

## GIANTS OF TRADITION

*Aryeh Newman*

Ideas come and go. Few of them succeed in changing an established pattern of thought. When such a transformation occurs, an idea that was novel and startling in the time of its author is familiar and accepted in subsequent periods. Its great value and vital importance are not, however, diminished thereby. Such an idea was projected by the "Giant of Tradition," Rabbi Zvi Hirsch Kalischer. His major contribution to our tradition is the idea of a non-passive and militant religious Zionism. Aryeh Newman, the author of the essay on Kalischer, is a graduate of the Gateshead Yeshiva in England, and the recipient of an M.A. degree in English Literature from Cambridge. Prior to his recent assignment as the Jewish Agency's representative in Australia, he served as Director of the Agency's religious education program for English-speaking communities and was a member of the English Faculty of the Hebrew University.—S.R.

### ZVI HIRSCH KALISCHER — FATHER OF THE THIRD RETURN TO ZION

Few realize today how much the third return to Zion owes to the work of a militantly orthodox rabbi, a devout and erudite Talmudist, whose patriarchal beard, flowing earlocks, and long black coat stamped him as a member of an age gone by, rather than as a visionary amazingly ahead of his contemporaries. The *Chovevei Zion* (The Lovers of Zion), the first Jewish colonists to till the soil of Palestine, and Herzl himself, built on the foundation laid by this unusual rabbinic personality.

Rabbi Zvi Hirsch Kalischer was born in 1795 in the little town of Lissa (Leszno) in that part of Western Poland annexed by Prussia and he was thus brought into the orbit of modern ideas of emancipation and enlightenment emanating

from Berlin. Jewish life in the former Polish province of Poznan, while still traditional and based on the Talmud, was getting its first taste of that modernity which had taken the Jews of the West by storm. Kalischer's early exposure both to Jewish scholarship and modern learning provided the background for his eventual projection of an ideal which fused the redemptive longings of the deeply religious Jews of the East with the new social and nationalistic values of Western Europe.

He was, as he liked to describe himself, "a rabbi of the old school" who conscientiously adhered to the spiritual pattern set by his distinguished mentors, Rabbis Akiva Eger<sup>1</sup> and Jacob of Lissa.<sup>2</sup> Though an uncompromising opponent of the new style *predigers* (preachers) who emerged from the German rabbinical seminaries, he was thoroughly versed in the problems of the wider world and followed with profound understanding the day-to-day developments of the general political scene. Like many great historical personalities, he combined the virtues of a previous age with those of an age yet to come. His refusal to take any form of emolument<sup>3</sup> for his services to the community represented an ideal which had long been regarded as unrealizable, and his deep rabbinic erudition and scrupulous piety were in his era the hallmark of a constantly diminishing number of spiritual leaders.

Such was the man who dedicated his life to promoting the third return to Zion. Admittedly, yearning for Zion had never ceased and prayers for The Redemption had been uttered during a score of centuries by Jews of Palestine and the Diaspora alike. But Kalischer was the first to battle for the resettlement of the Holy Land on a *national* basis and the first to succeed in creating a *movement* inspired by that ideal.

We are not certain exactly when he began to espouse his mission but in 1836 we find him addressing an impassioned letter to Baron Amschel Mayer Rothschild, pressing him to purchase Palestine from Mohammed Ali, the rebellious Egyptian governor-general who had temporarily wrested it from his Turkish suzerain, the Sultan. "Do not imagine," wrote Kalischer to the wealthy banker from Frankfurt-on-Main, "that the Almighty will suddenly descend from the heavens and summon

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His people to go forth. Or that He will suddenly dispatch His Messiah from the heavens to blow the great trumpet for the dispersed of Israel, and raise up for them a wall of fire round about . . . The Redemption will begin in a natural manner, set in motion by a human agency and prompted by the willingness of governments to resettle a small proportion of Israel's dispersed in the Holy Land."

