privileged to preside.² The title is, however, appropriate in more ways than one. There is a poetic, lyrical strain in R. Weinberg's prose, a passion and enthusiasm that leaps from the page. The embers are aglow with fire.

The personality of R. Weinberg emerges as a configuration of intriguing paradoxes: a *Litvak* imbued with hasidic fervor, an East European culturally ill at ease in Berlin but who had acquired profound understanding of Western scholarship, an exacting halakhic scholar with a flair for aggadic interpretation, a thinker who fully understood modern theories but who remained firmly rooted in traditionalist values.

The numerous personal comments interspersed in R. Weinberg's various writings provide more than biographical data; they are windows through which the character of the author shines forth. They represent

²*Seridei Esh* (hereafter S.E.), vol. 1, introduction, p. 3.

a chronicle of the life experiences of an individual who lived alone but who manifested an unusual talent for friendship and collegiality as well as an overriding sense of responsibility toward people and community. His early essays show vitality and vigor and engagement in the political and ideological ferment of the times. The responsa composed during the years he spent in Berlin represent a period of communal leadership during which a wide array of duties devolved upon him and a period during which he was besieged by demands upon him as a communal rabbi, as a lecturer in, and head of, the *Rabbinerseminar* and as the foremost halakhic arbiter for German Orthodoxy. The writings dated during the years following World War II betray the shifting moods and depression of years of struggle and torment during which “*lulay Toratekha sha'ashu'ai oz avadeti be-onyi*”—“were it not that Thy Torah was my delight, then I would have perished in my affliction.” Writings of later decades reveal the relative isolation of his years in Switzerland when he assuaged his loneliness³ and narrowed the distance from centers of Torah scholarship by “speaking in learning” through the medium of letters and responsa in which he maintained a lively interchange with young and old, with representatives of diverse religious factions and alignments, with students, scholars, and rabbis in all corners of the globe. During his last years, occasional comments regarding failing health cloud the generally mellow tone of letters that impart advice and encouragement to those who sought his guidance. Throughout, there is a cordiality that is paradigmatic, a sense of appreciation, patience, and consideration for all who consulted him, whether learned laymen or venerable scholars, combined with a genuine empathy toward friends and colleagues and, even more strikingly, a particular delight in nurturing the aspirations of young scholars who devoted their energies to Torah study.

Two character traits of R. Weinberg's that were recognized in him by his contemporaries are repeatedly reflected in his written works and are of crucial importance in assessing his role as a pivotal intellectual personality who bridged two diverse intellectual traditions. R. Weinberg was fiercely independent in spirit and uncompromising in his commitment

³In a letter to R. Symcha Elberg, the editor of *Ha-Pardes*, R. Weinberg wrote that during his later years correspondence with intimates constituted “the single pleasure in my loneliness.” See *Ha-Pardes* 40:8 (May 1966): 39, and cf. *ibid.*, no. 9 (June 1966): 39.

to intellectual honesty. He is unstinting in his praise of those qualities in others and it is from his praise of others that one gains insight into his own character.

R. Weinberg's breadth of intellect and subtlety of perspective precluded susceptibility to partisan influences. He refused to be confined within the constraints of social or political factions. In his description of the signal attributes of the late R. Chanoch Ehrentreu of Munich, one finds a portrayal that is also self-reflective:

He related to everyone with understanding and with affection. Constantly, and in every situation, he sought to find the Jewish kernel, the Jewish spark, without distinction between trend and trend or between party and party. I know that there are people among us who will not perceive an unmitigated praise of the departed in pointing out this fact. On the contrary, they tend to denigrate receptivity to everyone as a form of compromise and insistently demand of every brother and fellow Jew a clear and definite stand in the nature of "are you with us or against us?"⁴

Individuals such as Ehrentreu, emphasizes R. Weinberg, exemplify the eternal unity of the Jewish people. When called upon, they are ready to express their views unequivocally, but "an overflow of love of Israel"⁵ determines the course of their public conduct and pronouncements.

Elsewhere, R. Weinberg praises R. Abraham Abba Reznik, a successor in the rabbinate of Pilwishki, for having a quality of honesty that prompted him to admit the cogency of a counter-argument or critique—and even to praise the individual whose critical comments had sharpened his own understanding.⁶ Here, again, R. Weinberg's assessment of a colleague focuses upon a trait that characterized his own personality. His writings are replete with references to the critical comments of friends and colleagues and to insights and corrections based on newly perused sources. A disciple wrote of R. Weinberg that he had never seen an in-

⁴*Li-Perakim*, p. 229. The address was delivered in Berlin in 1926.

⁵*Ibid.*, p. 229. Cf. an interesting personal portrayal of Ehrentreu by Gershom Scholem, *From Berlin to Jerusalem*, trans. Harry Zohn (New York: Schocken, 1988), pp. 120–121.

⁶Abraham Abba Reznik, *Klei Sharet* (Netanya, 1987), Introductory Essay by Rabbi J. J. Weinberg, p. 1.

dividual of comparable stature who admitted the validity of a question or criticism or acknowledged the insightful comments of students with such regularity.⁷

2. East and West

R. Weinberg's homiletical and aggadic writings, almost in a confessional vein, betray the deeper levels of his emotional and intellectual experience. Most significantly, they illustrate his attachment to the *yeshivot* and the *mussar* tradition and his constant awareness of the tension between the atmosphere of the *yeshivot* and the lifestyle of German Orthodoxy.

As an expatriate from Eastern Europe, despite the passage of time, R. Weinberg continued to feel somewhat of an outsider in Berlin. His sense of dislocation and non-belonging did not fade even subsequent to his assumptions of positions of authority and prominence. A certain prejudice toward some Western and/or German characteristics finds subtle and not-so-subtle expression in his writings and East–West tensions echo in passages scattered throughout his homiletical and literary essays.

Thus, Rabbi Weinberg's description of various groups of Jews of widely disparate background and demeanor living together in cosmopolitan Berlin betrays a hyper-sensitivity. A trace of prejudice even may be detected in a passage portraying the Western Jew in whom, although "the countenance is apparently already frozen, one may yet discern the marks of a Jew, the brightness of eyes and the radiance of a Jewish face."⁸ Elsewhere, commenting on an aggadic statement, "R. Helbo in the name of R. Huna said: When a man leaves the synagogue, he should not take long steps. Abaye said: This is only when one goes *from* the synagogue, but when one goes *to* the synagogue, it is a pious deed to run" (*Berakhot* 6b), R. Weinberg contrasts the manner in which East European Jews rush to their familiar houses of prayer with the exaggerated dignity manifested by Western Jews who enter the portals of imposing edifices comporting

⁷Eliezer Berkovits, "Sirtutim," in *Ha-Darom*, 24:7. Cf. the comments of Hayyim H. Greenberg, *Mi-Gedolei ha-Dor*, unnumbered pages, section "Modeh al ha-Emet"; Samuel Atlas, "Kavim," *Sinai*, 58: 283; and Kalman Kahane, *Heker ve-Iyun*, vol. II, p. 187.

⁸*Li-Perakim*, p. 31.

themselves as if preparing for an audience with the monarch on a state occasion. There is more than a touch of satire and pain in the ironic portrayal of the disdain with which the Western Jew looks down on his "uncouth" Eastern brother's behavior.⁹ The hurt is more evident in a description of a scenario in which Jews from different countries meet on a broad promenade in Berlin but barely acknowledge one another's presence:

If, on occasion, a Western Jew extends his hand to greet his brother, the Eastern Jew—how cold is this hand! Should he look at his face and say a few words to him, how alien is his glance and the tone of his voice, how alien it is to him!¹⁰

An anecdote related by R. Weinberg and recorded by a former student who personally heard the story from him underscores how alert R. Weinberg was to what he perceived as a deeply ingrained prejudice harbored by German Jews toward East European Jews. In the summer of 1920, R. Weinberg visited Königsberg. A young couple approached him at his hotel with the request that he perform a marriage ceremony on their behalf. The young woman was Esther Marx, daughter of a prominent Königsberg banker; her fiancé was a young man from Eastern Europe who later gained renown as the Nobel Prize-winning author, Shmu'el Yosef Agnon. They explained to R. Weinberg that they were unable to seek out a local rabbi to perform the ceremony since the young woman's father, an influential person and a pillar of the Orthodox community, was adamantly opposed to the marriage. Convinced that, come what may, the couple were determined not to go their separate ways,

⁹Ibid., p. 177.

¹⁰Ibid., p. 32. The feeling of a barrier of understanding between East and West and the strangeness is found again in R. Weinberg's depiction of the burial of a leading Lithuanian philanthropist in Homburg, a town in the environs of Frankfurt: "Here in a foreign land, an exile from his home . . . Alone in a strange place, among people strange to [him]. . . ." Ibid., p. 250. Cf. Hermann Schwab's description of the tensions between Eastern and Western Jews in *The History of Orthodox Jewry in Germany*, trans. Irene R. Birnbaum (London: The Mitre Press, 1950), pp. 107–108, which concludes, "And so they lived side by side as strangers until the hurricane seized them and flung them together into the abyss."

R. Weinberg acceded to their request and performed the marriage on Lag b'Omer of that year.

A number of years later, R. Weinberg once more found himself in Königsberg. Mr. Marx sought him out in the synagogue and expressed pleasure at meeting him. Marx informed him that he was now most pleased with his daughter's match. His son-in-law had proved himself to be a devoted husband and a God-fearing individual. He proceeded to express his appreciation to R. Weinberg and offered a sum of money as an honorarium for having performed the marriage. R. Weinberg responded that when he had performed the ceremony he had had no thought of a fee and would not now accept remuneration. Marx then asked him to accept the proffered money as a contribution to a charity of his choice. R. Weinberg insisted, however, that Marx himself forward the money to some charity and, if he wished, have a receipt sent to him in Berlin. Explaining his course of conduct, R. Weinberg continued, "He surely thought to himself that I, as a rabbi from Eastern Europe, would accept the money and keep it for myself." R. Weinberg's projection onto Marx of a stereotyped prejudice toward the rapacious *Ostjude* is indicative of his own feelings after many years of sojourn in Western Europe. The former student reports having heard the story in 1934—twenty years after R. Weinberg established residence in Germany.¹¹

On the other hand, on a purely intellectual level, R. Weinberg developed a regard and respect for German Orthodoxy and expressed satisfaction that East European Jewry was beginning to develop an appreciation of the Western Orthodox renaissance. He well understood the subtle

¹¹As related from personal experience by Dr. Reuvain Avineri, "Nisu'in shel Agnon," *Ma'ariv* (6 May 1988). I am indebted to Professor Shalom Carmy for drawing my attention to this source. Interestingly, Scholem, *From Berlin to Jerusalem*, p. 125, describes meeting Agnon and his fiancée before their wedding:

At that time Agnon was about to marry Esther Marx, the beautiful daughter of what might be described as one of the most aristocratic Orthodox Jewish families of Germany, a family whose fame has endured to this day. Esther Marx had two qualities I deemed especially memorable in those days: she was as much a confirmed atheist as she was an admirer and master of the Hebrew language—surely a rare combination among German Jews. She spent that winter at Starnberg, and Agnon proudly showed me her postcards, which were written in flawless calligraphy and almost flawless Hebrew.

interplay in which liberal Jews flattered and patronized East European Jews at the expense of German Orthodoxy. To R. Weinberg it was apparent that secularists could afford to patronize East European Jews who posed no threat to them, whereas their antagonism to the German Orthodox stemmed from a discomfiture at the synthesis of scrupulous religious observance and worldly culture that the latter group had achieved and which presented a challenge to the secularists' own *weltanschauung*.¹² For his part, R. Weinberg urged that due respect and recognition be accorded to the accomplishments and contributions of revitalized German Orthodoxy for "also from the great rabbis of Germany is there much for us to learn. Only if we strive to learn from all that is good and beneficial, beautiful and noble from all of our great rabbis together, whether they be in the East or in the West, only then will we be truly ennobled and successful, and the Name of Heaven be hallowed by us."¹³

The echoes of the East–West tensions and the potential for intellectual stimulus in an East–West nexus is poignantly expressed in an essay in which R. Weinberg describes a failed attempt at cross-cultural fertili-

¹²Ibid., p. 232. Cf. R. Samson Raphael Hirsch, *The Collected Writings*, vol. 6, *Jewish Communal Life and Independent Orthodoxy* (New York: Philipp Feldheim Inc., 1990), pp. 121–122.

¹³*Li-Perakim*, p. 234. Cf. also *ibid.*, p. 283, on what is lacking in Western Jewry and pp. 302–316 on the characteristics of the Kovno community. The latter essay, originally published in German, in *Jeschurun*, no. 6 (1916), reflects an earlier, less optimistic view of an East–West synthesis; see, especially, p. 316, in the comments on rabbis of the "old" school: "It is the old yeshiva that gave them to us. The new college will not give us their like. It is not in its ability to do so. Let our brethren in Germany bear this in mind. . . . For God's sake, for God's sake, do not take from us, what is in our purview, what remains yet for us as a refuge. Be cautious!" R. Weinberg's modified later view may be seen as the result of a change that took place in the intellectual atmosphere in the ensuing decade and as a result of his own active participation in the *Rabbinerseminar*. On the efforts to introduce both the analytic method of talmudic study as taught in Lithuanian *yeshivot* and *mussar* ideology into the *Rabbinerseminar* on the part of R. Weinberg and his predecessor as rector, R. Abraham Eliyahu Kaplan, see Moshe Avigdor Shulvass, "Bet ha-Midrash le-Rabbanim be-Berlin," in *Mosdot ha-Torah be-Eropah*, ed. Samuel K. Mirsky (New York: Ogen, 1956), pp. 695 and pp. 703–704 and Isidor Grunfeld, *Three Generations: The Influence of Samson Raphael Hirsch on Jewish Life and Thought* (London: Jewish Post Publications, 1958), pp. 78–79.

zation. In a eulogy on the death of R. Benjamin Milakowsky, the rabbi of the Russian-Polish Jewish congregation in Königsberg, delivered in 1929, R. Weinberg depicts Rabbi Milakowsky's vast erudition as the quality that prompted R. Yitzhak Elhanan to recommend his candidacy as successor to the ministry of Malbim. Always attuned to the ironies of a situation, R. Weinberg notes,

In this Lithuanian rabbinic personality, the Königsberg community acquired a representative of Torah Judaism, an ambassador of the old *Bet Midrash* in the modern cultural capital. In the city of Kant there settled a representative of Abaye and Rava, Ravina and Rav Ashi, with a residence permit in his hand.¹⁴

However, in that instance, the experiment failed. The attempt to transplant the Lithuanian Torah style to German soil did not bear fruit. R. Benjamin Milakowsky did not succeed in training a cadre of students. R. Weinberg writes of an earlier time when Malbim served as rabbi of Lithuanian and Russian émigrés in Königsberg, when R. Israel Salanter sojourned there briefly, and when R. Ya'akov Zevi Mecklenberg was rabbi of the German congregation. At the time, it appeared as if a creative intellectual symbiosis might emerge. However, when Rabbi Milakowsky assumed his post, times had already changed. A new group of lay leaders had emerged and the youth of both the Russian and the German communities had little interest in the Talmud study that was the forte of Rabbi Milakowsky. R. Weinberg, nevertheless, concluded even these words of criticism on an affirmative note. His own observation was that the post-World War I generation was experiencing an awakening of Torah study.¹⁵ The goals of Rabbi Milakowsky would yet be realized after his passing. The East–West nexus would yet bear fruit.

R. Weinberg's feelings regarding Western Jews influenced his attitude toward their innovative educational institutions. Although he valued the contributions of the *Rabbinerseminar*, he did not believe the Seminary was the ideal place of study for all students. He writes candidly of a young man who had become one of his most beloved disciples and of how he had originally sought to dissuade the youth's family from sending him to study in Berlin. He had told the young man's mother:

¹⁴Ibid., p. 245.

¹⁵Ibid., pp. 346–347.

The people of Poland are not like the people of Germany. The people of Germany have long become accustomed to the cold atmosphere. Their stomach has become habituated and it is easy for it to digest various studies. Those, however, who have been raised in the atmosphere of Polish *hasidut*, a Judaism that is warm and fervent, are open to grave danger if they cross over to the chill atmosphere of German Jewry that is not capable of warming others of a different temperament.¹⁶

Moreover, R. Weinberg believed that the Lithuanian *yeshivot* were peerless institutions for training in advanced Talmud studies. When his disciple Saul Weingort was completing his ordination examination at the *Rabbinerseminar*, R. Weinberg advised him to pursue further studies in Eastern Europe:

I have one request of you: that afterwards you travel to the Yeshiva of Mir or the Yeshiva of Slabodka. There you will devote all your time, day and night, to sacred subjects and only to sacred subjects. . . . It is my desire to bring you to the wellspring from which I myself drank. Now that you have satiated yourself more than sufficiently with European culture, it is your obligation to return to the pure and holy wellspring of the *yeshivot*. There you will attain the gates of wisdom and enhanced knowledge of our holy Torah.¹⁷

Among the Lithuanian *yeshivot*, there was one in particular with which R. Weinberg identified and upon which he looked with pride and love, namely, the yeshiva of Slabodka. R. Weinberg composed a series of articles on the thought, methodology and leadership of the *mussar* movement, as well as on the controversy surrounding that movement. These essays are remarkable both for their scholarly presentation of historical data¹⁸ and for their trenchant critical analysis.¹⁹ Nevertheless, the author's personal bias and subjectivity is evident throughout these writings. R. Weinberg's articles represent an assessment of a movement

¹⁶"Le-Zikhro," in *Yad Sha'ul: Sefer Zikaron al Shem ha-Rav Doktor Sha'ul Weingort Zatzal*, eds. J. J. Weinberg and P. Biberfeld (Tel Aviv, 1953), p. 5.

¹⁷*Yad Sha'ul*, introduction, p. 7.

¹⁸See especially S.E., vol. 4, pp. 276–284.

¹⁹See especially *ibid.*, pp. 333–340.

authored by an ardent protagonist, not by a disinterested observer. Thus, R. Weinberg describes the Slabodka yeshiva as having achieved the epitome of excellence. To R. Weinberg, Slabodka under the spiritual guidance of Rabbi Nathan Zevi Finkel²⁰ achieved a "wondrous synthesis"²¹ in the creative combination of penetrating talmudic scholarship and profound *mussar*. Prior to that time, students who wished to pursue talmudic studies enrolled in various *yeshivot* and those whose goal was the attainment of higher levels of piety and spirituality sought out the presence of a *tzaddik* or spent hours of meditation in a *mussar* conventicle. After the closing of Volozhin, Slabodka assumed pride of position as a center of talmudic study that attracted students of the highest caliber.²² In Slabodka there was, however, no cleavage or dichotomy between scholarship and piety. The ideal was an integrated personality. In the opinion of R. Weinberg, the *Alter* of Slabodka had reached a pinnacle of success in creating "a unified and perfect synthesis of keen and penetrating *lomdut* and elevated and purified *mussar*—a synthesis the like of whose purity and depth existed in no other place."²³

All his life R. Weinberg also looked back with nostalgia on the years he had spent as rabbi of Pilwishki. The West might provide sources to slake one's thirst for knowledge but only in the East was the very air permeated with Torah. R. Weinberg bemoaned the fact that, unlike the Polish *shtetl*, the small Lithuanian Jewish towns did not find a poet laureate to record and extol their character. Writing of Pilwishki, R. Weinberg stated:

The primary strength of the Lithuanian town was in the creation of an atmosphere totally permeated with spiritual values and high aspirations for human perfection in the acquisition of knowledge of the Torah. The air of the Lithuanian town was saturated with love of Torah. All, from the great scholars to the simple folk, saw in the study of the Torah the goal of life and the essence of life. This love spurred the laymen to cause their daughters to marry Torah scholars and to support them and it is this love that prompted

²⁰1849–1926. He established the yeshiva in Slabodka in 1882.

²¹S.E., vol. 4, p. 328.

²²*Ibid.*, p. 326.

²³*Ibid.*, p. 328.

even the poor and impoverished to share their meager bread with youths who studied in the *bet ha-midrash* of the town.

The *Bet Midrash* was akin to a terrestrial Garden of Eden in which dwelled men of stature who derived pleasure from the light which burst forth from every folio of the *Gemara*. The Torah study of the great diligent scholars did not contain anything at all of the asceticism that is cut off from reality, that rejects life and seeks refuge in the world of the imagination.

The Lithuanian Jew was by nature overflowing with vigor and loved life with every thread of his soul, but he wished for a life worthy of its name, a life in which there is fulfillment of the claims of heart and spirit. In Torah he found the only path to perfection, to enrichment of thought, to purification of character . . . in a word, to a life of the elevation of man above the beast.²⁴

The Holocaust left an indelible mark on R. Weinberg. There are wounds from which there is no complete recovery.²⁵ In his despair and pain at the destruction the Nazi hordes had wrought on the Lithuanian towns, he wrote: "Who could ever have thought, who could have let cross his mind, the dreadful thought that a devastating end would come to this Jewry, not to leave of it a remnant or a refuge? Behold, oh Lord, and consider to whom have they, the evil ones of the human race, done this!"²⁶

²⁴Klei Sharet, introduction, pp. 4–5.

²⁵See Zorach Warhaftig's moving personal account of a series of meetings with R. Weinberg, both before and after World War II, as recounted in his *Palit ve-Sarid be-Yemei ha-Shoah* (Jerusalem: Yad Vashem, Ot Va-Ed, 1984), pp. 343–346. Warhaftig describes R. Weinberg's flawed assessment of the Nazi threat before the war, his utter desperation following *Kristallnacht*, and his pitiful, shattered mental and physical state in the aftermath of the War. Cf. R. Weinberg's own description of his terrible ordeal, *Yad Sha'ul*, introduction, pp. 8–13 and *S.E.*, vol. II, p. 64. Commenting on why he does not favor a reception in honor of the publication of *S.E.*, R. Weinberg notes that, apart from his shunning of public displays, "In the final analysis, one must not forget that my work, *S.E.*, memorializes the terrible Holocaust that occurred to our people. How can one rejoice while the terrible mourning has not been mitigated even minutely? Perhaps it is the forgetfulness that is found among us that enables us to live and accomplish and be creative." See letter published *Ha-Pardes* 40:9, 38–39.

²⁶Klei Sharet, p. 5.

Elsewhere, R. Weinberg expressed his opinion that it was appropriate for the Jewish community to designate a memorial day for the "rabbis and martyrs of Israel who had been killed, slaughtered, and burned for the Sanctification of the Name, to remember the souls of these martyrs on that day."²⁷ R. Weinberg was the only halakhic authority of stature to call for a Holocaust commemoration of this nature.²⁸ Such a memorial was necessary not only to give due honor to the departed but in order that future generations not forget the devastating losses of our people during this time when the black Nazi evil enveloped the countries of Europe. Of those who preached forgiveness, a philosophy of let bygones be bygones, R. Weinberg wrote, "Rather let them advise the cursed wicked ones that they do as did the executioner of R. Hananya ben Teradyon: 'He then too jumped and threw himself into the fire' (*Avodah Zarah* 18a)."²⁹

The sole consolation he found was the reestablishment of *yeshivot* in the United States and *Eretz Yisrael*. It was to the abiding impact and influence of the towering personalities of the *mussar* movement³⁰ and to the devotion to Torah of Eastern European Jewry that R. Weinberg credited this renaissance:

The love of Torah on the part of the Lithuanian Jew was a firm foundation in his soul and was absorbed in his blood and all his limbs. Therefore, Lithuanian Jewry merited what it merited: The creation of Torah values and intellectual values from which the entire people sustained itself and continues to sustain itself.³¹

²⁷*S.E.*, vol. 2, no. 30, p. 53, note.

²⁸Establishment of a formal day of commemoration was actively opposed by ranking halakhic scholars. See the analysis of this controversy in Immanuel Jakobovits, "Some Personal, Theological and Religious Responses to the Holocaust," in *Remembering for the Future: The Impact of the Holocaust and Genocide on Jews and Christians* (Oxford: Pergamon Press, 1988), III, pp. 177–185.

²⁹*S.E.*, vol. 2, p. 53, n. Cf. also, *Yad Sha'ul*, p. 10, and his comments on the Warsaw ghetto uprising. Loc. cit. Agony over the fate of Holocaust victims only heightened R. Weinberg's sensitivity to the history of Jewish persecution and martyrdom. Cf. a characteristic homiletic comment of R. Weinberg on *Sukkah* 45a, in which he portrays the grandeur of Jewish self-sacrifice, as recounted by Berkovits, "Sirtutim," *Ha-Darom*, no. 24, p. 10.

³⁰*S.E.*, vol. 4, p. 312.

³¹Klei Sharet, p. 5.

II

The primary factor leading to the development of a chasm between rabbinic leaders and the masses of Jews was the fact that the great majority of the populace lived in an entirely different world from that of the Torah scholars. Individuals firmly ensconced within the four ells of *halakhah* who spent their lives steeped in Torah had little knowledge and understanding of the mental frame of reference of those whose lives had moved far from these traditional parameters. Beginning with the stirrings of the Enlightenment and continuing until contemporary times, the issues with regard to which a wide abyss of noncomprehension has arisen include the problems of belief in an age of secularism and religious skepticism, aspirations inspired by nationalism as expressed in Zionist ideology and desire for return to the Land of Israel, the university experience on the part of students, the sensibilities of women moved by feminist concerns and the need for innovation and change in institutional structures within the community.

An examination of the views of R. Weinberg illustrates the extent to which he was alert to the ideological, social, and communal problems that confronted the Jewish community of his day.

1. Zionism and the State of Israel

Opposing factions cannot engage in meaningful dialogue if they fail to understand one another's basic premises. Just as individuals who speak different languages require an interpreter to facilitate communication, people whose intellectual and social frames of reference are vastly different may be well served by an interpreter who is able to explain the disparate motivations and hesitations of one group to the other. R. Weinberg's intimate association with the *yeshivot* and their leaders and his receptivity to, and interest in, the Zionist enterprise rendered him exceptionally suited to be the individual who served as an interpreter to both sides. This was a function he consciously sought to perform throughout his life, beginning with his youthful writings in which he depicted understanding as the key to rapprochement, later published under the title "The Path to Communication (*Verständigung*) with Ortho-

doxy" (1917),³² and culminating in his celebrated letter to Ben Gurion on the "Who is a Jew?" issue (1959).³³

From its earliest beginnings, the Zionist movement engendered an emotionally charged controversy within the traditional rabbinate. Within the rabbinic community a minority embraced its visionary program while the majority were wary of its nonreligious orientation and secular leadership. Moreover, many prominent rabbinic figures expressed adamant opposition both to its immediate agenda and its long-range goals.³⁴ As the movement grew in popularity its redemptive allure captured the imagination of young people in all sectors of the Jewish community and attracted a following even within the ranks of yeshiva students. As a counterbalance to the growing secular Zionist movement, religious Zionists established the Mizrahi movement in 1902 while the non-Zionist Orthodox founded Agudath Israel in 1912.

