

BOOK REVIEWS

Studies and Essays in Honor of Abraham A. Neuman, published by E. J. BRILL, LEIDEN FOR THE DROPSIE COLLEGE (Philadelphia: 1962).

Reviewed by
Joseph M. Baumgarten

This volume in honor of the seventieth birthday of Abraham Neuman well reflects the character of the Dropsie College which he has served as president for the past twenty years. Cutting across religious and denominational lines, the volume includes essays by thirty-three scholars, Jews of all different persuasions as well as a few non-Jewish contributors, on historical and philological themes ranging from the period of the Judges to the ideologies of modern Jewry. Although some European scholars are included, the volume is mainly representative of the contemporary American version of *Wissenschaft des Judentums*.

As pointed out by Prof. Zeitlin in his introduction, while Jewish history was once written "to impress the readers ideologically or to play upon the emotions," contemporary

historiography strives to become a science. That this laudable goal is, however, still far from achievement is made clear by at least two of the contributors, Rivkin and Weinryb, who preface their historical essays by elaborate pronouncements on methodology. The attempt of historicism to make of history an objective discipline, which in Leopold Ranke's words tells "wie es eigentlich gewesen ist," will always be frustrated by the fact that historical events cannot be reproduced and require interpretation to become meaningful. The data of history do, however, exercise a significant control on subjective vagaries.

In the area of philosophy even this control is lacking. Meir Ben Horin's essay, "The Civilization of the 'Religious'" is a subjective attempt to formulate a definition of Judaism on a secular foundation. Dismissing the racial and narrow nationalistic definitions, Ben Horin concentrates on his favorite target, the neo-mys-

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ticism of Heschel, whose poetic terminology he finds meaningless when reduced to a materialistic level. The religious definition, whether orthodox or liberal, is rejected because it involves revelation. What Ben Horin seeks is a catch-all formulation of Judaism broad enough to include enlightenment, nationalism, socialism, Zionism, liberalism, scientism "all of which have been answers to modern Jews' quest for values." The upshot? Judaism is a civilization or religion (he is not sure which) directed to the fulfillment of the promise inherent in the whole realm of experience. For readers who may find this definition a little too vague, Ben Horin lays down the first commandment of relativism: "Thou shalt not make unto thee an Absolute, nor any manner of Ultimate, of anything that is in heaven above, or that is on earth beneath, or that is idea in the minds of intelligent

beings wherever they may be" (p. 81).

Those concerned about the survival of Judaism in an age of such definitions may find solace in some of the very enlightening historical papers included in this volume. Thus, I. A. Agus shows that the talmudic traditions of pre-Crusade Ashkenazic Jewry were preserved by a small, but extremely dedicated and highly cultured remnant of Jews in the western Roman Empire. Solomon Freehof gathers evidence for an original widespread neglect of religious observance among Jews in Spain which was gradually overcome through education.

The readers of this substantial volume will be greatly stimulated by the variety of problems treated and will see in them a fitting tribute to the catholicity of interests of a distinguished Jewish scholar.

Great Jewish Short Stories, edited and introduced by SAUL BELLOW (New York: Dell Paperback, 1963).

Reviewed by William Braun

Mr. Bellow has assembled a fine selection of translated stories written by Jews, about Jews. Applying this standard rigorously and literally, he omitted an author like Kafka. He is less strict when it comes to questions of genre for he includes the story of Tobit from the Apocrypha as well as a long fragment of a novel by Heine. The bulk of the book, however, is made up of the work of Yiddish writers of the last one hundred years. Sholom Aleichem, I. L. Peretz, S. J. Agnon, I. J.

and I. B. Singer, Isaac Bavli, the masters of the East European ghettos are all represented, as well as some more recent American writers. In the judgment of this reviewer, the Europeans win, hands down.

There has been a great deal of interest shown in Yiddish literature recently. Several reasons have been advanced for this re-discovery. The simplest is, perhaps, the emergence of the third generation on the American Jewish scene. Children disappointed by their parents, turn to their grandparents, the European immigrants, and to the stories and values which they brought along.