Kalischer had no illusions about the probable reaction to his letter. At its beginning he writes, "It terrifies me to think that you will, God forbid, take me for a charlatan and madman who is asking the impossible." He comforted himself, however, with the thought that since the subject of his request was "The Redemption of Israel" for which he was ready to sacrifice not only his substance but his very life, the possible contempt that might ensue was of no material consequence to him. Even if he did not achieve his objective, "at any rate the seeking to attain it was itself meritorious." The Baron did not even take the trouble to reply.

Kalischer's preoccupation with the Redemption did not preclude an extensive and heroic defense of traditional Jewish beliefs and observances in polemics with leaders of Reform Judaism. The disciples of Mendelssohn, eager to emancipate Jews from what they regarded as obscurantist medieval Judaism, sought to attune Judaism to the universalistic ideals of the new "enlightenment." To them, the Messiah was only a symbol of the golden age of brotherhood and Jerusalem was to be found in Berlin, the seat of progressive thought. While Kalischer was not alone in his battle, he was the only one consistently to couple his attacks on the Reformers with a practical diagnosis and treatment: "Zion."

The clarity and forthrightness of his vision, to be properly appreciated, must be viewed in the perspective of his time. There had been no holocaust to disillusion even the most optimistic assimilationist. On the contrary, after centuries of oppression, the Jew seemed to be witnessing the dawn of a golden age. Kalischer, however, saw events through the prism of Torah. The words in the sacred text spelled a different message for him which he tried to convey. Typical is his commentary

on the text, "Better for us to serve the Egyptians" (Exodus 14:12). He observes, "What the children of Israel were saying to Moses (on the eve of the deliverance at the Red Sea) was that, at that stage, it would be far better for them to be free men in Egypt. What did they need another country for? Today, too, when Jews obtain equal rights in the Exile they no longer contemplate going to Eretz Israel. On the contrary, there is a stigma attached to such ideas. They say: '*Here* is Eretz Israel.' They do not perceive the works of the Lord and the power of His holiness which will be made manifest in the Holy Land."

He did not indulge in defensive apologetics but went on to attack. This is particularly evident in his attitude concerning the question of sacrifices. Whereas many of his rabbinic colleagues avoided the problem with the suggestion that sacrifices would be resumed in the remote Messianic age, he insisted that they were an integral part of Judaism, and that the institution of sacrifice should be resumed as soon as the Temple mount could be restored to Jewish possession. He canvassed opinions on this subject from his revered mentor Rabbi Akiva Eger as well as from Rabbi Moses Sofer and extracted from them the admission that there were absolutely no religious objections to the resumption of sacrifices. The sole obstacle was Turkish control over the site and the Rabbis expressed the view that from a practical viewpoint, there was no possibility of Jews being allowed access to it.<sup>4</sup> But Kalischer would not rest there. The logical implication of their opinion was that it behooved the Jews to make every effort to recover the Temple mount in order to resume this rite. Analogously, all the precepts that could only be practiced in the Holy Land, e.g., tithes, the Sabbatical year, etc., challenged the faithful to create the conditions necessary for their observance. If it were our duty to wait for God Himself to lead us to Zion, our loyalty to Torah would not thereby be tested. The serpent was placed in Eden to test Adam, not to provide him with an excuse for his failure to fulfill God's commandment. The children of Israel were beset by obstacles and trials in the wilderness. They were called upon to triumph over them. The lesson for his generation was clear.

Kalischer was intolerant of anything that savoured of retreat,

compromise, or complacency with regard to Jewish duty, whether it emanated from the traditionalist or liberal camp. On the one hand, he fully supported the views of those rabbis who refused Jewish marriage or burial to persons who had not been circumcised, and there was a growing number of such persons who had deliberately flouted this most basic Jewish tenet. Samuel Holdheim, the German Reformer, had made the shrewd point that even the Talmud recognized uncircumcised Jews as Jews, quoting the dictum: "A Jew even if he has sinned is still a Jew." Kalischer agreed. They were Jews, in spite of themselves. All their efforts to assimilate would ultimately prove abortive. The prophet Ezekiel<sup>5</sup> had already anticipated such a situation and had said: "That which cometh into your mind shall not be at all; in that ye say: We will be as the nations . . . to serve wood and stone. As I live, saith the Lord God, surely with a mighty hand and with an outstretched arm, and with fury poured out, will I rule over you. And I will bring you out from the peoples, and I will gather you out of the countries wherein you are scattered, with a mighty hand and with an outstretched arm and with fury poured out." They were Jews and would remain Jews. But because of their rebelliousness they were deprived of the privileges accorded the faithful.