An independent person by nature, Rabbi Weinberg remained above the fray of party politics throughout the greater part of his life and did not identify with either Mizrahi or Agudath Israel. It is true that as a young man he was active in the *Mahazikei ha-Dat* movement, a prominent Orthodox yeshiva-based movement that was a precursor of Agudath Israel.³⁵ Subsequently, he enjoyed a close relationship with leaders of the Agudath Israel and became a regular contributor to the Agudist press. His articles appeared frequently in publications such as the Hebrew *Ha-Modi'a* of Poltava, the Yiddish *Dos Yiddishe Vort* and *Togblatt* of Warsaw and *Dos Vort* of Vilna as well as the German *Israelit* of Frankfurt and *Jeschurun* of Berlin. It is also evident that, at that time, he disapproved

³²First published in 1917 as a series of articles in Yiddish in *Dos Yiddishe Vort* and republished in pamphlet form in Hebrew in Lodz in 1922, and together with other essays in *Et Ahai Anokhi Mevakesh* (Bnei Brak: Netzah, 1966), pp. 49–76.

³³See S.E., vol. 4, pp. 379–385 and *Et Ahai*, pp. 87–100.

³⁴See Jacob J. Schacter, "Haskalah, Secular Studies and the Close of the Yeshiva in Volozhin in 1892," *The Torah u-Madda Journal* II (1990): 128, n. 121, for an excellent note on the response of various prominent rabbinic authorities to the *Hibbat Zion* movement and early Zionist aspirations.

³⁵See Aaron Suraski, "Mi-Toldotav," in *Et Ahai*, p. 18. On the relationship of *Mahazikei ha-Dat* and the Agudath Israel, see Rabbi Hayyim Ozer Grodzinski, *Ahi'ezer: Kovetz Iggerot*, ed. A. Suraski (Bnei Brak: Netzah, 1970), I, pp. 279–284.

of affiliation with Mizrahi since such affiliation would have been tantamount to disassociation from preeminent rabbinic leaders of the day.³⁶ He did, however, recognize the need for creation of an effective Orthodox organizational infrastructure³⁷ and did not minimize the contributions of the nascent Agudath Israel in that endeavor.

During those years one of his chief concerns was the desire to foster mutual understanding between the various factions and, in particular, to explain the motivations underlying the intensity of feeling on the part of opponents of the secular Jewish political movements. The religious mentality, he argued, eschews tolerance, not out of narrowmindedness, but because of a depth of commitment that leads to an equation of tolerance with indifference. "Tolerance—a modern invention!" he wrote. "I can love my brother or hate him; but under no circumstances am I, or can I be, tolerant of him. From my brother I demand—and have the privilege to demand—that he not deny me the opportunity to love him properly, as one loves a brother. . . . Not manners and restraint but warmth of feeling, not tolerance and indifference but love and brotherhood we ask and demand of you!"³⁸

Ruminations regarding the early religious Zionist movement are recorded in a tribute to Rabbi Yitzhak Ya'akov Reines that R. Weinberg authored, originally in German, soon after Rabbi Reines' death in 1914. R. Weinberg certainly did not refuse to be identified with a personality such as Reines³⁹ and did not hesitate publicly to express his admiration for him even though he did not find himself fully in agreement either with Reines' educational theories or his political agenda.

As a perceptive and sensitive person, R. Weinberg was keenly aware of the pain of those individuals destined to suffer the "fate of great individuals in Israel graced with extraordinary talents and burdened with

³⁶S.E., vol. 4, p. 357.

³⁷*Et Ahai*, pp. 70–74.

³⁸*Et Ahai*, pp. 58–59.

³⁹To the contrary, he notes he was "privileged to be close to Reines and a friend of his," S.E., vol. 4, p. 358. The essay on Reines appeared in several German journals and was later translated into Hebrew by R. Weinberg and published in *Li-Perakim*, pp. 326–336, and republished in the fourth volume of *Seridei Esh*, pp. 353–359.

Jewish *mazal* (luck),"⁴⁰ individuals whose lives ought one day to be recorded in a "chronicle of the afflicted in Israel."⁴¹ He unreservedly admired Reines' scholarship, his written and spoken words, his enormous vitality and sacrificial communal activism as well as his independence of spirit, vision, and idealism. But he understood only too well the chain of events that had led to the isolation and unhappiness that marked Reines' life.

Reflecting familiarity with the causes of socio-religious ferment in Eastern Europe, R. Weinberg describes the conflict within the Jewish community in the early days of the Zionist movement. The community had already been sundered by the Enlightenment; pious Jews had become overly defensive in reaction to purveyors of Russian culture who sought to achieve forced Russification and assimilation; and antagonism between modernists and traditionalists had grown to warlike dimensions.⁴² With the advent of Zionist ideology, the community became further fragmented. The fiery enthusiasm and passion of Zionist youth was blunted by the opposition of rabbinic leaders based in part upon their lack of trust in activists who were not loyal to the traditions of Judaism. Caught in the middle were young rabbis who found themselves torn "between two magnets," drawn to the vibrancy and glamour of the new movement, but anchored by allegiance to the rabbinic luminaries who were its opponents.

It was against this background that Reines announced himself as an advocate of Zionism. Reines' move was prompted by sincere conviction and boundless love of fellow Jews.⁴³ To his colleagues in the rabbinate, however, his actions were those of a traitor. R. Weinberg delivers his own unequivocal evaluation of Reines' action. Notwithstanding the sincerity of Reines' conviction, R. Weinberg believed that Reines had committed a grievous error in parting company with the eminent

⁴⁰S.E., vol. 4, p. 359.

⁴¹*Ibid.*, p. 355.

⁴²Incisive is R. Weinberg's description of how offended were the faithful East European Jews at the insinuation that their learned sages needed to be taught etiquette. They felt wounded to the core as would be "the feeling of an aristocrat by birth to whom a wealthy *nouveau riche* boor would preach correct behavior and teach the rules of manners and proper conduct." *Ibid.*, p. 355.

⁴³Cf. Reines' own comments, *Shnei ha-Me'orot* (Pietrkow, 1913), part 2, p. 27.

rabbinic scholars of the day and in deviating from the policies established by them.

The extent to which R. Weinberg was moved by Reines' quandary is evident in the manner in which he repeats a discussion with Reines regarding Reines' vain attempts to heal the breach that developed between himself and his colleagues. R. Weinberg recounts how Reines commiserated with him: Surely Torah scholars should not have turned a deaf ear when he approached them to plead the case of a movement that gave promise for the rescue of Jewish lives. At the very least, he argued, emotionally rather than logically, their reaction should have been comparable to that customarily forthcoming in the case of an *agunah* problem in which the authority consulted can find no basis for a favorable response. In such cases the response is to seek the advice of others. Affected by the torment reflected in those words, R. Weinberg repeated the complaint to one of Reines' opponents and the latter responded: He came to us to organize activity, not to ask advice. Why did he not come before he took such a drastic public step? R. Weinberg concludes:

Surely, justice was on the side of the older rabbis. Whoever does not understand this, whoever does not want to understand the spiritual premise of their pure and innocent hearts does not understand anything. On the other hand, it is a dreadful wrong to dispute the righteousness of the aged Reines, of blessed memory. His intent was also pure and innocent.⁴⁴

R. Weinberg recognized that it was psychologically impossible for rabbinic leaders to join forces with someone who had broken ranks and publicly espoused policies that they had decried and that hence, for Reines, the early years of the Mizrahi movement he founded were inevitably doomed to be years of painful disappointment. R. Weinberg presents a moving portrayal of how, although hurt and wounded in the political fray, Reines continued to admire and revere the rabbinic personalities who all but ostracized him. Events develop a momentum of their own and Reines found himself increasingly isolated. Those scholars with whom he could have communicated spurned him and, although to the youth of the Zionist Congresses he was a patriarchal figure, he

⁴⁴S.E., vol. 4, p.357. Cf. *Shnei ha-Meorot*, part 2, pp. 22–23, 49.

was nevertheless a remote hero whose language they did not at all comprehend. He continued to be a visionary but—in R. Weinberg's opinion—one who lived in a dream world, ineffective in both his educational⁴⁵ and Zionist endeavors.

Whether or not R. Weinberg's own political views regarding either the Mizrahi or the general Zionist movement changed significantly during the ensuing years, his writings began to reflect an increasing sympathy for the Zionist enterprise. In one of his essays he profiles two diverse sets of personalities: the traditional religious Jew vs. the assimilated liberal Jew and the traditional religious Jew vs. the idealistic self-sacrificing *halutz* (Zionist pioneer). With regard to the first pair, there is no difficulty, claims R. Weinberg, in preferring one over the other: obviously, a Jewish personality must be selected over a secular one. With regard to the second pair, it is difficult to negate the contribution of either member of the pair. Truth and fairness, writes R. Weinberg, demand a positive assessment of the character traits of the nationalist Jew who has rebuilt the Land with his blood and sweat and has prepared a haven and place of refuge for his fellow Jew. How is it possible to harbor disdain or ingratitude toward these pioneers, asks R. Weinberg, when they have literally sunk their youth and their health into the malarial swamps in order to transform the Land of Israel into a fruitful Eden?⁴⁶

Most indicative of R. Weinberg's sympathy for Zionist aspirations is his remarkable essay devoted to an assessment of Theodor Herzl. Few, if any, East European rabbinic scholars would have expressed in writing a favorable portrayal of the assimilated Herzl. Yet, R. Weinberg did not hesitate to write that he saw Herzl as a prophetic visionary and spiritual personality. The title of the brief sketch encapsulates the message: "Herzl

⁴⁵S.E., vol. 4, p. 359. R. Weinberg was an open critic of Reines' educational philosophy. R. Weinberg relates that after he had delivered a guest talmudic discourse at Reines' yeshiva, the aged Reines asked him his opinion of the yeshiva from which, stated Reines, had emerged, "scholars, strictly religious Jews, enlightened Jews, good Zionists, according to my pattern . . ." Obviously, I answered his enthusiasm with gloomy silence. I did not want to destroy his last dream with my wicked doubts." (Loc. cit.)

⁴⁶See undated essay "Ye'ud ve-Ya'ad (Ha-Hitorrerut ha-Le'umit)," in *Li-Perakim*, p. 77.

Ish-ha-Dat—Herzl, the Man of Religion.”⁴⁷ R. Weinberg suggests that Herzl was a “great *baal teshuvah* (returnee), a pioneer of the great era of *teshuvah* in Judaism.” He perceives Herzl’s idealism as emanating from the deep recesses of a spiritual personality and is convinced that “in his innermost being he was totally of a religious nature.”⁴⁸ R. Weinberg distinguishes between Herzl the statesman and Herzl the poet and finds the statesman to be rooted in the world of reality and the poet to be rooted in the world of faith.

This essay is briefer and less structured than R. Weinberg’s other writings and consists merely of a series of vignettes: Herzl dispensing charity; Herzl at his father’s gravesite; Herzl meeting the common folk in Vilna; Herzl, with tears in his eyes, accepting a scroll of the Torah from Rabbi Shlomoh ha-Kohen of Vilna. R. Weinberg writes that, to the masses, the name “Herzl” became a symbol of “future, hope and faith.”⁴⁹ The reader readily perceives that R. Weinberg was not unaffected by the Zionist dream.⁵⁰

⁴⁷“Herzl, *Ish-ha-Dat*” was published in *Ha-Olam*, no. 29 (July 18, 1935): 460–461. It is instructive to compare this essay with Isaac Breuer’s “Epilog zum Tode Dr. Herzls,” *Der Israelit* 45:61 (Aug. 1, 1904):1295–1299. Cf., also, Isaac Breuer, *Concepts of Judaism*, ed. Jacob S. Levinger (Jerusalem: Israel Universities Press, 1974), pp. 3, 302–307, and p. 318, n. 18.

⁴⁸*Ha-Olam*, p. 460.

⁴⁹*Ibid.*, p. 461. Cf. *Das Volk der Religion*, p. 79.

⁵⁰R. Weinberg’s growing sympathy for Zionist aspirations was not unnoticed by colleagues on the faculty of the *Rabbinerseminar*. Both Auerbach, *Sefer ha-Zikaron*, p. 360, and Mario Offenberger, “Adass Jisroel: Orthodox und aufgeklärt,” in *Adass Jisroel, die jüdische Gemeinde in Berlin, (1869–1942). Vernichtet und Vergessen*, ed. Mario Offenberger (Berlin: Museumspädagogischer Dienst, 1986), pp. 34–35, describe the variegated Seminary faculty during the 1930s as including passionate adherents of both Mizrahi and Agudath Israel. Partisans of Mizrahi sought to win over R. Weinberg to their political viewpoint but, despite the attraction he felt to their cause, R. Weinberg remained critical of the Mizrahi. In an ironic riposte typical of his personality, R. Weinberg is reputed to have said: “Mizrachis Essen schmeckt zwar besser, doch das von Aguda ist kosherer. . . . Ihr Mizrahi-Leute werdet im jüdischen Staat Gott die Gleichberichtigung gewähren. Doch ich bin überzeugt, herrschen lasst ihr ihn nicht.” See Isi Jacob Eisner, “Reminiscences of the Berlin Rabbinical Seminary,” *Leo Baeck Institute Yearbook* XII (1967):45 and Offenberger, “Adass Jisroel,” p. 36.

Following the cataclysmic events of the Holocaust that left a decimated European Jewry in their wake, R. Weinberg looked upon the establishment of the State of Israel in 1948 as a sign that Divine favor had not departed from the Jewish people. He was unreserved and unambivalent in describing the founding of the State as a providential event of unsurpassed magnitude. He hailed

[T]he great event that occurred to the Jewish people for the first time after a lengthy exile of two thousand years. I see in this the work of miracles of a higher Providence that stood by us in our time of sorrow, the like of which there has not been since Israel became a nation. Following the destruction of the greater segment of our people, “From the Lord this has been, it is wondrous in our eyes:”⁵¹ the union of nations opposed to one another and fighting one another with fury and with hatred such as the Russian people and the American people for purposes of a common endeavor, that is, the founding of a Jewish State. I have already spoken publicly at a large public assembly regarding these miracles and wonders.⁵²

R. Weinberg’s essay, “Religion and State in Israel,” written in 1949, can only be understood as reflective of the words of the psalmist: “When the Lord returned the returning of Zion we were as dreamers” (Psalms 126:1). R. Weinberg dreamed glorious dreams of the fledgling country. He glorified the Israeli soldiers, “grandchildren of the Maccabees, soldiers of the Bar Kochba army, who in renewed partnership with the students of Rabbi Akiva have taken up the battle for the Holy Land interrupted two thousand years ago,”⁵³ envisioned the establishment of a social welfare system rooted in biblical teachings and anticipated a new golden age of Arab–Jewish cultural cooperation. Perhaps most utopian of all were his hopes that the secular pioneering spirit would be transformed into a religious one and that a spiritual revival would ensue. Herzl had awak-

While R. Weinberg remained politically independent and unaffiliated throughout his life, Kalman Kahane, *Heker ve-Iyun* 2:182, remarks on his particular sympathy for Poalei Agudath Israel, a party whose ideology combined elements of both Mizrahi and Aguda in a manner that R. Weinberg may well have found appealing.

⁵¹Psalms 118:23.

⁵²*S.E.*, vol. 2, no. 70, p. 186. Cf. *Das Volk der Religion*, p. 80.

⁵³*Das Volk der Religion*, p. 83.

ened the hopes of Jews with the charge that the Jewish State could become a reality: "If you will, it is no dream." In the heady first days of the State, R. Weinberg believed that the time had come to proclaim: "If we will, the Messiah is a reality."⁵⁴ The only cloud he saw on the horizon was the suggestion on the part of some that the Israeli government adopt a policy of separation of church and state, a policy that had gained wide currency in Western democracies. However, R. Weinberg expressed his conviction that ultimately such a policy would not be endorsed by the majority of Israelis and that even those whose political allegiance was to the socialist parties were, at heart, too intimately attached to the fundamentals of Judaism to accept a political modality that would sunder religion and nationality in the State of Israel.

As the years passed, he continued to express lavish praise of the achievements of the developing State and, despite its secular character, he viewed it as endowed with a measure of sanctity. R. Weinberg wrote:

To a Jewish person whose soul is not yet completely frozen there is no need to explain the full blessing that the State of Israel has brought us. This, our State that has renewed itself in the ancient land of the fathers, has brought revival and political independence to the Jewish people who dwell in Zion and to us, the dispersed of Israel in strange lands, honor and glory. The debate born of the question of whether to recognize a secular State that, to our great sorrow, is not founded upon the basis of Torah and *mitzvot* fades like smoke in the face of the existing reality of a sovereign Israeli government with a powerful security force that with unparalleled self-sacrifice protects our lives and the lives of our children within the country as well as our honor and our rights outside of it.

The renewed country is holy to us, not only because of its essential holiness derived from the word of our God and the God of our fathers and because of the sacred *mitzvot* that are dependent upon it. It has become even more sanctified by the holiness of Jewish blood, the blood of our pioneers who sank their blood and sweat in the accursed malarial swamps to transform them into flourishing, blossoming Edens for us and for those who follow us. It has been sanctified by the blood of our heroes, fighters of the battle of our people for conquest of the land and its freedom, in order to establish for the oppressed, a haven of refuge and a saving remnant in the land of the fathers for the oppressed, faint and persecuted nation.⁵⁵

⁵⁴Ibid., p. 87.

⁵⁵S.E., vol. 4, p. 375.

R. Weinberg sought occasions to encourage and applaud efforts on behalf of *aliyah*. A typical example of his thinking are the remarks appended to a halakhic discourse in honor of the *bar mitzvah* of the child of an intimate disciple:

In the Torah it is said: "For man is as the tree of the field." Man is like unto a tree. Just as for a tree there are two factors [needed] for its growth and development, the earth in which it is rooted and the air in which it lives and [grows] and which it breathes, so for his spiritual growth, a man requires the land in which he is born and rooted and the atmosphere of the environment which he imbibes and from which he lives and develops. In the land of Israel we had both factors, a holy land, the land of our fathers: Abraham, Isaac and Jacob, the land of the prophets and the holy *Tanna'im* as well as the sacred air of the holy land. "The air of the Land of Israel makes one wise," say the Sages. We who have been born in the diaspora, in a foreign land, where even the air is foreign and the surroundings are foreign, have no possibility to live and exist as Jews save by means of the fact that we have established for ourselves synagogues and houses of study and academies in which the air has been hallowed with the sanctity of the Torah. When we sit in the synagogue and in the house of study and are engaged in prayer and Torah, we breathe into ourselves the spirit of Torah and in this merit we are able to exist despite the fact that we dwell in a foreign land. But for a Jew, it is good that he traverse and settle in the Land of Israel where all is holy and all is Jewish, the land, the air, the surroundings, the home, the marketplace, et cetera.⁵⁶

Nevertheless, R. Weinberg remained a sharp critic of secularist idealization of a State devoid of religious heritage. Here, too, his views are clearly expressed in a homiletical comment in which he pointed to a contradiction between the verse "Moses commanded us the Torah an inheritance of the congregation of Jacob" (Deuteronomy 33:4) and the verse "And I shall give it unto you for an inheritance" (Exodus 6:8). Deuteronomy 33:4 posits the Torah as the inheritance of the Jewish people, whereas the reference in Exodus 6:8 is to the Promised Land as the inheritance. R. Weinberg suggests that prior to his demise, Moses "revealed that the secret of Jewish existence is not contingent upon the Land but upon the 'Torah commanded unto us by Moses.'"⁵⁷ The

⁵⁶S.E., vol. 3, no. 84, p. 272.

⁵⁷S.E., vol. 3, no. 77, p. 258.

inheritance of Israel is the Torah rather than the Land. The Land is indeed described as an inheritance, but only in an instrumental sense. R. Weinberg concludes, "The inheritance that is the basis of our life and our existence is solely the Torah and we need not be embarrassed in the presence of scoffers but must proclaim unequivocally that the national territory is the Torah. . . . In this we are distinct from every nation and people. Whoever does not acknowledge this denies the fundamental principle of Judaism."⁵⁸

It was precisely because of his belief in the operation of Divine providence in the establishment of the State of Israel that R. Weinberg was concerned lest the moment of destiny be lost. His sorrow at the establishment of the State of Israel as a secular polity governed by an alien system of law rather than by *halakhah* and influenced by the cultural values of Europe and America rather than by Torah teachings was not the pain of a passive observer saddened at an absence of religiosity but the anguish of a visionary who feared the loss of a historic opportunity for salvation. As a realist, he was aware that a state founded on secularist military and political aspirations need not necessarily endure. Survival of the State can be assured only as a phenomenon of salvation which, in turn, is unlikely to be associated with a State devoid of spiritual and cultural integrity. Adoption of Hebrew, even the idiom of the Bible, as the national language cannot suffice to establish the spiritual integrity that merits salvation. Hence, denial of the religious and prophetic ethos of Judaism is tantamount to national suicide. For Jews there can be no other culture than that of "the religion of Moses and Israel. . . . The ultimate outcome of the development of secular identity and abandonment of accepted *halakhah* is disintegration. . . ." ⁵⁹ Moreover, although he recognized that a modern state cannot engage in religious coercion, he was equally convinced that only by assuming a public posture of identification with authentic Jewish values would it be possible for the Jewish State "to be assured that the entire Jewish world would recognize and acknowledge its sovereignty."⁶⁰

⁵⁸Loc. cit.

⁵⁹S.E., vol. 4, p. 374.

⁶⁰Loc. cit.

The attitude of those observant Jews who were unable to identify joyously with the resurgence of Jewish sovereignty in Israel was sympathetically explained by R. Weinberg as reminiscent of the elders in the days of Ezra and Nehemiah, who feared that the new Temple and the service performed therein would not attain the quality of sanctity and spirituality manifest in the First Temple.⁶¹ Similarly, the trepidation among contemporary Jews that the new State might not lead to a spiritual rebirth could not be stilled:

Galut (exile) yet continues and extends. It has gone up with us to the land of the fathers and we have not as yet succeeded in freeing ourselves from its bonds. . . . When we see a large number of the Jewish youth in the land influenced by the false worship of coarse and cruel materialism and adopting an atheistic materialistic *weltanschauung* we taste the taste of embittered *galut*.⁶²

R. Weinberg cautioned that the State dare not risk further alienation of religious Jewry for, in the final analysis, it is that segment of the Jewish people alone of whose allegiance the State of Israel can be assured:

They are more important for the preservation of the State than the millions and millions of dollars of the American United Jewish Appeal. It is they who bear aloft the banner of Jewish culture and preserve Judaism in its pristine form. It is they who stood firm in times of trouble and tribulation and national calamity, who stood up to the test in all spiritual crises. . . .

A fateful question stands before us. Do we wish to continue the historic tradition and remain a great Jewish people renewing its youth and ancient glory, or, heaven forfend, to break the historic chain and cease to be a Jewish people? But—we have not yet lost our hope (*od lo ovdah tikvatenu*), the very old hope. There will yet arise a new generation with the song of renaissance, the spiritual renaissance in its mouth.⁶³

His positive attitude to the State lends an added measure of poignancy to R. Weinberg's occasional critical statements. Unlike the chastisements

⁶¹R. Weinberg's comments are based on his interpretation of Ezra 3:12.

⁶²S.E., vol. 4, p. 376.

⁶³Ibid., p. 379.

of many other rabbinic leaders who held themselves aloof from the State, his criticisms were the warnings of an insider and fellow-traveler. By 1959, when he was among the individuals whose opinion Ben Gurion solicited during the "Who is a Jew?" crisis, he was forthright in expressing his fears that the State might fail to fulfill the challenge of the times and that its secular orientation might damage or dilute the character of Judaism in a manner that would be deleterious to the fate of the Jewish people.

R. Weinberg's response to Ben Gurion's question contains no earth-shattering revelation or revolutionary insight. Assuredly, his reply, which is entirely consistent with halakhic norms, is exactly what was to be anticipated to emanate from the pen of any halakhic decisor. But R. Weinberg's words in response to the "Who is a Jew?" question of the 1950s, forceful, passionate, and emotional as they were, acquire an added measure of significance in light of the manner in which questions of intermarriage, Jewish identity, and the "Who is a Jew?" issue continually resurface on the political agenda.

With regard to the question of conversion, R. Weinberg presents an intriguing line of argument.⁶⁴ Ethnic identity is determined by biological relationships that are not subject to change or to subjective determination. Consequently, observes R. Weinberg, when Göring proclaimed that it was he personally who would subjectively determine who was to be designated as an Aryan, he made himself into a laughing-stock in the eyes of the world. In the theological sense, however, conversion is an entirely valid concept. It is a process whereby an individual who professes one corpus of belief undergoes a religious transformation and expresses allegiance to another series of faith-commitments. In an analogous manner, nations grant citizenship to a foreigner and thereby bestow upon him rights of nationality through the process of naturalization. Such a civic act does not transform ethnicity but merely changes legal status and secures certain prerogatives. However, Judaism is unique in that it alone among the religions of the world is an amalgam of religion and ethnic identity. Conversion to the religion of Judaism serves also to entitle the proselyte to the rights and prerogatives associated with Jewish descent. Adherence to the religion of Judaism entails membership in the community of Israel despite the absence of a genetic tie. Accordingly,

⁶⁴S.E., vol. 4, pp. 380–381.

the Sages ruled that converts who bring the first fruits to the Temple can also include the phrase "our God and the God of our fathers" in the accompanying dedicatory declaration.⁶⁵

R. Weinberg presents an ideological underpinning for this phenomenon. In Jewish teaching, the spiritual and ethical are of paramount importance. For the nation founded by Abraham and Sarah, who are viewed also as the father and mother of converts,⁶⁶ "biological race took the form and shape of spiritual-cultural race."⁶⁷ Individuals who adopt the ethical and religious teachings of Abraham and convert to his religion cleave to the spiritual race he founded and become fused with the spiritual stock that forms the foundation of Jewish nationality. The determinant characteristic of such conversion is not national identity, but attachment to a spiritual heritage.

R. Weinberg notes that Jewish law requires total identification with the spirit of the people of Israel: "Hence conversion can be effected only in the manner of religious conversion, in acceptance of the religion of Moses and Israel, in absorbing the spirit of Judaism in heart and soul and in acceptance of its values and its lifestyle. Another type of conversion does not exist."⁶⁸ An individual who is converted by any means other than that established by the Torah remains a non-Jew. This is not a matter that is subject to change by government fiat:

Whoever is born a gentile or is born to a gentile mother remains a gentile. Neither the Jewish government nor the *Knesset* is able to make him into a Jew. Only the Torah of Judaism decides who is a Jew and who is not a Jew. It is not in the power of a political government or of a constitutional institution to make a determination contrary to the law of the Torah and it does not redound to the honor of the Jewish government to testify falsely that one who is not a Jew is a Jew.⁶⁹

R. Weinberg cautions Ben-Gurion not to tamper with Jewish identity by denuding Judaism and robbing it of its unique character. In the

⁶⁵*Mishneh Torah, Hilkhoh Bikkurim* 4:3.

⁶⁶*Hagigah* 1:3.

⁶⁷S.E., vol. 4, p. 381.

⁶⁸*Ibid.*, p. 382.

⁶⁹*Loc. cit.*

past, he notes, there have arisen false interpreters of Judaism who sought to deny its national dimension. To erase the religious dimension is equally spurious and destructive: "Judaism is a merger of two components, the imprint of Judaism 'who is like unto your people, a singular people in the land?' on one side, and 'who has chosen us from among the nations and given us a Torah of truth' on the other. Exponents of Reform in the early years of that movement cut the coin into two; they took out one side and the coin became devoid of value. Do we want to erase what is on the other side and invalidate the Jewish coin?"⁷⁰

Any attempt on the part of the State to alter the *halakhah* of conversion is doomed to failure. Concern for the honor of the government of Israel prompted R. Weinberg to urge Ben Gurion to rescind the newly enacted registration statute since such a law could only turn the Israeli government into an object of ridicule. R. Weinberg concludes:

Nationalistic conversion, so to speak, has no logical meaning and has no value whatsoever. No Jewish community, and no Jewish institution in the world, will accept such an unaccepted convert who is armed with an identification certificate of a government that conducted itself contrary to the Torah of Israel.

