

BOOK REVIEWS

The Rebellious Wife, the Agunah, and the Right of Women to Initiate Divorce in Jewish Law, a Halachic Solution by SHLOMO RISKIN (Ktav, 1989).

Reviewed by
Gedalia Dov Schwartz

It is quite evident from the structure and methodology employed in this volume that it was originally intended as a doctoral thesis. This is alluded to in Rabbi Riskin's acknowledgements. Thus, it is a type of book that would interest those who have more than minimal knowledge of talmudic and rabbinic literature and is not directed to the popular arena. The author is to be commended for a very exhaustive study of the concept of *moredet*, the "rebellious wife," throughout the entire gamut of rabbinic law. The numerous sources cited are very impressive.

The thesis of this work, as described on the book's jacket and repeated several times in the volume, is as follows:

In early talmudic times, a woman who refused to participate in marital relations because of pique was the subject of increasingly harsh rabbinic legislation. In late Amoraic and medieval times, the focus of debate shifted. If the wife claimed that her husband aroused an uncontrollable repugnance in her, some authorities were willing to coerce the husband to divorce his wife after a suitable period. After the twelfth century and under the influence of Rabbenu Tam, most authorities rejected this solution. Concern was centered on preserving the family. So overwhelming was Rabbenu Tam's personality and so cogent his legal reasoning that all subsequent halachic decisions accepted his views on this subject. To this day the law remains as he formulated it. The thesis of this work is that Rabbenu Tam's was a minority opinion and that the mechanism for permitting wives to initiate and carry through divorce proceedings exists—if we are willing to use it. . . .

Although the author has marshalled many opinions of Gaonim and Rishonim

espousing the view that the wife could initiate divorce on the basis of detesting the husband, the opposition of the Rabbenu Tam cannot be considered as a minority opinion. In the generally accepted rules of *horaah* and *pesak*, it is important to understand that Rabbenu Tam was not regarded as a single rabbinic authority to be outnumbered by contrary opinions.

Rabbi Shlomo Luria (Maharshal), in the introduction to his work *Yam Shel Shlomo* on Mesekhet Baba Kama, notes that ". . . the *Baalei Tosafot*, the disciples of Rabbenu Tam, were in the majority because eighty *Baalei Tosafot* were at one period in the presence of Rabbenu Tam and each one had attained *horaah*. . . ."

In citing the *Teshuvot haRosh* concerning the greatness of Rambam vis-à-vis the *Baalei Tosafot*, i.e., Rabbeinu Tam and Rabbeinu Yitzchok, the Maharshal writes:

But I have found in the *Teshuvot HaRosh* who wrote that Rabbi Moshe ben Maimon was very great in all areas of knowledge, nevertheless when he argues against Rabbeinu Tam and Rabbeinu Yitzchok we are not to listen to him but to follow the *Baalei Tosafot*, because he has a tradition that Rabbeinu Tam and Rabbeinu Yitzchok the French (masters) were greater in wisdom and number (of disciples) than Rambam.

Similarly, in *Teshuvot haRevash* (R. Yitzchok bar Sheshes) no. 394, Rabbeinu Tam is considered the equal if not the superior of Rashi, Rabbeinu Hananel, and Halakhot Gedolot. (See also *Shem Hagadolim* of *hida* No. 241.)

Rabbeinu Tam cannot be dismissed as a mere minority opinion standing against an

overwhelming authoritative majority, especially in view of the undeniable fact that his opinion has been accepted into the fabric of the *Shulhan Arukh*, the basic code of practice for halakhic Jewry.

Riskin ably repudiates the historians Graetz and Weiss who wrote that Islamic law was more progressive and lenient in regard to women's rights, and he cites examples of Islamic divorce procedures showing a greater harshness towards a woman's status than a man's. The notion that Jewish women had recourse to a more lenient Islamic court which interfered with or determined the rulings of the Jewish courts has no basis whatsoever in fact, and this is substantiated by the author (pp. 74–75).

Any Torah student would find the tone of the following statement totally disrespectful. Concerning the ruling of the Rosh against Rambam who rules that a *get* may be coerced from the husband if the wife finds him detestable, Riskin states:

Asheri reveals his lack of sensitivity for the plight of a woman who must remain with a man she detests when he rails against Maimonides' view that a woman cannot be held captive. Why not simply permit her to refrain from sexual relations with her husband, since the injunction to be fruitful and multiply does not apply to women (p. 129).

How is one of the greatest Rishonim judged to be "insensitive" in deciding a particularly difficult case, merely on the basis of one's perception of the situation centuries later. Surely such indictments cannot be leveled without possessing personal knowledge of the exact circumstances of those involved. In fact, in the very same responsum quoted and translated by Riskin, he himself states that:

Asheri shows sensitivity when he writes. . . . Behold thus I have written you concerning the matter of forcing a divorce of a rebellious wife. However, in this case, her brother told me that she gave reasonable bases for her rebellion, and you as a judge in this matter (must) investigate the issue (to decide) if there is substance to her words. If (her husband's) intent is to claim her, it is proper to rely on your custom at this time to force him to give an immediate divorce.

On p. 29 Rabbi Riskin translates the Jerusalem Talmud, (Ketubot, V. 8) as follows: "R. Yoseh said: For those who write (a stipulation in the marriage contract) that if he grow to hate her or if she grow to hate him (a divorce will ensue, with the prescribed monetary gain or loss, and) it is considered a condition of monetary payment, and such conditions are valid and binding." This text is quoted as proof that a wife can initiate a divorce as a result of this contract and the husband may be coerced by the Bet Din to grant a divorce.

This is too great an assumption in the reading of this text. Rather, the Talmud is saying that if such a stipulation was made in the ketuba, then even if she is a *moredet* because of her dislike of her husband, if and when a *get* takes place she does not forfeit the sum of money in the contract. But it does not automatically compel the husband to divorce her by coercion of the Bet Din.

