

R' Shlomo Yebuda Rapoport (Shir), Champion of Jewish Unity in the Modern Era

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In 1859 R' Zechariah Frankel published his groundbreaking study, *Darkehei HaMishna*, which included a discussion of the origin of the Oral Law. In his book, Frankel refers to the Oral Law as being of great antiquity but makes no unequivocal statement of its Divine origin. This caused a severe controversy that eventually led to the separation of Frankel's Breslau school from traditional Judaism.¹

An open letter was addressed to Frankel by a Hungarian Rabbi, Gottlieb Fischer. This was translated and published by R' Samson Raphael Hirsch in his periodical *Jeschurun* (1860) and was followed by a series of critical essays in which Hirsch demanded that Frankel give

¹ A sense of the position Frankel held among traditional Jews just prior to the controversy can be seen by the fact that the New Orleans committee in charge of erecting a monument to the memory of the philanthropist Judah Touro chose Frankel along with Rabbis Samson Raphael Hirsch, Nathan Adler of Hanover, and Solomon Judah Leib Rapoport of Prague to decide if such a monument may be constructed according to Halacha. See *Three Years in America: 1859 –1862 Volume I*, by I. J. Benjamin, translated from the German by Charles Reznikoff, p. 325 ff. (Philadelphia, 1956). An interesting description of Frankel's personal piety can be found in the letter of the philosopher Hermann Cohen published in Hirsch's *Jeschurun* 7 (1861) p. 297, in which he describes Frankel as an observant Jew who conducted himself in all respects in accord with the strict interpretation of Jewish law, such as "standing in the synagogue with the *tallis* over his head, singing *zemiros* on Shabbos, and also, sometimes commenting in his *shiurim* that the *Yarei Shamayim* (he who fears heaven) should be *machmir!*" cited in David Ellenson, "Wissenschaft Des Judentums, Historical Consciousness, and Jewish Faith: The Diverse Paths of Frankel, Auerbach and Halevy," The Leo Baeck Memorial Lecture, n. 48 (New York & Berlin, 2004), p. 8, n. 12. See Marc Shapiro "Saul Lieberman and the Orthodox" (Scranton, 2006) p. 4, n. 8 for a list of rabbis who had a positive view of Frankel.

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a precise exposition of his views on rabbinical tradition and the revelation at Mount Sinai. R. Hirsch's stand was upheld by other Orthodox rabbis, most notably R' Tzvi Binyomin Auerbach in *Ha-Zofeh al Darkhei ha-Mishnah* (1861), the French rabbi, R' Salomon Wolf Klein (*Mi-Penei Koshet*, 1861), and the anonymous author of *Me'or Einayim*, while Frankel was supported by conservative² rabbis and scholars such as R' Shlomo Yehuda Rapoport (*Shir, Divrei Shalom V' Emet*, 1861), Wolf Landau (*Allgemeine Zeitung Des Judentums*. no. 26, 1861), and Saul Isaac Kaempf (*Mamtik Sod*, 1861).

Much has been written about the role of Frankel³ and Hirsch⁴ in this controversy. Less studied has been the role of Shir in his attempt to mediate between Hirsch and Frankel.⁵ Given Shir's role as Chief Rabbi of Prague, as well as his importance as one of the founders of "The Science of Judaism," his involvement is worthy of analysis.

² At this time, the term conservative (small c) referred to a traditionalist with enlightened views rather than to the Conservative (large c) movement, which didn't exist then. In one of his letters (dated 1860) Shir emphasizes that he is a conservative and does not count himself among the Orthodox. See Dinaburg, "Iggroth Shir," *Kiryat Sefer (KS)*, IV, p. 75. The term Orthodox must be understood in its 18th century sense as an opponent of the Enlightenment, as opposed to its modern sense as a member of a specific denomination. See J. Blutinger "So-called Orthodoxy: The history of an unwanted label" *Modern Judaism* 27:3, 207 pp. 310–328.

³ See most recently Andreas Braemer, "Rabbiner Zacharias Frankel. Wissenschaft des Judentums und konservative Reform im 19. Jahrhundert" (Hildesheim, 2000; German), Rivkah Hurwitz, "Zacharias Frankel and the beginnings of Positive-Historical Judaism" (Jerusalem, 1984; Hebrew), and Saul Phineas Rabinowitz, "Rabbi Zechariah Frankel" (Warsaw 1898–1901; Hebrew).

⁴ See E. Klugman, "Rabbi Samson Raphael Hirsch: Architect of Torah Judaism" (Brooklyn, 1996) esp. Chapter 22, E. Chamiel, "Life in Two Worlds, 'The Middle Way': Religious Responses to Modernity in the Philosophy of Z.H. Chajes, S.R. Hirsch and S.D. Luzzatto" (PhD dissertation, Hebrew University of Jerusalem, 2006; Heb.), p. 147 ff.

⁵ See Chamiel 146–148, I. Barzilay, *Solomon Judah Leib Rapoport (Shir) and his contemporaries* (Tel Aviv; 1969) pp. 166–176, Klugman 257–260.

Biography

Shlomo Yehuda Rapoport⁶ (1790–1867) was a rabbi and scholar; a pioneer of *Wissenschaft des Judentums*. He was born in Lemberg, Galicia, where he received a traditional education and became known for his brilliance as a Talmudist. Under the influence of Nachman Krochmal he took an interest in Haskalah and secular learning, studying classical, Semitic, and modern languages, as well as science. He was the son-in-law of R' Aryeh Leib Heller, the *Ketzos HaChoshen*, one of the leading Talmudists of his time.

In an almost autobiographical passage of a letter written in regard to his teacher, Nachman Krochmal, Shir describes the difficulties faced by the student of “outside knowledge” in Poland at this time:⁷

“Consider this, ye inhabitants of Germany and you will be astounded. It is easy for you to avoid being one sided, and to study different sciences, for you possess many schools and teachers from every branch of learning. It is not so in Poland and Russia even at present, much less was it so forty years ago. There is no teacher, no guide, no supporter, for the Jew who desires any sort of improvement. The Jew who wishes to enter on a new path of learning has to prepare the road for himself. And when he has entered on it, his friend will come to him and ask, ‘Is it true that you have got scientific books in your house? Mind you do not mention it to any one. There are enough bigots in the town to persecute you and all your family if they get scent of it.’”

A striking illustration of this sort of persecution can be seen in a government document that shows that someone had informed on Shir to the government, falsely accusing him of getting married without a license.⁸

⁶ For more extensive biographical information see S. Bernfeld, *Toledot Shir* (1899, Heb.), and I. Barzilay, *Solomon Judah Leib Rapoport (Shir) and his contemporaries* (Tel Aviv; 1969). It is somewhat ironic that Shir, who instituted the field of rabbinic scholarly biography, has not as yet been the subject of a comprehensive scholarly biography.

⁷ Published in the Haskalah periodical *Kerem Chemed* VI and translated in Solomon Schechter’s “Studies in Judaism: First Series” (Philadelphia, 1911), p. 50.

⁸ *Kiryat Sefer Year 1* (1925) B Dinaberg, “From the Archives of Shir” (Heb.), pp. 151-152. Shir writes about the persecution he suffered be-

Shir came into conflict with the Rabbi of L'vov (Lemberg), R' Yaakov Meshullam Orenstein, the author of the important Halachic work *Yeshuos Yaakov*. The conflict between the two became something of a *cause célèbre* among the *maskilim* who recounted many legends about the persecution Shir suffered in his pursuit of secular knowledge. Recently, however, documents from the government archives were uncovered clarifying the exact nature of the conflict between Shir and Rabbi Orenstein.⁹

In his youth, Shir had accused Rabbi Orenstein of plagiarism.¹⁰ Later, in the year 1816, Shir testified that Rabbi Orenstein was involved in collecting money for the poor of the Land of Israel without a license, a violation of Austrian law.¹¹ In light of the above, Shir's report in a letter to his friend Shadal,¹² that the Rabbi and his son have persecuted him for seventeen years, even trying to cause him to

cause of informers and the slander that was spoken of him in a letter published in Meir Letteris, *Michtevei Bnei Kedem* (1886) p. 113. See also Bernfield op. cited n. 6, p. 18 who refers to many legends among the *maskilim* concerning the persecutions of Shir by opponents of Haskalah. Cf. I. H. Weiss, *Zichronatai* (1895, Heb.), pp. 99-100.

⁹ For a thorough survey of sources concerning the relationship between Rabbi Orenstein and the *maskilim* as described in the *maskilic* sources see Jonathan Meir, "Identifying the names in Joseph Perl's Bochen Tsadik," *Tarbitz* 58 (2007) pp. 568-574. See also Yekusiel Kamehler, *Dor De'ab* Vol. 2 (1933) 188-196 for a biography of Orenstein with a rewriting of the legend from a Hasidic point of view. Rachel Manekin has uncovered and analyzed some important government documents relating to the various controversies. See "The Cherem in Lemberg of the year 1816" *Zion* 73 (2008) pp. 173-198, and "The Maskilim of Lemberg and Eretz Yisrael" *Cathedra* 130 (2009) pp. 31-50.