We are truly and sincerely concerned for the honor of our Jewish government, this government that has arisen for us after thousands of years of exile, tribulations, wanderings and dispersions. Therefore in all sincerity we advise it to remove the directives for the laws of registration of the birth of adults and children that were conceived in an hour of conceit and to forget them entirely.⁷¹

R. Weinberg further argues that enactment of an Israeli registration statute that alters standards of identification as a Jew will have a shocking effect on Jews all over the world. The rabbinate's fears are not exaggerated, writes R. Weinberg:

⁷⁰Ibid., p. 383.

⁷¹Loc. cit. These words of caution are interesting in light of a related but different controversy that has arisen with regard to a conversion performed in Israel in the case of Paula Cohen, in which the conversion certificate was stamped "conversion valid only in the Land of Israel." To be sure, the conversion certificate had the imprimatur of the *Bet Din* of Rabbi Goren and not of the Israeli government. However, the concept of a conversion according to *halakhah* being linked to a residence requirement or, in any manner, differing from universally accepted halakhic norms arouses consternation.

The fear that enactment of the law of registration according to the intent of the Minister of the Interior will encourage and speed the process of assimilation that is connected with intermarriage stands in all its awesomeness. We, the rabbis of the diaspora, fight with all our might against mixed marriages with a clear recognition that they constitute the decisive cause of total assimilation and abandonment of the Jewish community. We have seized methods of defense against this epidemic that has broken out in Western countries. We disqualify those who marry a non-Jew from any matter involving holiness and forbid the circumcision of a child born of a non-Jewish mother. These methods of protection frighten and restrain any individual who is frivolous in matters of marriage but does not want to exit from the body of the Jewish people.

Now a frivolous individual can legitimize himself and his children with the license of the Jewish government. He only has to appear before the Israeli consul in the diaspora or the registration office in the Land of Israel and to affirm with sincerity that he and his children are Jews. . . . Did the Prime Minister not consider the destructive result of this registration law upon the Judaism of the diaspora?⁷²

In concluding his remarks, R. Weinberg reiterates his belief in the providential destiny of the State and his conviction that the only meaningful future for the State of Israel is one in which historical continuity is not denied. The Jewish State must be worthy of its name:

The State of Israel is in our eyes the final step in the fulfillment of the national-religious hope of countless generations, who suffered and were persecuted and slaughtered and killed for the sake of their faith. . . .

What do we want? Not authority and not special privileges. Only that the Jewish State be a Jewish State. . . .⁷³

2. Feminist Concerns

R. Weinberg's lifelong championship of the cause of women's education was quite unusual. In his sensitivity to feminist issues he was, in many respects, ahead of his time. In the 1990s, responsiveness to feminist concerns is taken for granted. Indeed, a person who is unresponsive to such

⁷²S.E., vol. 4, pp. 383–384.

⁷³Ibid., pp. 384–385.

concerns is likely to be branded a reactionary. This assuredly was not always the case. Social and religious concerns of women have become matters of topical discussion only in recent years. Yet as early as 1925, more than seventy years ago, R. Weinberg called attention to the issue of women's education as a matter of critical importance. Later he was to extol the Beth Jacob movement as "the most splendid accomplishment of our time"⁷⁴ and in 1949 he dedicated his collection of essays, *Das Volk der Religion*, to Sara Schenirer and to the ninety-three Beth Jacob girls who allegedly suffered martyrdom rather than submit to defilement by the Nazis.⁷⁵ In various responsa that he authored over a period of decades, he consistently exhibited sensitivity to the feelings, sensibilities, and religious stirrings of women.

However, while all of these facts are certainly noteworthy, there is one respect in which R. Weinberg's writings about women are truly remarkable. With regard to virtually any social problem, it is possible to adopt either a minimalist approach or a maximalist approach. For example, one may seek to alleviate the plight of the homeless by means of moderate reforms and appeals to charity or one may opt for no less than a sweeping system of welfare legislation designed to provide employment, housing, and social benefits for all. Insofar as education of women is concerned, individuals may have recognized the need for a basic educational program simply in order to hold assimilation and intermarriage at bay. R. Weinberg did not advocate a minimalist approach of that nature. From the time of his earliest involvement in this issue, he advocated comprehensive change in order to provide intellectual challenge and satisfac-

⁷⁴S.E., vol. 3, no. 93, p. 297.

⁷⁵The veracity of this incident has been seriously challenged. See the interesting discussion of Judith Tydor Baumol and Jacob J. Schacter, "The Ninety-three Bais Yaakov Girls of Cracow: History or Typology," *Reverence, Righteousness and Rahmanut: Essays in Memory of Rabbi Dr. Leo Jung*, ed. Jacob J. Schacter (Northvale, NJ: Jason Aronson Inc., 1992), pp. 93–130. The authors of that article record the doubts that have been expressed (see especially pp. 101–104), but their own conclusion serves to cast doubt upon the doubts. Their argument is, however, not compelling. The veracity of the incident remains a matter of serious doubt, particularly since a number of those who deny that the martyrdom took place were themselves closely associated with the individuals who publicized the original report.

tion for women no less than for men. He was aware that in the modern world women were gradually achieving a sense of equality in all aspects of secular life and that to grant them anything less in the religious sphere was both perilous to the welfare of the community and indefensible in terms of the justified demands of women themselves. He well realized that women must not be given cause to regard themselves as second-class citizens within the Jewish community.

In 1925 R. Weinberg wrote a short essay eulogizing a prominent, highly educated woman, Esther Rubinstein of Vilna. This brief contribution is of interest primarily because of its focus upon educational goals. The essay was contributed by R. Weinberg to a commemorative volume issued in memory of Esther Rubinstein on the first anniversary of her death.⁷⁶ R. Weinberg was always quick to acclaim the accomplishments of women of talent. In this instance, he did not hesitate to write that Esther Rubinstein had been respected by all segments of the Jewish community, including scholars of the *bet midrash* and yeshiva, and to declare that her comprehensive Torah knowledge was of such caliber that it would have been worthy of note even in a man whose life was exclusively devoted to Torah study. He acknowledged her breadth of knowledge, her mastery of the written word and oratorical skills, and her readiness to articulate her views publicly so that, ultimately, people became so accustomed to her presence, that "her silence aroused more astonishment than her speech."⁷⁷ He noted with pride that she was a rare example of a deeply religious woman who played a prominent role in the

⁷⁶"Eshet ha-Mofet," in *Sefer Zikaron le-ha-Rabbanit Ester Rubinshteyn*, ed. S. L. Citron (Vilna, 1925), pp. 9–12. The learned Esther Rubinstein was the daughter of the rabbi of Shaki and was married to Rabbi Isaac Rubinstein, an interesting personality who was appointed crown rabbi of Vilna in 1910. Rabbi Rubinstein was one of the few government-appointed rabbis who possessed rabbinic credentials, but despite these qualifications, or perhaps, in part, because of them, his appointment aroused controversy.

⁷⁷*Ibid.*, p. 9. R. Weinberg (*ibid.*, p. 11) records Esther Rubinstein's interpretation of the phrase *Kol kevudah bat melekh penimah*—"The entire glory of the king's daughter is within" (Psalms 45:14)—which is usually cited to illustrate that the parameters of a woman's life should be limited to nonpublic functions—to the effect that, ultimately, it is the inner world of a woman that constitutes her true glory and adornment.

public arena and yet retained a fundamental and deeply rooted modesty. Witnessing the spiritual turmoil experienced by the Jewish community in the wake of the First World War, she felt compelled to assume a public posture in order to arouse the broader community from its lethargy and to agitate for serious attention to the religious education of women. He extolled Esther Rubinstein for having taught by personal example that religiosity and intellectuality need not represent an irreconcilable dichotomy for women and for having raised her voice in criticizing a society in which women were discouraged from serious cultivation of scholarly and intellectual pursuits.

In this essay, R. Weinberg makes it abundantly clear that the issue of women's education constituted one of the most pressing questions on the agenda of the Orthodox community. In concise but quite direct language, R. Weinberg expressed the conviction that "education of girls is the most difficult of our problems. It is with this problem, in particular, that we who are zealous and faithful to the standard of our heritage struggle in the open and in the recesses of our hearts." He recognized the need for creative leadership in this major area of concern. There was a need to forge new paths (*kvishat derekh*); once forged, there was a need for guidance in traveling that path and for "a lamp to illuminate the cross-roads." R. Weinberg sought to kindle hope and awaken a sense of destiny. Perhaps the single most noteworthy comment in this essay is his concluding remark in which he expresses the hope *cum* prayer that the memory of the accomplished Esther Rubinstein remain a "symbol for *massa-nefesh*, for aspiration."⁷⁸ Although R. Weinberg did not reach the point of developing detailed curricula for women, his appreciation of the extent of their yearning and aspiration may have been a factor contributing to change in the dominant cultural milieu.

Two responsa of R. Weinberg concerning women, one addressing the question of mixed singing and the other regarding the celebration of a *bat mitzvah*, are well-known and frequently cited. Less well-known and often ignored are the caveats R. Weinberg attached to these landmark decisions and the precedents upon which they are based.

Responding to a query regarding the propriety of a *bat mitzvah* celebration, R. Weinberg dismisses the argument against instituting such a celebration based on the fact that it is not a time-hallowed practice. He writes:

⁷⁸Ibid., p. 12.

In truth, however, this is no argument. In previous generations it was unnecessary to be preoccupied with the education of girls for every Jewish person was filled with Torah and fear of Heaven. Moreover, the atmosphere in each and every city in Israel was filled to capacity with the flavor and spirit of Judaism. Girls who were raised in a Jewish home imbibed the spirit of Judaism without doing anything and practically absorbed Judaism from their mothers' breast. Now the generations have become radically transformed. The atmosphere of the street removes any spark of Judaism from the heart of every boy and girl. Girls are educated in non-Jewish schools or in secular schools that do not take pains to implant love of the Torah of Israel and of the holy customs of authentic Judaism in the heart of their students. . . . Indeed, it is a very painful matter that, insofar as general education is concerned, regarding instruction in languages, secular literature, sciences and humanities, there is concern for girls just as for boys, whereas with regard to religious education, biblical studies, the ethical literature of the Sages and the practical *mitzvot* regarding which women are obligated, there is utter neglect. Fortunately, the great Jewish leaders of the previous generation recognized this failure and established institutions of Torah and religious encouragement for Jewish girls. The establishment of a great and comprehensive network of Beth Jacob schools is the most splendid accomplishment of our age. Sound logic and the obligation of fundamental pedagogic principles would practically mandate that one also celebrate attainment of the obligation of *mitzvot* on the part of a girl. Discrimination between boys and girls with regard to the celebration of maturity is an affront to the human feelings of the adolescent girl, who in other respects, as it were, has been accorded the privileges of emancipation.⁷⁹

R. Weinberg, however, ruled that the *bat mitzvah* celebration should be observed in the home, or in a synagogue hall, but not in the sanctuary proper. In this, he is in agreement with an earlier ruling of R. Moses Feinstein, *Iggerot Mosheh, Orah Hayyim*, no. 104.⁸⁰ Nevertheless, R. Weinberg advocated that the rabbi attend the festivities and deliver an address encouraging the *bat mitzvah* celebrant to further strengthen her religious commitment and to aspire to marry a learned and pious husband. R. Weinberg emphasizes that there was strong reason to permit

⁷⁹S.E., vol. 3, no. 93, p. 297.

⁸⁰In a personal letter to Rabbi Elberg published in *Ha-Pardes*, R. Weinberg states emphatically that his view regarding the *bat mitzvah* celebration is identical to that of Rabbi Feinstein. See *Ha-Pardes* 40:10 (July 1966): 36.

and to encourage the practice of *bat mitzvah* celebrations in such a guise even in accordance with the view of the Gaon of Vilna who had ruled very restrictively with regard to innovations involving possible infraction of the prohibition against adopting any practices that might be deemed *hukkat ha-goy*.⁸¹

⁸¹S.E., vol. 3, p. 297. R. Weinberg was, in effect, assuring that the ceremony be used as a means of promoting traditional values and constitute the very antithesis of a Reform innovation. Creative compromise that defuses communal tension can serve to resolve halakhic questions while also promoting educational goals. In 1830, when confirmation was a subject of heated controversy in Germany, Rabbi Jacob Ettlinger, who at the time served as *Klaus* Rabbi in Mannheim, ruled against instituting confirmation ceremonies but suggested to the Baden Jewish Council that they introduce a public final examination day with a formal assembly that would serve a social and pedagogical purpose similar to that of the confirmation ceremony but avoid the halakhic problems associated with taking of an oath as well as the question of *hukkat ha-goy*. See Mordecai Eliav, *Ha-Hinukh ha-Yehudi be-Germaniyah be-Yemei ha-Haskalah ve-ha-Emantzipatziyah* (Jerusalem: The Jewish Agency, 1960), p. 269. See also Adolf Lewin, *Geschichte der badischen Juden seit der Regierung Karl Friedrichs (1738–1909)* (Karlsruhe: H. Bissinger, 1909), pp. 256–257 and Berthold Rosenthal, *Die jüdische Volksschulen in Baden* (Frankfurt, 1934), p. 155. On opposition to confirmation on halakhic grounds, see R. Abraham Sutro, “Od be-Inyan Hithadshut be-Bet ha-Knesset,” *Shomer Tziyon ha-Ne’eman* 175:348–349. Subsequently, in Altona, Ettlinger remained opposed to confirmation ceremonies but instituted an “*öffentliche Religionsprüfung*,” a formal public religious examination. It was Ettlinger’s wont to participate in the public examinations and to address the students in the rhetoric of the day concerning their duties as Jews and as citizens. A correspondent to *Ha-Maggid* (June 22, 1870) p. 186, reports on a ceremony held in Altona in the year 1870 in which the aged Rabbi Ettlinger participated.

Mordecai Breuer, “Perakim be-Toldot Rabbi Shimshon Rafael Hirsch,” *Ha-Ma’ayan* 12:2 (1972): 61, n. 25, relates that he heard from his teacher, Rabbi Shlomoh Adler, that he had seen a published text of a discourse delivered by Rabbi Ettlinger in honor of a *bat mitzvah* celebration. However, Yehudah A. Horovitz, ed., *She’elot u-Teshuvot ha-Arukh la-Ner II* (Jerusalem: Dvar Jerushalayim, 1989): 107, n. 1, quite correctly points out that there exists no record of any such publication. The discourse given by Rabbi Ettlinger was on the occasion of a public religious examination that was conducted in lieu of the confirmation exercises required by the Danish government. A Hebrew translation of the latter discourse may be found in *ibid.*, pp. 145–148.

A further reason militating against *bat mitzvah* celebrations in the synagogue proper, R. Weinberg maintained, was the need to eliminate any shred of suspicion that the celebration was instituted in emulation of Reform practices. He distinguished sharply between the question of the permissibility of introducing *bat mitzvah* celebrations and the propriety of use of an organ in the synagogue. The latter he regarded as halakhically proscribed because of its Reform provenance. Although R. Weinberg expressed concern that, even in the case of *bat mitzvah* celebrations, it was necessary to avoid even inadvertent association with Reform innovations, he reasoned that the home celebration of the *bat mitzvah* clearly constitutes a private religious event far removed from the public celebrations of Reform.

A further consideration militating against celebration of the *bat mitzvah* ceremony in the sanctuary of the synagogue itself is the halakhic principle that the synagogue proper may be utilized only for liturgical purposes.⁸² Although the *bat mitzvah* ceremony may serve pedagogic and religious purposes, the ceremony does not fall within the ambit of practices that it is permissible to conduct within a synagogue. It was upon this consideration that Rabbi Moses Feinstein’s ruling against *bat mitzvah* ceremonies in the synagogue was predicated.

It should be noted that elsewhere R. Weinberg discusses the question of use of synagogues for lectures or concerts. The question arose in the period prior to World War II when the gathering of Jews in other locales was not a viable option. In granting limited permission for such activities as a temporary dispensation, R. Weinberg carefully circumscribes his ruling in order to assure that the activities will not violate the sanctity of the synagogue and, even with those limitations, emphasizes, “I declare explicitly that this dispensation applies only during the present time, which is an emergency situation as is well-known, and, please God, when the Almighty will improve our situation we will, with the help of God, continue to be meticulous with regard to the sanctity of the synagogue in all its rigor.”⁸³

R. Weinberg concludes his discussion with two significant comments. He enunciates as a general rule of thumb that with regard to such matters the question of motivation is crucial. The salient question is whether the intent of those introducing the new practice is for

⁸²See *Shulhan Arukh, Orach Hayyim* 151.

⁸³S.E., vol. 2, no. 12, p. 28.

the sake of Heaven or whether they seek imitation of liberal trends. Secondly, and more significantly, R. Weinberg emphasizes that with regard to the *bat mitzvah* celebrations a case can be made both pro and con. All the more reason, he cautions, for mutual understanding and respect. Among the pious, many respond to questions involving proposed ritual or liturgical changes in a manner that is not subject to reasoned debate. Quite appropriately, "the Jewish heart that is attached to the tradition of parents and teachers recoils before any change whatsoever in religious conduct." However, underscores R. Weinberg, such individuals should not be oblivious to the fact that those who wish to institute the *bat mitzvah* celebration are also motivated by religious zeal and emotional attachment to Judaism and that, in their case as well, "their heart beats with trembling to strengthen the religious education of Jewish girls who, on account of the circumstances of life in this age, have a special need for spiritual strengthening and ethical encouragement when they reach the age of *mitzvot*."⁸⁴

R. Weinberg's responsum is comprehensive but hardly innovative. What is striking is the balanced treatment of different facets of the question, the sympathetic appreciation of diverse positions and, above all, the keen sensitivity to, and profound concern for, the feelings and sensibilities of women.

In another important responsum, R. Weinberg addressed the question of mixed singing. The *Gemara*, *Berakhot* 24a, states, "A woman's voice is a sexual incitement" and a number of halakhic restrictions pertaining to women's singing are predicated upon the postulation of an erotic quality associated with the female voice.⁸⁵ In accordance with those principles, Hatam Sofer, writing in the nineteenth century, ruled explicitly that mixed choirs comprised of men and women choristers are prohibited.⁸⁶ Nevertheless, various discussions have appeared in the responsa literature addressing the limited circumstances in which it may be permissible for men to listen to the singing of women.⁸⁷

⁸⁴Ibid., vol. 3, p. 298.

⁸⁵See *Shulhan Arukh*, *Even ha-Ezer* 21:1 and *Orah Hayyim* 76:3.

⁸⁶*Teshuvot Hatam Sofer*, *Hoshen Mishpat*, no. 190.

⁸⁷See sources cited in J. David Bleich, *Contemporary Halakhic Problems II* (New York: Ktav, 1983):147–150. Cf. Saul J. Berman, "Kol 'Isha," in *Rabbi Joseph H. Lookstein Memorial Volume*, ed. Leo Landman (New York: Ktav, 1980), pp. 45–66, who claims that R. Weinberg's ruling on this matter represents a

As has been noted, knowledge of R. Weinberg's permissive ruling regarding one facet of this issue is widely disseminated. However, the specific situation in which his comments apply, the hesitations he articulates in his account of his own initial negative reaction, and the ultimate dispositive consideration he advances, are frequently overlooked. In order to understand this responsum, it is imperative to examine closely the fine points of the discussion. The responsum is paradigmatic of the balance of scholarship, judgment, caution, and innovation R. Weinberg brought to bear upon halakhic issues of practical moment to the Jewish community.

After World War II, leaders of *Jeschurun*, a Jewish youth organization in France, asked R. Weinberg whether it was permissible for them to continue to sponsor social and educational programs in the course of which male and female participants join in communal singing. The interlocutors were prompted to seek R. Weinberg's guidance because of criticism of their activities on the part of individuals who maintained that *Jeschurun*'s non-segregated activities were, in themselves, a departure from the accepted norms of Jewish tradition and that mixed singing, in particular, constituted an egregious violation of *halakhah*.

In his reply, R. Weinberg did not merely provide halakhic sanction for this practice: R. Weinberg was forceful, eloquent, and persuasive in endorsing and commending the activities of *Jeschurun*. He endorses and shows praises upon their programs and forcefully urges their continuance. He expresses full support for the policies of *Jeschurun* as suitable for the times and, indeed, as the only approach capable of success in the France of his day. Nevertheless, R. Weinberg is in no way dismissive of the gravity of the question from the vantage point of *halakhah* and tradition or of the validity of opposing views. He writes, "The *haredim* assuredly have what to base themselves upon."⁸⁸ He then proceeds to discuss with meticulous

return to the understanding of the principle "A woman's voice is a sexual incitement" reflected in the writings of early-day scholars. An analytic examination of that halakhic principle is beyond the scope of this paper. It may, however, be noted that there would have been no reason for R. Weinberg initially to have expressed astonishment upon observing the practice in Germany or later to invoke the principle of *et la'asot* (see, *infra*, p. 209) if he believed the practice to be consistent with the plain meaning of the text as understood by the classic commentators.

⁸⁸S.E., vol. 2, no. 8, p. 13.

concern the technical halakhic aspects both of the general question of the acceptability of non-segregated social programs and of the specific question of the permissibility of women singing in mixed groups.

R. Weinberg candidly records his own initial negative reaction and ensuing protest when, upon moving to Germany, he discovered that it was common practice in observant homes in that country for all members of the family, female as well as male, to join in singing *zemirot* on the Sabbath even when guests were present. He was soon informed that such conduct had been sanctioned by both Rabbi Samson Raphael Hirsch and Rabbi Azriel Hildesheimer. He notes that, even with such assurances, "I was not satisfied"⁸⁹ and continued to seek recorded sources that might provide a basis for sanctioning the practice. Moreover, although he responded affirmatively to the question before him and, as will be seen, he deemed the critics of *Jeschurun* to be misguided and short-sighted, he appended an important caveat to his ruling, namely, that those women who demur from participating in mixed singing are to be accorded every respect, "for, in the final analysis, they are seized of the custom of our sainted fathers who were careful not to permit women [to sing] even holy *zemirot*, [in mixed company]."⁹⁰

R. Weinberg bases his halakhic leniency regarding the issue of mixed singing on a number of considerations. Some authorities cite the talmudic dictum, formulated in an entirely different context, to the effect that "two voices are not heard"⁹¹ simultaneously and, applying it in this context, they conclude that, when the female voice is not distinctively audible, mixed singing is not forbidden. R. Weinberg himself advances a stronger argument for sanctioning mixed singing of sacred songs. He argues that listening to the female voice is forbidden only when it is likely to arouse prurient interest. Sacred songs are sung, not for the purpose of deriving sensual pleasure, but in order to arouse religious feeling and fervor; accordingly, in such a context, the sound of a female voice is not likely to be provocative.⁹²

⁸⁹Ibid., p. 16.

⁹⁰Ibid., p. 17. Cf. Maharam Schick, *Even ha-Ezer*, no. 53, and Iggerot Mosheh, *Orah Hayyim*, I, no. 26, on the teaching "Whosoever is stringent in such matters should be spoken of as holy."

⁹¹See *Rosh ha-Shanah* 27a and Rashi, *Megillah* 21b.

⁹²See also R. Weinberg's succinct statement "holy *zemirot* do not arouse thoughts of sin," S.E. vol. 2, no. 14, p. 30, as well as other authorities who follow this line of reasoning cited in *Contemporary Halakhic Problems*, II, p. 150.

Most telling is the concluding argument presented by R. Weinberg. It is from this final consideration that it becomes apparent that R. Weinberg deemed the question to involve an issue that might be resolved permissively in case of necessity but that such a ruling would be far from indisputable. In light of the significant halakhic controversy concerning the points at issue, a lenient ruling might in a particular time and locale be mandated by wisdom, but practices instituted pursuant to that ruling must be recognized as dictated by circumstance and not as a mode of behavior to be espoused indiscriminately.

R. Weinberg observes that, in issuing a ruling regarding this question, the broader ramifications of a complex situation must be taken into consideration. Youth organizations such as *Jeschurun* had a record of phenomenal success in inspiring youth to return to observance of Torah. He recognized that the organization's programs merited endorsement because of their proven value. More significantly, it was necessary to beware lest adoption of stringent standards cause the youth to be alienated from Torah and *mitzvot*. Forthrightly, R. Weinberg states:

In countries like Germany and France, women would feel disgraced and deprived of their rights if we would forbid them to participate in rejoicing over the Sabbath by singing holy *zemirot*. This is evident to anyone familiar with the character of women in these countries. A stringent ruling could cause women to become disaffected from religion, heaven forbid.⁹³

In light of these pedagogic and social realities, R. Weinberg suggests that in the case of youth groups such as *Jeschurun*, the principle developed on the basis of talmudic exegesis of Psalms 119:126, "*Et la'asot la-Shem*"—"It is time to accomplish for the Lord, they have made void Thy law" overrides the possible prohibition against mixed singing. In his formulation of this latter consideration, it is evident that R. Weinberg regards the issue of mixed singing as involving "no absolute prohibition (*issur gamur*) but rather a pious custom and practice of modesty."⁹⁴

The historical and sociological comments R. Weinberg adds regarding the approach of different rabbinic authorities to these matters are

⁹³S.E., vol. 2, p. 17.

⁹⁴Ibid., p. 16.

instructive. He expresses the opinion that the rabbis of Poland and Hungary who protested against mixed singing did not have a proper understanding of the cultural milieu of French Jewry and did not fully comprehend the deterioration of religious observance that had occurred in France. Accordingly, their counsel, if heeded, would only endanger the success of existing religious educational enterprises. Moreover, states R. Weinberg, "the great sages and Torah scholars of Lithuania and Poland" were unsuccessful in retaining the religious allegiance of the youth "because they did not know how to adjust education to the conditions of the time."⁹⁵ In contradistinction, he asserts, the rabbinic leaders in Germany were "knowledgeable and experts in the field of education,"⁹⁶ and, in particular, they succeeded "in the education of girls and young women more so than did the great Torah scholars of other countries. In Germany we see educated women zealous for the Jewish religion and enthusiastically observing *mitzvot*." As a consequence, R. Weinberg concludes, he would fear to deviate from the policies earlier established by the German rabbis, and declares, "Therefore, I myself do not dare to forbid what they permitted."⁹⁷

It was precisely R. Weinberg's insightful understanding of the reasons for the success of *Jeschurun* that constituted the motive underlying the particular halakhic leniency under discussion. He describes in detail various aspects of the French Jewish cultural and social milieu that con-

⁹⁵Ibid., p. 14.

⁹⁶Loc. cit. R. Weinberg relates that, upon returning from a visit to Berlin during which he had observed Rabbi Hildesheimer lecturing to young women, R. Israel Salanter stated that were a Lithuanian rabbi to introduce such classes he would quite correctly be dismissed from his post. Nonetheless, he declared, would that his portion in the world-to-come be like that of the great and saintly Rabbi Hildesheimer. R. Weinberg adds that the distinction between Lithuania and Germany reflects the principle of *Et la'asot la-Shem*. Cf., the report of these comments of Rabbi Israel Salanter in Rabbi Yitzhak Ya'akov Reines, *Shnei ha-Me'orot*, part 2, p. 46. Offenberg, "Adass Jisroel," p. 36, notes the pioneering efforts on behalf of education of women undertaken by individuals associated with the *Rabbinerseminar*, such as Azriel Hildesheimer, Moses Auerbach, and Leo Deutschlander.