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They find them more sincere and more moving than the Jewish country clubs which their parents frequent. History, too, may have made them more conscious of their families' past. They know of European ghettos that have gone up in smoke and of their inhabitants who have been turned into ashes. Young people, more sensitive and independent than their parents, are proud to bring to light the roots of the culture which they themselves know only in fragments.

This re-discovery of Yiddish stories has been reinforced by a noticeable trend in American life today. Critics such as Benjamin de Mott have remarked on the favorable reception that books by Jewish authors have found. A particular quality of Jewish fiction is responsible for this tendency. Jewish writers have a special affection for the *Shlemiel*, the man who failed in life. Their Jewishness is reflected in the unusual treatment of this character. For the *Shlemiel*, with all his problems and frustrations, is far superior in human terms to his successful persecutors. Our present day American mass industrial society has created numerous failures who easily identify themselves with the heroes in Jewish fiction. Hence the popularity of Jewish novelists.

These two trends, then—the return to the roots as well as the preferences of readers in an industrial society—may be ephemeral, time-bound, and may not last. Does this adequately predict the future of Yiddish stories? Or does Yiddish literature possess values that will make it a lasting document of a culture that is disappearing?

In the opinion of this reviewer, Yiddish literature will prevail, albeit in translation. Yiddish as a language has a doubtful future. Yet such is the strength of Yiddish writers that they will continue to be read even in translation. Their values are basically humane and timeless. Their heroes are little people, like little people everywhere in this world. They live in the midst of oppression and hunger. They face the world and its difficulties with faith and humility, with humor, and at times with happy laughter. The picture of the ghetto that emerges from these stories has been called overly idealized. Granted; but there is enough bitter realism in them to deflate any such criticism.

The people who live in these stories, like our own grandparents, were pious. Their sincerity, their religious fervor, so very often fed by the spirit of *Chassidut*, still move the reader lost in a time that does not know the art of dialogue with the Creator any more. Poor people they all were, yet on intimate terms with God who punished them daily, and yet wanted them to live and to enjoy His world. Much formal education they did not have; sometimes they were in awe of book learning, more often, in disdain of it. Yet they all treasure life as the highest value, they look upon their children as the fulfillment of their own lives. They try to live justly and humanely against tremendous odds, and more often than not they succeed.

In a time like ours when families are exposed to strains that seem to shake their very foundations it is good to read about what a Jewish family should be. In no other litera-

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ture have the feelings of parents for children, and sometimes of children for their parents, been described with the tenderness that is so representative of these stories. Their children are their hope, for them the sacrifices are being made; they must rise to a higher economic level, they must continue the learning, the traditions, and the faith that the parents so desperately try to protect. If Yiddish short stories did nothing else than show the meaning of what family life ought to be, their survival would be assured.

The world they face is hostile. It musters all its forces to humiliate the Jew. It even kills at times. It is a world that constantly needs to be appeased and bribed. It corrupts and turns Jews into criminals. Yet it is a world with a charm and romance of its own. It beckons with its culture and literature one minute, and the next moment it destroys. To live humanely in such an environment is more than an achievement; yet time and again, the heroes of the Yiddish stories manage to survive in dignity.

In the American short stories we are still in the ghetto. To be sure, it is less cruel; yet the net gain seems to be small. For the faith and intimacy of Eastern Europe the American Jew has traded a precarious prosperity, more often loneliness and isolation. Only the pathos brought from the old country

softens the harsh contours. Philip Roth, for one, shows American Jewish life bare and unvarnished. He disdains the sympathy that his colleagues absorbed walking with their grandfathers or marketing with their mothers. He does not gain much by his honesty. Yet even he maintains the tradition, for like all his Jewish fellow writers he is concerned with the fulfillment of man and his dignity in this world.