On the other hand, in a famous responsum<sup>6</sup> he championed the rights of minors born to Gentile mothers and Jewish fathers to be circumcised at the request of the father. The inquiry came from New Orleans. The local rabbi, troubled by the problem of intermarriage, had prohibited circumcision in such cases. Kalischer ruled to the contrary, that it was a duty to do so. Every Gentile is potentially a member of the Jewish faith. This is certainly so in the case of a child whose father wished to rear him as a Jew. It is our duty to do everything possible to facilitate the integration of such families into the Jewish fold. The apprehension that his Gentile mother will not permit him to grow in Judaism should not prevent such conversion. Neither do we hesitate to circumcise a child of Jewish parents who violate some of the fundamental precepts of Judaism.

It is noteworthy that Kalischer's decisions have been applied recently by rabbinic courts in the State of Israel where the prob-

lem of integrating the children of Gentile mothers and Jewish fathers became acute with the influx of Polish Jews with Gentile wives. Little did he imagine, however, that there would come the day when some of the leaders of a Jewish state would wish to declare such offspring Jews, without benefit of traditional conversion procedures such as *tevilah* and circumcision.<sup>7</sup> To him, as to every Torah-true Jew, every *mitzvah*, every precept, was a privilege and the rite of circumcision was one of the highest distinctions that could be conferred on man, for it “removes the iron barrier that separates him from his Father in heaven.”

He was especially pained by the indifference of pious Jews, some great scholars and saints of his time, to the cultivation of the soil of the Holy Land upon which innumerable precepts depended. Rothschild had failed him, so three years later, in 1839, he appealed to Moses Montefiore, impressing on him the supreme religious duty devolving on Jews to reclaim their homeland by founding colonies and tilling its soil. The latter did, indeed, make a trip that same year to the Holy Land for the purpose of founding colonies but his negotiations with the authorities met with only limited success. In 1855, however, Montefiore purchased a piece of farmland near Jaffa and planted the first Jewish orchard. His work in rehabilitating the Jewish community in Palestine, his work in the vocational and housing field, particularly in building housing quarters in Jerusalem, gave impetus to the revival of its economic and spiritual life. Nahum Sokolow noted in his classic work on *Chibbat Zion* (the Love of Zion movement) that Kalischer “succeeded in making a deep impression on the famous English Jewish philanthropist. Montefiore’s outspoken love for Zion was largely due to Kalischer’s suggestions.”<sup>8</sup>

The latter, however, did not stop with his appeal to philanthropists but appealed to the general Jewish public as well — both rabbis and laymen. In 1860 he called the first “Zionist” conference at his hometown of Thorn. The participants were not elected delegates. They were the well-wishers of Zion, mostly rabbis, whom Kalischer wished to activate into doing something practical towards the colonization of Palestine. There were in-

dividuals in all parts of the Jewish world who, independently of each other, had become convinced of the supreme duty of reviving Jewish settlement in the Holy Land. It was a time of national ferment. The Italians, Greeks, Hungarians, and Poles were all fighting for their independence. There were many distinguished non-Jews who looked forward to the day when the Jews would return to restore a land, neglected and forlorn, the victim of centuries of decadent rule, to its ancient fertility. But it needed someone with the spiritual stature of Kalischer to channel all this enthusiasm, to encourage it, and to give it the sanction of religious authority.