¹⁰ See the letter published in the beginning of "Teshuvos Talmidei Menachem L'Talmidei Donash" ed. Z. Stern (1890). Shir hints that there is more to the story (והדברים עתיקים וארוכים מלהציע אותם פה כראוי) but does not elaborate. Y. Sternhell in his *ShuT Kochvei Yitzchak* vol. 1 (New York, 1969) p. 17 cites a "well-known" oral tradition of a retort on the part of Rabbi Orenstein that – מאן דיכול לשלם כפל כפלים יכול לגנוב חידו"ת – meaning that he had added many original novella. Note, however, that in later years Shir refers respectfully to Rabbi Orenstein as הגאון הגדול האב"ד (Kiryat Sefer Year 3, p. 224).

¹¹ See Manekin, *Cathedra* (n. 9) for a full discussion of this episode.

¹² *Igrot Shir* (1885), p. 49.

lose his job as overseer of the kosher-meat tax, only because “I think differently than them in regard to religious matters, for they are involved with the Hasidim”¹³ and I have “done nothing against them” is not at all accurate.

Matters reached a peak when an anonymous document, placing Shir and a fellow *maskil* by the name of Binyomin Noctis under *Cherem*, communal ban, was posted on the door of the shul.¹⁴ Government records report that the actual culprits were never found, although suspicion fell on the Hasidim. In any event, the *maskilim* believed that either Rabbi Orenstein or his son Mordechai Ze'ev was the one behind the *cherem*. This reinforced the feeling of the *maskilim* that they were an embattled minority surrounded by enemies.

In the year 1837, Shir became Rabbi of Tarnopol, with the support of the noted *maskil* Joseph Perl. However, his appointment was opposed by many in the community (especially the Hasidim¹⁵) leading to pitched battles¹⁶ between some among the pious and Shir.¹⁷ Shir turned to the Chasam Sofer who, impressed by Shir's notes to his father-in-law's *Avnei Meluim*, and by his letter of approbation from the *Nesivos Hamishpat*, came to his aid by writing letters in his support, calling him a Gaon who was great in Torah and wisdom.¹⁸

¹³ See Meir op. cited in n. 9, his fn. 69–74 for sources relating to Orenstein's connection with the Hasidism.

¹⁴ See Manekin, *Tarbitz* (n. 9).

¹⁵ Shir had published a pamphlet attacking Hasidism called *Ner Mitzvah*, (1815).

¹⁶ S. Bernfeld, *Reshumot* 4 (1925) p. 152 records that a Hasid once planted some non-kosher fish in Rapoport's kitchen and then announced that the Rabbi eats non-kosher food. J L Landau reports that “Contemporaries of his, whom I knew in my early youth, told me that his opponents used to engrave a cross on his lectern and tar his seat in the Beth Hamidrash.” See J L Landau, *Short Lectures on Modern Hebrew Literature: from M.H. Luzzatto to N.I. Fischmann*, (London, 1938) p. 231. My thanks to Shimon Steinmetz for directing me to this source.

¹⁷ See Y. Y. Greenwald, *Otzar Nechmad*, (Columbus, 1939) pp. 83–87, S. Bernfeld, *Toldot Shir* 78–102. The arguments were about a questionable *chalitzah* performed by Shir, and the closing of a *mikvah* and a Shul. It would have never become so acrimonious if not for the suspicion with which Shir was viewed because of his *haskalah* leanings.

¹⁸ “אריה דבי עילאי לו תורה ולא חכמה יא” cited in Greenwald. Many primary sources relating to the Tarnopol conflict can be found in Y. Y.

Because of his difficulties in Tarnopol, Shir made a special effort to attain the Rabbinate of the important city of Prague.¹⁹ He was appointed chief rabbi of Prague in 1840, successfully opposing the candidacy of R' Zevi Hirsch Chajes.²⁰ At first he was viewed by many with some suspicion. In the words of R' Moshe Landau, grandson of the *Noda B' Yehuda* and an influential member of the Prague community:

“That which thou hast asked about our friend, the wise Rapoport, and concerning his achievements in Prague, I will tell you in a few words. Both factions are now against him. The *maskilim* believed that Rapoport would bring about changes in religious observances according to the times. Now they see that their counsel was not taken. The learned and God-fearing [i.e., ultra-orthodox], on the other hand, are against him because although Rapoport, like them, retains all the customs of Israel, they do, nevertheless, suspect him of hypocrisy.”²¹

As time progressed, doubts concerning Shir's Orthodoxy quieted. Many recognized him as a God-fearing rabbi with influence in the wider community. Regarding him as a well-respected scholar,²² rabbis

Greenwald, *Toldot Mishpachat Rosenthal*. (Budapest, 1920). See also *Kerem Chemed IV* pp. 241–252 for a one-sided version of the controversy.

¹⁹ See “*Toldot Mishpachat Rosenthal*” for letters relating to Shir's bid for the rabbinate of Prague. Note the despicable tactics employed by his opponents in an effort to obstruct his chances of being accepted as Rabbi, including the publication of an anonymous pamphlet full of lies and slander.

²⁰ See Meir Hershkowitz, *Rabbi Zvi Hirsch Chajes* (Jerusalem, 2007) pp. 99–101, 277–297, and Bruria Hutner-David *The Dual Role of Rabbi Zvi Hirsch Chajes: Traditionalist and Maskil*, (PhD dissertation, Columbia University, 1971) pp. 384–402.

²¹ Letters from Moshe Landau to Samuel Rosenthal cited in S. Bernfeld, *Toldot Shir*, p. 105 and translated by N. Stern, *The Jewish Historico-critical School of the Nineteenth Century* (1901) p. 15.

²² For example, R' Yosef Zecharia Stern, the great Rabbi of Shavil in Lithuania, writes about Shir in *ShuT Zecharia Yosef* (Warsaw, 1902) 3:157, “It is worth copying a letter from Shir... which is of value before those who like the “new things” (a reference to the *maskilim*) who also respect his name... for where is the wise man like him [Shir] who stood like a wall so that no breach should open in religious practice...” Cf. R' Meir Shapiro's analysis (in his speech “Pressburg–Prague” cited in the intro-

from all over Europe corresponded with him. Evidence of Shir's high regard among German Orthodoxy can be seen from a letter by R' Marcus Lehman (who along with Hirsch and R' Ezriel Hildesheimer was one of the most important figures in German Orthodoxy) asking Shir to grant him a letter attesting to his abilities as a Rabbi, and a letter from R' Ezriel Hildesheimer asking Shir for support in the matter of the Falashas (Ethiopian Jews) who were becoming assimilated "and there is one father to us all... and they are also of our nation."²³

While it would be interesting to present the contemporary Orthodox view of Shir, this is quite difficult, since he has been mostly ignored and forgotten by contemporary Orthodoxy.²⁴ In fact, to a large extent the opinion of those rabbis²⁵ who opposed Hirsch on

duction to *ShuT Obr Meir* (1950), ed. A. Shapiro) that it was the tendency of "Rapoport and his friends" to search for leniencies and compromise that lead to the high level of assimilation in Prague.

²³ Dinaberg, KS, pp. 318-321.

²⁴ Berel Wein (Brooklyn, 1990) in his *Triumph of Survival* p. 156 dismisses Shir as one who was "opposed by the German leaders, Rabbi S.B. Bamberger and Rabbi S.R. Hirsch, as well, because of his tolerance of Reform." This is a complete mischaracterization. As Barzilay (p. 60) describes it, "His [Shir's] bitter struggle against the reform tendencies of the mid-forties, which found its strongest and most elaborate expression in his *Tochachath Megullab* (1845), is well known and needs no further discussion here. Since that time he missed no opportunity, proper or improper, to attack these tendencies." I am not aware of any opposition to Shir on the part of Bamberger.

²⁵ Studies of the separatist movements in Germany and Hungary can be found in Jacob Katz, *A House Divided: Orthodoxy and Schism in Nineteenth Century Central European Jewry* trans. Ziporah Brody (Hanover, 1998); for Galicia see Rachel Manekin, *The Growth and Development of Jewish Orthodoxy in Galicia*, Ph.D. Dissertation 2001, Hebrew University. See also Bernard Homa, *A fortress in Anglo-Jewry: the story of the Machzike Hadath society* (London, 1953). In all these cases, there were many great men who opposed the creation of a separate society and thought it more important that unity be preserved. These included Rabbi Marcus Horowitz in Germany, Rabbi Shlomo Schick in Hungary, R' Yitzchak Shmelkes in Galicia and many more. In Lithuania, separatism was never an option and would have been considered unthinkable. See Marc Shapiro, *Between the Yeshiva World and Modern Orthodoxy* (2002), pp. 69-71.