The tone of so many Jewish short stories, like the tone of so much Jewish life, is intense. This is not surprising, for the short story is the perfect vehicle for intense moods. Its very form demands concentration, it must dwell on the significant, it must avoid being longwinded. The trend towards abbreviation, brevity and harshness is concomitant. Its need for limitation stresses conscious action and relegates the imagination and the unconscious. Short stories are factual, unequivocal, deterministic. They are written from the end, as a critic put it, to achieve immediate coherence.

Could it be that the intensity, practicality, down-to-earth quality that is so characteristic of Jewish life makes the Jewish short story more representative of its people than any other literary genre? As Hillel used to say, "The rest is explanation — go and learn."

Israel: Years of Challenge, by DAVID BEN GURION (New York: Holt, Rinehart & Winston, 1963).

Reviewed by Louis Bernstein

Of the great statesmen of our era, few have exhibited, in literary form,

a consciousness of history. David Ben Gurion, who stood at the helm of Israel's government during its first fifteen crucial and history-mak-

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ing years, has been one who attempted to immortalize the events in which he was a dominant molder and leading participant.

No man can tell the story of these fifteen years as Ben Gurion can. In *Israel: Years of Challenge*, Ben Gurion tells the story in his own clear and unsophisticated style. No translator is listed so one may assume the book was written in English. Although the book may not equal Churchill's writing in the dazzling brilliance of a master of the English language, the story it tells is as moving and significant as any history of any people in any language.

It is the period of the sweep through the Sinai Peninsula that Mr. Ben Gurion emphasizes in his newest literary effort. On the one hand, he reports the duplicity of the Soviet Union which, while arming Egypt to the teeth, accuses Israel of provoking war. On the other hand, he discusses the "friendly" United States which, in effect, voided a good part of Israel's victory, propped Nasser up again after his stunning defeat, failed to keep its commitment to Israel on the use of the Suez Canal after Israel pulled its troops back from Sinai, and asserted "that the use of military force to solve international disputes could not be reconciled with the principles and purposes of the United Nations." As an after-thought, one might ask what happened to this American policy vis à vis Cuba.

The decision to evacuate Sharm el-Sheikh was not an easy one. Ben

Gurion's policy was opposed both in the cabinet and in the Knesset. But he reasons that failure to yield to this international pressure would have resulted in an international boycott of the area. As a result of his actions, Eilat has developed rapidly and there is free movement of international shipping to its port.

The last chapters are concerned with Israel's future. They ring out in prophetic style with calls for international peace. Indeed, Ben Gurion emphasizes his vision of Israel's mission with liberal quotations from the prophets. "In the long run, however, it is spiritual power that decides." He sees in Israel's aid to the new countries of Asia and Africa a major contribution to international progress and to Israel's security.

Ben Gurion states "What then can Israel contribute to the new countries in Asia and Africa and how? The simple and truthful answer is: By what she does for herself in her own country." And it is precisely in this area where we find the great shortcoming of this book. The "years of challenge" have provided internal challenges as grave and significant as those posed by the hostile Arab rulers. They fester and linger on, and become increasingly aggravated. They should not have been ignored, for some of them play an important role even in the formulation of Israel's foreign policy. The absence is sorely felt as one reads the book.

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Comparisons Between Talmudic and American Law, by ISAAC ALLEN (Tel Aviv: 1960).

Reviewed by A. Leo Levin

There are persevering problems which are common to virtually all systems of jurisprudence and which retain their relevance regardless of time or geography. Examples can be multiplied in the field of criminal law: What procedural safeguards shall be accorded one accused of crime? Does a confession suffice to establish guilt. If not, and the common law is in accord with Jewish law that it is not, what more is necessary to convict?

Turning from life and liberty to money and other forms of property, common problems are even more numerous. A thief has stolen a piece of driftwood worth some paltry sum, but in his skilled hands it has been transformed into a sculpture of rare quality — and great value. May the original owner reclaim “his wood”? Is the problem any different if the thief himself did nothing but sell the wood to the sculptor? A practising lawyer might well encounter questions of this type in his office during the week and in *Bava Kamma* during a *Shabbat shiur*. Interestingly enough, he is likely to meet such live issues precisely in connection with areas which appear to have only Jewish religious significance, the added “fifth” for false swearing, the biblical penalty of “kefel” (double) for theft. It is in these contexts that the Talmud treats of questions growing out of the appreciation and depreciation

of stolen goods.