⁹⁷S.E., vol. 2, pp. 16-17.

tributed to the high rate of assimilation. He underscores the fact that, in France, adolescents were involved in a demanding and absorbing program of secular studies with virtually no exposure to Torah study. The little Torah study in which they participated was hardly vital or stimulating. As a result, Jewish youth possessed of a modicum of spiritual aspiration felt themselves socially isolated: "The root cause of the sad and foul situation created in France is, in my opinion, the feeling of loneliness that presses upon the heart of Jewish youth. The Jewish boy or girl feels alone and abandoned with no spiritual anchorage in the home or in the family of [his or her] parents and relatives. The home and the family of our brothers in France is empty of the heritage of their fathers and of their tradition of a living, vital Jewish way of life; they contain no sign of life in the spirit of Judaism."⁹⁸

The key to the success of an organization such as *Jeschurun* lies in the fact that it presents this youth with a Judaism that is vibrant and attractive; it provides Torah study and religious teaching within the context of a social setting. Social activities, meetings, and excursions create an atmosphere of conviviality and warmth. Study sessions and religious services are conducted in a manner designed to foster self-pride. The activities of the youth group counteract the feelings of despondency and depression Jewish youth experience in the general community. In such a setting, insistence upon standards of conduct that would be viewed by the young women in the group as humiliating and demeaning and as relegating them to an inferior status would undermine the very basis of the organization's success.

It is significant that R. Weinberg concludes with a very sharp criticism of those who oppose *Jeschurun's* activities. Not only do such individuals blind themselves to reality, not only are they without any influence whatsoever on youth of the community at large, not only are they guilty of "concentrating in their narrow circle and paying no attention to the process of assimilation that is wreaking havoc even among the strictly religious," but in their self-absorption, they will lose their own children for "they do not worry the worry of the morrow for the religious future of their children." Even the children of the strictly religious attend non-Jewish schools and there is no guarantee that they will with-

⁹⁸Ibid., p. 14.

stand the tide of assimilation.⁹⁹ Little wonder then, that R. Weinberg's "permissive" ruling was more than permissive; R. Weinberg ruled that continuation of such activities was mandatory.¹⁰⁰ The responsum concludes with the statement: "It is the command of the hour to create a circle of religious young men and young women, a youth organization with contagious zeal . . . to conquer hearts and raise weakened spirits."¹⁰¹

Evident in both responsa is R. Weinberg's awareness of the need to enhance women's religious experience, particularly in an age in which their daily life was influenced by Western cultural trends that were antithetical to Torah values. He recognized that, given the socio-religious realia of the day, synagogue attendance assumed an importance far greater than in earlier generations, particularly as far as women were concerned. Accordingly, he urged that every effort be made to foster such

⁹⁹Ibid., p. 17. In the course of time this sector of the community did develop their own network of schools in which it was appropriate for them to set their own stringent standards of religious conduct.

¹⁰⁰In a personal communication to R. Elberg, *Ha-Pardes*, 41:5 (Feb., 1967): 38, R. Weinberg notes with obvious satisfaction that R. Kalman Kahane had informed him that R. Abraham I. Karelitz (Hazon Ish) had also counseled with regard to the activities of *Ezra*, the youth organization of Poalei Agudath Israel, that no one should undertake measures that might undermine its effectiveness.

It is noteworthy that in some respects the comments of R. Weinberg regarding youth groups and women singing remain germane. It is a question whose resolution is dependent on the intricacies and complexities of each specific locale and the circumstances prevalent at any given time. Certainly, non-participation in singing is experienced by some young women as a great deprivation. Nonetheless, where educational standards are higher than those of the French community described by R. Weinberg, the situation may be somewhat altered. Of interest in this regard are comments on mixed singing in the context of the Israeli *Bnei Akiya* movement to be found in Rabbi S. Aviner, "Be-Inyan Shirat Na'arot," in *Am ke-Lavi: Inyanai Halakhah* (Jerusalem, 1983) sec. 333, I, p. 290; *idem*, "Hitstarfut le-Tenu'at No'ar Me'urevet," in *Gan Na'ul: Pirkei Tzniyut* (Jerusalem, 1985), pp. 118–120; and *idem*, "Be-Inyan Bnei Akiya," in *Mi-Kedem le-Beit-El* (Jerusalem, 1990), sec. 47, pp. 174–175. Rabbi Aviner urges "constant striving for improvement" with regard to this practice (*Am ke-Lavi*, p. 290).

¹⁰¹S.E., vol. 2, p. 17.

attendance and assure that women not be made to feel excluded. He cautions: "If the women will stay in the house and not come to the synagogue, the teachings of Judaism will become entirely forgotten to them. . . . In our days women take great exception if they are distanced from houses of prayer. Indeed, in our day, for women and mothers, attendance at synagogue prayer services constitutes the fulfillment of Judaism."¹⁰²

R. Weinberg's responsa on the question of women's suffrage and women serving in elected office are also revealing. From the two brief responsa that refer to this topic, it is evident that R. Weinberg believed that, from the perspective of *halakhah*, there was ample ground for a permissive policy.¹⁰³ Since he maintained that the considerations of those who ruled restrictively with regard to this question were extra-halakhic in nature, he declared that this was an issue in which social and pragmatic considerations should play the decisive role. R. Weinberg observes that those rabbinic authorities who ruled restrictively were concerned that active leadership of women in communal affairs was a practice that ran counter to Torah teachings of modesty.

His responsa reflect not only the view that this area is one in which sociological realia play a definitive role but also that it is an area in which social acceptability is relative in nature rather than absolute. It is note-

¹⁰²S.E., vol. 2, no. 14, p. 30. Cf., also, *ibid.*, vol. 3, no. 95, p. 301, his warning that in establishing standards of female attire, the rabbi should on no account "provoke a quarrel that will discourage women from synagogue attendance."

In light of the importance he attached to synagogue attendance by women, one cannot but wonder what the response of R. Weinberg would have been to a controversial question of the latter part of the twentieth century, namely, the propriety of women's prayer groups. It is evident that he would have been open to understanding the motives and the aspirations of those who, in all sincerity, advocate the practice as a vehicle of expression of deep religious feeling, and he would have been cognizant of the impact of changing cultural mores. Nonetheless, the countervailing considerations of absence of precedent, deference for tradition in all forms of communal life and ritual, and the concern not to create a rift with traditionalist sectors and to shatter the unity of the overall community would also have been significant factors in any ruling he would have issued. To suggest what his ruling might have been would thus be presumptuous and purely speculative.

¹⁰³S.E., vol. 2, no. 52, p. 104, dated 1932, and S.E., vol. 3, no. 104, p. 322, dated 1951.

worthy that in his responsum dated 1932, R. Weinberg writes in strong language that "Assuredly, it is appropriate to prevent women's participation in communal leadership and elections insofar as possible,"¹⁰⁴ whereas in the responsum authored in 1951 he merely notes that those who rule restrictively are motivated by considerations of piety and religious practice. Since he believed that no normative halakhic rules were involved, he concluded with the pragmatic observation that this particular question would resolve itself in the course of time: "Let us leave the matter to time, which will decide."¹⁰⁵

R. Weinberg was always sympathetic to the plight of women whose anguish and suffering in cases of marital breakdown was aggravated by halakhic difficulties. His concern for "*takkanat b'not Yisra'el*" ("rectification [of the status] of Jewish daughters") is expressed repeatedly. Moreover, quite apart from his concern for the well-being of individual women in such predicaments, he was wary lest failure to defend the rights of victimized women lead to defamation of halakhic Judaism and concomitant desecration of the Name of Heaven.

During the early part of R. Weinberg's lifetime, the modern-day *agunah* problem arising from situations in which a recalcitrant husband refuses to execute a religious divorce had not reached its present tragic proportions. The individual cases in which his assistance was sought were related to the more conventional types of *agunot*, that is, situations involving halakhic criteria for identification of a corpse or for declaring a missing person to be deceased in order to accord the woman permission to remarry¹⁰⁶ or situations involving validation of a divorce in the absence of documentation.¹⁰⁷ In the tradition of rabbinic decisors since time immemorial, he consistently "made every effort to seek support for permissive rulings on behalf of an *agunah*."¹⁰⁸

With the dramatic rise in the incidence of divorce in the 1950s and 1960s, the modern-day *agunah* problem became greatly exacerbated. R. Weinberg was attuned to the gravity of the situation and deemed it imperative that rabbinic decisors not ignore this pressing issue. In 1966 one

¹⁰⁴S.E., vol. 2, p. 104.

¹⁰⁵S.E., vol. 3, p. 322.

¹⁰⁶Ibid., pp. 32–36.

¹⁰⁷Ibid., no. 42, pp. 46–51.

¹⁰⁸Ibid., no. 12, p. 32.

of R. Weinberg's disciples, Rabbi Dr. Eliezer Berkovits, authored a monograph entitled *T'nai be-Nisu'in u-be-Get*, in which he advocated adoption of a form of conditional marriage as a comprehensive remedy for the modern-day *agunah* problem. Berkovits enjoyed a particularly close relationship with his mentor. It was Berkovits who, with great difficulty and inconvenience to himself, preserved many manuscripts of R. Weinberg's novellae and responsa during and immediately after the war years.¹⁰⁹ Although Berkovits' work is prefaced by introductory comments authored by R. Weinberg, those remarks do not contain an explicit endorsement of Berkovits' proposal but commend the work to the attention and study of rabbinic scholars.¹¹⁰ Subsequently, in an article on this topic published in *No'am*, R. Menahem M. Kasher publicized a later letter from R. Weinberg in which the latter expressed his regret for having written the introductory comments incorporated in Berkovits' book. In this later communication, R. Weinberg writes, "Due to my physical weakness, I am not at all able to investigate this grave question that is of utmost importance to our society and I regret that I wrote that letter."¹¹¹ Moreover, R. Weinberg claims, he had been unaware of the publication *Le-Dor Aharon* (New York, 1937), containing a prohibition signed by leading American rabbis forbidding any form of conditional marriage.¹¹²

Berkovits' proposal is based upon a previous proposal advanced by a group of French rabbis in the early years of the twentieth century and firmly rejected by leading scholars of the previous generation, including R. Isaac Elhanan Spektor, R. Hayyim Ozer Grodzinski, R. Meir Simhah of Dvinsk, and R. Abraham of Sochatchow (author of *Avnei Nezer*).¹¹³ In his original letter, R. Weinberg noted that he had not been sufficiently well to undertake a detailed study of Berkovits' work but claimed that Berkovits' proposal incorporated significant modifications of the remedy suggested by the French rabbis and that these modifications served to

¹⁰⁹S.E., vol. 1, p. 1.

¹¹⁰"Divrei Hakdamah," published in Eliezer Berkovits, *T'nai be-Nisu'in u-be-Get: Birurei Halakhah* (Jerusalem: Mossad Harav Kook, 1966), unnumbered pages, 1–4.

¹¹¹Cited in Menahem M. Kasher, "Be-Inyan T'nai be-Nisu'in," *No'am* 12 (1969):347.

¹¹²Ibid., p. 347.

¹¹³Ibid., pp. 339–341.

obviate objections to the earlier proposal. According to Kasher, Berkovits offers no specific text for the condition to be incorporated in the groom's declaration and Berkovits' proposal parallels the earlier French one in all salient points.¹¹⁴ Accordingly, concludes Kasher, it is impossible to draft an acceptable condition on the basis of Berkovits' exposition.

R. Weinberg's letter to Kasher leaves unclear a fundamental question, that is, whether he had at any time fully investigated the original French proposal. At the time that he wrote the prefatory comments to Berkovits' monograph, R. Weinberg apparently believed that the halakhic objections to the French proposal could be overcome by modifications of the condition. He may well have assumed that the rabbinic objections were based primarily upon policy considerations and concern for debasement of the sanctity of the marital relationship were a situation to be created in which a decree of civil divorce would retroactively nullify the marriage in the eyes of Jewish law. Accordingly, he states that the original proposal for use of conditional marriage as a remedy was rejected by rabbinic authorities at a time when there had been but isolated cases of recalcitrant husbands withholding a *get*. In the interim, the situation had deteriorated markedly and the problem had become one facing the entire Jewish community. The increasing number of women who contracted a second marriage without benefit of a *get* raised the specter of ever-increasing instances of *mamzerut*. Under such circumstances, R. Weinberg explicitly declared, radical solutions must be explored.

R. Weinberg keenly appreciated the urgent need for study, deliberation and, hopefully, action to ameliorate the plight of the *agunah*:

All know the severity of the problems that have arisen in our time, both in Israel and in the Diaspora, problems that have found no solution and that endanger marriage and destroy the sanctity of families in Israel. It is appropriate for the great scholars of our generation to deliberate concerning them. . . .

. . . Therefore, I say one cannot pass over in silence or in passivity the prevalence of this calamity and there is urgent need to investigate the possibility and vital need for remedies to remove terrible stumbling blocks from wide circles and even from the circles of faithful Jews.¹¹⁵

¹¹⁴Ibid., pp. 342–343.

¹¹⁵"Divrei Hakdamah," *T'nai be-Nisu'in*, unnumbered pages, 1–2. Regarding R. Weinberg's constant keen interest in all developments in this area and fear of remedies that would undermine halakhic standards, see his letters in *Ha-Pardes* 40:8, 38–39 and 40:9, 38–39.

Whatever the cogency of Kasher's critique of Berkovits' proposal on halakhic grounds, a report by Kasher that the situation had not deteriorated, but had even improved, is astonishingly contrafactual.¹¹⁶ Putting aside the question of R. Weinberg's acceptance of Berkovits' halakhic conclusions, R. Weinberg certainly did not delude himself into thinking that the situation was improving.

R. Weinberg's concern for the status and dignity of women is also reflected in comments he authored in conjunction with questions concerning the edict of Rabbenu Gershom prohibiting polygamy. R. Weinberg writes that it was designed to ameliorate problems faced by women involved in plural marriages and to improve women's status and, accordingly, it served to silence their justified complaints and to blunt the scorn of non-Jews in that they would no longer be able to claim that "in Jewish law the woman is considered but a Canaanite slave. And how great a disgrace that has been!"¹¹⁷

In a responsum regarding the question of granting a man dispensation to remarry in the form of a *heter me'ah rabbanim* (dispensation of one hundred rabbis), R. Weinberg dismisses the request with the remark that in the case in question, the man's claims are simply not justified halakhically. Moreover, he comments, a controversy does exist with regard to a specific halakhic question, namely, whether or not a man may be granted such a dispensation in an instance in which his wife has been childless for a ten-year period. He notes that, in general, the rabbis of Lithuania and Germany did not grant the dispensation on the basis of ten years of childlessness, but that it was common for rabbis of Poland and Galicia to do so. While, in such cases, R. Weinberg personally refused to join in a dispensation, he did not protest against those who did so since he could not dispute the fact that there was halakhic precedent for such action. However, in the case brought to his attention, he maintained that the halakhic requirements for such dispensation had not been met and, therefore, there existed no halakhic grounds for the dispensation and concluded with the observation that "In general, we must be assiduous with regard to *takkanat b'not Yisra'el* that they not be abandoned."¹¹⁸

¹¹⁶*No'am* 12:350–351.

¹¹⁷*S.E.*, vol. 2, no. 6, p. 18.

¹¹⁸Loc. cit.

3. Faith in an Age of Doubt

Doubt is endemic to the modern age. It would have been impossible for R. Weinberg to be unaware of the ubiquitous challenge to religious faith. Accordingly, it is not surprising that the theme of faith and doubt is addressed in several of his essays. The first chapter of *Das Volk der Religion* is entitled "Glaube und Unglaube"¹¹⁹ and the essay on "Religious Renaissance" in *Li-Perakim* begins with a section subtitled "Emunah u-Kefirah" (Faith and Heresy).¹²⁰

Those essays are poetic rather than rigorously argued and, in all likelihood, their rhetoric appealed to but a narrow audience. Indeed, R. Weinberg discounts the purely analytic and logical Maimonidean approach to questions of belief and focuses on psychological considerations that affect intellectual perspective. In practice, he sees limited value in addressing crises of religious faith by means of direct philosophical discussion. He was convinced that solutions to questions of religious belief are more likely to be found in the realm of emotional and psychological experience.

R. Weinberg well understood the factors that foster skepticism and why it is that persons nurtured by Western culture and influenced by its value system question and struggle with certain aspects of religious law and teaching. It is at times the case, he observed, that, paradoxically, sincere qualms of faith born of intellectual integrity are indicative of a yearning and propensity for belief. In this regard R. Weinberg was wont to relate an incident of a man who was called upon to recite the *kaddish* (memorial prayer) at a memorial service for victims of the Holocaust but found himself emotionally unable to recite the traditional prayer. Instead he uttered anguished, rebellious, and almost blasphemous words. R. Weinberg remarked that this person was moved to so desperate an outburst precisely because, in reality, he was possessed of a deep-seated faith, that is, because of his abiding belief in the reality of Divine justice that person was unable to fathom its seeming absence. R. Weinberg's disciples testify that R. Weinberg's response to individuals struggling with such

¹¹⁹Pp. 19–29.

¹²⁰Pp. 139–154. At first glance, the German text "Glaube und Unglaube" appears to be a verbatim translation of the Hebrew "Emunah u-Kefirah." See, however, *Das Volk der Religion*, p. 20, for additional remarks modifying somewhat the antiphilosophical comments of the Hebrew.

doubts was consistently understanding and sympathetic and that he shunned apologetics or evasive replies.¹²¹

First and foremost, R. Weinberg emphasizes that faith is nurtured in an atmosphere of intense and lively learning. He refers to the passion and intensity of Torah study that, to a Jew, constitute the quintessential religious experience. Discussing the religious apathy of post-War European Jewry, he bemoans the fact that they have never experienced Torah "study that is entertaining and intellectually enticing."¹²²

In counseling individuals whose intellectual grounding in Torah is meager, R. Weinberg stresses the benefit of social interaction. As already noted, he greatly appreciated the pedagogic importance of youth groups that generate an atmosphere of belonging and cohesiveness in the firm belief that the activities of such groups foster religiosity and spirituality. R. Weinberg notes that there is yet another way of dispelling religious doubt, namely, by means of religious experience that is self-validating. Striking is R. Weinberg's autobiographical assertion that an inspired teacher can induce such a religious experience. Describing his own reaction to a stirring discourse of R. Isaac Blaser, R. Weinberg writes:

It would appear to me that whoever did not merit to hear a discourse such as that of R. Isaac Blaser does not know the taste of the genuine religious experience. At times, I think in my heart that there is no need for proofs of the truth of religion. A religious experience that generates excitement in the heart and soul constitutes the clearest and most convincing proof.¹²³

Conversely, R. Weinberg cautions that disillusionment with religious people often results in disillusionment with religion. The disappointment that ensues when spiritual leaders fail to live up to the highest standards of ethics and probity can have a deleterious effect upon belief.¹²⁴ In an age in which religious association is tenuous at best, it is all the more necessary, notes R. Weinberg, to be on guard lest by acts of commission or of omission situations be permitted to arise which would further weaken religious commitment.

¹²¹Cohen, *De'ot* 31, p. 17 and *ibid.*, n. 45.

¹²²*S.E.*, vol. 2, no. 8, p. 14.

¹²³*Ibid.*, vol. 4, p. 307.

¹²⁴See the lengthy discussion in *ibid.*, vol. 4, pp. 317–322.

R. Weinberg was exacting in the standard of probity that he demanded of those who were spokesmen on behalf of Orthodoxy. His sharpest censure was directed against public figures who hypocritically cloaked themselves in the garb of religion and piety yet conducted themselves in an unethical manner. With pain and anguish, he wrote:

Deceit grows and increases. . . . It is clear to me that the question of the survival of our people and our State is contingent upon spiritual purity and elevation of the ethical standard. Those who are stringent with regard to *kashrut*, *sha'nez*, customs of the synagogue and the like, but openly and brazenly violate fundamental canons of ethics and human etiquette cause the estrangement of people of our times from religion and the observance of *mitzvot*. It is the greatest misfortune that activism for purposes of disseminating Torah and observance of *mitzvot* has become a source of livelihood. . . . We ought to prostrate ourselves upon the graves of "the *maskilim*" (enlightened ones) who fought against hypocrites and ask their forgiveness for impugning their honor. They fought for the truth with self-sacrifice. Now everyone wishes to court popularity among people and makes peace with sycophants and with audacious authorities and with minor *Admorim* who have nought whatsoever in their world. We will, heaven forbid, sink into oblivion, if we do not arouse ourselves from the dust of falsehood and flattery.¹²⁵

R. Weinberg was concerned lest Judaism be portrayed publicly in a manner that might arouse intellectual disdain. He was attuned to the sense of honesty and straightforwardness that animates youth and to their disappointment when they detect or suspect dishonesty in religious practices. He understood the modern mentality that eschews hypocrisy. Thus he strongly discouraged the issuance of *heterim* (permissive rulings) enabling businesses to operate on the Sabbath day by means of utilization of legal devices that could be perceived as legal fictions circumventing the spirit of the law and thus lead to denigration of *halakhah* and desecration of the Divine Name.¹²⁶

¹²⁵From a letter to S. Z. Shragai, dated Montreux, 1952, published in *Ba'ayot Aktu'aliyot le-Or ha-Halakhah: Gedolei Yisra'el Meshivim le-R.S.Z. Shragai*, ed. Abraham Bick (Jerusalem: Mossad Harav Kook, 1993), pp. 58–59. Cf. also the comments of Berkovits, *Tradition*, pp. 13–14.

¹²⁶See, for example, S.E., vol. 2, no. 155, p. 374.

Likewise, in a complex and serious case involving a question of *mamzerut* regarding which R. Weinberg had consulted R. Iser Yehudah Unterman, R. Weinberg rejected Rabbi Unterman's suggestion of a solution that would appear to the untutored as but a circumvention of the law. Rabbi Unterman had proposed a possible remedy for removing the onus of bastardy based on a proposal of R. Shalom Mordecai Schwadron, *Teshuvot Maharsham* I, no. 9, involving the retroactive annulment of a marriage. Under relevant provisions of biblical law, a husband may appoint an agent to deliver a bill of divorce to his wife and yet retain the prerogative of nullifying the agency in order to invalidate the divorce. An agent, unaware of the fact that his authority to deliver the bill of divorce had been nullified, might, in good faith, present the bill of divorce to the wife. In order to prevent the unfortunate consequences of such a scenario, Rabban Gamaliel the Elder promulgated a decree forbidding annulment of the agency other than in the presence of the agent. Moreover, Rabban Gamaliel ordained that any annulment other than in the presence of the agent be itself null and void. Although there is no rabbinic authority to validate a biblically invalid divorce, Rabban Gamaliel employed the principle "Everyone who betroths a wife does so in accordance with the intention of the Sages"¹²⁷ in declaring the marriage to be retroactively annulled, that is, Rabban Gamaliel decreed that nullification of the agency other than in the presence of the agent serves to annul the marriage retroactively.

The proposal to legitimize a child who had already been born a *mamzer* called for the husband to appoint a proxy to deliver a bill of divorce to his wife; the husband would then proceed to annul the proxy other than in the presence of the messenger. Since the marriage is retroactively annulled, the subsequent liaison between the wife and another man does not constitute adultery and the issue of their union are not deemed *mamzerim*.¹²⁸ R. Weinberg underscores his reluctance to endorse such proposals to ameliorate even so grave a social problem as *mamzerut* because the inevitable effect of such strategies is to render halakhic rul-

¹²⁷*Gittin* 32a.

¹²⁸For a discussion of this proposal and of some modifications thereof as well as of the halakhic difficulties posed thereby, see *Contemporary Halakhic Problems* (New York: Ktav, 1977), I, pp. 162–167.

ings a subject of derision in the eyes of the masses. He asserts: "Since we are battling to strengthen the laws of the Torah and their sovereignty in the State of Israel, it is forbidden for us to suggest matters that are not acceptable to common sense and that greatly undermine [Jewish law]." ¹²⁹

In discussing the permissibility of circumcising a child of a non-Jewish mother and a Jewish father, R. Weinberg cautions that even those authorities who ruled permissively with regard to this question did so only in situations in which the parents intended to convert the child and the circumcision was undertaken for purposes of conversion. Other than in the context of conversion, the circumcision of a non-Jewish child is forbidden—and the conversion itself, emphasizes R. Weinberg, is not always permitted. In instances in which the mother herself has not undergone a valid conversion and the family is not observant of Sabbath and dietary laws, R. Weinberg rules that conversion of the child is null and void. The *Gemara* sanctions conversion of a minor lacking capacity to assent on the grounds that conversion represents a distinct benefit for him. However, argues R. Weinberg, if the child is not reared in a religious environment, conversion cannot be regarded as an unmitigated benefit. Consequently, R. Weinberg rules against permitting circumcision of a son born to a gentile mother and adds the following remarks:

In my opinion, your honor should stand firm and not permit circumcision of the son of a gentile woman so that all should know that a child born to a non-Jewish mother is an absolute gentile. Whoever marries a gentile woman gives birth to gentile children and there is no solution for these children unless they convert when they reach the age of majority or unless the parents oblige themselves, at the very minimum, to rear the young child according to the laws of Israel with a kosher diet and observance of the holy Sabbath. Then it may be permissible to permit circumcision for purposes of conversion. ¹³⁰

¹²⁹From a responsum of R. Weinberg addressed to Rabbi Unterman published in R. Iser Yehudah Unterman, *Shevet me-Yehudah: She'elot u-Teshuvot be-Arba'ah Helkei Shulhan Arukh (Mi-Ktav Yad)* (Jerusalem: Ariel, 1993), *Even ha-Ezer*, no. 12, sec. 3, p. 265.

¹³⁰S.E., vol. 2, no. 160, pp. 378–379. This is also the position of R. Isaac Schmelkes, *She'elot u-Teshuvot Bet Yitzhak*, *Even ha-Ezer*, no. 29, sec. 11; R. David M. M. Babad, *She'elot u-Teshuvot Havatzelet ha-Sharon*, I, no. 75; R. Abraham I. Kook, *Da'at Kohen*, nos. 147–148 (Jerusalem: Mossad Harav Kook, 1969); and R. Isaac J. Weisz, *She'elot u-Teshuvot Minhat Yitzhak*, III, no. 97. See also

Elsewhere, writing with regard to a similar matter, R. Weinberg notes that rabbis must protect Jewish values with courage and fortitude and not permit brazen violation of the law. Acceptance of inauthentic conversions, he contends, fosters disrespect for Judaism: "Conversion conducted by liberals is, in truth, but a tasteless charade; it also arouses mirth among [even] the best of Christians. Whoever marries a female convert of this genre knows in his heart that by his actions he is throwing dust in the eyes of people." ¹³¹

R. Weinberg was particularly sensitive to the need for scrupulousness in conducting proceedings of rabbinic courts both because such is demanded by *halakhah* and because of the need to preserve the dignity and reputation of rabbinic tribunals. He also urged rabbinic courts to strive for arbitration designed to provide equitable relief unachievable by means of application of the letter of the law. In counselling such a policy R. Weinberg refers not only to the talmudic statement, *Sanhedrin* 6b, declaring compromise to be preferable in the interest of restoring harmonious relations between the litigants but also cites the statement of *Bava Kamma* 100a establishing an obligation to conduct oneself in accordance with a standard that extends beyond the letter of the law as well as the statement of the Sages, *Bava Metziah* 30b, in which they declared, "Jerusalem was destroyed because they ruled therein according to Torah law . . . and they did not rule beyond the letter of the law." ¹³²

R. Weinberg himself adds that he was wont to quote the biblical passage, "For that is his covering only, it is his raiment for his skin: wherein shall he sleep? And it shall come to pass, when he cries unto me, that I will hear; for I am gracious" (Exodus 22:26) in stressing that the Torah

R. Gedalia Felder, *Nahalat Tzevi*, I (New York, 1978), p. 24, and R. Joel Schwartz, *Madrikh la-Ger* (Jerusalem: Dvar Yerushalayim, 1990), pp. 40–41. An opposing position is presented by R. Mordecai Horowitz, *She'elot u-Teshuvot Mateh Levi*, II, nos. 54 and 55; R. David Horowitz, *She'elot u-Teshuvot Imrei David*, no. 172, sec. 2; and suggested by R. Judah L. Graubart, *She'elot u-Teshuvot Havalim ba-Ne'imim*, IV, no. 30. Cf. also, the correspondence of R. Azriel Hildesheimer and R. Tzevi H. Kalischer, included in *Teshuvot Rabbi Ezri'el*, I (Tel Aviv, 1969), *Yoreh De'ah*, nos. 229 and 230, in which R. Hildesheimer rules restrictively and R. Kalischer rules permissively.