Riskin makes a similar assumption (p. 31) in regard to another text of the Jerusalem Talmud, Ketubot VII, 6. He writes:

Yerushalmi Ket. 7:6 (31C) records an incident in which a woman displayed her dislike for her husband by "placing her mouth upon the mouth of another." R. Yoseh, whom we previously cited in the passage from the Jerusalem Talmud concerning the stipulation of "if he (grows to hate) her and if she (grows to hate) him," ruled that in this case the husband must grant his wife a bill of divorce along with one-half of the alimony provided for by the marriage contract. The wife's relatives challenged this ruling, the marriage contract was produced, and the following stipulation was found.

They brought the ketubah and found (written) in it: "if this one (fem.) hates this one (masc.), her husband, and does not wish to (remain) married (to) him, let her take half her ketubah."

In our text of this Yerushalmi, it was R. Yoseh who ruled that the wife forfeits her entire ketubah, but it was Rav Mori who requested that the ketuba should be brought and examined, at which point they found the above-mentioned stipulation. However, it does not clearly state that the Bet Din coerced the husband into granting a *get*. In

note 17 on the above text Riskin himself writes, "It may be assumed that the divorce was effectuated by the court's coercing the husband to give his wife a divorce. It is unlikely that the Jerusalem Talmud discarded the biblical command: He shall write her a bill of divorce and place it in her hand (Deut. 24:1)."

This is an assumption that the Bet Din will use means of coercion in the above situation. But it is just as reasonable to assume that, if and when a *get* is granted by the husband, the conditions of the ketuba must be fulfilled.

At the end of Chapter VI, (p. 133) the author writes:

Hence it is clear that the authorities succeeding Rabbenu Tam retreated significantly from the initial position set forth by Amemar, developed by the Gaonim, and confirmed by the Rashbam and Maimonides which gave the Jewish court the authority to coerce a husband into divorcing a wife who found him repulsive. Apparently, once Rabbenu Tam raised a serious objection to such an imposed divorce—and within the climate of societies wherein romantic love was a rarity and marital stability an axiom of life—few of the latter authorities would oppose his position.

This reviewer finds the statement "wherein romantic love was a rarity" rather presumptuous. The impression is given that rabbinic authorities such as Rabbenu Tam were insensitive to the emotions of love and romance within marriage. Such statements are not within the category of serious Torah scholarship.

The prenuptial agreement as a means of preventing *igun*, the "anchored" wife, is discussed very briefly towards the conclusion of the book (p. 139–142), and a responsum from the late Rav Bezalel Zolti, formerly Chief Rabbi of Jerusalem, is printed as an appendix. Part of the subtitle, "a halakhic solution," is therefore misleading, for an in-depth exploration and definitive conclusion regarding actual prenuptial agreements is not presented. A full intensive discussion of the practical halakhic applications of such agreement enforceable in secular courts and the resulting question of *get meusah* (a "forced" *get*) is lacking in this volume. A full scholarly discussion of the actual proposals of Rabbi J. David Blech or of Rabbi Judah Dick, who have spent many years in attempting to institute an enforceable prenuptial agreement in consonance with halakha, is not presented in Riskin's work.

In conclusion, Riskin's book may serve only as a catalyst in seeking a proper halakhic solution acceptable to contemporary Torah authorities. Perhaps now halakhic authorities who are qualified by virtue of their profound scholarship and actual experience in dealing with the difficult aspects of *igun* will be stirred into providing some solutions, perhaps by introducing suitable prenuptial agreements. Such documents may bring much needed relief to the situations of those who are unable to terminate halakhically their marriage bond.

Siddur Or vaDerekh leBat Yisrael (Jerusalem: Yeshivat Or vaDerekh, 1988).

Reviewed by
Joel B. Wolowelsky

One cannot "review" a *siddur* so much as take note of its publication. A prayer book unites the Jewish community. The basic liturgy is the same in every halakhic *siddur*; a Jew who is at home in his or her *siddur*

will feel comfortable in any shul despite minor differences in *nusah*.

But a *siddur* also divides. The *nusah* makes one more acutely aware of the existence of the subcommunity to which the

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pray-er belongs. And the inclusion or exclusion of a particular text further helps define the community with which one associates. For example, the approval or disapproval accorded the *Rinat Yisrael Siddur* is in no small way affected by the fact that the prayers for the State of Israel and its army are included as normative liturgy and the instructions to Hallel matter-of-factly include directions to say it on Yom haAtzmaut and Yom Yerushalayim. Similarly, when the Rabbinical Council of America adopted the popular *ArtScroll Siddur* as its official prayerbook, it insisted on adding the prayer for Israel as part of the normative *siddur*. (The numbering of the pages was slightly adjusted so that the “a” designation indicating an added page would not apply to the new page that was actually appended.)

The *siddur* of *Tsahal* (the Israeli Defence Forces) was an attempt to bring together the various communities represented in the Israeli army into one “united” *nusah*. However it might have succeeded in the army synagogue, it has had little impact in the community shul. Distinctiveness is not to be equated with divisiveness. Just as the tradition celebrates the bonds of *areivut* which unites all Jews, it insists that the identity of the various subcommunities be maintained and strengthened.

Siddur Or vaDerekh indicates, in a number of different ways, the emergence of a group identity. It is, first of all, a woman’s *siddur*. To be sure, the feminist movement has produced a number of “innovative” women’s prayerbooks and *haggadot*; but those are far removed from the mindset of *Siddur Or vaDerekh*. The former reflect the divisive character of the secular movement. They represent an attempt at “consciousness raising,” at developing a particular feminist viewpoint which stands in contrast to the perceived sexist nature of general society.