Even in Hungary, the birthplace of the ideology of secession, R' Moshe Friedman of Boyan records that many great rabbis opposed the creation of separate communities. See *Daat Moshe* (Israel, 1947), p. 110 letter 5. A little-known episode involves the efforts of a small part of the community of Klausenberg in Hungary, unhappy with the Zionist sympathies of R' Moshe Shmuel Glasner (known for his work *Dor Revi'i*), to create their own community with R' Yoel Teitelbaum (later the Satmar Rav) as their rabbi. A small pamphlet was issued entitled *Yashuv Mishpat*, a retraction of the law (a reference to the earlier pamphlet *Mishpat Tsedek*, a correct ruling, calling for secession) containing a petition signed by such luminaries as R' Shlomo David Kahana of Warsaw, R' Tzvi Yechezkel Michelson and others. The petition condemned the secessionists in the harshest terms for "ripping the unity of the nation of Israel into shreds." In the same pamphlet is a letter from the rabbi of Lvov, R' Aryeh Leib Broyde, who refers to the opposition of many great rabbis to the separatist Machzikei Hadath society in Galicia, and writes that secession from the main community is not a "*Tikkun Hadat* but a destruction of the first order." Of special interest is the eight-page letter of R' Avrohom Yitzchak HaKohen Kook in the same pamphlet that is of vital importance to any study of R' Kook's pluralistic ideology. I am indebted to Prof. Marc Shapiro for directing me to these last two sources. See also David Glasner, "The Saga of Publishing the Works of Rabbi Moshe Shmuel Glasner: The Issue of Inclusion of Zionism and Rav Kook," *The Seforim Blog* (18 February 2008), available at <<http://seforim.traditiononline.org/index.cfm/2008/2/15/The-Saga-of-Publishing-the-Works-of-Rabbi-Moshe-Shmuel-Glasner>> esp. fn. 2 for a lengthier description of the entire episode.

David Guttman [in a private communication] related an interesting conversation between his father and R' Simcha Wasserman:

R' Wasserman said that during the early stages of Reform, the Chasam Sofer and other contemporaries felt that a break was needed, knowing full well that it was "strong medicine." Although it was needed for the patient they knew it would have nefarious side effects. It is like treating cancer with chemotherapy, which then affects other areas. Once the patient is in remission, antidotes need to be given to bring the patient back to normal. R Simcha Wasserman said that the Orthodox community administered the strong medicine during the times of the Chasam Sofer, but now that the patient is in remission they refuse to treat the patient with the antidote.

matters relating to secession have been almost entirely ignored, and the idea that the unity of the Jewish people is an important value in its own right seems to have been forgotten.²⁶

Intervention in the Hirsch-Frankel Controversy

Shir decided to intervene in the Frankel controversy²⁷ and devoted his entire *Shabbos HaGadol Drashah* of *Pesach* 1861 to the issue.²⁸ He was later asked to sign his name to a petition attesting to Frankel's character, but the petition was never sent.²⁹

²⁶ See Richard Hidary, "Tolerance for Diversity of Halakhic Practice in the Talmud" (PhD dissertation, NYU 2008) for a discussion of the value of unity in the Talmud. See also Jonathan Sacks, "One people? Tradition, Modernity, and Jewish unity" (London, 1993) for a contemporary analysis. A study of the relationship between rabbinates and karaites as it evolved from the polemics of the Geonim to the benign acceptance that can be seen in the writings of the R' Ovadiah of Bertinoro (See Avraham Ya'ari, *Iggeret R. Ovadiah mi-Bertinoro le-Aviv* ("Epistle from R. Ovadiah of Bertinoro to his father"), *Iggerot Eretz Yisrael*, Ramat Gan 1991, p. 119) remains a scholarly desideratum. E. Deinard in *Ha-Shachar* 5 (1874) 587-88 records a statement of Malbim who had served as a Rabbi in the Karaite stronghold in Crimea, that if it were up to him he would be able to effect a full reconciliation between Rabbinates and Karaites. (This may have been a motivating factor behind his decision to write a commentary demonstrating the connection between the Oral and Written Torah.)

²⁷ See *Divrei Shalom V' Emet* (Prague, 1861) p. 1 ומצאתי נכון להודיע כי נדרשתי בענין זה ללא שאלוני.

²⁸ Announced in the *Allgemeine Zeitung des Judenthums* (AZJ) 25 (1861) cited in Abraham Schischa "Hermann Adler, Yeshivah Bahur, Prague 1860–1862" in *Remember the Days*, (1966) 241–277

²⁹ Ibid. p. 2. Klugman p. 257 writes "Rapoport... circulated a petition defending Frankel." This would seem to be inaccurate as according to Rapoport's own account the petition was never circulated (apparently because the head of the Prague Beth Din, R' Shmuel Freund, refused to sign, preferring to make his position known in a letter published separately). Nor was it Rapoport who attempted to circulate the petition but Ephraim Wehli, the president of the Prague community. Shir was merely one of the signatories. See Schischa (op. cit. fn. 28) p. 273, Barzilay p. 167.

Shir then published a thirty-five page pamphlet entitled *Divrei Shalom V' Emet*³⁰ with the intent of mediating between Hirsch and Frankel. Shir castigates Hirsch for being too swift too condemn while at the same time requesting of Frankel that he publish a statement clarifying his belief in the divine origins of the Oral Law. As Barzilay has shown, *Divrei Shalom V' Emet* was written in two parts. The first part (until p. 28) was written before the publication of Frankel's "Erklärung,"³¹ when Shir still had hopes that Frankel would provide a clear unambiguous statement of his beliefs.³² In this part of the pamphlet, he leans closer to Frankel. The second part (p. 28 ff.) was written after the publication of Frankel's "Erklärung," a statement that essentially avoids the issue. Here, Shir leans closer to Hirsch and joins him in his demand that Frankel publish an unambiguous declaration of his beliefs.

Shir accomplished little in his intervention. He had little to add that had not already been argued by Frankel's earlier defenders (Barzilay), and ultimately was unsuccessful in his attempt to mediate. Most³³ have accepted Hirsch's contention that Shir's booklet con-

³⁰ We will discuss Hirsch's response to *Divrei Shalom V' Emet* below. Rapoport was attacked for his involvement, by both the right (*HeEmet V'HaShalom Ahavu*, R S. Z. Klein) and the left. (Leopold Low in his periodical *Ben Chananja* published an article entitled "Die Tradition" under the pseudonym Dr. Weil, in which he discusses the controversy and criticizes Shir's role, pointing out that that Shir himself had less-than-Orthodox views, such as his acceptance of the theory of Deutero-Isaiah and the like, and was in no position to call for a statement of belief from Frankel.)

³¹ In his periodical MGWJ 1868 pp. 159-160. See Hebrew translation in the back of the Warsaw edition of *Darkhei HaMishna*

³² See *Kiryat Sefer* (KS) Year 4, "From the Archive of Shir" (Heb.), B. Dinaberg p. 169, letter to R. Kirscheim where Shir makes this point explicitly. We will discuss this letter below in the section on Shir and Frankel.

³³ Even an admirer of Shir, the *maskil* Avraham Wiesenfeld, refers to the book as a "שגועון ומכף רגל ועד ראשו אין בו מתום" from "Exchange of letters between R. AY Wiesenfeld and the *maskilim* of his generation." (Heb.), p. 62. Cf. Chamiel's judgment (p. 148) "שרפפורט נכשל במאמר זה, חזר על דברי קודמים ולא חידש מאומה, הסתבך בסתירות, נתן פירוש גמיש למדי למונחים 'אמת' ו'יושר פנימי' ונכשל בהבנה של השגת הרמב"ן על הרמב"ם". The

tained “97 pieces of foolishness but not one single argument that would save his friend from criticism.”

It is worth expanding on Shir’s belief in inclusiveness and tolerance, and in the unity of the Jewish People—an ideal central to his world-view. Shir involved himself in the controversy in the hope that he would be able to preserve unity. This contrasts with Hirsch, who valued unity but placed it much lower on his scale than purity of belief.

Shir on Unity and Tolerance

Shir is one of the few Rabbinic figures³⁴ to devote considerable attention to the Enlightenment ideals of tolerance³⁵ and freedom of thought. Having himself been the victim of people who would not tolerate those who “thought differently than them” (see the biogra-

one exception is I. H. Weiss, *Zichronotai* pp, 103–105 who refers to the pamphlet admiringly.