¹³¹S.E., vol. 3, no. 100, p. 317.

¹³²See *ibid.*, no. 65, p. 232.

depicts the plight of the poor man in most moving terms in order to alert the creditor to the fact that, although from the purely legal perspective he is not obliged to return the surety that has been given to him, nevertheless, the Torah demands that the creditor forego his right and respond with compassion to the plaintive plea "wherein shall he sleep?"¹³³

R. Weinberg did not merely counsel such a policy as a preferable course of action: in one instance in which he feared that untempered application of the provisions of the law would cause the litigant to lose his livelihood, he urged the judges to recuse themselves unless the parties were able and willing to accept a conciliation in achieving resolution in the form of *pesharah* or compromise. The Talmud, *Sanhedrin* 7a, exhorts a judge to picture himself always as if a sword is hanging over his head. R. Weinberg expressed the fear that the "sword" could become a weapon to destroy an individual's livelihood.¹³⁴ He recognized full well that the same "sword" could destroy the *bet din* itself and the principles it represents if its decisions were to be perceived as producing suffering and misery.

In this context it is noteworthy that, despite the fact that Judaism was embattled, R. Weinberg always counseled adoption of a public stance of pride and abjuration of apologetics. He wrote disparagingly of those whose response to anti-Semitic canards was to organize public lectures and commission scholarly works in an endeavor to demonstrate that the verities of Jewish teaching are acknowledged even by non-Jews. He felt deeply ashamed and slighted by such endeavors. "Who asked you to apologize on my behalf?" he wrote, and urged all members of the community to respond with dignity and self-pride and not to adopt a defensive posture:

Judaism and apologetics—there are hardly any other two concepts that are more contradictory to one another than these. The concept of apologetics is so very strange and unsuitable to the character of Judaism whose first appearance in the world was with so much divine might and with a powerful striving to pour out its spirit upon all flesh: "As I live . . . surely with a mighty hand . . . and with fury poured out, will I rule over you." (Ezekiel 20:33). In such language does the prophet speak in the name of God.¹³⁵

¹³³Loc. cit.

¹³⁴Loc. cit.

¹³⁵*Li-Perakim*, p. 300.

R. Weinberg derides, "the modern Jew, a Jew possessed of only one verse of the Torah," as a caricature. He recounts an incident in which a noted author extolled the Torah's contribution to civilization of the concept "And you shall love your neighbor as yourself" (Leviticus 19:18) and proceeded to declare that as long as there exists a need for armed forces in any country, as long as one soldier yet stands guard, Judaism had not fulfilled its destiny. R. Weinberg challenged the writer, pointing out that Judaism also taught, "Unto a stranger you may lend upon usury" (Deuteronomy 23:21) and "You shall save alive nothing that breathes" (Deuteronomy 20:16). He concludes: "The Torah is not dear to us because of some verses that find favor in the eyes of the enlightened, so to speak. The entire Torah, as it is, with all its verses and every crownlet is equally dear to us. A scroll of the Law that is missing even a point of the letter *yod* is rendered unfit."¹³⁶

R. Weinberg cautions that ideas that are in vogue and thought to be progressive may be disdained in the future; concepts that are now considered to be of peripheral value may be viewed as significant at a later time. Intellectual modes and trends are short-lived. To tailor the Torah to suit the fickle intellectual fads of each era is not only forbidden, but also counterproductive. As for anti-Semitism, it is motivated by illogical considerations and therefore apologetics will, in any event, not eradicate this scourge.¹³⁷

4. Secular Studies and Academic Jewish Scholarship

R. Weinberg was aware as well of a problem common to his own time, namely, the high rate of disaffection of youth from traditional backgrounds that resulted in situations in which they felt that their desire for a broader education was being forcibly denied to them.¹³⁸ R. Weinberg's

¹³⁶*Ibid.*, p. 295.

¹³⁷*Ibid.*, p. 295. This attitude did not preclude his giving answers to serious questions regarding the relationship of Jews and non-Jews, as well as explication of difficult passages that might lead to genuine misunderstanding. See, for example, *ibid.*, pp. 166–167, his comments regarding the disqualification of non-Jews from serving as witnesses and *S.E.*, vol. 3, no. 66, pp. 232–233, his discussion of a frequently misunderstood reference to property rights of non-Jews found in Rema, *Shulhan Arukh* 156:5.

¹³⁸*Li-Perakim*, p. 113.

consciousness of the debilitating effect of such deprivation is evident in his writings regarding educational curricula. R. Weinberg was, himself, no stranger to academic disciplines and their methodology is reflected in his own scholarship.

As might be anticipated, R. Weinberg's mastery of talmudic scholarship is reflected primarily in his responsa and novellae. His competence in general academic Jewish scholarship is reflected in writings such as his *Kuntres ha-Idit*,¹³⁹ and his studies on the *Mishnah*¹⁴⁰ and the *Targumim*.¹⁴¹ His familiarity and engagement with philosophical writings is apparent in his numerous essays and homiletical writings.¹⁴² However, R. Weinberg was not an intellectual schizophrenic. Singular in all these works is the extent to which they reflect a personality in which all these areas of scholarly endeavor were integrated and synthesized. His *lomdut* and his academic attainments merged in scholarly endeavors in which rabbinic scholarship grounded in deep faith and piety was enriched by modern critical methodology.¹⁴³ Because of the unusual intellectual synthesis achieved by R. Weinberg, his writings discussing the role to be accorded secular studies in the educational curriculum and intellectual endeavors of a Torah scholar are particularly instructive.¹⁴⁴

R. Weinberg was fully conscious of the magnetic attraction of the intellectual currents of the age and of the powerful tug of intellectual curiosity. In the course of a eulogy describing a favored disciple, R. Weinberg expressed himself in words that may be taken as self-revealing and even self-descriptive. R. Weinberg writes that his departed student, R. Saul Weingort, regretted spending precious time in the pursuit of secular studies but "perceived himself compelled to do so, whether because of the needs of the time that had changed from what [they] had been in by-

¹³⁹S.E., vol. 4, pp. 10–137.

¹⁴⁰Ibid., pp. 222–266.

¹⁴¹Ibid., pp. 267–275.

¹⁴²See, for example, *Li-Perakim*, pp. 121–154, and S.E., vol. 4, pp. 337–338, 360–374.

¹⁴³See, for example, *ibid.*, pp. 142–167.

¹⁴⁴Joseph Safran, *Pirkei Iyun be-Toldot ha-Hinnukh ha-Yehudi: Mehkarim u-Berurim be-Hinnukh ha-Yehudi le-Or ha-Mekorot*, vol. 3 (Jerusalem: Mossad Harav Kook, 1993), chap. 8, pp. 327–341, presents a cursory outline of aspects of R. Weinberg's contributions as educator.

gone eras or whether because of the passion for knowledge that pulsed in his heart, he wished to acquire for himself the knowledge that it is possible for a person of our times to attain."¹⁴⁵

R. Weinberg's own understanding of the allure of intellectual pursuits permeates his analysis of the revolutionary aspect of the contribution of Rabbi Samson Raphael Hirsch. R. Weinberg is sharp in his critique of revisionist writers who sought to portray R. Hirsch's openness to secular studies as a form of compromise or as the choice of a lesser evil as a concession to the times. It has been claimed by some that R. Hirsch's advocacy of secular studies for Jews in Germany was a product of his recognition of the economic exigencies that made pursuit of such studies essential for those who found it necessary to seek their livelihood in commerce or in the practice of a profession. They maintained that Hirsch instituted such studies in the school he founded simply because of the necessity to comply with government educational regulations.¹⁴⁶ R. Weinberg regarded such categorization of Hirsch's educational policy as a perversion of historical truth. R. Weinberg asserted that Hirsch sincerely favored a "synthesis of Torah and worldly studies (*derekh eretz*) in the broadest sense of that term."¹⁴⁷ Nevertheless, R. Weinberg empha-

¹⁴⁵*Yad Sha'ul*, p. 17. Emphasis added.

¹⁴⁶See (unsigned article) "Das Bildungsideal S. R. Hirschs und die Gegenwart," *Israelit* 35 (August 30, 1934):5, and Jacob Rosenheim, Introduction to "R. Samson Raphael Hirsch," *Be-Ma'aglei Shanah*, vol. 1 (Bnei Brak, 1965), pp. 12–18, 31–33. Regarding changing currents in German Orthodoxy, see also Schwab, *Orthodox Jewry in Germany*, p. 128.

¹⁴⁷S.E., vol. 4, p. 366. These remarks were included in R. Weinberg's introductory essay on Hirsch published in the Hebrew edition of Hirsch's writings issued by Netzah, *Be-Ma'aglei Shanah*, vol. 3 (Bnei Brak, 1966). However, an unsigned editorial note appended to these comments (p. 16) presents the contradictory analysis of Jacob Rosenheim and of R. Baruch Ber Leibowitz, *Birkat Shmu'el*, vol. 1, *Kiddushin* no. 27, to the effect that Hirsch's policy was a concession to the times. The unsigned publisher's preface to *Be-Ma'aglei Shanah*, vol. 3, p. 10, portrays R. Weinberg's point of view on this matter as that of a *da'at yahid*, an individual, minority opinion. But see Rabbi Eliyahu Meir Klugman, "Kuntres ve-Yehi bi-Yeshurun Melekh: Toledot u-Pirkei Hayyim," in Rabbi S. R. Hirsch, *Shemesh Marpe*, ed. E. M. Klugman (Brooklyn: Mesorah Publications, NY, 1992), p. 327, unnumbered note, as well as his general discussion of Hirsch's philosophy of *Torah im Derekh Eretz* (*Torah and Worldly Studies*), pp. 327–335.

sized, Hirsch did not espouse the view that secular studies were necessary in order to achieve intellectual perfection or even a well-rounded personality; rather, Hirsch stressed that Torah was the repository of supreme wisdom and contained within itself all significant teachings and values. Secular studies might be of assistance to a person in explicating the truths of Torah, but the Torah, in and of itself, is self-sufficient. Indeed, writes R. Weinberg, "No religious Jew can be comfortable with the notion that if he has learned only a great deal of Torah, he cannot be deemed to have attained a high cultural standard or that he must seek culture beyond Torah for the enrichment of his personality. Thus, in the writings of Hirsch no word can be found that might lead to the conclusion that he understood Judaism and general culture as constituting complementary values."¹⁴⁸ Hirsch did not endeavor to make the Torah *salonfähig*, but to bring the *Salon* to Torah; he did not wish to introduce Jews to drawing-room society, but to introduce *Salon* society to the *bet midrash*.¹⁴⁹

In his championship of Hirsch's views in face of revisionist interpretations, one finds a striking example of R. Weinberg's sensitivity to East-West prejudices and differences of perspective. In comments that appeared originally in German, in *Nachalath Zwi* (1937), later republished in his *Das Volk der Religion*, pp. 69–70, R. Weinberg responds to the claim (advanced in *Israelit* 35 [1934]) that Hirsch advocated a *Realschule* education only to enable laymen to pursue business careers. R. Weinberg rejects such a limited interpretation of Hirsch's outlook and adds:

Ob in Hinblick auf die Grösse Rabb. Hirschs eine solche Form der Legalisierung nötig war, ist wirklich nur eine Frage des guten Geschmacks. Eine solche Deutung aber verzerrt die gigantische Gestalt Hirschs und reduziert sie auf die Figur eines Verdienstvollen Rabbiners und Lehrers, der für seine süddeutschen Baale Batim eine Realschule gründet, damit sie den Olam Haseh als Grosskaufleute geniessen können und doch nicht des Olam Habah verlustig zu gehen brauchen.

Für uns aber, und ich sage es mit stolzer Betonung—für uns "Ost-Juden" bedeutet Rabbiner Hirsch viel mehr, und wir glauben auch ihn besser verstanden zu haben.

Vielleicht wird mancher guter Frankfurter, der Rabb. Hirsch quasi als ein Privateigentum ansieht, uns die Legalität abstreiten so zu sprechen; aber jeder, des Hirschs Grösse verspuert, darf ein Bekenntnis zu ihm ablegen.

¹⁴⁸*Das Volk der Religion*, p. 73. Cf. S.E., vol. 4, p. 368.

¹⁴⁹*Das Volk der Religion*, p. 67.

Despite the value R. Weinberg placed upon secular wisdom, his comments regarding the primacy of Torah scholarship are unequivocal. In articulating his conviction that, in his day, there could no longer be any conceivable halakhic impediment to delivery of sermons in the language of the country, R. Weinberg noted that rabbinic opposition to preaching in the vernacular had indeed been expressed in some locales during a period of time in which the vast majority of the Jewish population in those areas spoke Yiddish and in which liberal elements had sought to speed assimilation and acculturation of the masses by exposing them to both written and spoken German and by denigrating Yiddish as an inferior language. However, he argued, at a time when the masses had already become fully fluent in the vernacular and it was obvious that the sole motive in utilizing the language of the country in sermons was to enhance communication with the audience in order to impart Torah teachings, there could no longer be any objection whatsoever to such a practice. In characteristic fashion, R. Weinberg does not equivocate and boldly expresses his assurance that "were the Hatam Sofer, of blessed memory, alive in our present era, he would certainly have rejoiced greatly to see the religious rabbis of Germany fighting the machinations of false enlightenment of secular studies by means of the German language. Everything depends upon the purpose and the desired result."¹⁵⁰

R. Weinberg follows these remarks with an insightful comment on how, as a matter of practical strategy, one should react to secular blandishments in the context of clarifying priorities and setting standards:

In general, there are two methods of fighting against the false enlightenment of secular studies. One method involves prohibition and ban and raging battle against it. The second method involves mental disrespect and belittling its honor and reinforcement of love and regard for the sanctity of our true wisdom, that is our life and the length of our days. For example, if one sees a modern rabbi who is not knowledgeable in Torah but is fluent in the language of the country and learned in secular studies, it is necessary to publicize the limitations of his knowledge of Torah and to berate him for the meagerness of this knowledge and not to publicize his worldly attainments, for in the [latter] manner one ascribes importance to them. Similarly, if an individual appears who is a Torah scholar and also secularly educated, one

¹⁵⁰S.E., vol. 2, no. 149, p. 364.

should honor him for his Torah and pay no attention to his secular attainments, as if they did not at all exist.¹⁵¹

As a devotee of the *mussar* movement and one of the first writers to analyze its thought as a systematic ideology and as an admirer of the works of Rabbi Hirsch, R. Weinberg develops a most intriguing comparison of these two philosophical approaches. R. Weinberg maintained that both Rabbi Samson Raphael Hirsch and Rabbi Israel Salanter had, each in his own unique manner, sought to foster the development of a deep and conscious spirituality (a "religious enlightenment—*haskalah dattit*") and to teach the way in which Torah, which is coextensive with life, could be the source for fulfillment of all personal, social, and cultural aspirations. In this manner both Rabbi Hirsch and Rabbi Salanter sought to present an attractive alternative to the intellectual currents of the Enlightenment. Both were critical of the religious society of their time in which superficial and mechanical performance of *mitzvot* had replaced spirituality. Living in a society permeated with Western culture, Hirsch endeavored to demonstrate that all culture can be viewed through the prism of Torah values since Torah is the wellspring of all spiritual creativity. Of the two, claimed R. Weinberg, Rabbi Salanter's formulation was closer to the sources; however, Hirsch's methodology and approach were more suited to those raised in the West.¹⁵²

In his own day, under somewhat altered circumstances, R. Weinberg advocated emulation of the pioneering strategies of Hirsch in adapting to changing conditions and in formulating pedagogic modalities designed

¹⁵¹Loc. cit. See also *Ha-Pardes* 40:7 (April, 1966):4, for R. Weinberg's pithy comments regarding those who prefer the title "doctor" over that of "rabbi." Cf. *ibid.*, 40:30, p. 53, note, R. Weinberg's assertion that among the graduates of the *Rabbinerseminar* there were pious individuals for whom secular attainments were secondary in nature and who made use of their academic titles only in dealings with the civil authorities or the assimilated. See also *S.E.*, vol. 3, 3:75, p. 256, where R. Weinberg expresses approval of an individual who, despite his accomplishments in secular scholarship, concentrates upon Torah study, "for that is our life and the length of our days and the Almighty has in His world but the four ells of *halakhah*" and it is in the merit of assiduous Torah study that fame and honor in Israel is attained.

¹⁵²*S.E.*, vol. 4, p. 372. Cf. *Das Volk der Religion*, p. 76.

to promote more intensive Jewish education. Certainly, he was aware of the extent to which most Western Jews are acculturated and recognized that ostrich-like burial of one's head in the sand and denial would not change the sociological reality:

Truly, the Jew of our times already stands head and shoulders in another world, a world rich in spiritual creativity, with an agenda for scientific advancement and an enhanced standard of living, with poetry and music, literature and philosophy. All these visions entice, attract and captivate Jews whose religious consciousness is not deep and is not even properly founded.

The Jew of our times¹⁵³ is bound by thousands of ties to this new world in both commercial and industrial pursuits as well as in communal affairs and in matters of education and professional training in schools and halls of academe. This is a fact that cannot be denied or negated with pursing of lips, with sighs and tears. The solutions proposed by those of small mind and narrow perspective will not serve to build a bridge and a passage to safety for a confused and bewildered generation. My counsel is to heed and accept instruction from a great teacher in Israel who underwent the test and was greatly successful. Certainly his approach and educational methodology require a new formulation¹⁵⁴ that is more suited to the values of the time and the needs of the Jewish soul [that is] thirsty for complete mastery and deep knowledge of the sources of Torah. However, the direction and the goal charted by the great teacher retain their full force.¹⁵⁵

¹⁵³The text of this essay as it appears in *Be-Ma'aglei Shanah*, vol. 3, p. 22, has the interpolation of the phrases "to the extent that he is not immersed in study of Torah and is not bound to the style of life that pulses in its tents." This volume of *Be-Ma'aglei Shanah* was published by Netzah Publishing Company shortly after the death of R. Weinberg. One hopes that the additional phrases were added with the consent of R. Weinberg during his lifetime and do not constitute revisionism of Weinberg (in an essay deploring revisionism of Hirsch).

¹⁵⁴The text in *Be-Ma'aglei Shanah* has an editorial note suggesting that included in the new formulation be abolition of all forms of coeducation, both in formal and informal settings. R. Weinberg might well have agreed, in principle, to that suggestion—particularly for schools in Israel. However, he does not make that statement explicitly in any of his own writings.

¹⁵⁵*S.E.*, vol. 4, p. 373. Toward the end of his life, R. Weinberg was sorely troubled by the opposition to general studies increasingly prevalent in Orthodox circles. A characteristic expression of his concern is reflected in a personal communication, dated 1964:

R. Weinberg does not spell out the specific changes that he advocates in Hirsch's educational approach. But his reference to the desire for "complete mastery and deep knowledge of the sources of Torah" is an indication that he opts for an intensification of the talmudic curriculum. His lifelong interest in the rabbinate pervades his writings on this topic. Thus he also lauds the earlier efforts of Rabbi Azriel Hildesheimer to develop a cadre of rabbis who would be intellectually equipped to serve as mentors to an educated laity:

In return to the sources of Judaism, in analysis and study of Talmud and codes and the vast geonic and rabbinic literature, [Hildesheimer] perceived the greatest surety for returning the splendor of Judaism to its original state. . . . But he demanded of his students that they not abandon work in the field of the science of Judaism in accordance with the principles of tradition. He argued that, in our day, it is not sufficient that rabbis know a chapter in the rulings of the permitted and the forbidden, the dietary code and *trefot*, the impure and the pure, which certainly are the foundation of foundations of the life of Judaism. Rather, it is necessary for them to stand before the larger world and demonstrate the correctness of Judaism and its eternal truths in the face of secular science. As bearers of the word of God, it is the obligation of rabbis to explain to the [Jewish] nation and to the world the view of Judaism with regard to all problems of ethics, law, and social reform with which the new generation struggles. It is their obligation to demonstrate that Judaism is not merely a compendium of religious laws and customs but is a decisive spiritual force in the life of humanity. Of course, they may not leave

If my health permits, I will . . . publish articles on German Jewry. To my distress, it has no successor in other countries, not even in *Eretz Yisrael*. . . .

The circles that oppose the ideology of the Gaon R. S. R. Hirsch, of blessed memory, respond with animosity to any article in which they detect a whiff of science. R. S. R. Hirsch and R. A. Hildesheimer emerged in opposition to those circles. As is known, their intent was for the sake of heaven. In our day as well, the situation is such that it is necessary for us to emphasize that science is not scorned by us if it does not involve rejection of the yoke of tradition or denial of the fundamentals of faith. In my opinion, it devolves upon those who are of German extraction to maintain steadfastly the ideology of *Torah im Derekh Eretz* in its broadest form and not be drawn after the zealots who trample it underfoot.

Letter cited in "Sarid ha-Esh," *Ha-Ma'ayan* 6:3 (Nisan 1966): 66.

any problem or challenge on the part of natural science without a suitable and convincing reply. . . . It is not possible for a rabbi in our day to evade [the problems] and shrink in a corner of his study. . . . He must know what is transpiring around him in the world of science and literature, the intellectual trends that constantly evolve from epoch to epoch. Without systematic training and without knowledge of the language of modern intellectual thought, he will not be able to find the path and the spiritual connection to the inner world of the youth and the members of the new generation.¹⁵⁶

Rabbi Hildesheimer envisioned the creation of "an institution that would develop a religious intelligentsia"¹⁵⁷ in the manner of previous generations that boasted of luminaries such as Sa'adiah Gaon, Maimonides, and Nahmanides, scholars who had mastered Torah and the secular wisdom of the day. His mission was to produce a new group of Torah leaders and scholars who would expound Torah ideology as it relates to the broadest range of ethical and social questions, in a mode and manner that would appeal to modern intellectuals.¹⁵⁸

Such aspirations had not yet become actual. The synthesis of *Torah im Derekh Eretz* heretofore achieved, maintained R. Weinberg, was far too narrow. He sought the development of a synthesis of faith and secular wisdom that would express itself in a broad academic perspective. His goal and aim was the development of a creative interaction of Torah and secular studies and its expression in a sophisticated intellectual manner. Of the synthesis to which the modern Torah community should aspire, he wrote:

It is impermissible that this synthesis should be confined in narrow and minuscule borders, such as the invention of a Sabbath belt in order to make possible the carrying of house keys on the Sabbath, or the discovery of a cream for shaving without a razor, and the like. Rather this endeavor is broad and deep and thus it is required and compelled to be. It is your responsibility to continue it in this direction—not merely utilization of technical means born of Western progress in order to conceal our Jewishness or to still the conscience, but penetration to the depth of the sources and plumbing them anew

¹⁵⁶S.E., vol. 1, introduction, p. 2.

¹⁵⁷Loc. cit.

¹⁵⁸Loc. cit.

for the purpose of flowering of the spirit and a complete synthesis of Torah and life.¹⁵⁹

However, in contrast to most proponents of the *Torah im Derekh Eretz* approach, R. Weinberg was well aware that the attempt to achieve such a synthesis was not without problems. The potential for a conflict of values was real:

Deference toward the tradition on the one hand and a feeling of respect toward scientific investigation on the other hand generate a singular problem that is not the estate of free-thinkers to whom reverence for tradition is foreign and who are arrogant in their scientific knowledge, nor is it the problem of the devout whose eyes only gaze in one direction. In exchange for the comfort of absence of problems, [members of] this latter group are compelled, however, to accept upon themselves the charge of disdain for culture and laziness of thought.

This problem does not lack an identifiable tragic aspect. But loyalty to Judaism does not imply the comfort of absence of knowledge and investigation; rather, it implies a greater burden of obligations and responsibility—obligations vis-à-vis the great ones of the past and the treasures of their spirit and responsibility vis-à-vis the youthful generation that seeks fresh spiritual sustenance. As the inner burden increases so will the powers of creativity become stronger.¹⁶⁰

With total confidence born of deep faith and firm knowledge, R. Weinberg was certain that solutions to all such problems could be found and he was convinced that ultimately the struggle would bear fruit. Out of struggle and challenge, new intellectual forces are born. Just as there is ferment and challenge in the study of Torah, so, too, would the challenge of modernity prove to be a source of creative tension. The challenge of culture and modernity would engender a creative response and give rise to an efflorescence of Torah thought.¹⁶¹ Similarly, with regard to academic scholarship in Jewish studies, he believed that, if pursued by those whose background and training in rabbinics was of a high caliber, the creative combination of modern critical scholarship and talmudic

¹⁵⁹*Li-Perakim*, p. 233.

¹⁶⁰*Ibid.*, pp. 232–233.

¹⁶¹*Loc. cit.*

erudition would lead to scholarly productivity that would itself serve as an enhancement of Torah.

Throughout his life R. Weinberg manifested a sustained interest in academic Jewish scholarship. Upon completion of his graduate studies at the University of Giessen, he accepted a post at the university as a *Dozent* in Jewish studies and research assistant to Professor Paul Kahle. Kahle later acknowledged the assistance of R. Weinberg in his own work.¹⁶² A study, “The Mishna Text in Babylonia,” published in 1935, includes fragments from the *Genizah* jointly edited by Kahle and R. Weinberg.¹⁶³ It is noteworthy that in a responsum authored by R. Weinberg in response to the question of whether it is permissible to lecture on Jewish law at a non-Jewish university, R. Weinberg reports

¹⁶²Paul Kahle, *Die Masoreten des Westens I* (Stuttgart: Kohlhammer, 1927), p. 78, and II (Stuttgart: Kohlhammer, 1930), 3.

For a reference by R. Weinberg to Kahle in the context of a discussion of the *Targumim*, see *S.E.*, vol. 4, pp. 269–270. Noteworthy is R. Weinberg’s concurrence with some observations of Kahle while disputing a conjecture of Kahle regarding the Letter of Aristeas, secs. 30–33. Although he disputes Kahle’s conjecture entirely on the basis of internal textual evidence, R. Weinberg was surely aware that acceptance of Kahle’s point would have served to cast doubt upon the integrity of the Hebrew text of Scripture.