Siddur Or vaDerekh, on the other hand, reflects the assumption that the tradition sometimes maintains separate roles and different halakhot for men and women, and insists that this distinctiveness does not contradict the ability of both men

and women to pray before their Maker. It is part of the *genre* of the various *Kitsurei Shulhan Arukh* for women that have been published over the last few years. They testify to the existence of a community of women who take Halakhah seriously and want to understand their place in the traditional community.

Yet, in a way, *Siddur Or vaDerekh* stands apart from all *siddurim* published to date. The texts have been adjusted to reflect the halakhic decisions of the patron of Yeshivat Or vaDerekh, Rabbi Ovadia Yosef, fourth Sephardic Chief Rabbi of Israel, spiritual mentor of the Shas political party, and one of the major contemporary poskim. It is, in a sense, somewhat bold, radical, and daring.

From its opening “*Modah ani*” (instead of the masculine “*Modeh ani*”) through its various halakhic summaries, *Siddur Or vaDerekh* assumes a woman worshipper. The pronouns in the halakhah section are exclusively feminine and the *berakhot* said only by men (e.g., “*shelo assani isha*”) are simply omitted. These are hardly drastic revisions, but the *siddur* does contain a textual emendation which is.

There is a long-standing debate between Ashkenazic and Sephardic halakhists on the blessing said by women before performing a time-bound mitzvah from which they have been exempted (such as counting the omer, waving the lulav or hearing the shofar). Basically, Sephardic *poskim*, lead by Rambam, felt that one could not say the phrase “who has commanded us (*vetsivanu*)” regarding a mitzvah which they have not been obligated to perform. Sephardic women therefore perform these mitzvot without saying the introductory *berakhah*. (Although, based on arguments which do not concern us here, some Sephardic authorities allow the *berakhah* to be said for some of these mitzvot, like waiving the lulav.) Ashkenazic *poskim*, lead by Rabbeinu Tam, interpreted the phrase to refer to the general commandment to observe mitzvot and therefore allow women to precede performance of these mitzvot with the same blessing said by the men.

Hakham Ovadia, however, has a broader interpretation of the Sephardic position. Contrary to the general practice, he ruled that the prohibition on Sephardic women regarding saying a *berakhah* associated with a time-bound mitzvah from which they are exempt extends even to blessings which do not include the phrase *vetsivanu*. In particular, because women are exempt from saying *pesukei dezimra* and *keriyat Shema*, they may not say the traditional *berakhot* in the *siddur* before and after these texts. Accordingly, God's name has been omitted from the opening and closing phrases of these prayers in *Siddur Or vaDerekh* so that halakhically they lose their status as *berakhot*. *Siddur Or vaDerekh* is therefore a *siddur* that can be used only by those Sephardic women who accept Rabbi Yosef's ruling as standard, although it seems to present itself as the normative Sephardic practice.

There are a number of other reconstructed texts in the *siddur* worth noting briefly. There is a note that women are exempt from praying *musaf*, as it too is a time-dependent mitzvah from which women are excused. Hence, the pray-er is advised that it would be better to simply hear the prayer from the *hazzan* when the Amida is repeated. Yet, it continues, "there are authorities on whom to rely" if she insists on saying it herself. (On the other hand, while some authorities maintain that women should omit the words "*brit ve-Torah*" in the second paragraph of Birkhat haMazon, this *siddur* includes them.)

Generally, Sephardim say the opening and closing *berakhot* of Hallel only when reciting the full Hallel. When "half-Hallel" is recited, neither the opening nor closing *berakhah* is said. These general instructions are included here, but a short note continues that women should not say the *berakhah* on Hallel on any day except for the night of Passover. The opening *berakhah* is omitted from the *siddur* completely, and God's name is omitted from the closing blessing. There is no mention of saying Hallel of Yom haAtzmaut or Yom Yerushalayim. For some unexplained reason, the unvocalized Tetragrammaton has been omitted from all

prayers and biblical phrases in *Siddur Or vaDerekh* and replaced with *shem Adonut* (instead of the double *yud* used in some *siddurim*) so that God's name is written the way it is traditionally pronounced. This gives the *siddur* a further unfamiliar "feel" to a person comfortable with the traditional prayerbook.) The *siddur* also includes a prayer to insure the conception of a male child, to be said by the husband when his wife goes to *mikveh*.

There is much to be said about the emergence of such a *siddur* in this era of "women's prayer groups." However, I think it more productive to see it in the context of Hakham Ovadia's halakhic *oeuvre* and his sense of mission. R. Yosef's position as rabbinic leader of Sephardic Jewry is multi-faceted. As a community leader, his charisma has helped the Israeli political party Shas become a major voice for Sephardic Jewry. As a *posek*, he has entered the world of *she-elot uteshuvot* with the publication of *Yabia Omer*, his encyclopedic set of responsa, thereby establishing his collegial status among major *poskim*.

While most *poskim* address their printed responsa to their colleagues, R. Yosef set out to make his work accessible to the learned laymen by reworking and simplifying his *teshuvot*, publishing them in his *Yehaveh Da-at*. These were further summarized and abridged by his son and published as *Yalkut Yosef*, an on-going project which is emerging as a *Kitsur Shulhan Arukh* reflecting his decisions and which can be consulted by even those untutored in halakhic logic. These summaries are further distributed as notes to various *siddurim* and collections of texts, such as *Siddur Or vaDerekh*. People on every tier of halakhically observant Sephardic society have access to some level of R. Yosef's work and an appreciation of the fact that he has an interest in addressing them. And, of course, he reaches out to an even broader Sephardic population through his position as spiritual head of the Shas. In every way, his supporters project him as the major (if not only) accepted authority among contemporary Sephardim. This is, I

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believe, an unprecedented situation among contemporary *poskim*.