³⁴ See Tamar Ross, “Between Metaphysical and Liberal Pluralism: A Re-appraisal of Rabbi A. I. Kook’s Espousal of Toleration,” *AJS Review* 21:1 (1996) and Gil Perl, “‘No Two Minds are Alike’: Tolerance and Pluralism in the Work of Neziv,” *Torah u-Madda Journal* 12 (2004): 74–98. Especially interesting is the speech given by R’ Moshe Feinstein in honor of the 150th anniversary of the ratification of the Constitution (1939), in which he praises the United States for its tolerance and argues that the nations of the world are not allowed to enforce one view only but must allow for a plurality of opinions. See *Darash Moshe* (Brooklyn, 1988) pp. 415-416.

³⁵ In his correspondence with the *maskil* turned Hasid, Jacob Shmuel Bick, Shir identifies tolerance as follows: “But I understand by this motto that for convictions alone one may not punish another or persecute him and especially not, God forbid, kill him. This, however, cannot at all move me, out of tolerance, not to allow myself to express my view on any ignorant fool, on any swindler and seducer. We will not make ourselves crazy and jump about like goats because we are surrounded by crazy men. And this is in no way inconsistent with the notion of tolerance.” I.e., tolerance should not be used as a catch-phrase to stifle debate. The original Hebrew text of the letter is in Gruber, *Otzar Ha-Safrut* vol. 3, pp. 29-30. See Israel Zinberg, *History of Jewish Literature Vol. 10*, trans. Bernard Martin p. 57 ff. for a discussion of this entire episode as well as a translation of some of the relevant letters.

phy section), Shir was in a position to appreciate the importance of these ideals.

The events that motivated Shir to advocate for tolerance and his reactions to these events are evident from the following: In a letter to Shir, the great scholar Samuel David Luzzatto³⁶ (Shadal) had attacked the historian I. M. Jost for incorporating certain aspects of Biblical criticism in his book on the “History of Israel.” This set the stage for a lengthy exposition by Shir, extending over several letters, on the importance of tolerance.³⁷

The great Jewish philosopher Moses Mendelssohn, in his treatise *Jerusalem*, argues that “True divine religion arrogates no dominion over thought and opinion” (p. 104). Shir seems to have been very much impressed by this statement, (p. 14), and a major part of his argument is that you cannot exert control over thought as all “men cannot be of one mind.” He goes even further by suggesting that the challenges of unbelievers can have a positive effect when they cause wise and righteous men, in the process of answering their questions, to reexamine and clarify their own beliefs—as can be seen in *Chovot HaLevavot*, *Emunot V’ Deot*, and *Moreh Nevuchim*. In any event, these unbelievers do not actively seek to rebel against God but are following the dictates of their mind, which had tricked them and lead them to false conclusions.

Further, at a time when the nations of Europe and America have recognized the evils of intolerance and have accepted the right of freedom of speech, how can Jews keep to the medieval ideas of hatred against all who think differently than themselves. It is only by recognizing and accepting the good laws of the nations that the Jews can become “a wise and understanding nation” as described in the Torah (Devarim 4:6).

³⁶ On this correspondence see Shmuel Werses, “Shadal and Shir: Luzzatto and Rapoport through their letters” in *Samuel David Luzzatto: The Bicentennial of his birth*, pp. 79–98. See also Raphael Mahler, “Shir and Shadal on Pluralism and Tolerance” *Orlogin* 1 (1950) for a recounting of the correspondence relating to this controversy. My thanks to Shimon Steinmetz for directing me to this last source.

³⁷ See *Zikbron L’ Achronim*, ed. A. Harkavy pp. 7, 11–15, 43–47. I will provide a brief paraphrase of Shir’s arguments, but the exact nature of these arguments and the extent to which they reflect a tolerant or pluralistic world-view require further study.

Attempts to separate oneself from all those who think differently will lead to a plague of divisions and fights, with each group putting the other under ban. No nation can exist that is constantly fighting among itself. It was the fracturing of the Jewish people into many groups during the Second Temple era that caused the destruction of the *Beit Hamikdash*.

In later years, the attacks of the French rabbis against the Rambam, for what certainly appeared to be heresy, cannot be considered a wise decision. Nor did the ban of the rabbis on Naftali Hertz Wessely and the attacks against Mendelssohn accomplish their goals. Rather as Chazal write, one should “bring close with the right hand even while pushing away with the left,” and it is only by speaking in a calm and persuasive manner that one can bring someone closer to the right path.

An isolationist policy is doomed to failure. For even if we had the ability to ban all heretical material written by Jews, we live among the nations who produce many books and have even started expressing an interest in our own religion. How can we prevent our intelligent young men from looking into those books and becoming confused by their many questions and doubts relating to matters of faith? Only by looking carefully into the issues and providing persuasive explanations can we hope to combat their influence.

Shir points to Chazal’s treatment of Elisha bar Avuyah, known as Acher. Despite his heresy, he is mentioned in the Mishna (Avot), and in Chagigah 15a we see that R’ Meir went to learn from him even though Acher was openly violating Shabbos. Even then, Chazal tell us something good about Elisha in that he prevented R’ Meir from going past the boundary permitted on Shabbos. And even after Elisha’s death, R’ Meir prayed on his behalf despite his heresy.

Shir admits that it is always possible to find an opposing source in Chazal that supports an intolerant view. He believes, however, as does Rambam,³⁸ that the laws of the Torah do not seek to bring vengeance to the world but mercy, righteousness, and peace.

At the center of this argument is Shir’s belief in the unity of the Jewish people. In the introduction to one of his first publications he writes:

³⁸ רמב"ם משנה תורה ב:ג - הא למדת, שאין משפטי התורה נקמה בעולם, אלא רחמים וחסד ושלוש בעולם.

Love of the entire nation is the very cornerstone in our striving for the continued existence of the Jewish people and the surest guarantee for its greatness. It is the very foundation of the Jewish Religion upon which it can rest secure forever.³⁹

As long as Jost was working on behalf of the Jewish people, much could be forgiven. On the other hand, the Reform that was causing a division among the Jews must be attacked. In his *Tochacha Megullah*, a letter to the conference of Reform Rabbis in Frankfurt, a recurring theme is the division that such Reform would cause to the Jewish People.⁴⁰

Hirsch on Unity

Some⁴¹ have viewed Hirsch as an extremist ideologue, a person who valued abstract beliefs over actual people. In fact,⁴² on numerous occasions, Hirsch expressed sorrow over the division that was forming within the Jewish people. But he believed that the Reform, by their actions and statements,⁴³ had already separated themselves from the Jewish people.

³⁹ Rapoport, *Introduction to the Translation of Racine's Drama, Esther*, "Bikkurei Ha'itim," 1828; translation from M. Waxman, "History of Jewish Literature" vol. 4, pp. 387-388. See Barzilay pp. 19-20 for further discussion of Shir's belief in nationalism.

⁴⁰ See *Tochacha Megullah*, p. 1 in his letter to the historian I. M. Jost, and p. 16 of his letter to the Frankfurt conference (Hebrew section). Similarly, Shir's attacks on the Hasidim were also, in part, a reaction to the division it caused among the Jewish People. See S. Feiner, *Haskalah and History* trans. by Chaya Naor (2004), p. 114.

⁴¹ See Noah Rosenbloom, *Tradition in an age of Reform* (1976), p. 426 n. 118: "Hirsch was a more astute defender of Judaism than of the Jews."

⁴² See Chamiel pp. 132-136, and Judith Bleich, "Rabbinic Responses to Nonobservance in the Modern Era," 82-92.

⁴³ Although at first the reformers had limited themselves to relatively minor changes, such as the introduction of the organ into the synagogue, or the abolition of the prohibition of eating legumes on Passover, as time passed they became increasingly bolder, permitting intermarriage and issuing statements against the Talmud and the Bible. In the words of Geiger, "The Talmud must go, the Bible, that collection of mostly so beautiful and exalted—perhaps the most exalted—human books, as a

During his tenure as Rabbi of Emden, Hirsch wrote:⁴⁴

The heart pours blood at the appearance of this complete breach in the sanctuary of God; in the face of this gaping wound in the essence of Judaism.⁴⁵

and further:

For these men because they have excluded themselves from the community, they have renounced the principles of faith and are not counted among the congregation of Israel⁴⁶

A similar position can be seen in Hirsch's letter in *Torah HaKanaos*, a collection of letters published as a protest against the Reform conference in Brunswick, Germany in 1844.⁴⁷

You should know, though you do not see it [now], that if your actions were to bear fruit, this time the house of Israel will be torn into two pieces, to be disgraced before those who rise against us (Exodus 32:25), and the loss of our inheritance... We will no longer be able to uphold our covenant together and in grief we must part man from his brother.⁴⁸

Hirsch's battle was only with the ideologues of the Reform movement, whom he considered the real heretics. Regarding those who unwittingly follow after the Reform, Hirsch followed his teacher, the *Aruch LaNer*, and ruled that these have a status of *Tinok Shenishbob* (lit. a captured child. See *Mishneh Torah, Mamerim 2:2-3*) and are thus not responsible for their actions, and all efforts should be made to bring them closer to Orthodoxy.

divine work must also go." See Michael Meyer, *Response to Modernity: A history of the Reform movement in Judaism* (Oxford, 1988) for a comprehensive discussion of all aspects of Reform.