In 1861, the year following the Thorn conference, the first Jewish Colonization Society at Frankfort-on-Oder was formally established. But Kalischer was not yet satisfied. He gave his rabbinic colleagues no rest. One in particular joined forces with him, lending his name to the manifold appeals in Hebrew, German, and English issued by Kalischer requesting support for the causes of colonization. He was the *Tzaddik* Rabbi Elijah Gutmacher whose home in Greiditz in the province of Posen was the center of pilgrimage of thousands of fervent adherents. Kalischer succeeded also in winning the approval of Rabbi Isaac Elchanan Spektor of Kovno, the Torah leader of Lithuanian Jewry. The latter suggested that Jewish landlords and tenants obligate themselves to contribute one percent of their rent to the cause of colonization. Other leaders who gave him their blessing were Reb Shiely of Kutno and Dr. Azriel Hildesheimer, the spiritual leader of German Orthodoxy. Nevertheless, opposition in Torah circles was intense and Kalischer could not with ease mobilize or even retain the support of those who had originally approved of his plans. A man of lesser courage and faith would have given up. But Kalischer, through the Jewish journals of his day, battled violently, intent on demolishing the arguments of his opponents, however distinguished and pious they were. He was not afraid to compare them with the spies who had brought an evil report of the Promised Land to Moses and the Children of Israel. He did not allow the slightest expression of discouragement regarding the practicability or permissibility of Palestinian colonization to go unanswered. He

fought the battle for Zion on two fronts — on the talmudic front in order to convince the scrupulously observant Jew, and among the “enlightened” leaders of western Jewry, particularly through the Alliance Israelite which was founded in 1860. He devoted considerable energy to “zionizing” this new Jewish world organization which was established to further the cultural integration of Jews in their adopted lands rather than to create a new Jewish nation on its own soil. Kalischer’s program was presented again and again at its conferences by his emissaries. Eventually, Adolphe Cremieux was won over and the Alliance sent Karl Netter to Palestine to survey the possibilities.

Most of the arguments and sentiments expressed by Kalischer in his battles for Zion were summed up by him in his book *Derishat Zion*. This book, to which he added from time to time, remained with him, for many years, in manuscript form. It was published in 1862 and reprinted and translated several times. In 1919, after the Balfour Declaration, the late Chief Rabbi Zvi Pesach Frank, of Jerusalem, published it as a call to Orthodox Jews to settle in the Holy Land.<sup>9</sup>

Kalischer opened this slim 22 page volume by noting sorrowfully that in his days there was no *doresh le-Zion*, no seeker of Zion. Hence, the title. The Orthodox Jew waited passively for miracles; the Reformers had found their Zion in Berlin. Quoting rabbinic authority, he showed there were two stages in redemption: the preliminary natural one, and the final supernatural one. But the last stage could not be realized without the first. God would not redeem those who took no pains to redeem themselves. As the rabbis had observed in the Talmud,<sup>10</sup> “The Almighty assisted only those who took steps to purify themselves.” Every Jew should ask himself whether he was doing his utmost to speed the return to Zion. Every Jewish precept was important and demanded sacrifice but settlement of the Holy Land was paramount. He understood *teshuvah* to mean, in its primary sense, the return to the homeland.<sup>11</sup> Such a return precedes the spiritual return or repentance that the devout were waiting for, since exile only estranged Israel more and more from their Father in heaven.

To allay the fears of his ultra-pious opponents, particularly

the scholars who subsisted in the Holy Land on *Chalukkah* (the charitable funds sent from the Diaspora), he enumerated the benefits that would accrue from colonization. It would provide an extra source of support for those who wished to spend their lives in study in the Holy Land. It would rejuvenate the community which could not support itself. Those who were unwilling or unfit to spend their lives in study would become productive — and he had evidence of the existence of hundreds of such persons already living in Palestine — apart from the many thousands who wished to migrate as farmers.

But Kalischer did not confine himself to rabbinic dialectic or to the ransacking of the Bible and Talmud for texts to support his contentions, though there is a full measure of these. His book was distinguished among the numerous devotional tracts on the subject of the Holy Land because it contained a down-to-earth reasoned argument of his case. He appealed to the national sentiments of his readers. “Why,” he thundered, “are we any worse than the Italians, Hungarians, and Poles, all of whom are ready to lay down their lives for their country? How much more should we be ready to sacrifice our all for a country which is deemed holy by the whole world? Should we stand afar as if we lacked manhood and the elementary feelings of self-respect?”