An analysis of R. Yosef's works awaits a serious comprehensive study, but I think it safe to say that one theme emerges quite clearly. For the last few centuries, the world of Ashkenazic Torah has eclipsed to a great extent that of its Sephardic counterpart. The major yeshivot in Israel and the diaspora were Ashkenazic; for the most part, it was their rabbinic leaders (and not those of Sephardic yeshivot) who gained worldwide recognition and acceptance, setting the agenda for religious society. Sephardic students studied at the best Ashkenazic yeshivot, but they were expected to conform to the *nusah* and *minhagim* of the yeshivah. A *Mo-etset Gedolei haTorah* (Council of Torah Giants) governed a religious party in Israel, but Sephardic rabbinic leaders did not qualify for membership. R. Ovadia Yosef set out to correct that imbalance, restoring the crown of Torah to Sephardic Jewry, reminding them that they were not poor cousins, so to speak, in the world of Torah—just as he established Shas as a major Sephardic voice on the political scene. In doing so, he has also projected himself as the ultimate contemporary Sephardic authority.

The Sephardic community had its own traditions, he reminded his community, and they should be observed proudly. Sephardic students studying at Ashkenazic yeshivot should organize minyanim according to their own *nusah*, he ruled, rather than pray with the general yeshiva minyan. (The emergence of *Siddur Or vaDerekh* is a

reflection of that attitude.) If the yeshiva students observe a custom which is actually Ashkenazic (e.g., not shaving from 17 Tammuz), the Sephardic students need not observe it. In more general society, Ashkenazic custom need not dictate the practice of the official rabbinate; Sephardic practice must be granted equal status. Further, Sephardic custom has primacy in Israel. *Maran* (R. Yosef Karo, the Sephardic author of the *Shulhan Arukh*) is the ultimate religious authority in Erets Yisrael. Hence, Hakham Ovadia argued, everyone who converts in Israel should adopt Sephardic customs, even if their non-Jewish ancestors were European. Suddenly, there is a *Mo-etset Hakhmei haTorah* (Council of Torah Sages). It is made up of leading Sephardic rabbis, but only those who recognize the primacy of Hakham Ovadia, who now identifies himself as *Nasi Mo-etset Hakhmei haTorah* in addition to *Rishon leTsiyon*, the title he did not relinquish when his term as Chief Rabbi expired.

All of this has had impact not only in Israel, but in the United States as well. Yeshivot and day schools with Sephardic students have had to review their curricula to be sure that Sephardic *minhagim* are presented alongside Ashkenazic ones. The school's model seder has had to be modified. Separate minyanim are being established. A Sephardic rosh yeshivah joins the *nesiut* of American Agudath Israel. The publication of such works as *Siddur Or vaDerekh* serves notice that this process is far from over.

Three Worlds—A Jewish Odyssey by ISRAEL TABAK (Gefen Publishing House, 1988).

Reviewed by
Baruch A. Poupko

Among the outstanding rabbinic autobiographical memoirs of our modern era are the *Zikhronot* of the Gaon R. Yaakov

Emden, Rabbi Eliyahu Porush's autobiography, Rabbi Yehuda Leib Gruber's *Zikaron L'Adam*, the four volume *Zikhronot*

of Rabbi Yaakov Maze (Chief Rabbi of Moscow during the Czarist and Communist reign), the three volume *Mekor Barukh* of Rabbi Barukh haLevi Epstein (author of *Torah Temimah*), and Rabbi Y. L. Maimon's *Sarei haMeah*.

The brilliant Rabbi Maze, Maskil and Hebraist that he was, records for posterity his personal encounters with high-ranking Czarist officials and later with Communist Commissars and revolutionaries as he pleaded on behalf of Jewish causes and concerns. His memoirs dwell upon the various Czarist repressive measures against the Jews of Russia, and upon the newly arisen Jewish problems as a result of the October Revolution. This voluminous work gives us a better understanding of the confrontation between the Torah world and the Haskalah movement, the restrictive Jewish life within the Pale of Settlement, and the expulsion of Jews from Moscow. Of special historical significance is R. Maze's role during the notorious 1913 Mendel Beilis blood libel trial in Kiev. His brilliant defense presentation helped in no small measure to attain the vindication of Beilis. His impressions of the Malbim, whose erudite and classical *derashot* he heard in Mogiliev, as well as his recollections of some of the other rabbinic luminaries of his generation, are precious jewels within his four volume magnum opus.

R. Maze offers valuable information about the transition from Czarist rule to the Communist dictatorship and how it affected the five million Jews residing in Russia. Clearly, his classical work is a valuable source of Jewish history during this crucial turning point in the destiny of Russian Jewry, which was then the largest Jewish community in the world.

In his three-volume memoir, Rabbi Baruch Epstein (author of the *Torah Temimah*) describes his numerous encounters with some of the Torah giants of his day and offers fascinating insights into the manner in which some of those prominent Torah authorities presided over their communities. Scion of the illustrious rabbinic dynasty of Volozhin and Brisk, R. Epstein shares with us his conversations with the

Netziv of Volozhin and some of the other Torah giants of Lithuania. This, coupled with the scholarly commentaries on biblical and Talmudic texts, constitutes an enormous and valuable repository of Torah insights.

Of special interest and significance is the author's account of the warm relationship between his illustrious father, author of the *Arukh haShulhan*, and the Lubavitcher Rebbe, Reb Mendele. This interaction between the super Litvak and the chassidic sage is a very useful and much needed reminder of the possibility of pluralism and co-existence even within the Torah community.

Rabbi Israel Tabak's *Three Worlds—A Jewish Odyssey* covers, within its 390 pages, much more territory (Europe, USA and Israel) than these memoirs. One expects a meaningful and rewarding autobiography from a son of a rabbi, a descendant of hassidic dynasties who was born, raised and educated in the historic Jewish communities of Hungary and Poland, who is a product of the classical yeshivot of the Old World and of America's Yeshivat Rabenu Yitzhak Elchanan, a Heinrich Heine scholar, a prominent rabbi of a prestigious congregation in Baltimore for well over four decades, and a respected activist in Zionist and rabbinic circles. Tabak does not disappoint us.