⁴⁴ Letter to Rabbi Solomon Trier in *Guttachten Uber die Bescheidung* (see below). Hebrew translation is from *Shemesh Marpeh*.

⁴⁵ ...הלב שותת דם למראה הקרע השלם במקדש ה', למראה הפצע הפעור בגוף היהדות

⁴⁶ כי האנשים ההם לפי שהוציאו את עצמן מן הקהל כפרו בעיקר ואינם נמנים בתוך קהל ישראל

⁴⁷ Republished in *Shemesh Marpeh*.

⁴⁸ הלא תדעו ולא תבינו כי לו דבריכם יעשו פרי, הפעם יקרע בית ישראל לשני קרעים, לשמצה בקמינו, ולאבדן נחלתנו...לא תהיה עוד תקומה לבריתנו יחד, ובדמע נפרד איש מאת רעהו

Shir and Hirsch

In *Divrei Shalom V' Emet* p. 27, Shir turns towards Hirsch in the following note:

And I will further say regarding your⁴⁹ [Hirsch's] honor, the heavens are my witness that you are greatly respected in my eyes, and you have been honored until now. I know how to appreciate your great power of expression to properly rebuke the nation of Israel. And I recognize your wisdom in Talmud and in matters of faith, and in the sciences, for it is not insignificant as your critics and detractors⁵⁰ have attempted to say against you. And my passion also was raised when I saw the fire of religion that burns within you. However all these talents and abilities must turn away in the face of one fault that I have seen in you. This is that you are too swift to pass judgment and to put it in writing. And I have said in your haste [to judge, you view⁵¹] every man as a deceiver.⁵²

This warm appreciation for Hirsch's intellectual and literary talents, and his spiritual passion, indicates some familiarity with Hirsch's writings. In addition, Shir and Hirsch had corresponded during Hirsch's tenure as Chief Rabbi of Moravia. This correspondence involved the question of placing uncircumcised Jewish boys on the

⁴⁹ Note the change (in the Hebrew) from the direct tense "you" when praising Hirsch to the distant "he" when criticizing.

⁵⁰ This probably refers to the attacks by Frankel's supporters. Hirsch's Talmudic knowledge was also challenged by Hirsch Fassel in his *Horeb B' Tzzyon*. A mere glance at Hirsch's responsa is enough to reveal that this claim is entirely groundless.

⁵¹ David Guttman suggests the alternative translation "in haste [to judge], every man will err" implying that Hirsch had erred in his rush to judgment.

⁵² ואומרה עוד על כ"ת, סהדי בשחק כי יקרת בעיני ונכבדת עד כה, וידעתי להעריך רב כחך במליצה להוכיח במישור עם ישראל, והכרתי בינתך בתלמוד ובחכמת הדת ובמדעים כי לא קטנה היא כאשר ניסו לאמר נגדך איזה מקטינים ומשפילים, וגם חמותי ראיתי אור באש דת הבערת בקרבך. אכן כל אלה המעלות והתכונות תסוגינה אחר מפני חסרון אחד אשר ראיתי בו, כי נמהר הוא במשפטו ונכתבו על הספר, ואני אמרתי בחפזו כל האדם כוזב.

government register of the Jewish population,⁵³ and relates to the question of Jewish unity.

The issue first arose in 1843, when a banker by the name of E. Florsheim of Frankfurt refused to circumcise his son. Rather than have his son baptized and registered as a Christian, he requested that his son be registered as a Jew in the community records. The Community Board ruled that uncircumcised boys could be registered. This ruling would remove one of the few measures available to coerce the father to circumcise his son.

In response, the rabbi of Frankfurt, R' Salomon Trier, collected a number of letters from both rabbis and scholars (such as Shadal) in his "*Rabbinische Gutachten uber die Beschneidung*" (1844, German and Hebrew) emphasizing the centrality of the commandment of circumcision and condemning the Reformers. Among the contributors were Shir⁵⁴ (then Rabbi of Prague) and Hirsch⁵⁵ (then Rabbi of Emden).

Shir's response follows the same pattern that we see in his other writings. He provides a lengthy historical analysis refuting the arguments of those who denied the importance of circumcision. Ultimately, he agrees that it is necessary to divorce the Reformers from the Jewish people. At the same time, when referring to those who had made relatively minor changes in practice, he writes (pp. 120-121):

God forbid that we should consider them separated from us. They are our brothers, our flesh. For they have not yet abandoned by these [minor reforms] the laws that are explained in the Mishna and the Codes as is well known. Further, a difference of opinions on some subjects need not cause division among brothers for sorrow and joy, and still more in regards to the Torah and Mitzvos. So long as they do not say as reason [for their changes] that it is in rebellion and betrayal, and that it is to spite the primary lawgivers of

⁵³ See Robin Judd, *Circumcision and Modern Jewish Life: A German Case Study, 1843–1914*, in "The Covenant of Circumcision: New Perspectives on an Ancient Jewish Rite." See also, J. Bleich, *The Circumcision Controversy in classical Reform in its historical context*, "Turim: Studies in Jewish History and Literature: Presented to Dr. Bernard Lander," pp. 2–5 and sources cited in Bleich's article, footnotes 4 and 5.

⁵⁴ Pp. 109–124.

⁵⁵ Pp. 1–4 quoted above. Hebrew translation is by E. Klugman, *Shemesh Marpeh*.

Israel that they have done so. But what should we do with these wicked ones...⁵⁶

Shir argues against using the legal registry as a means of coercion, pointing out that historically such coercions worked against the interests of the Jewish people (p. 122). His opposition is stated more clearly in a postscript to an undated letter written to Hirsch's uncle, Frankfurt Moses Mendelsohn, in which Shir recommends that the uncircumcised child be registered as a Jew but that a note should be added that he is not circumcised. He justifies this position by referencing his arguments cited in *Guttachten*.⁵⁷ By contrast, Hirsch calls for a complete separation from the Reformers in the community without adding any qualifying statements.

We now turn to the correspondence between Shir and Hirsch. The first available⁵⁸ document is a letter from Shir to Hirsch⁵⁹ dated October, 1850. There had been a number of incidents in which a father refused to circumcise his son while still insisting that his son be placed on the registry as a Jew. Shir, as Chief Rabbi of Prague, wrote to Hirsch, then Chief Rabbi of neighboring Moravia, to discuss the correct response to this sort of incident.⁶⁰

The letter is divided into eight layers of questions, with each question building upon the earlier one. Shir has two basic issues. The

⁵⁶ חלילה לנו לחשבם כנפרדים מאתנו, אחינו בשרינו הם, כי עוד לא עזבו בזה דינים המבוארים במשנה ובפוסקים כנודע, וגם הבדל המחשבות על ענין וענין לא יפריד בין האחים לצרה ולשמחה, וביותר לתורה ולמצות, כל עוד לא יתן סבה מבוארת לאמר כי במרד ובמעל ולמרות עיני המחוקקים הקדמונים בישראל עשה כן. אך מה לעשות... באלו המרשיעים...

⁵⁷ See *Kiryat Sefer*, year 4 "From the Archives of Shir" (Heb.), B. Dinaberg pp. 172-173.

⁵⁸ From the letter it is clear that this is just a part of a longer correspondence that is no longer extant as he writes אחרתי אך מעט ימים להשיב לך"ת כאשר כתב לי כ"ת פעם על זה

⁵⁹ This is from Bar Ilan's Sanger collection ms. 80. I am indebted to Chaya Bathya Markovits for transcribing and sending the letter to me. See Appendix A for the full text.

⁶⁰ One of Shir's duties as Chief Rabbi was to take care of the registry of the Jewish community. See *Igrot Shir* (1885) p. 216 "ואני כותב וגם מוכרח לכתוב בעצמי ספרי פנקסאות של הנולדים והנולדות, כל ילד עם שם אביו ומה מעשהו ושם אמו, ושם אבי ואם אביו, ושם אבי ואם אמו וכו'... ועל כל אלה תבאנה לרוב שאלות מראשי הפקודות ותשובות ממני"

first issue (the first three questions and the eighth question) is technical. This registry was the government's only means of keeping track of its citizens for matters such as army service, inheritance and the like. If the boys aren't placed on the registry as Jews and cannot be registered as Christians, how is the government to keep track of their status?