The very existence of common problems invites a comparison of solutions. Isaac Allen’s valuable little volume is a significant contribution to the growing literature by authors, expert (as he is) in both Anglo-American law and in rabbinic jurisprudence, who examine interrelationships, similarities, differences, mutual influence.

It comes in a propitious period. Shrinking oceans and expanding trade have created a climate conducive to comparative study generally. The availability of Foundation subsidies for the promotion of research related to other systems and other countries has served as an added catalyst, and the range of significant work recently done and currently under way is by no means limited to narrow mercantile interests. American legal scholars are seeking fresh insights from foreign cultures in matters as local — and as universal — as the enforcement of the criminal law.

For us as Jews, the existence of the State of Israel has provided powerful new impetus to re-study Jewish law with a view to practical, immediate application. Judgments of the Supreme Court of Israel, what we would term opinions, draw on refreshingly familiar sources as the justices seek guidance from our own ancient heritage on problems as diverse as criminal prosecution of a nun for cruelty to children in an orphanage and the legal validity of a clause in a mortgage designed to

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safeguard the lender against devaluation of the pound. (See *Dalal Rassi v. Attorney General* [1953] in 1 *Selected Judgments of the Supreme Court of Israel*, 239, 247-250 [1962], *Rosenbaum v. Zeger* [1955] in 2 *id.* at 10, 27-37 [1963]). The comparativist has a genuine contribution to make.

Isaac Allen comes well prepared to make that contribution and his present work does not disappoint us. He probes what he terms "the erroneous impression" that in a capital case a unanimous verdict of guilty frees the accused and relates his understanding of the relevant talmudic passage to the American doctrine assuring a defendant's right to counsel, a doctrine but recently given new scope and vitality by the United States Supreme Court.

He probes the significance of the biblical two-witness rule in the context of a contemporary negligence action and suggests radical revision: a rule cast in terms of evidence "equal in weight and credibility" to the testimony of two eye-witnesses.

Similarly, he attempts a fresh rationale for the rule allowing recovery where a person is injured by the defendant's pit, but denying recovery where the injury results in death. No apologist, Allen is insistent on subjecting every proposed theory to the test of rigorous logical analysis. But by the same token he reprints in full, scholarly criticism of his own point of view. Unmoved by the criticism, the author suggests that recovery was denied in the event of death simply because there was no plaintiff to sue, a condition which existed in the common law prior to the enactment of legislation allow-

ing for recovery in the event of wrongful death.

Twenty such topics are treated in the main section of the book (written in easily understood Hebrew), in addition to an introductory essay on the development of Jewish jurisprudence "in juxtaposition to that of non-Jewish nations." Much of the volume is devoted to abbreviated, but adequate translation of a number of the essays into English. Finally, there are some delightful pages of personal reminiscence by the author concerning his father, of blessed memory, a pioneer in modern Hebrew education in this country, and concerning the author's days in the Lomzer Yeshiva. A section of miscellaneous comments on various familiar passages is also included.

The major portion of the book, however, and certainly the major attraction for anyone seeking the book for the sake of the author's original insights, is that portion dealing with the comparative aspects of talmudic and American law. We come away with a richer understanding of both systems for having explored them each in the light of the other. The author has helped to chart the way, to pioneer in the field by lecture and occasional essay over the decades.

With the author having contributed so much, it is less than gracious to ask more. But certainly Mr. Allen, who has generously arranged for the proceeds of this very volume to be used in the support of Torah, would be pleased that already the comparative study of Jewish law is rising to new plateaus.