Written with clarity and lucidity, this memoir includes valuable social and religious information about Jewish life during a period which covers some eighty years of our century. His moving account of life in the European yeshivot, of the piety and the love of Torah which permeated the shtetl, and the high caliber of the European rav and rosh yeshiva, are poignant reminders of the Jewish world which went up in flames.

Written with extraordinary sensitivity and keen analytical insight, Tabak presents both communal and individual paradigms of Torah, which in no small measure are the inspiration for the contemporary fluorescence of Torah scholarship in the Jewish world. His descriptions of his student days at Yeshivat Rabenu Yitzhock Elchanan are particularly touching. He brings to life the

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truly luminous personalities of the roshei yeshiva of those days. His impressions of the renowned "*Meitcheter illui*," Rabbi Shlomo Polachek, for example, preserves the image of this Torah sage whose extraordinary humility, refinement and warmth, coupled with his profound Torah erudition, enriched the lives of many Jews who were part of the spiritual constituency of the Looksteins, Drazins, Rackmans, Tabaks, and other of his disciples who became the leading pulpit rabbis of midcentury America.

Tabak's involvement with the Rabbinical Council of America and other Jewish organizations and causes, as well as his account of the timely and wise response of the RCA to the establishment of the State of Israel in 1948, is of interest both to rabbi and layman. The RCA resolution to recognize the State of Israel as the religious center of world Jewry and the Chief Rabbinate of Israel as the central authority of Judaism, took place during Tabak's presidency of the RCA, and is in great measure responsible for the constant involvement of the American Orthodox rabbinate in the Jewish State. For this resolution became more than words: it was implemented with frequent RCA delegations to Israel, to the Chief Rabbinate, and to the roshei yeshiva; with sponsorship of Israeli schools like Yeshivat Hadarom and Achuzat Yaakov; and with the institutionalized RCA summer conferences in Israel and the establishment of the RCA Israel region.

At this historic June RCA Convention, this reviewer proposed a resolution to invoke in Diaspora synagogues a prayer for the State of Israel and its Chief Rabbinate during Shabbat and holiday services. This resolution, unanimously adopted, was enthusiastically received by then Chief Rabbi Herzog, who noted that "already in the days of the Second Commonwealth, and even more so after the destruction of the

Beit Hamikdash, communications and messengers, known as "*Shelihei Zion*," would go back and forth from Jerusalem to the Golah. They used to bring vital religious questions and carry replies and ordinances from the great Sanhedrin and thus promote the authority of the Torah of Israel and its influence upon the Diaspora. Thus, was fulfilled the verse: "From Zion shall go forth Torah and the word of HaShem from Jerusalem."

Beyond the historical value of this work, R. Tabak's account of his communal service to his congregation and the Jewish community of Baltimore offers a role model for all rabbis. During World War II, he, like his entire generation of American rabbis, attempted to offer hope and strength to parents whose sons were being shipped to the battlefields of Europe and Africa, and tried to comfort bereaved parents who were shattered by the loss of their sons. And, of course, in general communal work, it is clear that he exercised inexhaustible patience and sensitivity in attempting to reconcile religious and ideological differences.

The late Salo Baron once remarked that the experiences and activities of certain rabbis throughout the ages constitute a significant and rich resource of historic material, since the rabbi in many instances was not only the teacher but also the statesman and spokesman of his community. If, as Tabak writes, "autobiographies or memoirs are . . . a vital part of world literature, for they form a record of the time in which the authors lived and the way they reacted to the events of their lifetime," this is doubly true of rabbinic autobiographies.

Judaism would be well served if more rabbis were to record the stories of their lives and their communities. For in so doing they make it possible for future historians to come to grips with the facts on the ground of today's Jewish life.

The Myth of Ritual Murder: Jews and Magic in Reformation Germany by R. PO-CHIA HSIA (Yale University Press, 1988).

Reviewed by
David S. Zinberg

The anti-Jewish rhetoric of Luther's late works has commonly left the impression that the Reformation had little positive effect on traditionally hostile attitudes toward Jews in Germany. Moreover, events such as the Fettmilch Uprising of 1614, in which the Jewish quarter of Frankfurt was plundered and its Jews expelled, hardly reflect a decline in anti-Semitic feeling following the Reformation. Yet in at least one respect the Jewish condition may have improved during this period; the most pernicious anti-Jewish belief in the ideological vocabulary of pre-Reformation Europe—that Jews murder Christian boys for the ritual use of their blood—was discredited in Germany as grounds for legal action against Jews by the late sixteenth century. This is the somewhat limited, though significant, claim R. Po-chia Hsia attempts to demonstrate in this book. For Hsia, it was Reformation attitudes that undermined the blood libel, mainly by its rejection of the magic and superstition in medieval Catholic teaching. Since belief in magic continued to flourish in Lutheran Germany only in popular culture, he argues, a concomitant belief in ritual murder persisted only in popular lore.

The ritual murder myth was not a German invention; in Europe, the oldest documented ritual murder trial took place in England in 1148 after the alleged martyrdom of William of Norwich. These persecutions moved eastward—following the expelled Jews—where they became widespread in the Holy Roman Empire by the thirteenth century, and reached a climax in the fifteenth and sixteenth centuries. Hsia sets out not to refute the veracity of the accusations, but to interpret the motives and structure of what he calls “ritual murder discourse,” in terms of cultural motifs and political forces. The author touches on many themes in his history of the blood

libel, including the rise of infanticide trials and conflicts over civic and imperial jurisdiction. Principally, however, changing notions about Jews and magic are held responsible for the ultimate demise of ritual murder accusations in the legal sphere.