It is the second issue (the fourth to the sixth question) that I believe is central. Shir questions how we can ensure that these boys will remain a part of the Jewish community if they are not registered as Jews. In the sixth question he adds the following passionate appeal:

The sixth question: Even if we have the authority to expel the child from the community from the eighth day of his birth, would we be doing by this the right and proper action? For example, our community has a school for the Jewish faith, and it is only there that children learn Torah, and matters of faith. Should we close the door before this child and prevent him from entering into the Jewish faith, just because his father hasn't yet brought him into the covenant of our patriarch, Abraham? The child has done no wrong, and may yet circumcise himself when he reaches maturity. His forefathers stood at Mount Sinai, and his father is still a member of the Jewish people for he has not yet been pushed away.... How can we make a decision to give over a Jewish child to the Gentiles, just because his father is evil? How can we determine that this child will not be a wise and pious man who will circumcise himself, and become one of the great men of Israel? And it is regarding this [last] matter that there is in truth, a great confusion. The more that I examine the issue, the greater my distress and confusion, that we not, God forbid, ignite a spark and it will become an explosion...⁶¹

⁶¹ השאלה הששית, נניח כי יהי' לנו תוקף לדחות את הנער מן העדה מיום שמיני ללידתו, אם נעשה בזה דבר כשר וראוי? נניח כי יש בעדה בית החינוך לדת ישראל, ורק שמה ילמדו הנערים את התורה ואת הדת, האם נשבור בעד נער זה את הדלת ולא נתנהו להכנס כדת ישראל, בעבור כי אביו לא הכניסו עוד בבריתו של אברהם אבינו, והילד בעצמו לא חטא עוד מאומה, ויוכל עוד למול עצמו עת כי יגדל, ואבותיו עמדו על הר סיני וגם אביו עוד מעדת ישראל כי לא נדחה עוד, ובזה נקשרו עוד דברים המתחכים אל השאלה..... ואיך נכריח למסור את זרע ישראל לנכרים, בעבור כי אביו רשע הוא, ואיך נוכל להחליט עוד מראש, כי לא יהי' זה הנער חכם וחסיד וימול ויעש שם בישראל? ובדבר זה באמת היא המבוכה הגדולה. יותר מאשר אני מעיין בדבר, יותר אני נדהם ונבהל, אם לא נשליך ח"ו ניצוץ והי' לבערה

Hirsch's Evaluation of Shir's Letter

In a letter to Avraham Placzek,⁶² Rabbi of Boskowitz (October 31, 1850), Hirsch describes Shir's position as:

For regarding this Rabbi, great are the decrees of his heart, and he seeks doubts and worries in order to lie between the borders, so that he can heal the rift of our nation by staying in place and taking no action.^{63 64}

Hirsch realized that Shir's heart leaned towards including the uncircumcised boys for the sake of unity. By referring to Shir as a רובץ בין המשפתיים—one who lies between two borders and refuses to take a decisive position—it would seem that Hirsch was upset at Shir. This interpretation is strengthened by Ibn Ezra's interpretation (Genesis 49:10) that the term refers to the avoidance of military service on the part of the tribe of Yissocher because their land was so good. Similarly, Hirsch might have been hinting at Shir's lack of desire to do battle with the Reform.

Hirsch's Response to Shir's Letter

As we have seen, as early as his tenure as Rabbi in Emden, Hirsch saw secession from the non-orthodox as inevitable. In his response to Shir⁶⁵ (October, 1850) we again see Hirsch leaning towards separation from Reform. Hirsch argues that the government cannot be allowed to involve itself in religious affairs. This would become one of the major factors behind his efforts in Frankfurt for the passage of

⁶² Adolf Frankl-Grun, *Geschichte der Juden in Kremsier*, (Breslau, 1896–1901), vol. 2, p. 138. I am indebted to Chaya Bathya Markovits for referring me to this important source.

⁶³ Salo Baron in "The Revolution of 1848 and Jewish Scholarship," *Proceedings of the American Academy for Jewish Research* 20 (1951) p. 54, fn. 147, who believes this to be a dig at Rapoport for his lack of effort on behalf of the laws that would advance the cause of Emancipation. I do not see how the context of the letters can be interpreted as referring to anything but the issue of circumcision.

⁶⁴ כי הגנה הרב הזה גדולים חקקי לבו וספיקות ודאגות הרבה יעתיר למען רובץ בין המשפתיים (בראשית מט, י) ולרפוא את שבר בני עמנו (ירמיה ו, יד) בשב אל תעשה

⁶⁵ *Shemesh Marpeh*, pp. 199–200.

the secession law allowing the Orthodox to establish independent communities.⁶⁶

As far as regards the concern for the child, Hirsch admits that separating the child from the community is a serious issue but sees it as unlikely that a child of such a home would ever come close to religion. Finally, he goes so far as to suggest that the defection of the Reformers might actually be a part of the Divine plan. To “purify” the Jewish people from those who are insincere in their beliefs.⁶⁷

For who knows if the time of refinement has not arrived. If we have reached at the time of purification to distinguish between the servant of God and he who does not serve him. And it will be that he who still [even in these difficult times] serves God, he is a sincere servant...⁶⁸

An anecdote that serves to highlight the issue is recorded by A. Porges in his biography of Shir.⁶⁹ A certain inhabitant of Prague had allowed his son to remain uncircumcised for over eight years. A proposal was raised to attempt to coerce the father to circumcise his son. When the motion was brought before Shir, he advised against taking any action. In his words, “Any attempt at coercion would result in the baptism of the father, not in the circumcision of the son.”⁷⁰ Shir’s advice was ignored and the attempted coercion did in fact result in the baptism of the entire family.

⁶⁶ See Bleich p. 83.

⁶⁷ *Shemesh Marpeh* p. 200.

⁶⁸ כי מי יודע אם לא הגיע ימי ליבון, הגיעו ימי הצירוף לראות בין עובד ד' לאשר לא עבדו, והיה מי אשר עודנו עובד היום את ד' הוא יעבדנו באמת.

⁶⁹ A. Porges, “Toldot HaRav HaGaon Rav Shlomo Yehuda Rapoport,” *HaShachar* 1 (1869) pp. 37-47.

⁷⁰ Cf. Hirsch’s comment in *Shemesh Marpeh* p. 199 “We would have to do what is necessary, as was already done in the olden days when the father would be given a choice, either to circumcise his son or to baptize him.”

Hirsch's Response to *Divrei Shalom V' Emet*

It is clear from Hirsch's response in *Jeschurun* (July, 1861)⁷¹ that he misinterpreted Shir's intentions. As Hirsch saw it, Shir was willing to betray his religious beliefs in order to "save his friend."⁷² This betrayal, by a former colleague and comrade-at-arms, seems to have bothered Hirsch tremendously.⁷³ Hirsch's response is written in a harsh polemical tone⁷⁴ that would hardly seem warranted considering Shir's rather benign tone in his pamphlet.

In a private correspondence, Shir writes that his main motive in writing his *Divrei Shalom V' Emet* was to "unify the nation of Israel

⁷¹ Translated into English in *Collected Writings*, vol. 5 pp. 315–330. For a discussion on the substance of Hirsch's argument see Chamiel cited above.

⁷² "We also do not envy one who overlooks all else, even the most sacred of causes, for his friend's sake and compromises truth and scholarship in order to save that friend." *ibid.* p. 316, and "What enrages you is not this threat but the fact that we have exposed this threat, and that as a result of this exposure the person of your friend (who could not be detached from the problem) had to be exposed as well. It is not the threat to the cause but friendship for your friend that has made you take up your pen!" p. 327. See also R. Breuer (Hirsch's grandson), "Unter Seinem Banner" p. 155 who writes "If Rapoport was indeed a great man, why did he support Frankel during the dispute? ... Can service be rendered to a man like Frankel as one would to friends, or declarations of consent be made, to him who denied that Oral Torah is of Divine origin, without professing his own viewpoint?" My thanks to Prof. Marc Shapiro for translating the above.

I assume Shir refers to these statements when he mentions the "libels" that Hirsch had written about him in "*Tekhunath Darkei ha-Dath u-Tekhunath 'Am Segulah ba-Zeman ha-Zeh*," by Shlomo Yehudah Leib HaCohen Rapoport, *Ha-Maggid*, VI (Lyck, 1862), suppl. to no. 26.

⁷³ Many of Hirsch's harshest polemics are with former colleagues such as A. Geiger, his friend in university; H. Graetz, his student; and now Shir, with whom he seems to have been on good terms during his tenure as Chief Rabbi of Moravia.

⁷⁴ The following expressions appear over the length of Hirsch's response: fakery, foolishness, lame, prattling, stupid, etc.

with great strength so there will be no separation.”⁷⁵ Although he does admit that he was also partially motivated out of friendship,⁷⁶ he insists that it is only because he truly believed in Frankel’s Orthodoxy that he wrote his pamphlet supporting him.⁷⁷ Shir’s main motivation was his deep-seated belief in unity; an ideal no less important to him than purity of belief was to Hirsch.