First, the increased interest in

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learning the view of Jewish law on a myriad of old-new problems, from the law of trusts to that of zoning, has intensified the need for better tools to aid in research. When a Mr. Justice Silberg, speaking for the Supreme Court of Israel, explores a problem in *dinar be'dinar* (when does usury result from a change in the value of currency), he cites not only *Bava Metzia*, *Bavli* and *Yerushalmi*, the Rambam, *Tur* and commentaries, but also a substantial number of responsa, early and late. How can the full range of this material be made readily available for the hurried researcher? Fortunately, great strides have been made in Israel and more work is currently under way in an effort to make the richness of our resources easily accessible.

More significantly, there is need to emphasize processes rather than to focus exclusively on particularized solutions of microcosmic problems. How does Jewish law develop? How does its development differ from that of a secular system of law? What should its contribution be to a contemporary law of sales or secured transactions or criminal procedure? The Talmud itself af-

fords instances of a pragmatic approach based on the felt needs of society. (See, e.g., problem of liability of a master for the intentional torts of his servant.) What are the limits of pragmatism? Where does one go to determine the "needs of society"? What are the lessons of history, as we pursue a given doctrine through the codes and the responsa, first in one country and then in another?

Allen himself is not unmindful of the larger issues. Included in the work is a letter to Chief Rabbi Herzog, of blessed memory, with some trenchant comments (in the context of coercing a husband to grant a divorce) on the proper use of precedents and on the role of procedure as distinguished from substantive law. But, again, Allen is the trail blazer, suggesting the way. He does not purport to offer definitive treatment even of a segment of the field. Yet, this is precisely what we must come to demand. There are those, primarily in Israel, who are aware of that demand and who are already preparing to meet it.

To Isaac Allen we may be grateful for his sustained effort to point up the need, to help find the way.

The Indivisible Isaiah by RACHEL MARGOLIOTH (New York: Sura Press, 1964).

Reviewed by
Sidney B. Hoenig

It has been commonly accepted that there was a Second Isaiah, which naturally tradition does not accept. To substantiate the traditional concept, not on mere faith, but from

a scientific investigation Rachel Margolioth re-examines the various arguments given for a divided authorship and demonstrates that "not only are the two sections similar both in language and style, but they are remarkable for their unity, in that similarities between them cannot be ascribed to any influence

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whatever." The author deals with the time element, the mention of Cyrus, the picture of the return from the Babylonian exile and the Messianic concept, emphasizing that these "critical" views are not supported. Ibn Ezra and Abarbanel, she shows, were not proponents of a Deutero-Isaiah. Isaiah's mode of designating God or the people of Israel, as well as the references to Zion and Jerusalem or Israel's expressions of consolation, are common in *both* parts. Such parallelism is also found in word combinations of admonition or in the prophecies of universalism. The preponderance of analogues convinced the author of the single authority of the prophetic book.

This valiant attempt is highly commendable. Originally printed in Hebrew, this present English rendition is the fourth edition. Though

naturally the Hebrew original is more demonstrative the present volume is valuable to the general public or the non-Jewish scholar or to the person whose Hebraic linguistic ability is limited. The reading of the book will awaken many, even of the critical school, that they should have an open mind in investigation. Though apparently there might be opposition from certain circles of Biblical scholarship, it is commendable that Mrs. Margoloth dared face the torrential onslaught and that the Sura Institute for Research and Yeshiva University aided in publishing and disseminating the volume. Her book makes it incumbent upon rabbis and educators not to speak of a Deutero-Isaiah till they have personally examined her arguments, by careful reading of her stimulating volume.

Recent Reform Responsa by SOLOMON B. FREEHOF (Cincinnati: Hebrew Union College, 1963).

Reviewed by

Nachum L. Rabinovitch

Only a generation ago, who would have thought that, in spite of the alliteration, Reform and Responsa could go together? In the introduction to his newest book, Dr. Freehof looks back to that time when "Reform lost touch with the whole rabbinic literature," or, as he calls it, "the brains of Judaism." If the Law itself was irrelevant, why ask questions about it?

From his own experience, our author concludes that a change is definitely in the making. He reports

that in the last decade the number of questions he has received has risen to more than two hundred. He feels that this is not just a passing phase, but a genuine movement to rediscover the "Intellect" of Judaism, which is enshrined in the Halakhah.