What was the basis for these wild charges? In the weakest section of his study, Hsia very briefly outlines the medieval perception of the Jew as sorcerer, its roots lying in the ancient world. One wishes he had provided more information here, especially since this idea lies at the center of his phenomenology of ritual murder accusations before the Reformation. Joshua Trachtenberg's enduring work, *The Devil and the Jews*, supplies some of the missing detail. Regarding actual Jewish practice, Hsia's description of the widespread use of talismans, amulets, and kabbalistic word magic among Jews is quite accurate. The author also makes it clear that “the notion that Jews as sorcerers practiced ritual murder was entirely constructed by Gentiles.” Further on, however, Hsia asserts that “in Judaic, Christian, and Germanic folklore immense power was ascribed to blood, especially human blood.” The single source he adduces for magical use of blood by Jews turns out to be a responsum of R. Hayyim Palache, in which the latter prohibits using blood from circumcision in the writing of amulets. Originating in nineteenth-century Smyrna, this one responsum is, of course, insufficient proof for his claim and irrelevant to a discussion of Reformation Germany. This carelessness, uncharacteristic of the book, could have been avoided by checking the notes to H.J. Zimmels' *Magicians, Theologians, and Doctors: Studies in Folk-medicine and Folk-lore as Reflected in the Rabbinical Responsa*, the anthology from which this responsum was drawn.

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Even as a product of fantasy, Hsia shows that the blood libel persisted because of its symbolic depth for Christians. Ritual murder discourse, publicized in pamphlets, histories, and popular skits, “produced the powerful experience of sacrifice so central to the self-expression of late medieval piety.” The story of the crime and its punishment related a double re-enactment: the child’s murder was a mock Crucifixion and the Jews were judged not only for what they did to the boy, but also as perpetrators of their crime against Jesus. A poem commemorating the “martyrdom” of young Simon of Trent in 1475 made explicit comparisons of Simon to Jesus.

One of the most impressive features of this work is the broad range of sources marshalled by the author, from broadsides and interrogation records to ballads and carnival plays. The blood libel was marketed through a wide variety of media. A portrait of a lacerated and bleeding Simon of Trent was painted on the wall of the Bridge Tower of Frankfurt, “the busiest gate of the city, as a sort of warning to visitors.” The rise of printing during the late fifteenth and sixteenth centuries played an important role in its dissemination. The Nuremburg Chronicle of 1492, an expensive and skillfully crafted book, carried an entry on Jewish ritual murder, and cheap publications like the four-page song sheet, “A Pretty New Song of What recently happened between Two Jews and A Child in Sappenfled” (c. 1540) gave ritual murder discourse wide appeal. The pamphlet’s printer even suggested that the lyrics be sung to the tune of two cheerful folk melodies. Hsia’s book includes shocking reproductions of woodcuts from those works, whose impact must have been quite powerful.

Hsia first examines the Emdingen accusation of 1470, a typical pre-Reformation blood libel. The interrogation records, which assume the Jews’ guilt from the start, are unreliable as historical documents. However, by listening to the documents not as factual texts but as a discourse, “a social text . . . in which various social voices made use of the ensemble of religious, political,

legal, and magical vocabularies to contest and define the nature of reality,” Hsia tries to discern the social and religious meaning of the ritual murder accusation. In Emdingen, for example, the records show that the interrogators were not satisfied with the confessions they extracted by torture. The culmination of the proceedings was reached only when the Jews admitted they needed the blood of Christian children for their circumcision ritual. This “fact” confirmed the “reality” of the Jew as sorcerer and also embodied the triumph of Christianity over Judaism; Jewish magic depended on Christian blood. In the fifteenth century, then, the blood libel was an accusation of magical malevolence and “the convicted were burnt as minions of the Devil, as black sorcerers, and, only incidentally, as murderers.”

A change in ritual murder discourse mirrors a change in the meaning of the accusation. Hsia detects just such a change by the late sixteenth century; the trial records now portray the Jew as an immoral usurer rather than a black magician. Reformation theology helped carry this shift: salvation was said to depend on God’s grace, not on human sacrifice. Jewish rituals and the Hebrew language were demystified by the Hebraism that accompanied the Reformation. Andreas Osiander, the evangelical preacher of Nuremburg, used twenty arguments to refute the blood libel in a 1540 pamphlet, one of which was a linguistic proof from the Talmud. The belief in ritual murder became one of many “papist lies” derided by the reformers; Luther himself never spoke of ritual murder in magical terms, though he refused to rule out its reality, considering the immense hatred Jews feel toward Christians.

Another factor in the disenchantment of the blood libel was the “criminalization of infanticide.” Hsia notes that child murderers were tried publicly only from about 1500, their crimes the subject of many chapbooks from that period. This engendered a sense that “violence against children was not a preserve of the Jews; evil lurked in the hearts of all.” The Worms blood libel of 1563—by then the city had

become Lutheran—lacked the language of blood magic, “displaced by the more prosaic fear of child kidnappings and murders.”

Despite the change in ritual murder language in learned and legal society, Hsia concedes that the myth remained forceful in popular belief. To be sure, the change in discourse had real consequences. But even if “not one Jew within the German-speaking lands of the empire was executed for ritual murder after the sixteenth century,” the Jew was still demonized, albeit in non-magical form; the author admits that “the Jew as moneylender was perhaps just

as hateful as the Jew as magician.” Hsia dismisses as exceptions, all too quickly, those cases at the end of the sixteenth century where accusations of Jewish magic were made by members of “elite” society. In the end, he draws such a neat line between elite and popular culture that one is tempted to distrust that distinction altogether here. Even so, this thorough book illuminates some of the positive results a tumultuous period in Christian Europe had for German Jewry. A change in the vocabulary, if not mentality, of anti-Semitism after the Reformation is certainly revealed by this study.

Returning to Tradition: The Contemporary Revival of Orthodox Judaism
by M. HERBERT DANZGER (New Haven, Yale University Press, 1989).