The handwriting on the wall, both in the palaces of Jewish aristocrats and in the hovels of the persecuted, spelled Zion. Never had Jews wielded such political influence. They enjoyed the ready ear of kings and princes.<sup>12</sup> Their magnates, the Rothschilds and Montefiores, were in control of wealth capable of purchasing the whole of Palestine. The lesson to be derived from the modern concept of emancipation was not desertion of Judaism but the application of *equal rights* to support the Jewish claim to Palestine. The persecutions, however, still existed as a grim reminder that there was no future for the victims save in Eretz Israel.

In his book Kalischer outlined the practical steps to be taken immediately. First, a society should be established for the colonization of Palestine with the help of influential and wealthy Jews — a step that could be taken “even if the time of Grace

had not yet arrived when we should think of erecting an altar to the Lord in Zion, and even if we cannot expect to win the consent of the Sultan." The Society or Company should implement a four point program: 1) To raise funds for purchasing as many towns, fields, and vineyards in the Holy Land as possible, to be rented out to prospective colonists, and to reclaim the deserts and restore the fertility of the country. 2) To settle in Palestine Jews from all parts of the world. The inexperienced should be trained in farming skills by instructors furnished by the Society. Those who were farmers were to be given land rent-free and provided where necessary with loans to tide them over until they could stand on their own feet. 3) To create a militia to protect the colonies from the depredations of the Bedouins; and 4) To establish a religious agricultural school for the purpose of training a new generation of farmers steeped in Judaism. Kalischer never envisaged the emergence of a Jewish community in the Holy Land divorced from Judaism.<sup>13</sup>

Kalischer's book was read with enthusiasm in the Jewish villages of Eastern Europe. Additional publicity was given to it by the reproduction of his practical program in Moses Hess' *Rome and Jerusalem* which was published later in the same year. *Derishat Zion* Societies sprang up in such widely separated places as Grodno and London.<sup>14</sup> A central society was founded in Berlin and appeals to join it were circulated in all major Jewish periodicals. But the labor invested by Kalischer in this project did not immediately bear fruit. The central society collapsed, as did many of the other companies formed. But he succeeded in promoting the realization of the fourth point in his program. The Alliance Israelite accepted Karl Netter's report on the feasibility of setting up the agricultural school that Kalischer had so strongly demanded, and Mikveh Israel was founded in 1870. Soon after, Netter invited Kalischer to serve as spiritual head of the school and thus to realize his dearest wish — to settle in Eretz Israel. At the same time he would be able to supervise the observance of the *mitzvot hateluyot ba-aretz* (the Torah precepts associated with the Holy Land) by the school, as well as by the colonists-to-be. Kalischer

accepted and made all the arrangements but, at the very last moment, his doctors forbade the journey.

Nevertheless, his letters of farewell remain a permanent record of his unselfish and overpowering passion for Zion. His opportunity had come to realize personally the Zionism he had preached. He exploited his planned journey to Palestine to gain more support for colonization, driven as he was by hundreds of requests from Jewish would-be-farmers from all over the world. Rabbi Azriel Hildesheimer replied to the farewell letter he received by sending Kalischer, as a gift, the fares for his journey. Kalischer felt deeply humiliated. "I have never capitalized upon my learning and scholarship. How could I allow myself thus to bring the Torah and myself into contempt?" The man who had never taken a penny from the community for his rabbinic services would certainly not accept the fares for his journey. All he wanted was that funds be made available to all those refugees who were willing to till the soil of Eretz Israel, and that Hildesheimer arrange interviews for him with leading personalities in order to promote his plans while on his way to Palestine. "Perhaps you could arrange an interview with Rothschild and other magnates so that they might be prevailed upon to give generously and provide, through the Consul in Jerusalem, the funds for purchasing land near Tiberias, Safed or Jericho." Characteristically Kalischer appended a postscript: "Just one more thing; perhaps you could look up (since I do not have the work *Kaftor Va-ferach* (a compendium of religious laws relating to Eretz Israel) and see whether Jaffa is considered as Eretz Israel proper or as Syria." The pious Rabbi Kalischer was concerned over the question of tithes and their applicability to the area around Jaffa where the Mikveh Israel agricultural school was situated.