Of course, Dr. Freehof makes it clear that as respondent he feels no more bound by the prescripts of Jewish Law than do his questioners. His responsa are designed only for general guidance and "wherever it is impossible to say 'Yes', the law not permitting it, then we know that that law, if contrary to our modern

conscience, will not continue to be observed."

This crucial reservation notwithstanding, even mere interest in the Halakhah certainly is a hopeful sign. For this reason alone, Dr. Freehof's book might deserve a welcome.

However, this book is presented as more than a collection of discussions on Halakhah-related topics. We are told in the author's introduction to expect for each question "a lengthy and full responsum which deals with the entire relevant law from the Bible to the Talmud and the Codes." In addition, the Publisher's Foreword assures us that "This volume is presented as a book of sound scholarship." It was, therefore, with genuine excitement and anticipation, that I began to read the responsa.

One does not have to go far to see how the book actually rates as "sound scholarship." The very first responsum discusses the permissibility of reciting the Kaddish without a *Minyan* (quorum). Our author reaches his decision to permit Kaddish privately by referring to the *Kaddish De'Rabanan* (Scholar's Kaddish) which, *he says*, originally required ten present but no longer does. He quotes no less an authority than the *Magen Avraham* to *Orach Chayim* 69:4: "Even if two or three have completed their study, they may recite the Kaddish." As if this were not enough, he cites further R. Judah Greenwald in *Zichron Judah* (I - 24) who allegedly approves and tells that the Maharam Schick "when asked by a single student who had finished his studies whether he might not recite the Kaddish alone, insisted that there should be at least

two students present."

Now what do the "quoted" authorities actually say?

כתוב בל"ה ה"ה בלימוד אפילו שנים
ושלשה לומדים אומרים קדיש כשיש
שם עשרה עכ"ל ונראה לי דאם לא היו
שם עשרה בשעת הלימוד אף על פי
שבאו אחר כך לבית המדרש אין
אומרים קדיש.

The *Magen Avraham* cites a ruling that it is not necessary for all ten to have studied together, *as long as ten are present*; even if only two or three actually studied, they may recite the Kaddish. To this he adds, "It appears to me that *if there were not ten present during the study, even if they arrived afterwards, Kaddish is not said.*"

So much for the *Magen Avraham*. What about the *Zichron Judah*?

שמעתי מתלמיד המהר"מ שיק ז"ל
שהקפיד . . . בתלמיד אחד שרצה לומר
קדיש דרבנן על הלימוד שלמד הוא
ביחידות בלבד והקפיד מר"ן ז"ל שעל
כל פנים ילמד עם עוד אחד ביחד,
ולכאורה כיון שעב"פ הלימוד שלמד
הי' כשהיו שם רבים מקובצים למה
עדיפי בזה שנים מאחד? מכ"ש לשיטת
הטו"ז סי' נה ס"ק ג . . . דנ"ל בכל
לימוד שאדם לומד . . . שאם נזדמן לו
תיכף מנין שיכול לומר קדיש.

The Maharam Schick insisted that *even though a Minyan was present during the period of study, only if at least two were actually engaged in study may the Kaddish be recited*. To this Rabbi Greenwald objects on the basis that why should two studying be any different from one? He refers therefore to the *Turei Zahav* that "if one studies and a *Minyan* gathers immediately upon his conclusion he may recite Kaddish."

It is this same kind of "sound

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scholarship" that permeates the whole work and one wonders what kind of secondary, tertiary or n-ary sources must have been used to make up such a patchwork of misquotation and misinterpretation.