¹⁶³*Hebrew Union College Annual*, vol. 10 (1935), pp. 185–222. Publication of R. Weinberg’s work in a journal such as the *Hebrew Union College Annual* sponsored by a Reform institution may seem incongruous. However, examination of the format in which the article is presented is instructive. The title appears in capital letters; immediately following, in smaller point type, is the subtitle “Fragments from the Geniza edited and examined by P. Kahle and J. Weinberg.” This, in turn, is followed by an indication of Section I, bearing the title “Introduction and Edition of the Texts by P. Kahle.” The left running head contains only the name “P. Kahle.” Throughout the article, the first person pronoun is used repeatedly. Clearly, the submission to *Hebrew Union College Annual* was that of Kahle.

Although this article was intended to be the first of a series in which Kahle would be responsible for “the philological publication of the text” while R. Weinberg would analyze “the importance of these fragments for the history of the Mishna text” (*ibid.*, p. 191), only one further article by Kahle was forthcoming. This was published under the title “The Mishna Text in Babylonia, II,” *Hebrew Union College Annual*, vols. 12–13 (1937–1938), pp. 275–325.

that his earliest consideration of the matter occurred when he confronted the identical issue at the time of his appointment as an instructor in Jewish studies at the University of Giessen.¹⁶⁴

Striking is the fact that R. Weinberg's academic expertise is reflected not only in articles of an academic nature but also in a number of his halakhic responsa. In a discussion of the obligation of married women to wear a covering over their hair, he incorporates a lengthy linguistic analysis of biblical terms and their Aramaic equivalents in the *Targumim*.¹⁶⁵ R. Weinberg's linguistic proficiency and thoroughgoing familiarity with the pertinent scholarly literature on this topic reflects a standard of competence not usual among talmudists. An extensive discussion of the attitude of *halakhah* toward secular courts of law (*arka'ot shel akum*)¹⁶⁶ consists of a masterful analysis of rabbinic sources interwoven with historical data and presents what he describes in his own words as "a new method of talmudic exegesis incorporating an historical approach to the law itself, clarifying the historical background of the foundation of the Mishnah, its development and its final formulation."¹⁶⁷

R. Weinberg's particular academic interests centered upon philological studies of classical biblical translations, the Masoretic text of the Pentateuch, and the redaction of the Talmud. He sought to encourage and legitimize similar scholarly investigations among Torah scholars as an accompaniment to traditional rabbinic scholarship. With regard to rabbinic scholarship itself, R. Weinberg considered the rigorous methodology of the traditional analytic approach as essential for an understanding of Talmud. Nevertheless, he was convinced that scientific scholarship could yield many valuable insights as well. In promoting a synthesis of traditional *lomdut* and modern scholarship, R. Weinberg wished to dispel misunderstandings that existed in both camps. He sought to defend traditional rabbinic scholarship from its denigrators and was critical of those whose historical studies had failed to capture the essence of talmudic dialectic: "Like surgeons they sliced up the Talmud as though it were a mummified corpse. . . . This kind of science . . . has failed to

¹⁶⁴S.E., vol. 2, no. 92, pp. 229–233.

¹⁶⁵Ibid., vol. 3, no. 30, pp. 84–91.

¹⁶⁶Ibid., "Arka'ot shel Akum," pp. 357–375.

¹⁶⁷Ibid., p. 375.

locate the Talmud's soul and has not recognized that the immanent core of the Talmud is none other than the perpetual striving to clarify fully and exhaustively each and every concept and to enable their future development."¹⁶⁸

Although, on occasion, he faulted rabbinic scholars who failed to take advantage of the fruits of scholarly investigation, R. Weinberg was first and foremost a champion of rigorous talmudic dialectic that he chooses to refer to as *pilpul*.¹⁶⁹ Writing to a scholar who had completed a study of the sources of Rambam's rulings utilizing what R. Weinberg termed the "single method that leads to the truth," R. Weinberg was careful to emphasize:

However, I will not deny what is in my heart. My opinion is not like that of modern scholars that all works of *pilpul* are vain toil. That is not the case! The attempts of the best of the sages, of blessed memory, served to develop Torah and talmudic thought and to clarify and elucidate talmudic concepts. . . . If not for our great rabbis, the geniuses of the latter generations, the study of Gemara would have become a dry and boring subject. They transformed it into a sea of wisdom and understanding in which every talent finds a place for expression.¹⁷⁰

¹⁶⁸*Li-Perakim*, p. 118, and Shalom Carmy, "R. Yehiel Weinberg's Lecture on Academic Jewish Scholarship," *Tradition* 24:4 (Summer 1989):20. This excerpt is from a lecture of R. Weinberg included in *Le-Perakim*, pp. 115–120. Professor Carmy's excellent introduction, notes, and translation of this essay were published in *Tradition* 24:4, pp. 15–23. The translation of the quotations from that essay is that of Professor Carmy.

¹⁶⁹Over the centuries the term *pilpul* has been used to describe a variety of differing and diverse methodologies of Talmud study. The word has been used both as a term of approbation and as a term of derision. Indeed, in Lithuanian circles, the term was frequently used as a pejorative description of a dialectical method involving imaginative analogies and far-fetched attempts to find commonalities underlying diverse principles. R. Weinberg uses the term approvingly to describe the analytic method of the Lithuanian *yeshivot* whose methodology involved clarification of definitions and meticulous attention to shades of meaning reflected in the nomenclature of both talmudic texts and statements of early commentators as well as careful comparison and contrast of talmudic principles. Many would abjure use of the term *pilpul* as a description of the latter methodology.

¹⁷⁰S.E., vol. 3, no. 133, p. 356. R. Weinberg also commented frequently on the intellectual freshness and vitality engendered by *pilpul*. Cf. for example, *ibid.*,

Addressing students of the *Rabbinerseminar*, R. Weinberg was even more emphatic:

To be sure, it has been decided in the school of that narrow science which is cramped into its disciplinary four cubits that an investigation which is based on the *halakhah* and which discusses only the literature of *halakhah* does not count as science and hence should be rejected. They think that such an investigation can be dismissed by the descriptive term "*pilpul*" and they regard it as something that has passed and disappeared from the world. . . . If the meaning of "scientific investigation" is the clarification of concepts, the extrapolation from cognate ideas of the fundamental concepts and their logical and methodical construction, then it is difficult to grasp precisely why a discourse on talmudic ideas which presents them in the formal framework of formulated clarified concepts should not be worthy of the name "science." Particularly you, *rabbotai*, insofar as you have the regular opportunity to find yourselves in the smithy of the *halakhah*, must reject with both hands the claim that the method called "*pilpul*" is unscientific.¹⁷¹

Already David Hoffmann, one of the founders of the science of Talmud, stood up against the attitude of contempt adopted towards *pilpul*, noting that the essence of the Talmud, its mode of instruction and proof, is *pilpul*. Whoever eschews *pilpul* will not escape from the logical conclusion that he must reject the Talmud too.¹⁷²

However, there do exist severe limitations upon use of the methodology of *pilpul*. *Pilpul* should never be misapplied, contends R. Weinberg, by utilizing it to resolve textual difficulties in the writings of *rishonim* (early scholars) in a manner that contradicts the meaning of talmudic sources. R. Weinberg quotes a comment of Rashba who remarks that it is preferable to declare that Rambam overlooked a talmudic source than to interpret Rambam in a manner that perverts the meaning of the talmudic text. R. Weinberg writes:

no. 74, p. 251, where R. Weinberg suggests an answer to a problem on the basis of *pilpul* and then proceeds to offer a more direct explanation. In light of R. Weinberg's explicit praise of the use of *pilpul* within the proper parameters, Berkovits' remarks, *Tradition* 8:2, p. 6, are puzzling. Of course, strictures regarding inappropriate and incorrect use of *pilpul* are another matter entirely.

¹⁷¹*Tradition* 24:4, p. 19.

¹⁷²*Ibid.*, p. 20.

In my opinion, the efforts of some authors to defend Rambam from criticism by means of radically distorting lengthy talmudic disquisitions through the use of sharp *pilpul* runs counter to the simple truth. It is preferable to leave Rambam as is than to distort what is explicit in the Gemara in opposition to his view.¹⁷³

Pilpul should never be used to obscure the literal meaning of the talmudic discourse, the true import of which is most difficult to discern. "Indeed," writes R. Weinberg, "there is nothing more difficult than ascertaining the plain meaning of the *sugya*. The simple, plain meaning (*ha-peshat ha-pashut*) is a matter that is most hidden and obscure."¹⁷⁴

Suited as it is for clarification of talmudic concepts, *pilpul* is not suitable for the resolution of difficulties and discrepancies with regard to matters of style and language. Verification and comparison of manuscripts, as well as philological and historical studies, are the modes of investigation suited for linguistic analysis of a text. The essential prerequisite for the scholar is the availability of an authoritative text. However, comments R. Weinberg:

It is well-known that, in previous times, those who published the works of early scholars were not very meticulous and did not go to any trouble to find other manuscripts by means of which they would have been able to preserve the works from gross errors. It is not profitable to enter into involved explanations solely in order to resolve what are really the errors of writers and copyists of books. . . .¹⁷⁵

To illustrate the fact that establishing a correct textual reading could obviate difficulties in interpretation, R. Weinberg recounted an anecdote concerning Rabbi David Zevi Hoffmann. A scholar had suggested to Rabbi Hoffmann a method of resolving problems posed by a difficult passage in the text of the Bartenura commentary on the Mishnah on the basis of an ingenious *pilpul*. Rabbi Hoffmann responded that he was convinced that there was simply a misprint in the text. R. Hoffmann quipped that, after his demise, when this individual arrives in Heaven he will be welcomed, not by the Bartenura, but by the typesetter of the Romm edi-

¹⁷³*S.E.*, vol. 2, no. 162, p. 381.

¹⁷⁴*Mehkarim be-Talmud*, introduction, iii.

¹⁷⁵*S.E.*, vol. 3, no. 127, sec. 18, p. 346.

tion of the Mishnah whose typographical error he had so well succeeded in defending.¹⁷⁶

The publication of newly discovered manuscripts of *rishonim* was welcomed by R. Weinberg, who noted that use of such manuscripts might obviate strained and unconvincing interpretations of a text.¹⁷⁷ At greater length he emphasized that publication of critical editions of the works of *rishonim* constitutes a crucial area of scholarship and ought to engage the attention of rabbinic scholars. Decrying the fact that text-critical studies had been neglected by the vast majority of latter-day talmudic scholars, R. Weinberg expressed a firm conviction that, at times, existing textual inaccuracies contributed to unnecessary difficulties in the formulation of *halakhah* and that research in this field "would open before us a clear road to understanding the words of our Sages, of blessed memory, and the true intent of the teachings of the *rishonim*."¹⁷⁸

Works of *rishonim* predated the printing press and were preserved by repeated copying of manuscripts. As an inevitable result, copyists' errors proliferated over the course of centuries. As noted, a seemingly minor inaccuracy in copying a text could result in an alteration of the meaning that might have significant ramifications. Early publishers of the texts of classical *rishonim* did not examine the manuscripts they used with a critical eye and, as a result, errors became enshrined in the printed text and, in the course of time, came to be regarded virtually as sacred writ.¹⁷⁹ R. Weinberg points out that scholars such as Maharshah and Shakh were meticulous in striving to establish correct textual readings. Shakh did not hesitate to rule contrary even to *Bet Yosef* and Rema in an instance in which he found evidence that their ruling was based on what he believed to be reliance upon a corrupt manuscript. In that instance, even

¹⁷⁶S.E., vol. 1, p. 364. Berkovits, *Tradition* 8:2, pp. 7–8, writes that he personally heard the anecdote first from Dr. Wohlgemuth of the *Rabbiner Seminar* faculty and, on frequent subsequent occasions, from R. Weinberg who was fond of repeating the story.

¹⁷⁷S.E., vol. 2, no. 12, p. 22, note.

¹⁷⁸S.E., vol. 3, pp. 401–402. See also *ibid.*, pp. 252–253, 346–347.

¹⁷⁹R. Weinberg points to examples of a common form of printing error in which the typesetter misses several lines of text because the first word of the line or phrase in each case begins with the identical word and thus the ellipsis is not readily noted by the printer. See *ibid.*, p. 402, note.

when challenged by Taz, Shakh did not withdraw from his position.¹⁸⁰ The Gaon of Vilna, R. Weinberg adds, toiled throughout his life to establish accurate textual readings and the importance of those endeavors was fully appreciated by the Gaon's disciples: "And long ago, the Gaon R. Chaim of Volozhin noted regarding our great teacher, of blessed memory, that 'he brought us out of the darkness of errors to light.'"¹⁸¹

This pursuit, although championed by the Gaon of Vilna, suffered from neglect on the part of later scholars but, with a changing intellectual climate, R. Weinberg believed that a new era of scholarship could commence:

At the present time, science has progressed and reached a stage in which critical study of sources is feasible. Bibliographical science has properly established the various extant manuscripts of early scholars. Thus there is now a possibility to produce scientific editions of the sources of *halakhah* with notes regarding variant textual readings. . . . There is virtually no work of the early scholars, of blessed memory, that does not require such an approach.¹⁸²

In a detailed discussion included in the third volume of *Seridei Esh*, R. Weinberg demonstrates the importance of such an understanding by giving specific examples by way of citations from *Halakhot Gedolot*, *Sefer ha-Terumah*, *Hiddushei ha-Ra'avad* on *Bava Kamma* and *Issur ve-Hetter* of Rema. R. Weinberg seeks to validate a number of proposed emendations in these works on the basis of linguistic evidence ("clear to anyone who has an intuitive linguistic sense")¹⁸³ and by corroboration in the form of parallel statements in a host of works of other *rishonim*. As his final example, R. Weinberg discusses a suggested emendation in the text of Ra'avad and describes his elation at finding corroboration of his thesis

¹⁸⁰The reference is to Shakh, *Yoreh De'ah* 94:15, in which Shakh maintains that *Bet Yosef* and Rema relied upon the Venice edition of Semak, whereas the correct reading is to be found in the Cracow edition of that work. Taz, *Daf ha-Aharon*, *ibid.*, dissents sharply and is answered by Shakh, *Kuntres Aharon*, *ibid.*

¹⁸¹S.E., vol. 3, p. 403, citing R. Chaim of Volozhin, introduction to Commentary of R. Elijah Gaon of Vilna to *Zera'im*.

¹⁸²S.E., vol. 3, p. 403.

¹⁸³*Ibid.*, p. 404.

in a new edition of Ra'avad based upon a manuscript found in the British Museum:

From comparison with the manuscript, the validity of my emendation became clear to me and I gave praise and thanks to the Almighty that I had been privileged to find the true teaching of our teacher, the Ra'avad of blessed memory.¹⁸⁴

R. Weinberg was firmly convinced that this was but an isolated example and that further critical examination of texts would enhance rabbinic scholarship:

This method of investigation of *halakhah* is not yet widespread among great rabbis. But it is an obligation to make [this method] well-known and to popularize it among the ranks of talmudic scholars in order to establish the investigation of Talmud and *halakhah* on a strong scientific foundation as was understood by the great teachers of previous generations, such as our great teacher, the Gra, of blessed memory.¹⁸⁵

As accurately stated in the above citation by R. Weinberg himself, this type of meticulous critical textual study was not (and is not) common among scholars of the traditional mold. In this regard, R. Weinberg's own investigations are unique. Most significant is his desire that this type of scientific scholarship be conducted *al taharat ha-kodesh* (with ideological purity).¹⁸⁶ Only those who possess the requisite appreciation and understanding of traditional rabbinic scholarship are capable of trans-

¹⁸⁴Ibid., p. 408.

¹⁸⁵S.E., vol. 3, p. 408.

¹⁸⁶Nevertheless, R. Weinberg was receptive to the scholarly insights of individuals whose ideology he could not share. Theological differences did not mar his friendship with Professor Samuel Atlas who taught at Hebrew Union College. R. Weinberg's notes on Atlas' work are included in the latter's edition of *Hiddushei ha-Ra'avad al Baba Kamma* (New York: Feldheim, 1963), pp. 362–385. In a letter published in Atlas, *Netivim be-Mishpat ha-Ivri* (New York: American Academy for Jewish Research, 1978), p. 154, R. Weinberg notes that, despite the criticism to which he had been subjected for so doing, he did not regret including a responsum to Atlas in S.E., vol. 2, no. 78.

mitting that learning to others and it is they who are qualified to harness the methodology of modern scholarship in order to enhance talmudic scholarship.¹⁸⁷ In the 1930s he expressed the hope that this "double vocation" would be assumed by students of the *Rabbinerseminar* who would thereby render a singular contribution to the Jewish community by filling the one lacuna existing in traditional *yeshivot*.¹⁸⁸ Decades later, in Montreux, he continued to encourage rabbinic scholars to turn their attention to this area of scholarship and, at that time, urged nothing less than preparation of a critical edition of the Talmud itself in declaring, "In my opinion, there is an obligation to fill this lacuna by a new publication of the Talmud with all the variant readings and commentaries."¹⁸⁹

5. Rabbis and Communities

R. Weinberg was preoccupied with the need to maintain effective communal structures in order to assure Jewish continuity. He was neither an ivory tower theoretician nor naive in his assessment of the power politics of communal life. Consequently, he was alert to the problems involved in attempts to bring idealistic visions to realization in the face of communal inertia. These concerns are reflected in several of his essays exploring changing aspects of lay and rabbinic leadership in the twentieth century, as well as in responsa addressed to rabbis who turned to him with practical problems stemming in greater or lesser degree from an absence of communal cooperation and initiative.

R. Weinberg appreciated the pivotal role of the rabbi in the internal workings of the community and consistently manifested concern for those engaged in the active rabbinate and empathy with individuals "on the firing line."¹⁹⁰ He looked back upon his own first position as rabbi of

¹⁸⁷A fine example of the methodology advocated by R. Weinberg is found in his own textual-halakhic analysis, S.E., vol. 1, pp. 364–369. See, in particular, the concluding paragraph.

¹⁸⁸*Tradition* 24:4, p. 22.

¹⁸⁹S.E., vol. 3, no. 74, p. 253.

¹⁹⁰See, for example, S.E., vol. 2, pp. 104, 171, 284, 334, and vol. 3, pp. 237, 256. Cf. R. Weinberg's heartfelt expression of concern for a young rabbi faced with a grave halakhic problem that might jeopardize his position. R. Weinberg writes, "My primary worry is on account of the rabbinic interlocutor. . . . The

Pilwishki with appreciation for having been privileged to serve a community suffused with Torah scholarship and love of learning combined with a reverential and affectionate regard for its spiritual leaders. He was not unaware of the fact that many of his own disciples were not nearly so fortunate in their professional placement and that consequently their frustrations and difficulties were far greater. In later years, as a lecturer and subsequently as the rector of the *Rabbinerseminar*, R. Weinberg found himself in the position of advocate for, and mentor to, numerous students who aspired to a rabbinic career. The founder and first head of the *Rabbinerseminar*, Rabbi Azriel Hildesheimer, viewed the training of future rabbis as an essential factor in safeguarding embattled Orthodoxy in an age of assimilation and communal disintegration.¹⁹¹ While this was not his sole aim in founding the *Rabbinerseminar*, it was undoubtedly his major aspiration. Ideological activism remained central to the ethos of the *Rabbinerseminar* and is reflected as well in many of R. Weinberg's writings.

R. Weinberg's analysis of the functions and authority of the rabbinate is an interesting example of the manner in which he formulated classical concepts in modern terminology, while giving the new terminology an interpretation that went beyond its conventional meaning and thus led to a new understanding of classical notions.¹⁹² In conformity with the historic parameters of rabbinic office, R. Weinberg presents four broad areas of rabbinic activity: (a) scholarly pursuits, (b) legal-judicial functions, (c) hortatory, and (d) pastoral duties.

First and foremost, the rabbi is responsible for dissemination of Torah; his primary function is to "raise many disciples" (*Avot* 1:1). Contrary to common contemporary misconception, historically, the positions

above rabbi awaits my response with crushed spirit." *Shevet me-Yehudah* (*mi-Ktav Yad*), p. 262.

¹⁹¹See Meir Hildesheimer, "Ketavim be-Dvar Yesod Bet ha-Midrash le-Rabbanim be-Berlin," in *Ha-Ma'ayan* 14:2 (1974):14–15. Cf. Auerbach's account of the seriousness with which the Seminary's faculty deliberated regarding recommendations of candidates for rabbinic office, in full awareness of their dual responsibilities to both candidate and congregation, and of the pivotal role played by R. Weinberg in those discussions. Auerbach, *Sefer ha-Zikaron*, p. 361.

¹⁹²See his essay, "Ha-Rabbanut be-Yisra'el, Tafkaideha ve-Samkhuyoteha," *S.E.*, vol. 4, pp. 341–344.

of rabbi and *rosh yeshiva* were not separate and distinct. In the major German and French centers of Jewry, communal rabbis functioned primarily as expositors of the Talmud. *P'nei Yehoshu'a* and *Hafla'ah* of Frankfurt-am-Main, R. Yonatan Eybeschütz of Metz and Hamburg, *Sha'agat Aryeh* of Metz, and *Noda bi-Yehudah* of Prague were all renowned as exemplary teachers of Talmud. Among Ashkenazi Jewry, the official designation of the chief rabbi of a community was "head of the judicial court and *rosh yeshiva*—*Abad ve-Ram*." During the Middle Ages, cities acquired fame as centers of Jewish learning because of the students who flocked to study Talmud at the feet of the rabbi of the city. In Sephardi centers in the Balkans and Turkey, the rabbi was known by the title *Marbitz Torah*—"disseminator of Torah."¹⁹³ The primary function of the rabbi, declares R. Weinberg, is to serve as teacher and fill the role model of *talmid hakham*.

The second function of the rabbi is to act as halakhic decisor and counselor in all matters of the daily life of the individual and the community. As a halakhic authority, the rabbi is the final arbiter on questions of *kashrut* and synagogue ritual, as well as the judge of domestic, financial, and commercial disputes.

The third rabbinic function is to serve as preacher, primarily on Sabbaths and festivals. It is significant that R. Weinberg does not minimize or marginalize this rabbinic function. Many rabbinic scholars view the public *derashah*, or discourse, as being of minor import and tend to denigrate the preacher. As a devotee of the teachings of Rabbi Israel Salanter and his disciples, who followed Salanter in his emphasis on the hortatory value of sermons, as well as of the modern German Orthodox ideologues who placed great significance on development of homiletical skills and urged rabbinical training in the oratorical arts,¹⁹⁴ R. Weinberg was attuned to the inspirational potential inherent in effective sermons as a vehicle for the dissemination of religious teachings.

Elsewhere, R. Weinberg writes of the *derashah* or sermon as an educational tool possessing unparalleled emotional and inspirational potential and laments the deterioration of this art form in the hands of

¹⁹³See R. Weinberg, *ibid.*, p. 342, who cites the study of Meir Benayahu, *Marbitz Torah* (Jerusalem: Mossad Harav Kook, 1953).

¹⁹⁴*S.E.*, vol. 1, introduction, p. 2.

those who had turned public addresses into occasions for vapid and arid sermonizing:

The crown of the *derashah* has fallen because of the neglect of great scholars who left the arts of speech fallow to the minds of lesser individuals. It may return to be a subject for academic and artistic study if it will once more be fructified by creative thinkers. Then it will be seen that the *derashah* can serve as the *shofar* for the great leaders of the people and its wise men—a direct mode of influence of personality upon the heart.¹⁹⁵

It was the use of the *derashah* in such a manner, R. Weinberg attests, that galvanized the followers of R. Israel Salanter during the early days of his public activity in Vilna. R. Salanter was unique in his ability to attract and engage the attention of heterogeneous audiences composed of scholars and of the untutored masses. It is related by his disciples that when a public address by R. Salanter in Vilna was announced, capacity audiences thronged the assembly hall and it was, at times, necessary to convey R. Salanter above the heads of the crowd to the speaker's podium. R. Salanter's masterful oratory became a model for emulation by his disciples. Personalities such as Rabbi Jacob Joseph (acclaimed as the chief *darshan* of Russia), Rabbi Isaac Blaser, and Rabbi Naphtali Amsterdam achieved renown as orators in their own right, but each received his early training in oratorical skills in the crucible of Rabbi Salanter's *bet midrash*.¹⁹⁶

R. Weinberg does not, however, limit his interest to the narrow confines of stylized Western sermonics. He is open, rather, to the broad sweep of aggadic material and the vast resources in the literature of Bible, Jewish thought, philosophy, mysticism, and poetry available to a learned rabbi. He remarks that the Sages speak of *Dor dor ve-dorshav ve-hakhamav*—"each generation and its interpreters (preachers)¹⁹⁷ and its scholars" (*Sanhedrin* 38a). Each generation, he writes, has its own interpreters and

different ages have different styles of teaching and preaching. The wise men of each era must find the idiom and the style appropriate to their milieu. But while the superficial style of the *derashah*, or sermon, is flexible and changeable, the inner content and purpose must be in conformity with Jewish teachings and values. Herein, writes R. Weinberg, lies the particular charge to the rabbi. He must fashion a sermon in modern idiom while preserving its eternal content, utilizing the podium for transmission of Jewish ideas and not of alien values. "Since the *derashah* has a great and unmediated effect upon the broad masses," he concludes, "it requires special training and development. It is appropriate for rabbis to devote their best energies to its improvement and perfection in content and form."¹⁹⁸

Finally, rabbis perform significant pastoral functions. It is in his comments upon this aspect of rabbinic service that R. Weinberg injects his own genre of interpretive *hiddush*. He describes the rabbi's role as protector of the poor, the aged, the sick, and the bereaved, emphasizing the rabbi's responsibility for both the spiritual and material welfare of his charges. East European Jews, R. Weinberg writes, tend to view these functions, described by German Jews as *Seelensorge* (pastoral duties), somewhat disdainfully as an assumed affectation imitative of the pastoral role of non-Jewish clergymen. However, to R. Weinberg, this view is flawed. The practice of loving-kindness or *gemilat hasadim*, one of the three pillars which support the world (*Avot* 1:2), includes activities such as visiting the sick, comforting the bereaved, and the like.

¹⁹⁵Ibid., vol. 4, pp. 288–289. See also R. Weinberg's essay on the sermon, "Ba-Bayit u-ba-Hutz," *Ha-Modi'a* 4:26 (March 22, 1913):414, cited in the publisher's introduction to the first edition of *Li-Perakim* (Bilgori, 1936), pp. 1–4.

¹⁹⁶S.E., vol. 4, pp. 288–289.

¹⁹⁷This is a play upon the Hebrew *dorshav*, having a dual meaning connoting both "its interpreters" and "its preachers."

¹⁹⁸Ibid., vol. 4, p. 342. Cf. *ibid.*, pp. 288–289. R. Weinberg discusses, *ibid.*, pp. 342–343, note, the emphasis placed by the Sages on aggadic interpretation. He cites *Avot de-Rabbi Natan*, chap. 29: "He who has in his hand *midrash* but not *halakhah* has not tasted the taste of wisdom; he who has in his hand *halakhah* but not *midrash* has not tasted fear of sin. He used to say: He who has in his hand *midrash* but has not in his hand *halakhah* is a mighty man but is not armed; he who has in his hand *halakhah* but has not in his hand *midrash* is weak but is armed; he who has both in his hand is mighty and is armed." R. Weinberg adds that the recorded *midrashim* constitute the public discourses on the weekly Torah portion delivered by the Sages of the Talmud. He cites Zunz' research on the *derashah* and Philo's assertion that it was customary even during the period of the Temple for discourses to be delivered in conjunction with the public reading of the Bible and prophets.