But he was destined not to set foot on holy soil. Like Moses, he was to see it only from afar. In the year of his death in 1874 he announced joyfully to the readers of the Hebrew journal *Ha-Maggid* that the first Jewish colony had been established at Motza near Jerusalem and appealed for additional funds to consolidate it. He added: "I have enjoined the colonists to set aside fixed times for Torah study and, the learned ones

amongst them, that they should make it their business to teach the unlettered." He also announced that he had arranged for the Mikveh Israel school to observe the *shemittah* completely.

To the very end he was engaged in promoting the settlement of Eretz Israel. He was buried in Thorn, the community he had served for forty years, but his message and life-work had awakened Jews all over the world to the opportunity of speeding their own redemption by creating a sound and productive community in Palestine. The *Chovevei Zion* (Lovers of Zion) carried on where he had left off and in the two decades after his death colonies sprang up in all parts of the Holy Land from Rosh Pinah in the north to Rehovot in the south. And there was nothing in Herzl's program that he had not anticipated.

The heirs of Kalischer were the founders of Mizrahi. The first collective pioneers of this movement named their settlement in the Jordan Valley after him — Tirat Zvi — a settlement which fused the ideals of Torah and Labor which had been so dear to him. No tribute could be more deserving.

#### NOTES

1. 1761-1837.
2. Died 1832. The author of *Chavot Da'at*, a classic glossary to the code of Jewish ritual law.
3. He was grateful to his wife for freeing him of financial concerns. He wrote: "She never grieved me by saying, 'What do you gain by devoting yourself to Torah; go sally forth and earn your livelihood and make money.' On the contrary, she insisted that she would put her nose to the grindstone so as to free me from temporal cares."
4. All the correspondence on this subject was included by Kalischer in his *Derishat Zion*.
5. Ezekiel 20:32.
6. Reproduced in the Dr. Solomon Carlebach Jubilee volume, Berlin 1910, pp. 265-278.
7. Those interested in the subject are advised to consult the answers given by Jewish authorities to Mr. Ben Gurion's inquiry circulated at the end of 1958. They were mimeographed by the Israeli Government's Prime Minister's Office. An article summing up the answers, by the author of this article, appeared in the Dec. 1959 issue of *Horizon*.
8. P. 20.

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9. All the Zionist writings of Kalischer were collected and edited by the famous Jewish historian Dr. Israel Klausner and published in 1957 by the Mosad Harav Kook in Jerusalem.

10. *Yoma* 38b.

11. This point Kalischer made clear to his kinsman and opponent R. Meier Auerbach, Chief Rabbi of the Ashkenazi community of Jerusalem. The correspondence appeared in *Ha-Levanon*, in 1863, where he said: "Respecting your argument that all is dependent on *teshuvah* — do we not see that things are getting worse. But the essence of *teshuvah* is, as explained in the Zohar, the wholehearted resolve to return to Eretz Israel and, when a sufficiently large number have gathered there, they will repent fully."

12. He illustrated this idea in the German Jewish Journal *Der Israelit* in 1863 by a homiletic comparison with the Book of Esther. At first we are told that "Mordecai sat in the gate of the king." Afterwards we are told that "Mordecai went forth from before the king in royal apparel," and finally "For the Jews there was light and joy, gladness and honor." Kalischer exclaimed: "Have we not now reached the first stage of redemption corresponding to 'Mordecai sitting in the gate of the king,' through such renowned persons as Rothschild and Montefiore? The other stages are bound to follow till we finally reach the stage to which the text 'for the Jews there was light and joy,' will apply."

13. In a letter to Hildesheimer, answering the latter's fears that agricultural work by Jews in Palestine would lead to desecration of the Sabbath he stated: "Sabbath desecration would undermine the whole value of the *mitzvah* of *yishuv Eretz Israel*." Kalischer however was quick to assert his conviction that such a thing could never happen in the Holy Land. "It was unthinkable to suspect the Jews of the Holy Land and equate them with European Jewry who, because of our sins, publicly desecrate the Sabbath."