Shir and Frankel

We now turn to the other party in the dispute, Zechariah Frankel. In *Divrei Shalom V’ Emet*, Shir writes that Frankel was well respected in Prague and he himself had spoken with him on issues of “Torah and Religion.”⁷⁸ Shir had also contributed to Frankel’s periodical “*Zeitschrift für die Religiösen Interessen des Judenthums*,” which he considered the best of the periodicals.⁷⁹

Shir viewed Frankel as an ally in the fight against Reform. For instance, in 1842, he and Zachariah Frankel were the only ones among a group of seventeen rabbis who replied in the negative to the question by the *Vorstand* (Board) of Breslau’s Jewish community regarding the reconcilability of free inquiry and the rabbinate.⁸⁰ Frankel’s dra-

⁷⁵ Letter to Raphael Kirscheim *Kiryat Sefer* Year 4 p. 169 "התאחדות והתחברות עם ישראל בהזקק רב בלי להיפרד".

⁷⁶ Another possibility is that Shir felt that the attack on Frankel was in essence an attack on the entire enterprise of Jewish scholarship, which he had partially founded. Although I see no evidence for such a motivation here, this was part of his motivation in attacking the Reform scholars. See *Igrot Shir* pp. 208–210.

⁷⁷ Ibid. "ולא למען הידידות בלבד עשיתי זאת, ובשמים עדי כי אלו היה בעיני רק כמסופק לא נשאתי את פניו. אך באמת ובתמים דנתיו לכף זכות כאשר הגדתי במאמרי ועמלתי להעריך ולהפנות לשונו אל הנכון והישר".

⁷⁸ *Divrei Shalom V’ Emet* p. 2 "מאשר השתעשיתי עמו כמה פעמים בתורה ובחכמת הדת". See also the description of the friendship between Shir and Frankel in David Rosin’s article in *Das Centenarium Rapoport* (ed. David Kaufmann, Vienna 1890), p. 403.

⁷⁹ *Kiryat Sefer* Year 3, p. 225, regarding the possibility of publishing his article against the Reform conference in Frankfurt in one of the periodicals.

⁸⁰ Barzilay, op. cited n. 5, based on Ludwig Geiger, *Abraham Geiger, Leben und Lebenswerk*, p. 80.

matic withdrawal from the Reform conference at Frankfurt, after a proposal was raised that German replace Hebrew as language of the liturgy, was met with much acclaim among the traditionalists.

Shir therefore considered it of particular importance that Frankel remain part of the traditionalist camp. Just prior to the second Reform conference in Frankfurt (1845),⁸¹ Shir wrote to his friends, Yitzchak Miseses and Raphael Kircheim, suggesting that they speak to Frankel and explain to him that compromise is impossible at this point and that he will only serve to embarrass himself if he attempts to do so. He stresses that Frankel's honor is of the greatest importance to him. In a footnote to this letter, Shir again stresses that it is of the greatest importance that they speak to Frankel and convince him to withdraw from the conference. He also attached a letter addressed to Frankel personally.

In his letter to Frankel (KS 227-228)⁸² Shir emphasizes Frankel's importance as the main representative of all traditional Jews. He writes that compromise with a man like Geiger is impossible and attempts at such will only serve to close the distance between himself and Geiger. He then writes that:

And only then will the conflict among Israel be diminished, so that the division will only be into two. But if your honor and his friends will agree [to the reformers] on some issues and disagree on others then the nation will be divided into many groups and there will be no way to reunify them.⁸³

again demonstrating his concern with the preservation of the unity of the Jewish people as much as possible. In another letter to Kir-scheim,⁸⁴ he says that Frankel, by his willingness to involve himself with some Reform practices, such as the abolition of the second day

⁸¹ Frankel's participation in and dramatic withdrawal from the conference have been analyzed at length by Braemer op. cited n. 1, pp. 238–243.

⁸² Dinaberg *Kiryat Sefer* Y. 3 p. 223 suggests that this letter was one of the major factors behind Frankel's withdrawal from the conference. Prof. A. Braemer [private communication], however, suggests that we should not overestimate Shir's influence over an independent mind like Frankel.

⁸³ ורק אז ימעט עכ"פ המחלוקת בישראל, ויחלקו רק לשנים. אולם אם כ"ת וידידיו יודו לאיזה דברים ויחלקו על איזה דברים, יחלקו העם למחלקות רבות ואין מאספם עוד

⁸⁴ *Kiryat Sefer* p. 232, dated September, some months after the conference.

of Yom Tov, had brought trouble onto himself. Shir refers to some other letters he meant to send Frankel, including one reconsidering the value of Rabbinical conferences, but it is not clear if they were actually sent. In another letter, he writes that he is pleased with the address given by the community of Frankfurt in honor of Frankel's withdrawal from the conference.⁸⁵ From all this, we see that Shir was willing to give Frankel some leeway in matters of Reform as long as he did nothing that would constitute a real break from traditional Judaism.

Based on Frankel's actions until this point, Shir had no reason to believe that Frankel did not consider himself part of traditional Judaism.⁸⁶ As a Rabbi of the large city of Dresden and dean of an important Rabbinical seminary,⁸⁷ Frankel represented a significant faction of the Jewish people, and it was important that the controversy not cause an irreversible split.

Shir had kept up his hopes that Frankel would issue a statement clarifying his belief. He was very much disappointed by the "*Erklärung*," which served "not to clarify but to make foggier."⁸⁸ He wrote to Frankel pressing him for a clearer statement, but Frankel would only offer a vague promise that with publication of volume two of *Darkei HaMishna* the matter would be clarified. Shir was very upset at Frankel for failing to clarify so central an issue as the Oral Torah, which is all that divides traditional Jews from the Karaites. Shir further points to the inherent contradiction of a Rosh Yeshiva in charge

⁸⁵ *Kiryat Sefer* p. 234, dated September 24. See also the letter from Shir to Frankel published in *HaMaggid* vol. 21 (1877) pp. 170, 180.

⁸⁶ As he writes in his letter to Kirscheim (see my note 38), he really did believe that Frankel had written with insufficient clarity, and that if only he could clarify Frankel's words, combined with a statement of belief from Frankel, the matter would quickly die down and Frankel's reputation would be saved.

⁸⁷ It must be noted that Shir's own grandson, Aharon Bodek, attended Frankel's seminary. See the poem Shir published in honor of his entrance to the seminary in *HaMagid* vol. 6, p. 381 dated October 21, 1862, and see also vol. 7, p. 237.

⁸⁸ *Ibid.* "אין זה ערקלארונג כי אם מאפליה".

of transmitting the *Mesorah*, who expresses doubt concerning its veracity.⁸⁹

Frankel was incensed by Shir's actions. The *maskil* A. Wiesenfield writes in a letter to the famous scholar Shlomo Halberstam that he had visited Frankel in July of 1861, and that Frankel was incensed at Shir for his involvement, exclaiming, "In this *maamar* [*Divre Shalom ve-Emet*] he is more Catholic than the Pope and takes the same standpoint as Hirsch."⁹⁰

Conclusion

Ultimately, Shir was unsuccessful in his mediation. In a letter to the editor of HaMaggid, Eliezer Zilbermann, Shir expresses his disappointment:⁹¹

"I hoped for peace but no good came of it; for a time of healing and there came a terror. I am for peace but when I speak, they are for war (*Tehillim* 120:7) from both sides. He that began the dispute [Hirsch] set up his tools of war against me also, and he that I defended [Frankel] turned away and became like a deaf man; as one covers his thoughts in hiding. And even though privately he wrote to me and explained that his thoughts are like my thoughts and like the thoughts of all the believers in the faith that was received by Moshe, the servant of God, despite this I appeared to the readers

⁸⁹ Shir writes "ועושה את הקל כצבי כמתגבר כארי עליו, לטרפו בצדק וביושר", "He [Frankel] caused [Hirsch] who is fleet as a deer (Hirsch in German=צבי=deer) to rise against him like a lion to tear him apart with truth and righteousness." Ultimately Shir was in Hirsch's camp and Frankel understood this. See below.

⁹⁰ "ובמאמר הזה איסט ער קאטאלישאר וויא 57 (Heb.) p. 57 "דער פאפסט אונד נימסט דענזעלבען שטאנדפיקט איין וויא הירש" As in the previous note, there is no small measure of truth in this observation. I am grateful to Prof. Marc Shapiro for directing me to this book and translating this statement for me.