It devolves upon the rabbi to assure their proper fulfillment as religious acts.

Indeed, argues R. Weinberg, the unique character of Judaism is its embodiment of religious laws governing not only ritual or theological matters but extending to every detail of daily life. In Judaism, the ideal of "love thy neighbor" becomes concretized in a series of specific acts. Rabbinic Judaism has been subjected to criticism for promoting dry legalism rather than lofty philosophic sentiments. All too often, comments R. Weinberg, such sentiments remain empty phrases, whereas what appear to be formalistic religious obligations transform "love thy neighbor" and similar injunctions into a living reality. Seemingly prosaic laws create a matrix of observance that invests life with a dimension of spirituality and holiness. A state of being is created, writes R. Weinberg, such that "the pure religiosity of modern spiritual seekers with all their phrases regarding filling the hollowness of the soul will never achieve."¹⁹⁹ It is this that the Sages understood to be the great animating principle of the Torah.²⁰⁰ Unlike Christianity, Judaism emphasizes "we will do and we will hear" (Exodus 24:7), that is, that concrete acts ("we will do") lead to understanding ("we will hear") and ultimately to fashioning an environment in which spirituality becomes a reality. It is in the fulfillment of his pastoral duties that the rabbi preserves the all-important mundane aspect of religious communal life. In observance of *mitzvot* reflecting concern for one's fellow man, Jews express the supreme sanctification of the Divine Name. If the rabbi is to be the teacher of all facets of Torah and the role model representing a religious personality, he must serve as the guardian of observance of the Torah's laws governing loving-kindness, because those laws embody the Jew's unique method of concretizing Torah teaching.²⁰¹

R. Weinberg recognized that the ability of a rabbi to serve as a teacher and spiritual mentor is commensurate with his success in relating to the social and emotional needs of his congregants. The ability to arouse and to express love and affection is necessary in order that a personal relationship flourish. "Whoever wishes to influence others," writes R. Weinberg, "must be extravagant with his energy, his time, his honor,

¹⁹⁹Ibid., p. 343.

²⁰⁰*Shabbat* 31a.

²⁰¹*S.E.*, vol. 4, p. 344.

and his money. . . . He must be extravagant with love for people."²⁰² Such a relationship must be established with all members of the community. The rabbi dare not wait for those who are distant from Judaism to find their way back. Rather, he must seek them out and initiate the process: "It is our obligation to pursue each and every one who is distancing himself from our people. . . . In most cases, the thirst for life and knowledge have distanced him from us. It depends upon us to return him to the good. . . . 'From the mountain to the people' [Exodus 19:14]—that is the obligation of every rabbi and leader."²⁰³

Constant conflict in community affairs between older elements of the populace and the younger generation give rise to a tension to which R. Weinberg was keenly attuned. In this matter as well, R. Weinberg was sensitive to the legitimate concerns and interests of both sides. There are recurring references to this tension in his homiletical writings and it is evident that this was an issue in which he had more than a merely abstract interest. In those conflicts, he manifested a concern and sympathy for the strivings of the younger generation. As he phrased it on one occasion: "We are all, my young friends, subject to a spiritual travail unknown to our [i.e., the older] generation, one which even its imagination could not depict. And, although we all suffer, the greatest share is borne by our youth!"²⁰⁴

In particular, he understood the need to allow for originality and creativity on the part of the new generation. It was not enough for the young to continue to walk along already trodden paths. There must be new vistas for them to discover on their own. In assessing R. Samson Raphael Hirsch's innovative approach to the interpretation of ritual in Judaism, R. Weinberg wrote that youth "wish to receive this Torah not merely as something that they acquire by inheritance from their fathers, but from a deep inner experience and from independent choice. They yearn to

²⁰²*Li-Perakim*, p. 113. R. Weinberg appreciated the manner in which an individual such as R. Meir Schapiro, "the most popular rabbi of our times," stirred the emotions of the masses and won and sustained their loyalty. Ibid., pp. 261–262. R. Weinberg writes that he had been so overcome with grief over the death of R. Meir Schapiro that he was unable to complete delivery of his eulogy.

²⁰³Ibid., p. 113.

²⁰⁴Ibid., p. 116 and *Tradition* 24:4, p. 18.

achieve a receiving of the Torah and acquisition of faith through their own merit and through God's kindness to them."²⁰⁵

Similarly, in his writings on Zionism, he portrayed the turmoil experienced, in particular, by youthful rabbis upon whom the Zionist enterprise had a magnetic effect: "Their young heart was attracted to the place where all is inspired and vital, hopeful and striving, loving and beloved." The youth, more so than other segments of the population, chafed at the restraints placed on their nationalistic fervor by the elder members of the rabbinate.²⁰⁶

His empathy with the younger generation also led R. Weinberg to form personal relationships with younger scholars. In particular, during the last years of his life spent in Montreux, he maintained close contact with a number of young scholars and it was they who were among his keenest mourners and who felt most sharply the pain of his passing.²⁰⁷

In the wake of World War I, Lithuanian Jewry achieved a measure of communal autonomy. Under the newly independent regime, communal structures were reshaped and a redistribution of power occurred within the community. The youth, invigorated and heady at the prospects of emancipation and independence, eagerly assumed control of communal institutions and sought to displace their elders from positions of leadership in synagogal, educational, and administrative bodies. The elders, in turn, looked with disfavor upon the "young Turks" as radical upstarts. When invited to address the community of Pilishki, the site of his own first rabbinic position and a city split asunder by internecine tensions, R. Weinberg seized the occasion to mediate between the opposing factions and to express his own views on communal cooperation.²⁰⁸

In underscoring the need for a community to adhere to the biblical model "with our young and with our old shall we go,"²⁰⁹ R. Weinberg penetrates beyond the superficial, facile explanations emphasizing the linkage of conservatism with the aged and enthusiasm with youth to an

²⁰⁵"Mishnato shel R. S. R. Hirsch Zatzal," in *De'ot* 9:46, reprinted in S.E., vol. 4, p. 361.

²⁰⁶*Li-Perakim*, p. 333 reprinted, in S.E., vol. 4, 357.

²⁰⁷Cohen, "*Devarim le-Zikhro*," in *De'ot* 31:17-18.

²⁰⁸*Li-Perakim*, p. 273, note.

²⁰⁹Exodus 10:9.

understanding of the deeper motivations and aspirations that underlie the conflicting agendas usually pressed by these two groups standing at opposite poles of the human life cycle.

Any power struggle between young and old is likely to reflect a desire on the part of the old to hold on to the reins of authority, to protect the status quo and not to relinquish the perquisites of a dominant oligarchy, coupled with the stolidity and inertia that are emblematic of individuals whose reactions and mental processes have become rigidified over the course of decades. But R. Weinberg recognized that, frequently, there are also deeper forces at play. Years of experience, toil, and disappointment upon disappointment take their toll as well. Even if elders maintain an optimistic stance and continue to dream idealistic dreams, when the opportunity for realization of cherished hopes presents itself, older people often find that "the passive element triumphs and a spirit of lethargy overpowers them. Weakened, we lose spiritual forces that serve as a stimulus to turn faith and hope into active forces full of lively energy, creators of fact, builders of worlds."²¹⁰ When confronted by such despondency and inaction, young people feel choked and crushed. Creative stirrings are deadened; constructive energies are stymied; and imaginative plans and programs are curtailed. The old cling to the tired ways of the past, while the youth feel they are being cheated of a brighter future.

R. Weinberg was even more troubled because, as power oscillates back and forth between young and old, there emerges a more profound source of conflict. The old tend to be conservative in their orientation; they are fixated upon tradition and homeland, hearth and family. At times, this is simply a manifestation of the weakness of age; people for whom the future holds no allure find solace and comfort in memories of the past. There are, however, elders who do not lack intellectual and spiritual vigor and whose breadth of spirit does not preclude their sharing the reins of leadership with youth. Nevertheless, they are conservative in orientation but theirs is a conservatism "that in the purity of its form is not born of weakness, but is symptomatic of cultivation and maturity of spirit."²¹¹ Their judgment is usually more disciplined and sound. The young are often blinded by the dazzle of the new; their "spirit is caught

²¹⁰*Li-Perakim*, p. 277.

²¹¹*Ibid.*, p. 281.

by the external glitter and they do not have the ability to penetrate to the essence of a novel phenomenon."²¹² The perspectives of the young are colored by personal ambition and aspiration. The old, endowed with experience upon which they can reflect as well as with a keener sense of the fleeting nature of human life, are better able to distance themselves from immediate concerns and hence to judge affairs and their consequences in a more objective, dispassionate and considered manner.

If a community is to grow and flourish, harmony between young and old is essential. The young must be afforded an opportunity for assertive creativity and must be permitted the full advantages of freedom and autonomy. The old must be respected and heeded because of their balanced wisdom and guardianship of the nations's sancta. For redemption to occur, it is necessary to seek out the elders, as indicated in Scripture, "Go and gather the elders of Israel,"²¹³ but only with the coalescence of all forces of the nation will regeneration occur, as again indicated in Scripture, "with the insolence of the clamorous youth, and with the stubbornness of the weeping elders."²¹⁴

The heightened antagonism between various ideological factions was also viewed by R. Weinberg as a destructive force that would ultimately result in disintegration of the greater community. For ideological as well as pragmatic reasons, R. Weinberg counseled assiduous pursuit of harmonious relations.²¹⁵ He urged appeasement and accommodation for the

²¹²Loc. cit.

²¹³Exodus 3:17.

²¹⁴*Li-Perakim*, p. 285. The reference to weeping and clamor is based on Ezra 3:12, "But many of the priests and Levites and heads of families, who were old men that had seen the first house with their eyes, when the foundation of this house was laid, they wept with a loud voice; and many shouted aloud for joy." In developing his theme, R. Weinberg uses this text as an instance of a historic occasion on which old and young responded differently to the challenge of rebuilding the Temple at the time of Ezra and Nehemiah. Even among the older sector of the community, there were two groups, those who wept and whose nostalgia for the past overpowered them and those who shouted aloud for joy and were able to join forces with the youth in inaugurating a new era.

²¹⁵In addressing himself to strife between rabbinic organizations as well, R. Weinberg counseled adoption of a conciliatory approach and encouraged cooperative ventures. He took exception to the tone of sharp censure in

sake of peace, at times upon one faction, at times upon another. In particular, R. Weinberg recognized that the groups he referred to as *yere'im* (God-fearing) or *haredim* (strictly religious) would not compromise their position on certain basic issues. Stubborn resistance to their concerns would, in all likelihood, have deleterious effects on the community at large.²¹⁶ However, he cautioned, it is the rabbi who must decide when to accede to the demands of one group or another; he must not allow the laity to dictate policy.²¹⁷ At the same time, he exhorted rabbis not to jeopardize tenuous communal harmony if it was at all possible to accommodate diverse factions. For example, although he did not consider granting women the right to vote on synagogue matters to be halakhically proscribed, he maintained that their participation in administration of communal affairs was "contrary to the custom of Israel and the teachings of Israel in communal life" and "should be prevented as much as possible." He nevertheless urged compromise in the face of an insistent faction since the issue of women voting did not, in his opinion, warrant disruption of communal peace and unity.²¹⁸

In discussing questions relating to cremation, R. Weinberg ruled that even in areas in which burial of the ashes in the cemetery is permitted by the local community, the rabbis and *hevra kaddisha* are forbidden to participate in the burial. Similarly, the *hevra kaddisha* may not assist in the purification, or *taharah*, of an individual who directs that his remains be cremated. The reasoning is obvious. In face of contravention of law and prescribed religious practice, under no circumstances may the rabbi or *hevra kaddisha* lend their sanction to an act that might be construed

articles critical of a rabbinic organization that had appeared in *Ha-Pardes* and urged the editor of that journal to exert his influence with "mild words" and to be aware that "error is not yet sacrilege or betrayal." See letter published in *Ha-Pardes* 40:10, p. 37.

²¹⁶See, for example, S.E., vol. 2, no. 14, p. 30, where he concludes, "The result of this quarrel might be the destruction of the community."

²¹⁷Cf. *Li-Perakim*, pp. 193–194.

²¹⁸S.E., vol. 2, no. 52, p. 104. Elsewhere, regarding the *mehitzah*, or barrier separating the women's section in a synagogue, he counsels, "If it is possible to make an improvement, it is certainly a *mitzvah* to make an improvement, but one should not generate a serious quarrel and destroy an association of the God-fearing for a *hiddur mitzvah* [an enhancement of a *mitzvah*]." Ibid., no. 11, p. 21.

as exculpatory. Thus R. Weinberg concludes with an exhortation to the rabbi and heads of the *hevra kaddisha*: "I advise them to surmount all obstacles and preserve the holy character of the *hevra kaddisha* of the great community of Berlin which has already been privileged to sanctify the Name of God in public and to make our holy religion beloved among all sectors of the great city. . . ." ²¹⁹

On the other hand, when consulted regarding the custom of some mourners not to rend their clothes but instead symbolically to tear a necktie, he agreed with the interlocutor that one should permit the tie to be torn in order that the requirement of rending garments not be forgotten. The people concerned should be informed that tearing a tie does not fulfill the requirement of the law and be advised to tear old clothes if they wish: "But, in general, one must be careful not to create a quarrel on account of these matters, and [the Sages] long ago declared that one is obligated to conduct oneself according to the custom of the locale on account of quarrels" (*Pesachim* 50b). ²²⁰

²¹⁹Ibid., no. 124, p. 284. As the practice of cremation became increasingly common among non-Jews during the latter part of the nineteenth and early twentieth centuries, the practice gained a measure of popularity among liberal Jews as well. Orthodox authorities were unanimous in prohibiting cremation, but a major controversy arose over the permissibility of interring cremated ashes on the cemetery grounds. R. Weinberg, *ibid.*, p. 283, cites the conflicting views of Rabbi Meier Lerner and Rabbi Chanoch Ehrentreu. Rabbi Lerner and the vast majority of rabbinic authorities of Hungary, Poland, and Lithuania forbade interment of the ashes. A collection of the condemnatory responsa was published by Rabbi Lerner in his *Hayyei Olam* (Berlin, 1905). On the other hand, R. Chanoch Ehrentreu and R. David Zevi Hoffmann did permit interment of the ashes in a separate section of the cemetery, but forbade any participation of the *hevra kaddisha*. In the preceding responsum, *S.E.*, vol. 2, p. 278, R. Weinberg is forceful in expressing his chagrin over any concession with regard to interment of the ashes, "And I may attest in all the lands of the East not a single rabbi would ever allow this." For a bibliography of halakhic sources regarding this controversy, see Michael Higger, *Halakhhot ve-Aggadot* (New York, 1932), pp. 181–183. Instructive statistics regarding cremation practices may be found in Falk Wiesemann, "Jewish Burials in Germany—Between Tradition, the Enlightenment and the Authorities," in *Leo Baeck Institute Yearbook* 37 (1992):29.

²²⁰*S.E.*, vol. 2, no. 121, p. 278.

When no actual halakhic violation was involved, R. Weinberg was always careful to indicate that any response must be predicated upon the conditions prevailing in a particular area. For example, when asked if it is proper to call an uncircumcised son and his father to the reading of the Torah on the occasion of the son's *bar mitzvah* in a situation in which the father was also guilty of public desecration of the Sabbath, R. Weinberg responded that, since no absolute halakhic prohibition was involved, the matter must rest upon the judgment of the local rabbi. The rabbi must carefully consider the ramifications of the policy to be adopted. Under certain circumstances, a stringent and censorious posture might influence such individuals to mend their ways; on the other hand, there are circumstances in which stringency might result in the total alienation from Judaism of the individuals concerned. The rabbi, who is familiar with the circumstances, must strive to exercise judgment in accordance with his knowledge of the particular circumstances prevalent in his community and make a decision on the basis of which policy will have the most salutary effect on the future lives of all concerned. ²²¹

Nevertheless, with regard to questions arising in connection with intermarriage and Reform innovation, R. Weinberg refused to consider any concession whatsoever. For example, he ruled that it was forbidden to inter a non-Jewish spouse in a Jewish cemetery even in instances in which there was danger that, as a result, the husband might abandon Judaism entirely. ²²² He also ruled that one may not call a man who is intermarried to the reading of the Law or count him in a quorum for purposes of public prayer. ²²³

Similarly, with regard to matters in which there was the slightest possibility that leniency or compromise might be misinterpreted as a concession to Reform or liberal Judaism, R. Weinberg's rulings were unfailingly stringent. Thus, for example, in response to a query as to whether a non-Orthodox rabbi might lecture in an Orthodox synagogue even if it was agreed that he would refrain from discussing matters of a religious nature, R. Weinberg's answer was a firm negative. He declared that, in general, lectures regarding secular matters were out of place in a syna-

²²¹Ibid., no. 10, p. 21.

²²²Ibid., no. 123, p. 281.

²²³Ibid., no. 6, p. 12. Cf. *ibid.*, vol. 4, p. 383.

gogue.²²⁴ Permission for a rabbi to deliver a discourse on a general theme in the synagogue is based upon the presumption that his comments will be religiously edifying. Such a presumption is not warranted, asserts R. Weinberg, in the case of a non-Orthodox clergyman. More significantly, R. Weinberg refused to countenance relaxation of communal standards since there existed a firmly established policy throughout Germany not to permit Reform speakers to address Orthodox congregations.²²⁵

In discussing the use of an organ at religious ceremonies even outside of the synagogue, R. Weinberg asserts that it is prohibited to adopt any practice that emulates the practices of heretics. Earlier, R. David Zevi Hoffmann, *Melamed le-Ho'il, Orah Hayyim*, no. 16, had prohibited the use of the organ in conjunction with prayer services because the organ had become identified as a symbol of Reform innovation. Any religious ceremony involving the use of the organ, asserts R. Weinberg, might be misinterpreted by the masses as a capitulation to Reform innovation. Consequently, he rules unequivocally that Orthodox leaders may not modify existing traditions and that any innovation whatsoever involving an organ "may not be permitted under any circumstances." He concludes that a policy of strictness in such matters is the most effective strategy in assuring the survival of Orthodoxy: "Experience has demonstrated that whoever was self-sacrificing in preserving the customs of the ancient ones was privileged to sanctify the Name of Heaven in public and caused the strengthening of religion and of Judaism in general."²²⁶

A similar posture is manifested in a responsum addressed to Rabbi Leo Jung in 1954 regarding recitation of English hymns in the course of synagogue services. R. Weinberg observes that there is certainly no halakhic prohibition against recitation of hymns in the vernacular. However, he counsels strongly against introduction of the practice. Not only will the stringently Orthodox, who are opposed to any manner of synagogue innovation, construe such action as a concession to Reform, but the change would be inherently unwise for both religious and pedagogic reasons: "Indeed, due to our many transgressions, there remains no place for unadulterated Judaism other than in the synagogue. Therefore we must be

²²⁴See *Orah Hayyim* 151.

²²⁵S.E., vol. 2, no. 13, p. 28.

²²⁶Ibid., no. 80, p. 204.

meticulous that there the holy tongue reign supreme."²²⁷ Use of Hebrew, he argues, will enhance the services and serve as an impetus to encourage people to study the holy tongue. However, most significantly, in matters such as these, R. Weinberg warns, a rabbi must be exceedingly cautious lest his synagogue serve as a negative example for others and provide them with a model that may lead to further innovation of a prohibited nature. The principle of scrupulous adherence to tradition must be followed in all matters of synagogue ritual.²²⁸

Reverence for communal tradition and appreciation of the sanctified nature of liturgical customs permeates R. Weinberg's responsa. Instructive are his comments on the recitation of *kiddush* in the synagogue on Friday night. He advises a rabbi in whose congregation the custom had lapsed to reinstate the practice and not stand on his dignity:

For the honor of God and the honor of the Sages who instituted this custom is greater. . . . Moreover, there is therein an aspect of communal education and public sanctification of the Sabbath and it adds grace and the beauty of holiness to the ushering in of this holy day. Perhaps, then, some will be aroused to repent and to recite *kiddush* in their homes as well. In any event, it is not correct to make your community separate and distinct from other Jewish communities that are accustomed to reciting *kiddush* in the synagogue and which also sell the privilege of donating wine for *kiddush*. This *mitzvah* is very beloved to those who fear God and cherish *mitzvot* and heaven forbid that it be abolished.²²⁹

As will be shown, sentiments such as these shaped R. Weinberg's approach in many facets of halakhic decision-making.

²²⁷Ibid., no. 9, p. 17.

²²⁸Loc. cit.

²²⁹Ibid., no. 157, p. 377. R. Weinberg counsels reintroduction of *kiddush* in the synagogue despite the fact that its recitation in the synagogue was the subject of considerable dispute among early authorities. Rosh, *Pesachim* 10:5, opposes the practice and *Shulhan Arukh, Orah Hayyim* 269:1, rules that it is preferable not to recite the *kiddush*. Although R. Weinberg cites these negative sources and nevertheless defends that practice on halakhic grounds, he insists on the reintroduction primarily because the practice has become a hallowed tradition and "it is not correct" to render one congregation "separate and distinct from other Jewish communities."

6. Caution and Conservatism in Halakhic Decision-Making

R. Weinberg was considered to be one of the preeminent European halakhic decisors and questions were addressed to him from far and wide. His responsa encompass all areas of Jewish law. In some cases, such as issues involving electrical stunning prior to *shehitah*²³⁰ and exhumation of the dead,²³¹ his comprehensive studies of the question constitute a *tour de force*. But despite his creativity and innovativeness in talmudic dialectic, R. Weinberg was cautious and conservative in matters of halakhic decision-making (*pesak*). He consistently followed the rulings of the recognized latter-day scholars and often deferred even to leading scholars among his own contemporaries. The fear and trepidation with which a decisor approaches a complex halakhic decision is an emotion which is readily discernible in R. Weinberg's writings. Even in the absence of recorded differing opinions, he often declined to act on his own initiative. Thus, responsum after responsum concludes with the comment that his ruling should be relied upon only if his colleagues concur. In explaining his trepidation, R. Weinberg wrote that if Hatam Sofer stated that he was prepared to render a permissive ruling with regard to a grave matter only with the consensus of other leading scholars, then "all the more so," must such be the policy "of an insignificant person such as myself."²³² Accordingly, even with regard to matters in which R. Weinberg had invested an inordinate amount of time and energy in investigating every aspect of the question under discussion, he refused to issue a ruling on any major issue regarding which there was no precedent without the benefit of concurring opinions of other authorities. Describing his tenure as rector of the *Rabbinerseminar* during which time the burden of queries addressed to him was immense, he notes, "I strove with all my strength and with painstaking investigation to issue clear rulings and, when faced with serious questions, I sought the corrobora-

²³⁰See below, n. 237.

²³¹S.E., vol. 2, no. 125, pp. 284–322. Comments of R. Moshe Mordecai Epstein, R. Chanoch Hanoach Eiges, R. Yechezkel Lipschitz of Kalish, and R. Abraham I. Karelitz (Hazon Ish) are appended to the responsum, *ibid.*, pp. 322–327.

²³²S.E., vol. 3, no. 120, p. 333.

tion of the great scholars of the generation."²³³ For example, in responding to a query involving the complex halakhic question of performance of the *halitzah* ceremony by an amputee, R. Weinberg writes, "Since this is a novel matter that has not been explicated by latter-day scholars, and [since] the matter is a very grave one, I do not wish to issue a ruling to be implemented in practice until the great rabbis of the generation agree with me."²³⁴

The question of whether or not a couple united in matrimony solely on the basis of a civil ceremony require a religious divorce (*get*) to dissolve the relationship was the subject of considerable controversy among rabbinic authorities during the early part of the century. R. Weinberg wrote extensively on the matter and maintained, as did Rabbi Hayyim Ozer Grodzinski of Vilna, the preeminent halakhist of the era, that it is permissible for the couple to remarry without execution of a religious divorce. Rabbi Rosen, the Rogatchover *gaon*, disagreed sharply. Although he categorically rejected the line of reasoning propounded by the Rogatchover, and despite the already published concurring opinions of other renowned halakhic authorities, he declined to issue a ruling in accordance with his own opinion. Many years later, after World War II (and after the death of the Rogatchover), R. Weinberg did agree to issue a permissive ruling under similar circumstances but only in conjunction with a court of three authorities or upon the agreement of Chief Rabbi Herzog and his *bet din*. Moreover, he further insisted that in each instance in which such a problem presented itself, a new ruling was to be required.²³⁵

²³³S.E., vol. 1, introduction, p. 3.

²³⁴S.E. vol. 3, no. 49, p. 168. Cf., vol. 3, no. 42, p. 151.

²³⁵See S.E., vol. 3, no. 22, p. 47 and *ibid.*, no. 51, p. 198. He considered the reasoning of the Rogatchover, in this instance, to be an example of the ingenious analytic methodology of the Rogatchover that was often idiosyncratic and not compelling in halakhic *pesak*. See *ibid.*, p. 46. More significantly, cf. his remarks in vol. II, no. 31, p. 67, in which he criticizes the Rogatchover for not following precedents in *pesak*. Cf. also R. Ovadiah Yosef, *She'elot u-Teshuvot Yehaveh Da'at*, vol. 2, no. 26, p. 103, note. For another instance in which R. Weinberg disagreed with, but deferred to, the Rogatchover, see S.E., vol. 3, no. 144, p. 157.

The most striking example of the great deference R. Weinberg paid to the opinion of contemporary Torah scholars is found in his investigation of a complex question relating to *shehitah*. On April 21, 1933, the Nazi government decreed that animals must be anesthetized prior to slaughter. The decree effectively abolished *shehitah* throughout the German Reich since *halakhah* prohibits consumption of animals maimed prior to slaughter. Subsequently, there was much pressure on halakhic authorities to seek new procedures that might satisfy the requirements of German law. Rabbinic decisors investigated the halakhic permissibility of electronarcosis, that is, stunning of the animal by electric shock, before *shehitah*. The salient questions were whether such stunning inflicted organic injuries that rendered the animal a *terefah* or whether it caused internal bleeding that would preclude later draining of blood through soaking and salting in the prescribed manner. At the request of his colleagues in Germany and, subsequently, of Rabbi Hayyim Ozer Grodzinski of Vilna as well as Rabbi Meir Schapiro of Lublin, R. Weinberg prepared a detailed monograph devoted to an analysis of the halakhic issues posed by the contemplated procedure.²³⁶

The project was dual in nature, involving both investigation of the scientific facts and halakhic analysis—a project for which R. Weinberg's talents were eminently suited. R. Weinberg's comprehensive study of this issue is remarkable both for its masterful, incisive treatment of the halakhic sources and for its extensive and meticulous investigation of the scientific data.

The East European Torah authorities ultimately determined not only to prohibit any change whatsoever in the practice of *shehitah* but also to ask R. Weinberg not to publish his study lest publication in some manner betray to the government authorities that there was even a remote possibility of a degree of concession that would allow for even minor variation of the *shehitah* process.