What reader of the Responsa literature has not been struck by what sometimes appears to be the excessive modesty of the rabbis? The greatest authorities, who were really masters of the Torah, invariably refrain from making sweeping generalizations as to whether a specific statement may be found anywhere in the literature. After all, the realm is so vast and who can be sure that a given view has not been propounded somewhere by somebody? Occasionally Dr. Freehof qualifies a statement in the same way, but more frequently he is given to categorical absolutes. Thus, for example, Question 3 is whether a retarded child may be called to the reading of the Torah for a Bar-Mitzvah ceremony. Our respondent defines a mentally retarded person as a *shota* (presumably, *shoteh*) who "is grouped with two other classes, namely, the deaf-mute and the minor." This definition is certainly debatable, but that is not our purpose. After a lengthy discussion of each class, he states: "Nowhere in the literature is there any direct statement as to whether a *shota* who knows the blessings may be called up to the Torah."

Now, any one who refers to the *Shulchan Arukh* will, as a matter of course, consult the *Peri Megadim* on the spot, where we read,

ומדבר ואינו שומע רשאי שיקרא עם
הש"צ, ושומה אין לקרותו בתורה דגרע
מקטן וכבהמה יחשב. (פמ"ג משבצות
סימן קל"ט אות ב)

"One who can talk but cannot hear may read with the precentor, but a *Shoteh* may not be called to the Torah, for he is worse than a minor and is accounted like a brute." Incidentally, one who is subject to passing fits of insanity may be called, when we know him to be rational. (See for example *Shaarei Chayim* on *Shaarei Ephraim*, 1:22.)

The case of a deaf-mute who is educable is discussed with relevant bibliography in *Shaarei Rachamim* on *Shaarei Ephraim* 1:23.

Were the subject-matter of his responsa limited exclusively to such relatively minor ritual questions, which concern only Reform congregations, we should be dismayed at the shoddy pretense of scholarship, and leave it at that. However, there are questions which touch the fundamentals of Jewish life as a whole and involve the entire community, such as matters of marriage and divorce.

Question 35 is about a woman who was divorced from her first husband and then from her second. She now wants to remarry her first husband. Now the Torah is very specific in prohibiting such a remarriage (Deut. 24:1-4). Dr. Freehof launches into a discursive examination of the "ethics" of the situation, much of which is based on misunderstanding of the various degrees of prohibited sexual relations, which need not concern us here, and finally comes up with this amazing conclusion: "Since what stands in the way is a technical legalism, we must first see if there is not a technical way out. Was this woman divorced from the first husband by means of an unquestionable legal

Jewish *get*? If she was divorced merely in the civil courts, then even according to Jewish law her relationship to the second man was not legal marriage and therefore she may *without question return to her first husband.*" (My italics: NLR)

If, indeed, there was no *get* from the first husband, then this woman is an adulteress, a Sotah, and, of course, she is prohibited from living with both the first and second husbands, as is explicit in the Mishnah Sotah V-1.

כשם שהיא אסורה לבעל כך היא
אסורה לבעל (סוטה כז, ב)

Furthermore, any children from the second union are bastards.

Although it is clear from what has been said that the responsa are of no account in themselves, yet the questions are of interest since they reflect some of the sociological developments in the Reform community. As is to be expected in view of their origin, the bulk of the fifty queries are in two general areas, funeral and mourning, and conversion and apostasy; there are even combinations of both, e.g., 27 and 28 on Burial and Kaddish for Apostates. But other subjects are also dealt with.

Thus an interesting sidelight on the American Negro revolution is shed by a question from a Detroit congregation about accepting a Negro convert. In the responsum, Dr. Freehof speculates, "One would imagine that marriage between the races . . . would indeed be a violation of the commandments implied in Lev. 19:9 and Deut. 22:9, where one is forbidden to sow with mixed seeds or breed animals of different species." Why one would imagine

so, he never explains, although clearly there is no prohibition on mixing white cows with black ones, say. Nonetheless, he concludes correctly, though on the basis of negative evidence, that there is no prohibition. Of course, he is unaware of the Mishnah and the Gemara (Bekhoroth 45b) referring to the possibility of negro and other coloured Kohanim (apparently from mixed parentage) (See also Maimonides' commentary on the Mishnah there).