Reviewed by
Mareleyn Schneider

Three quarters of a century ago, Emile Durkheim, a founder of sociology and scion of a French rabbinical family, observed that traditional religion integrates individuals into meaningful relationships, gives succor to people facing crises in their lives, and serves as a source of social well-being. Despite these benefits, an unknown (but believed substantial) number of Jews left Judaism when they could—some to escape perceived restrictions, some to elude persecution, some to conform to a host society’s values, and some to explore new worlds. In a parallel path, over the course of Jewish history, another unknown quantity of individuals (supposedly fewer) returned to the faith of their ancestors—to honor a parent with yizkor, to reconstruct the nostalgic feelings of youth, or to do *mitzvot* “just in case.”

In contrast to earlier patterns, contemporary sociologist M. Herbert Danzger contends that today we are witnessing a new milestone in Jewish history: an unparalleled *movement* of return to Orthodox

Judaism. In *Returning to Tradition*, a series of related essays about *ba’alei t’shuvah*, Danzger—after distinguishing historical and modern models of return—sketches an engrossing canvas of their diverse hassidic, traditionalistic, and modernistic forms.

In one chapter, Danzger utilizes the vivid metaphor “portals of return” to lure readers into the environment of the various social institutions (such as marriage, synagogue, yeshivot, summer camps, and college programs) which facilitate the return and the maintenance of Torah observance. Further chapters chart the recruitment efforts, social structures, curricula, authority, and problems confronting both administrators of organizations and returnees.

This book offers us a fresh insight into religious change by focusing on methodological as well as rhetorical issues. Danzger differentiates between a *ba’al t’shuvah*’s expressed motives for return and others’ more plausible reasons. Motives, he argues, are human justifications for particu-

lar behaviors or, in other words, rationalizations offered post hoc and “perceived to deceive the self”:

A person’s reconstruction of the events leading to his return reflects the pattern that he has learned is appropriate. Events or stages that have no place in the prevalent paradigms of return pass unnoticed. Other experiences, which at the time of their occurrence were hardly noticed or felt, may take on new and weightier significance so as to be consistent with acceptable patterns of return. . . . We construct a biography of our occupational development, our marriage, our very selves in much the same manner. . . .

These accounts are not false or intended to mislead, although indeed they may at times mislead . . . [in order to reflect] the group’s values and self-perception, as well as the individual’s (pp. 222–223).

More feasible explanations for religious revival, Danzger holds, are the social-psychological factors—for example, persuasive messages, charismatic personalities, and ethnic identification—which people may be unaware or unwilling to present as motivational grounds for returning.

When *ba’alei t’shuvah* offer explanations for switching to more restrictive behaviors, they reveal a search for consistency in their belief system. When faced with two contradictory ideas (“I am anti-establishment” and “I am participating in Orthodox Jewish behavior” [a non-secular form of establishment]), these people have a choice of either changing their behavior—by not becoming a returnee—or shifting their ideas and creating a satisfactory synthesis. In striving for cognitive consistency, these new definitions reinforce newly chosen conduct which, in return, bolster those recently won convictions. But some of these motives, helpful to returnees, may be sometimes deemed “unacceptable” or sound “inauthentic” to those raised as Orthodox:

Her [unacceptable] story attaches her to Ha-Shem; his [authentic account] attaches him to the Jewish people, to community. Her story speaks of the sense of being loved by God; his speaks of study, of growing knowledge and awareness of Jewish law and practice. Her

transformation was swift; his was slow. Finally, his story leaves him a beginner, one still learning from others. Her story places her in a position to proclaim a message to others, to be a leader (p. 225).

Throughout this well-written book are other such golden nuggets ready for collection, sorting, and development. Danzger notes the distinctions between traditionalistic and modernistic forms of Orthodoxy, as well as between Sephardic and Ashkenazic, American and Israeli, female and male returnees. He entices further scholarly interest in controversial issues: rebbe-worship, *yichus* (family lineage and standing), and reasons for leaving tradition. His work calls for social-psychological theory to more fully explain why returning to Judaism frequently encompasses wholesale adoption of *halakha*’s most strict interpretations.

By its unassuming manner, this book compels readers born and raised in traditional religious systems to reexamine their own spiritual socialization. It calls for an unbiased awareness of the broad ideological, political, and educational spectrum within Orthodox Jewry, each with its own sets of customs and conflicts, each with additional hurdles for the returnee to vault. It politely invites each Jewish community to notice, if not acknowledge, its occasional chauvinism in choosing marital partners, its casual insensitivity to women’s educational concerns, its perfunctory involvement in the modern Western world, its not uncommon obsession with charismatic leaders, its often quick dismissal of personal decision-making, and its habit of negatively stereotyping those newly (or differently) Orthodox.

The most stirring parts of the book are the descriptions of the returnees, people wrestling with contemporary ethical concerns and social relationships. The dilemmas and incongruities residing in the hearts of *ba’alei t’shuvah* are paradoxes that abide within the core of all traditional followers of Judaism. *Returning to Tradition*, an important stepping-stone for understanding revivalism, may intrigue Torah observant laymen and teachers wanting to fathom their own connections to traditional religion.

The Jews of East Central Europe between the World Wars by EZRA MENDELSON (Indiana University Press, Bloomington, 1987), 300 pp.

The Jews in Polish Culture by ALEKSANDER HERTZ (Northwestern University Press, Evanston, Ill., 1988), 266 pp.

Reviewed by
William Braun

Fifty years after the destruction of European Jewry, with the number of survivors dwindling, historians now provide us with analyses of the troubled period that preceded the Holocaust. It is their books which increase our understanding and our sympathy for the communities that are no more.