Despite the extensive amount of time and effort invested in his research and writing, R. Weinberg acceded to the request of the Torah scholars not to publish this work. Only decades later, with the publication of his first volume of responsa *Seridei Esh* in 1961, did R. Weinberg publish this material. By that time, Germany had long been defeated and controversy surrounding the nature of *shehitah* had abated. Correctly or incorrectly, R. Weinberg believed that *shehitah* was no longer under

²³⁶S.E., vol. 1, p. 6.

attack as being inhumane. The publication of R. Weinberg's views and his correspondence with other scholars regarding this subject serves to clarify many points of *halakhah*, as well as to illuminate a number of intricate talmudic *sugyot*. The material is also of significant historical and sociological interest.²³⁷ The fact that R. Weinberg withheld publication of such a major work for so long a period of time is of considerable moment and underscores the extent to which he felt bound by the views of the preeminent Torah scholars of his generation.²³⁸

²³⁷This enormously complex subject is dealt with in detail in S.E., vol. 1, pp. 4–172 and *ibid.*, appendix, pp. 370–392. An English version of the explanatory preface written by R. Weinberg upon publication of the responsum in S.E. may be found in Robert Kirschner, *Rabbinic Responsa of the Holocaust Era* (New York: Schocken, 1985), pp. 38–50. See also the two-volume study published by the Gur Aryeh Institute for Advanced Jewish Scholarship, *Edut Ne'emanah: She'elot u-Teshuvot al Ma'avak ha-Shehitah bi-Eropah*, vol. 1 (Jerusalem: Gur Aryeh, 1974) and *Shechita: Religious and Historical Research on the Jewish Method of Slaughter*, vol. 2, eds. Michael L. Munk and Eli Munk (religious research) and ed. I. M. Levinger (medical aspects) (Jerusalem: Gur Aryeh, 1976), and the extensive bibliography cited. Regarding the publication of R. Weinberg's study of this question, see also Greenberg, *Mi-Gedolei ha-Dor*, unnumbered pages, section "Kenyah le-Gedolei ha-Torah." In the body of his responsum, R. Weinberg presents an argument permitting stunning. However, in his prefatory remarks in S.E., he states that despite the many experiments conducted, he was unable to determine conclusively on the basis of the scientific data "that the electric current did not cause lethal injury or damage sufficient to render the slaughtered animal's internal organs *terefah*." He further declares that, even if permissible as a matter of *halakhah*, no changes should be instituted in the manner in which *shehitah* is performed and enumerates a number of considerations upon which that policy is predicated. See S.E., vol. 1, p. 7.

²³⁸Another remarkable instance of R. Weinberg's deference to East European authorities was his acquiescence in the decision to abandon a 1933 plan to transfer the *Rabbiner Seminar* to Palestine. See Moshe Auerbach, "Zikhronot (3)," ed. Nathan Rafael Auerbach, *Ha-Ma'ayan*, 22:1 (Tishri 1981):5, n. 105, and pp. 13–14, n. 116, as well as the extensive discussion in Christhard Hoffmann and Daniel R. Schwartz, "Early but Opposed—Supported but Late, Two Berlin Seminaries which Attempted to Move Abroad," in *Leo Baeck Institute Yearbook* 36 (1991): 267–304. See also Daniel Schwartz, "Beyn Berlin, Lita, ve-ha-Mizrah ha-Rahok: Al Kamah She'elot u-Teshuvot ve-'Tikun be-Hashmattah," *Kiryat Sefer*, vol. 64, no. 3 (1992), pp. 1077–1087; and the pointed remarks in R. Weinberg's letter, *ibid.*, pp. 1086–1087.

A disciple of R. Weinberg has noted that his teacher's conservatism in *pesak* did not parallel his creativity in talmudic learning and scholarship and has speculated with regard to whether or not this conservatism stemmed from a deeply rooted psychological malaise. He questions, "Was it justified caution or over-anxious hesitancy? Was there a *Derekh* in that, or was it again a fear that had its root in some aspect of his personality?"²³⁹ Whatever the tragedies and torments of R. Weinberg's life may have been, and setting aside speculations regarding the unconscious, his approach to *pesak* is readily understandable as a logical consequence of a number of conscious considerations that are explicitly and repeatedly articulated by R. Weinberg. These considerations are: (1) reverence for Torah scholars, (2) meticulous devotion to tradition in all its manifestations, (3) individual vs. national needs, and (4) his own expressed view of the vastly different roles of analytic research and the freedom of inquiry permitted in such endeavors as opposed to halakhic decision-making with its rigid canons and parameters.

(1) Reverence for East European Torah Authorities

R. Weinberg's years of study in Mir and Slabodka and his concentration upon intensive Talmud study and *mussar* ideology during that period constituted the most profoundly influential life-experience of R. Weinberg. He remained convinced that total immersion in Talmud study

Apparently, at approximately the same time, R. Weinberg entered into some negotiations with the United Synagogue in London, England regarding the possibility of his accepting a position as a *Dayan* on the London *Bet Din*. See M. E. Abramsky, "Maran Rav. Y. Abramsky and the London Beis Din," *Yated Ne'eman*, August 25, 1995, p. 14; and cf. S.E., vol. 1, p. 380, the letter of R. Hayyim Ozer Grodzinski, dated 6 Kislev 5695 (November 13, 1934). Decades later the possibility of R. Weinberg accepting a post in London arose once again. Accompanying comments by I. Smolar, *Ha-Do'ar*, 12 Adar 5726 (March 4, 1966), p. 285, there is a reproduction of a postcard written in R. Weinberg's hand, dated 1 Adar 5712 (February 27, 1952). In a note appended to this postcard, R. Weinberg reports that he had been chosen as Head of the London *Bet Din*, but that "the matter yet remains in doubt because of age and lack of strength."

²³⁹Berkovits, *Tradition* 8:2, p. 13.

emblematic of the *yeshivot* of Eastern Europe was the ideal environment for development of Torah knowledge.

The philosophy of the *mussar* movement was an equally strong molding force in the development of his thinking. R. Weinberg internalized *mussar* teachings to such an extent that he himself attested that, at times, he had difficulty unravelling which elements of the *mussar* concepts that he developed in his essays were the received teachings of his mentors and which were the product of his own further elaboration and development of their seminal ideas. In a note appended to his presentation of several discourses of the *Alter* of Slabodka, Rabbi Nathan Zevi Finkel, R. Weinberg writes that since decades had passed since he had heard those talks as a young man: "It is obvious that there are additions and omissions. For the omissions, I have regrets; for the additions, I have no regrets. . . . The fundamentals are etched deeply in my memory and they fructified my own thinking; mine are his."²⁴⁰ Elsewhere, he adds, "I was yet young at the time of the talks. Only when I matured did I perceive to what extent his ideas were exalted and how profound were his thoughts. At the time we did not appreciate the depth of what he said in the course of his talk. These words were not merely a *mussar* discourse but profound, eye-opening insights."²⁴¹

In consonance with *mussar* teaching, R. Weinberg had the deepest reverence for rabbinic personalities whose piety was commensurate with their learning. It was second nature for him to defer with willing subordination to authorities whom he regarded as repositories of virtue, guardians of tradition and the embodiment of Torah wisdom. It was this mindset that shaped his thinking and formed the basis on which he fashioned his own approach to halakhic decision-making.

In a peripheral comment included in one of his responsa, R. Weinberg includes an evaluation of the personality of Rabbi Abraham Isaiah Karelitz, known as *Hazon Ish*. At first reading, one might dismiss this

²⁴⁰S.E., vol. 4, p. 312, note. He notes that Rabbi Y. Sarna, Rosh Yeshiva of Slabodka, "the friend of my youth," correctly observed that his labeling of the essay in question "Talks" might mislead the reader into thinking that these were verbatim transcriptions and the purpose of his note on their second publication is to obviate any such misconception.

²⁴¹S.E., vol. 4, p. 310.

passage as a hagiographic panegyric reminiscent of the writing currently in vogue in a certain genre of popular histories of *Gedolim* ("great scholars"). It would be an error to read these comments in that manner. Piety and devotion to meticulous and honest scholarship were R. Weinberg's highest ideals. Of *Hazon Ish*, he writes:

Regarding what you asked concerning the greatness of the Sage, the preeminent pious scholar, author of *Hazon Ish*, of blessed memory—[He manifested] sound and lucid powers of reasoning, depth of investigation and love of the plain meaning. He distanced himself from scintillating casuistry where it had no anchor in inference from the text and, most importantly, he sat in his chamber tens of years and went through the entire Talmud together with the [writings of] the early scholars and the codes with diligent penetrating study until every *halakhah* was clear to him. In his great piety, he did not venture to disagree with early scholars; rather, he toiled to substantiate their words. However, this toil did not lead him to perversion of reason or distortion of the text. . . . His empathy for early scholars flowed from his staunch faith that the Divine spirit dwelled in their house of study. The Gra permitted himself, at times, to depart from the words of the early scholars in interpretation of the Mishnah. Not so the *Hazon Ish*, of blessed memory. Assuredly, he was the greatest scholar of the generation in the area of *halakhah* and his piety enhanced him with a splendor of holiness. There was not another comparable to him in our generation, or in the previous generations since the time of the Gra.²⁴²

To such an individual, he felt bound to defer in *pesak*, not out of psychological weakness, but out of strength of conviction.

(2) Devotion to Tradition

R. Weinberg was usually conservative in his rulings regarding communal matters. To the extent that these rulings reflect policy considerations, they reflect a deeply rooted concern for the preservation of time-hallowed communal practices and structures. R. Weinberg notes that Rabbi Eliyahu Hayyim Meizel of Lodz²⁴³ was known for his extraordinary kindness and

²⁴²S.E., vol. 3, no. 72, p. 249.

²⁴³S.E., vol. 4, pp. 345–352.

dauntless championship of the poor²⁴⁴ and, at the same time, as an uncompromising rabbinic leader and arch-conservative. It would be an error, contends R. Weinberg, to assume that Rabbi Meizel's gentleness and soft-heartedness stood in opposition to his zealotry and that he was an individual who harbored conflicting and contradictory character traits:

[Rabbi Meizel's] zealotry did not flow from a feeling of strictness or irascibility but was based upon . . . recognition of the deep obligation to fight and to take risks for truth and justice. If you will, gentlemen, this, too, is compassion! Pure zealotry, that which is aroused in a holy and sincere heart, is but compassion in another form. Every *mitzvah* or custom that has become beloved and sanctified by the people is not a "dry body," but a living entity that is saturated with the blood and tears of all the generations. . . . There is not even a trivial custom that cannot awaken some slumbering memories, that does not move some string of the heart.

. . . Accordingly, every idea is not simply a theoretical construct but rather a living organism. . . . Can one who possesses a sensitive heart watch the death or the wounding of a living, ethical organism? R. Elya Hayyim possessed a sensitive heart and it was impossible for him to stand by the blood (blood of fathers, blood of generations!) and be silent. . . .

It is possible that, in the eyes of the reader, my judgment will appear to be a strange paradox, a form of forced, convoluted truth. . . . What wonder . . . if a giant of the spirit such as R. Elya Hayyim, unto whom every custom was dear as his life, was not able to bear in silence and observe with equanimity some from among his brothers and his people, trampling and wounding living beings, plucking and cutting fresh living roses? What wonder? And if he came to anger, if there were heard from his mouth antagonistic expressions, this was surely but anger that arose from a deep pain; these were but responses evoked by anguish and compassion—anguish for the anguish of the living sanctity that had been trampled underfoot and compassion—for his brethren whom he saw so doing.²⁴⁵

It would be naive to assume that these words are simply descriptive of the merits of a colleague R. Weinberg sought to eulogize in writing. Rather, they reveal that to which R. Weinberg himself aspired and the values to which he subscribed.

²⁴⁴Ibid., pp. 348–349.

²⁴⁵Ibid., p. 351.

(3) *Individual vs. National Needs*

In matters relating to the State of Israel rather than merely to individuals, R. Weinberg espoused a more aggressive and innovative approach to halakhic decision-making. He recognized that, while in dealing with problems posed by an individual or by a local community a decisor might in good conscience rely only upon established precedent, the selfsame problem arising in the State of Israel could well become a matter of pressing need to the entire nation. Such ramifications, he believed, demanded that the decisor refuse to bow to precedent and rule upon his convictions, at least when he finds support for that position in the writings of earlier scholars. Most revealing is his posthumously published letter regarding performance of autopsies in the State of Israel. In this private communication to the late R. Kalman Kahane, R. Weinberg expresses a clearly permissive view in forcefully stated language, however with the reservation that "I do not now wish to issue a halakhic ruling, but you may use this letter as, in your wisdom, you see fit."²⁴⁶

R. Weinberg hardly takes an unusual or innovative position in arguing that the *Noda bi-Yehudah's* principle of permitting an autopsy in an instance of *holeh le-faneinu* (lit.: "a patient before us")²⁴⁷ has a different connotation in modern times. In an era of instantaneous communication throughout the entire world, the definition of *holeh le-faneinu* extends far beyond the parameters of that which is directly "before us."

What is remarkable, however, is the emphasis placed by R. Weinberg on additional considerations in reaching his permissive decision. He questions the continued viability of a modern state in which medical science would be unable to benefit from knowledge gained by means of autopsies. R. Weinberg distinguishes sharply between the restrictive ruling he issued in the past to a private physician²⁴⁸ and a policy decision to be rendered on behalf of the entire State of Israel. In the latter case, it is evident that he believes a far more aggressive stance is mandated. He writes emphatically:

²⁴⁶*Tehumin* 12 (1991):384.

²⁴⁷*Noda bi-Yehudah, Yoreh De'ah, Mahadurah Tinyanah*, no. 210.

²⁴⁸*S.E.*, vol. 2, no. 119.

We will, with the help of God, be able to preserve the Torah if we demonstrate that our Torah is a Torah of life. This consideration is sufficient to lighten the severity that is inherent in this matter, particularly since there are great rabbis who rule leniently in the matter. . . . Indeed, nowadays, when the question affects the community of Israel and the State of Israel, I am unable to prohibit. . . .

I have expressed my opinion to your honor openly, and I will not deny to your honor, that if the matter were dependent on me, and if I were the preeminent authority of the generation in halakhic decision-making, I would permit the universities to conduct autopsies in the case of doubtful and questionable maladies.²⁴⁹

As noted, this opinion of R. Weinberg was published only posthumously—a fact that, in itself, is significant. Even with regard to this issue, R. Weinberg had noted that he was indicating the decision he would have rendered were he the "preeminent authority of the generation in halakhic decision-making." In all likelihood, this represents but another example of an instance in which R. Weinberg once more deferred to those among his colleagues whom he considered to be the final arbiters of *halakhah*.

(4) *The Distinction between Decision-Making (Pesak) and Theoretical Analysis (Hakirah)*

While ever mindful of the obligation to bow to authoritative precedent in matters of halakhic *pesak*, R. Weinberg was, of course, committed to free and unfettered inquiry in study and analysis of classical texts. To a critic who had noted that some of R. Weinberg's novellae on a specific topic contradicted the interpretation of recognized latter-day scholars, R. Weinberg responded:

Indeed, what of it? Does this not constitute the way of Torah, [i.e.,] to debate and to establish new interpretations even in opposition to the views of the greatest of the latter-day scholars? Only with regard to practical *halakhah* is it forbidden for us to disregard the words of the great scholars, of blessed memory, whose wisdom was broader than ours and we are all worthless by comparison to them. However, with regard to theoretical inquiry and expli-

²⁴⁹*Tehumin* 12, p. 384.

cation of concepts, we have the option of establishing new interpretations and formulating opinions that they did not apprehend. For every Jewish person whose soul was present at Sinai received his portion in the Torah and in Torah interpretation. This is indisputable.²⁵⁰

R. Weinberg carefully distinguishes between the respective roles of authority and innovation in academic Torah study and on the manner in which the tension between them ultimately redounds to the benefit of the student and to enhancement of Torah scholarship. In the course of doing so, he presents an insightful interpretation of *Ethics of the Fathers* 6:6: Among the forty-eight ways in which Torah is acquired, the Sages enumerate "debate of the students and faith in Sages" (*pilpul ha-talmidim* and *emunat hakhamim*). On the surface these "modes of acquisition" appear to be contradictory in nature. However, suggests R. Weinberg:

If one would not have faith in the Sages or if one would peruse their words lightheartedly or with foolish arrogance, saying with conceit, "They did not understand," one would not struggle at all to penetrate and to substantiate the words [of the Sages] of blessed memory. But, in the end, it becomes clear that we have erred and not they. Therefore, it is indeed one of the paths of wisdom to have faith that they have not erred, heaven forbid, for it is only we who are short-sighted and small-minded. However, simply to have faith and not to exhaust the mind with study and reflection, but merely to say, "They knew and we are able to rely on them unthinkingly," that, too, is not correct. Rather, it is necessary to debate and refute and question as if they were people such as us. Then one achieves additional depth of understanding and scholarly acuity. Accordingly, both elements together, faith in Sages and debate until the end, result in acquisition of Torah. And the Almighty delights in the debate of Torah.²⁵¹

²⁵⁰S.E., vol. 3, no. 9, p. 27. Cf. also *ibid.*, no. 97, p. 115, R. Weinberg's concluding comment, "I know that my words are contrary to many of the latter-day scholars . . . I decided to clarify the matters according to the sources of the early-day scholars."

²⁵¹Loc. cit. See R. Weinberg's further citation of *Gittin* 6b to the effect that even partial attainment of truth of Torah delights the Almighty.

III

There is little in R. Weinberg's work that is trailblazing. His responsa, while they are the product of a consummate halakhist, are well within the mainstream of the tradition in which he writes. He fully accepts the axiological principles of the halakhic system and, in the spirit of "*yikov ha-din et ha-har*—let the law bore through the mountain," accepts any and all conclusions compelled by sources and precedents.

One seemingly incongruous comment of R. Weinberg is worthy of note. In a responsum in which he addresses the question of whether a daughter born to a Jewish mother and a non-Jewish father is permitted to marry a *kohen*, he remarks that "this prohibition causes me great anguish."²⁵² Taking these words out of context, one might presume that R. Weinberg's anguish reflects an extrinsic ethical concern, personal sympathy, or sociological sensitivity that renders the prohibition unpalatable. However, R. Weinberg proceeds to discuss the technical halakhic grounds on which his discomfort rests. Despite what he believes is the weight of early authority to the contrary, *Shulhan Arukh* and the Gaon of Vilna rule restrictively. R. Weinberg's "great anguish" is caused by the fact that, purely from the methodological perspective of the canons of halakhic decision-making, he has difficulty with the normative formulation of *Shulhan Arukh*.

Modernists have criticized the halakhic mentality that "ends up deciding basic questions of war and peace and human dignity by the same terms in which one approaches the *kashrut* of a chicken."²⁵³ Questions pertaining to the *kashrut* of a chicken and human dignity are indeed approached in one and the same manner by the halakhist. The modernist fails to understand that such a stance does not minimize the importance of questions of human dignity but maximizes the importance of the *kashrut* question. The *kashrut* question is treated with the utmost seriousness. Both are encompassed within the parameters of *halakhah* and the ethical considerations that underlie and permeate the *halakhah*. Of course, the halakhist is moved by compassion for the human situa-

²⁵²S.E., vol. 3, no. 54, p. 200.

²⁵³Yehudah Mirsky, Letter to the Editor, *First Things* (October 1991):3.

tion. But he approaches the *halakhah* from within its own frame of reference. R. Weinberg's comment regarding the law that vexes him is not prompted by categories or considerations external to *halakhah*. The halakhist experiences "great anguish" when he fears that canons of *halakhah* and *pesak* have not been correctly applied.²⁵⁴

In the *halakhah* and the *aggadah* R. Weinberg sees a comprehensive self-contained system of ethics. The *aggadah* gives expression to "a veracity that stands most high, far above the veracity of the intellect."²⁵⁵ Both together, *halakhah* and *aggadah*, express the beauty and truth of Torah:

Both of them, both *halakhah* and *aggadah*, are a hidden treasure of the Creator of the universe who chose the Jewish people and gave it His Torah. We have no permission to prefer one over the other. How beautiful is the allusion given to us by our Sages, of blessed memory, "For I . . . will be unto her a wall of fire [round about] etc." (Zechariah 2:9)—the fortified wall of the *halakhah* round about the holy flame of the *aggadah*.²⁵⁶

R. Weinberg's open-mindedness rendered him capable of functioning as an intermediary interpreting ideas and values of one sector of the community to another.²⁵⁷ Thus, he defended Zionist aspirations to the

²⁵⁴Cf. R. Weinberg's comments, S.E., vol. 2, no. 65, p. 106: "Is it an insignificant matter to permit that which has been accepted as forbidden? Does the matter depend solely upon the feeling of compassion?"

²⁵⁵*Li-Perakim*, p. 211.

²⁵⁶*Ibid.*, p. 212, commenting on *Bava Kamma* 60b.

²⁵⁷An instructive anecdote illuminates the manner in which the unique personality of R. Weinberg was esteemed by diverse sectors of the fractious Orthodox community. When R. Weinberg's body was brought to Israel for burial, two competing groups came to meet the cortège which was accompanied by disciples who had transported the departed from Switzerland to Jerusalem. One group, headed by the then minister of the interior, Chaim Moshe Shapiro, a former student, and the then minister of religion, Zorach Warhaftig, a friend and son of an intimate friend, intended to bury R. Weinberg, as instructed, in the Sanhedriyah cemetery in a plot adjacent to the graves of the late Chief Rabbi Herzog and other rabbis associated with the Mizrahi. A second group of yeshiva youth appeared on the scene at the behest and instructions of R. Yeheskel Sarna, *Rosh Yeshiva* of Hebron Yeshiva, who had declared, "His place is among

non-Zionist Orthodox while explicating the fears of the religious to secular nationalists; he was an advocate of women's rights while cautioning innovators regarding concerns of the devout; he emphasized the significance of text-critical scholarship to rabbinic scholars while underscoring the fundamental importance of analytic study and *pilpul* to academics; and, in the communal sphere, he strove for accommodation and harmony while standing guard to protect hallowed traditions. In times such as ours, when factionalism and dissension have split Orthodoxy into camps of left, right, and center, a personality such as that of R. Weinberg illuminates the manner in which divisions may be healed.

R. Weinberg was not afraid to meet new challenges and did not retreat from innovative positions. He knew the failings the *yere'im* and *haredim* sometimes exhibited and their occasional narrowness of focus or scope, but he also understood and valued their loyalty and reverence for Torah and tradition and their sacrificial devotion. He understood that disdain for the new was often a hesitation born of fear of destruction of the old, a hesitation born of devotion and love. In 1960, R. Weinberg responded to an interlocutor from the United States who consulted him for guidance in reacting to a suggestion of government officials that animals be rendered unconscious by some form of gas prior to *shehitah*. As noted, this was a matter that R. Weinberg had researched and studied extensively. In a very brief responsum, R. Weinberg reviewed recent literature on the topic and mentioned the discussions of the Swiss rabbin-

his colleagues, the luminaries of Torah, *mussar* and hasidism in the section of the scholars and saints on *Har ha-Menuhot*. The yeshiva youth succeeded in diverting the cortège to *Har ha-Menuhot*. See Warhaftig, *Palit ve-Sarid*, p. 347, and cf. C. Z. Lipschitz, *Sefer ha-Zikaron*, p. 387.

Daniel Schwartz, *LBI Yearbook* 36:283, reports that, during his lifetime, R. Weinberg himself remarked that had he moved to Israel he would not have been regarded as a peer by prominent rabbinic scholars, but would have been dismissed as "but another German *Doktor*." R. Weinberg was, of course, universally recognized as an outstanding talmudic and halakhic scholar. Nonetheless, R. Weinberg's comment may not have been merely a self-deprecatory statement but a somewhat exaggerated reaction born of a realistic assessment of the Israeli scene. In life, R. Weinberg represented and advocated a religio-cultural expression of Judaism that his colleagues may not have been prepared to endorse, or to be perceived as endorsing. In death, it was easier to accord him honor.

ate regarding the use of a substance called "necromal" for this purpose. He noted that Rabbi Breisch in his *Helkat Ya'akov*, Rabbi Weiss in his *Minhat Yitzhak*, and, earlier, Rabbi Meisels in his *Mekadshei ha-Shem* had all ruled against this innovation. R. Weinberg concluded with the following remarks:

According to my opinion, one should not seek permissive rulings from rabbis who are halakhic authorities for I know that this permissive ruling will not be acceptable to some of the God-fearing who do not want, under any circumstances, to make changes in the practices of *shehitah* customary from time immemorial. In a conversation I had with the great Ga'on R. Menachem Ziemba, may the memory of the righteous and holy be blessed, and may the Lord avenge his blood, he said to me, in his wisdom, that this issue will be determined not by scholars of *halakhah*, but by scholars of mysticism and *kabbalah*, namely, the *Admorim* (Rebbs) of the Hasidim, and they will not agree to any leniency whatsoever. Therefore, let the matter rest. For such a permissive ruling will lead to dissension and to the fashioning of two *Torot* in Israel.²⁵⁸

R. Weinberg would not countenance any innovation that carried with it the potential for splitting the community.

R. Weinberg's exhortations regarding the danger of fissure, and of the tragedy inherent in making two *Torot*, did not stem from a lack of courage or a fear of factions on the right or on the left but from a deep-seated love and appreciation of the grandeur of *Kelal Yisrael*:

Ten Jews enter one house of prayer with *lulavim* and *etrogim* in their hands. They are imprinted with the imprint of a marked and united Jewish congregation. Each one of the ten feels with all his heart and soul his association with this congregation and at the same time he experiences his own personal religious life of the spirit. In the joint format of the religious enterprise each one invests his personal spiritual riches, cleaves to the congregation and realizes his private essence. Let us imagine to ourselves this sublime fantasy: The giants of Judaism of the earliest generations (*Tanna'im* and *Amora'im*), and of the intermediate generations (Rambam, Rav Y. Halevi, Ra'avad), and the later generations (the Baal Shem Tov and the Gra), as well as the last generation (Rav Y. Salanter, Rav Hirsch, the various *Admorim*) join in one

gathering to pray with the congregation and to observe the *mitzvah* of "taking the *lulav*." Whoever looks at this lofty assembly will be astonished at the sight of this spectacular picture: generations and generations, diverse factions and trends, differing systems, coalescing into one whole unit whose beginning is situated in a generation of ancient times and whose end concludes with the Jew who has this day completed his thirteenth year. And that young lad of thirteen, at the moment when he grasps the *lulav* in his hand and joins with that quorum of hundreds of generations and their luminaries, feels a total harmony and an absolute compatibility between himself and them. How great and powerful is the pleasure of religious bliss in the feeling of the lad of thirteen in knowing that the *lulav* that he is taking into his hand is the very same *lulav* grasped in the hand of the father of the nation, our father Abraham, the first Jew, and that this very *lulav* is placed in the hand of every born Jew, whether he is in Morocco or in Yemen, in Berlin or in Radun, in Frankfurt or in Gur, in Jerusalem or in Rome.²⁵⁹

²⁵⁹From an essay on "Religious Renaissance," first published in *Ha-Olam*, nos. 27–30 (1926) and included in *Li-Perakim*, p. 153. Cf., also, his comments on the uniqueness of *Kelal Yisrael* in his explication of the talmudic comment, *Berakhot* 6a, "And I shall make you a singular unit in the world as it is said 'And who is like unto Your people Israel, a unique nation in the land.'" R. Weinberg writes: "There are things in the world that it is not possible to define by analogy or example. . . . That of which there is only one single and singular sample, how is it possible to depict by analogy? The terrestrial globe is the terrestrial globe. The universe is the universe. Jews are Jews." See *Li-Perakim*, p. 172.

²⁵⁸S.E., vol. 3, no. 90, p. 285.

Engaging Modernity

Rabbinic Leaders and the Challenge
of the Twentieth Century

edited by
Moshe Z. Sokol

Robert S. Hirt, Series Editor

The Orthodox Forum Series
A Project of the Rabbi Isaac Elchanan Theological Seminary
An Affiliate of Yeshiva University

1997



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