14. Interesting are the regulations of the London Hebrew Society for the Colonization of the Holy Land (*Chevrat Yishuv Eretz Israel u-Derishat Zion be-London ha-Birah*), which appeared in the Hebrew National, a weekly journal in London, 1867, quoted in Sokolow's *History of Zionism*, Vol. 11, pp. 256-258. They reflect the combination of scrupulous piety with realistic appraisal of the needs of the day found in Kalischer. Here are two of the regulations: "On those sent out by the Society the sacred duty devolves to fulfill faithfully the commandments of the Torah not to work or cause to work on the Sabbath, festivals, *Shemittah* or Jubilee and to observe *leket*, *shik'chah* and *peah* and all other commandments relating to the cultivation of the soil in the Holy Land." "The rabbi (which every colony must support) must not only have a thorough knowledge of the Hebrew language and theology but must also be expert in other sciences and languages, especially in the language of the country."

## *Zvi Hirsch Kalischer — Father of the Third Return to Zion*

### BIBLIOGRAPHICAL NOTE ON KALISCHER'S WORKS

Apart from his public activities Kalischer penned a number of rabbinic works. These he compiled in his earlier years, before he threw himself heart and soul into his Zionist work. He wrote a glossary to the Mishnayot of *Nashim* and *Nezikin* printed in the Vilna edition of the Mishnah, a commentary on the *Choshen Mishpat* entitled *Moznayim Lemishpat* in two volumes, printed at Krotoschin and Koenigsberg respectively, a commentary to the Torah, referred to in the article, a philosophic work entitled *Emunah Yesharah* ("A Straightforward Faith"), and a commentary to the Haggadah entitled *Yetziat Mitzraim*.

# REVIEW OF RECENT HALAKHIC PERIODICAL LITERATURE

*Immanuel Jakobovits*

## THE MANHATTAN ERUV

One of the most distinctive institutions marking off Rabbinic Judaism from the fundamentalism of those who reject the Oral Law is the *Eruv*. The kind of *Eruv* referred to here is a legal device enacted by the rabbis whereby a large urban area, within boundaries properly designated and constituted, may be regarded as one corporate domain for the purpose of removing the prohibition against carrying outside private property on the Sabbath. Since the time of the Talmud, which devotes an entire tractate to the subject (*Eruvin*), the attitude to the legality of the *Eruv* has characterized the schism between the Pharisees or Rabbanites and their opponents — first the Sadducees (*Eruvin* 68b) and later the Karaites (Judah Hadassi, *Eshkol Ha-Kopher*, 182-183) — who denounced the institution as an unwarranted interference with the law by the rabbis (cf. Yehudah Halevi, *Kuzari*, 3:51).

In the past such an *Eruv* was in effect in many great European communities, including Warsaw, Vienna and several German cities or parts of them. To this day most cities in Israel have such an *Eruv*. But New York, with the largest Jewish population in the world and with the most ideal physical conditions for such a measure, has

so far had to do without an *Eruv*, due largely to the dissension and rivalries resulting from the absence of a recognized *Kehillah*-organization guided by a central rabbinat.

Isolated efforts to overcome this deficiency have not been lacking. Several bulky volumes could be filled with the records of the practical proposals, learned dissertations, and often heated controversies on this subject, accumulated for well over half a century. As early as 1907 a distinguished rabbinical scholar originally from Poland published a lengthy treatise advocating an *Eruv* for parts of Manhattan (R. Joshua Siegal, *Eruv ve-Hotza'ah*), and J. D. Eisenstein in his encyclopedia *Otzar Yisrael* published in 1924 (8:138 ff.) assembled enough material on the Manhattan *Eruv*, including a map of Manhattan showing the boundaries of the proposed *Eruv*, to fill three columns. Yet in the end all these efforts proved ineffective, and many thousands of Jews in Manhattan still desecrate the Sabbath by carrying, while countless Orthodox mothers, doctors, and others continue to face severe hardships vitiating the "delight of the Sabbath" by their inability to take their babies out of their homes, to carry necessary items, etc.

Lately the project has again been given great momentum, notably through the tireless work and