Mendelsohn's meticulous and yet lucid account is a social and political history of the heartland of Ashkenazic, mostly Yiddish-speaking Jewry in Poland, Romania, Hungary, Czechoslovakia, Lithuania, Latvia, and Estonia. These nation-states, newly created or expanded after World War I, owed their existence to the fierce nationalism of their leaders and maintained that posture towards the various ethnic and language minorities within their own lands. Their borders, drawn by the peace conference, did not do justice to the mix of nationalities. With the exception of the Western part of Czechoslovakia, all these states lacked democratic traditions. Weak democratic governments established in these largely peasant nations soon faltered. Right-wing leaders quickly replaced the traditional aristocratic or upper middle class leadership and proved incapable to deal with the serious economic, social, and political problems of the period. The gravity of the great depression in the 1930's and the growth of Nazism in Germany intensified the slide towards ultra-rightist governments. Anti-Semitism, always endemic, became rampant at the same time when emigration to the West and Aliya to Palestine were greatly curtailed.

The struggle for survival amidst these ever-growing problems which East European Jews had to cope with is the theme of Prof. Mendelsohn's book. Treating each country separately with rich details and

careful research, it has the virtue of great clarity. After a short historical account, the demographic pattern for each Jewry is established, showing their professional structure, their trend towards urbanization, industrialization, and growing pauperization, their choice of national identity, and the enrollment patterns of Jewish schools. The core of each chapter, however, is the precise description of the political and parliamentary battles Jews fought for the maintenance of the rights. Mendelsohn records skillfully the often obtuse and confusing maneuvers through which Jews defended their cause. Their parliamentary parties reached from the right-wing Aguda to the Zionists and Nationalists in the middle and the Bundists on the left. Forming Jewish blocks in the various legislatures, they at other times allied themselves with non-Jewish parties, from whom they could expect support. Such alliances were concluded between the Bund and Polish socialists. In other places, they supported ruling elites such as the magnates in Hungary or the upper middle class liberals in Romania. It is on the basis of the very limited political successes that the rich cultural life of the period rested, the yeshivot, the Yiddish-speaking schools like Tsisho, the Hebrew speaking Tarbut schools, the religious schools like Horev and Bes Yakov, the network of kindergartens, summer camps, and the lively Yiddish press, publishing houses and theaters, and, of course, the agricultural sites where young *halutzim* for Aliya were trained. They all depended on the political struggles.

What emerges in the end, however, is the slow but inexorable change from a largely pre-industrial, religious, Yiddish-

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speaking Jewry to a more nationally-conscious, partly industrialized and often impoverished Jewish community. Beset by ever growing anti-Semitism and government economic regulation, Jews moved in these years towards greater acculturation to the nations in which they were living.

Hertz' mature and thoughtful book on the Jews in Polish culture expands and deepens one of the topics treated by Mendelsohn. Written at the end of a long life with all the insights he had gained, Hertz published it first in Polish some twenty-five years ago. It has now been translated into English. Hertz was an eminent social scientist who came from a completely Polonized family, steeped in a tradition of humanism and tolerance that went back to the Enlightenment. The growth of anti-Semitism in the nineteen thirties caused him to reflect on his own Jewishness and his flight to the United States during the war, his subsequent interest in race relations in this land and in the work of Gunnar Myrdal, all contributed to this meditative essay on the culture of Jews and Poles.

Hertz' style is distinguished by both clarity and depth; it is at the same time sociological and humanistic. Even though he acknowledges the profound differences between Jews and Poles, the separateness in religion, language, culture, and customs, he does not see Jews as aliens in Poland. "Kindredness" is the term he uses to characterize the association of the two peoples, and not surprisingly he finds similar ideas in such writers as Mickiewicz, Schatzky, and Opatoschu.

The relationship of human groups involves both kindredness and alienation at different times, Hertz suggests. Kindredness in tranquil stages, alienation in periods of stress and unrest. Hence ambivalence in thoughts and feelings between national groups is far more true than the various stereotypes that appear in spells of frustration and anger. They arise from socio-psychological concepts to which, people insist, reality must conform.

The terminology that Hertz prefers to characterize the relationship of Jews and

Poles is that of caste. It mirrors the ambivalence and the kindredness that prevailed between them. Though they were different, both groups contributed to and partook in each others ways. Historically Jews and Poles were bound to each other through the economy of the manor and the village. Jews acted as middlemen, stewards, peddlers, and innkeepers. Yet their ties to the nobility often went far beyond economic concerns. Because of their intelligence, their business acumen, and their knowledge of human affairs, Jews became the confidants of their masters, and often enough of the peasants as well. In times of unrest, however, the old and unjust stereotypes of usurer and swindler came to the fore. Hertz suggests that as long as the economy of the manor was intact, that is until the middle of the nineteenth century, anti-Semitism in its modern form did not exist in Poland, if one excepts the Chmelnitzky risings in the seventeenth century and the Ukranian revolt in the eighteenth century. The sympathy of aristocrats for Jews reached its high point in the 1863 rising against Russia in which Jews proved their loyalty to Poland. It persisted even into the 1930's. Few anti-Semites could be found among the declassé aristocrats even then, or in their descendants, the Polish intelligentsia.

Polish anti-Semitism in its modern form, Hertz claims, began only with the break-down of the caste system in the last hundred and fifty years, with the onset of Jewish acculturation and assimilation. At the same time, the assimilatory period, characterized by changes in education, language, occupation, and urbanization, was necessary for the national rebirth of the Jewish people. Any nationalism needs models, and Zionism and Bundism would not have been possible if Poles and other East European nationalities had not provided them.

Hertz' book was originally written for Polish and Polish-Jewish readers. Replete with allusions to Polish culture and literature, to writers and musicians, essayists and politicians, it is at times irksome for Americans. The editors have, however,

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supplied foot-notes. It rewards one with a stream of ideas, with constant nuggets of information, for did we know that Ben-Gurion was reputedly an ardent reader of

Pilsudski's letters or that the swagger and romantic heroism of Israeli soldiers may contain some legacy of Polish noble traditions?

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