There are several questions where the view of Jewish law is sought as a basis for litigation in the civil courts. In such cases, it is particularly distressing that the answers are so unreliable. An example is number 45, about vandals who defaced a temple in construction in Utica, N. Y. Their defense lawyers argued that the strict state law against defacing a house of worship does not apply in this case because the temple was not yet formally dedicated. When, according to Jewish law, does a synagogue become sacred?

Dr. Freehof pontificates: "The law, then, is clear: a synagogue does not require any formal consecration in a special service after the building is completed . . . The sanctity begins with the pledging of the money, and is complete when the structure is finished."

Of course, one cannot sympathize with the vandals, but in this case the law is clear, indeed. The literature is voluminous, but the conclusion is set forth in Orach Chayim 153 — paragraph 8.

אינו קדוש עד שיתפללו בו אפילו אם
בנאוהו לשם בית הכנסת

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"It does not become holy until they pray in it, even if it was built initially to be a synagogue."

Incidentally, Dr. Freehof refers to 153, paragraph 13 in the very same responsum, but knows nothing about paragraph 8!

The index lists the last four items separately as inquiries. These are apparently from scholars interested in research, (including two physi-

cians), rather than questioners seeking guidance.

I finished reading this book with a sense of sadness and not a little shame. In what other discipline of knowledge would any man dare to pass off such sophomoric and meretricious writings, and what reputable school would publish a work of such nature?

Jewish Attitude Toward Labor (Batziung Tzu Arbet Un Arbeter), 2 vols., by NACHMAN SHEMEN (Toronto: 1963).

Reviewed by Pesach Schindler

Lonely indeed is the contemporary author who toils in the vineyard of research and scholarship and proceeds to sell the fruits of his labour in the Yiddish tongue. His dilemma of crying out into a near vacuum is anticipated by the author in the introduction to this two-volume work. There is the mystic stimulus of past glory which compels one to write a thousand pages in a waning language with the hope that a stray seed might be sown in the name of rebirth. More logical is the assumption that a universal theme is not invalidated by being anchored to a specific time, place, or for that matter, language.

As if to underline the ambiguity of the Yiddish title the author supplies the subtitle "Social Justice Based on Biblical, Talmudic and Rabbinic Studies." In actuality either of these headings serve merely as an *asmakhta*, a framework upon which Mr. Shemen hangs his hat, for a multitude of subjects. These are skillfully woven together

into a panorama of ideals, events and personalities serving as a backdrop to Religious Socialism as it has culminated in Eretz Yisrael today.

Part One concerns itself with ethical concepts of social justice as reflected in the primary sources of Scripture and Rabbinic literature. The middle section sketches the contrasting manner in which these teachings were actually applied and misapplied by Jew and non-Jew throughout the ages. Finally the author traces the efforts of many to bring about a realization of these social ideals within the context of their origin and in their authentic form. The result: *Torah V'Avodah* — a re-united partnership in a land re-united with its people.

Almost every subject which is developed whether in the sphere of *bein adam le'adam* or *bein adam la'makom* gravitates somehow into the central sphere of *Eretz Yisrael*. This contrast of *Torah V'Avodah* against the more universal *Torah Im Derekh Eretz* of Hirsch is counterpointed by another divergent

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theme of religious, as opposed to secular, ethics. It is in this latter sphere that this work speaks with greatest relevancy. When social ideals are tied to eternal religious concepts they assume timelessness. When these are divorced from their authentic religious source they take on the ephemeral and volatile character of man. Secular socialism is a case in point. The recent developments in Israel are another.

The author avoids the weighty polemic style one expects in a work of this nature. The easy, informal manner, rich in primary Jewish

sources, creates delightful reading. This work will appeal even to those who disagree with its thesis, since it is saturated by a sense of tolerance motivated by an attitude of *Ahavat Yisrael*. One compares this to the anti-religious and ultra-orthodox extremist tirades that have always bitterly opposed the Religious Zionist social ideals.

The heavily documented source references at the end of each chapter attest to a labor of love deserving wider attention by means of a condensed publication in English of this fine work.

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