⁹¹ "Tekhunath Darkhei ha-Dath u-Tekhunath Am Segulah ba-Zeman ha-Zeh," by Shlomo Yehudah Leib HaCohen Kapoport, *Ha-Maggid*, VI (Lyck, 1862), suppl. to n. 26.

like a man who speaks only for himself; as one who involves himself with a “fight that is not his”....⁹²

Despite his failure to achieve the desired peace, we can appreciate his motive for involving himself in the conflict:

“Love of the entire nation is the very cornerstone in our striving for the continued existence of the Jewish people and the surest guarantee for its greatness. It is the very foundation of the Jewish Religion upon which it can rest secure forever.”⁹³ ❧

⁹² קויתי לשלום ואין טוב. לעת מרפא והנה בעתה. אני שלום וכי אדבר המה למלחמה מזה ומזה. המתחיל בריב העריך כלי מלחמתו גם נגדי, וזה אשר גנותי עליו נסוג אחור ויהי כמחריש וכאלו חובש מחשבותיו בטמון ובשגם המתיק סוד עמי וכתב אלי ביחוד באר היטיב דעתו כדעתי וכדעת כל המאמינים בדת המקובלת ממשה עבד ה', בכל זה נראיתי אנכי לקוראים כאיש אשר רק בעד עצמו מדבר, וכאלו על ריב לא לו הנהו מתעבר וכו.

⁹³ I would like to thank Prof. Marc Shapiro for his many helpful suggestions; Yitzchak Grossman, David Guttman and Shimon Steinmetz for their important comments; Menachem Butler and Yitzchak Levine for helping me obtain some of the sources and my parents for their help and support.

Appendix A

*Shir's Letter to Hirsch*⁹⁴

Sr. Ehrwürden
Herrn S. Hirsch Oberlandesrabbiner
in Mähren und Oberrabbiner der Israelitengemeinde in Nikolsburg

ב"ה

לכבוד הרב הגאון החכם הגדול המופלג בתורה וביראה המפואר בכל תפוצות ישראל כש"ת מוהר"ר שמשון הירש נ"י אב"ד דק"ק בק"ק ניקעלסבורג יצ"ו, ועל כל מדינת מאָהרען.

אחרתי אך מעט ימים להשיב לכ"ת, רק מפני טרדות גט כריתות אשר עלו עלי במשך שבוע העברה, כן בעיונים על תכונת כתיבתו וסדורו אצלי כפי דת תורתנו הקדושה, כן בסידורו אצל שרי הפקודות כפי חקירה, אשר כל אלה נמשכו בצירוף שלשה ימים בזה אחר זה, לא כפי אשר הי' נהוג אצלם עד הנה, להרחיק זמן כתיבתם את הגט מזמן הנתונה אצלנו במשך כמה שבועות, וגם להקדים אצלם סידור גט אשכנזי לנתנת גט הארמי אצל הרב זלתי אח"כ אצלם עוד הפעם הגט הארמי, אשר מזה היו יכולים לצמוח מכשלות רבות כאשר כתב לי כ"ת פעם על זה. ועתה ת"ל פעלתי אצל מחוקקיהם, כי הרשוני להקדים הנתונה אצלי מבלי אשר נעשה מאומה אצלם עוד, וגם לסמוך אלי' נתינתם ביום המחרת. ושמחנו על זה כי באה מזה תקנה גם לימים העתידים. ועתה אבא לדברי כ"ת.

הנה שני אנשים מגונים קרו ראו רצון בענין הנדרש, האחד בעדת עיר טעפליץ [היום: Teplice, צ'כיה], והרב אשר שם (פיק) אולי נודע לכ"ת כי מהמחדשים הוא הקוראים עצמם מתקנים בלשון סגי נהור, ובכל זה לא רצה גם הוא לרשום את הילד הערל בין הנימולים, והכריחוהו שרי הפקודות על הרשימה, ואולי רק למראה עין הניח עצמו להכריח. והשני בעיר אחרת ושם רב ישר בדת והכריחוהו ג"כ שרי הפקודות לרשימה, אך גם שניהם כפי ששמעתי ברור, לא הי' להם עוד פקודה ממקום הגביה (מיניסטעריום) כי אם מאת אדוני המחוז. והנה כ"ת יודע כי משמרת לא תרחב יותר מעל לגבול עדת פראג. ובכל זה הנני לעשות דבר מה בזה

⁹⁴ Sanger collection ms. 80, published with the kind permission of Dr. Meir Hildesheimer, The S.R. Hirsch Chair for the Research of the 'Torah Im Derekh Eretz' Movement. My thanks to Chaya Bathya Markovits for transcribing and sending the letter to me.

כפי אשר יהי' ביכלתי, ואולי יצטרף גם כ"ת אלי אם ירצה. אך מתחלה נתיעץ בדבר אם יש ביכלתנו לעשות מאומה ומה נעשה.

השאלה הראשונה תעמוד לפנינו כרגע, איך נבקש מהממשלה כי לא נרשום הילד הערל במאטריקעל [Population Register], ומה תעשה היא ברשימת הילד ההוא? והלא נודע כי רשימת המאטריקעל מראשי הדת, היא אצל אדוני הממשלה המקור הראשון אשר ממנו ילמדו ידיעתם במספר הנולדים לכל דבר המצטרך להם, כמו לענין אנשי הצבא ולנחלת אבות וכדומה, והם האמינו עפ"י רוב רק לממונה על הדת, בעבור כי הוא ידע ביותר את הנולדים, בישראל ע"י מילת הזכרים ונתינת שם לנקבות בביהכ"נ, ואצל הנוצרים ע"י טבילתם. אך בכל זה במקומות שאין רב ומורה, רשימת הנולדים לרוב אצל ראשי העדה, או איזה מורה בבית החינוך, כנהוג בארצנו זאת, הנבקש כי ישאר הילד הערל בלי רשימה ויפרח באויר ויהי' חפשי עי"ז מכל חיוב גופני המוטל עליו ... כללות המדינה? ומי ירשום את הילד ההוא? היעמידו אנשי הממשלה רושמים מיוחדים בעבור הילדים הערלים? ואם לא ידאגו עוד אשר העלם יעלים אחרי כן אבי הנער ולא יגיד לזולתו כי ילדה אשתו בן זכר, אם נדחה אל איזה מרשים מיוחד, ונצטרך ג"כ להטיל על כל רב כי יודיע [Not Legible] אשר לפלוני נולד זכר ולא נימול. וזה רק אחרי ינדע לרב הדבר. ואפונה עוד מאד אם אריד מכהניהם אינ [Not Legible] נה לא ירצו להטבילו. וחקרתי על זה ולא מצאתי עוד מענה.

השאלה השני', עוד גם היום בכפרים או בערים שיש שם מעט יהודים יורשמו הנולדים שם מ [Not Legible] אף אם נימולו כראוי, וכמה מנהיגי עדות היו כן לפני בעת אשר רצו נערים כאלה לישא אשה. אשאל לכ"ת מה מי [Not Legible] משאלה זו תצמח.

השאלה השלישית במה נדע כי יתאחד זה הנער עם העדה באשר יכתב אצלנו בין הנולדים, או להפך כי לא יתאחד בעבור כי לא נרשם אצלנו והנה אלה הנרשמים מראשי דתם נתאחדו בכל זה אח"כ עם עדה הסמוכה. ובהכרח א"כ נבקש ג"כ אשר כל ילד בלתי נימול כי יגדל לא [חסרה מילה] לעדת ישראל, ומזה תצמח.

השאלה הרביעית, נניח כי לא נכתב אצלנו נער כזה ואביו הניח לרשמו באיזה מקום אחר אצל המאגיסטראט [רשויות העיר], ועתה כי יגדל הנער וילך [חסר] של ישראל, מה נעשה למען הכירהו כי איננו מעדתנו? וכי ירצה לישא ישראלית איך נדעהו וע"י איזה תוקף נמחא כזה, ומזה ת[תצמח]

השאלה החמישית, נניח כי יהי' לנו איזה תוקף על זה אח"כ, הלא טוב לנו יותר הרבה כי נרשום הנער בין הנולדים עם ההערה המ [חסר; ...] נימול ואז אולי יוכלו הרב ואנשי העדה לעשות מאומה עד יגדל ויהי' לאיש, ומזה תצמח עוד.

השאלה הששית, נניח כי יהי' לנו תוקף לדחות את הנער מן העדה מיום שמיני ללידתו, אם נעשה בזה דבר כשר וראוי? נניח כי יש בעדה בית החינוך לדת ישראל, ורק שמה ילמדו הנערים את התורה ואת הדת, האם נשבור בעד נער זה את הדלת ולא נתנהו להכנס כדת ישראל, בעבור כי אביו לא הכניסו עוד בבריתו של אברהם אבינו, והילד בעצמו לא חטא עוד מאומה, ויוכל עוד למול עצמו עת כי

יגדל, ואבותיו עמדו על הר סיני וגם אביו עוד מעדת ישראל כי לא נדחה עוד, ובזה נקשרו עוד דברים המתחסים אל השאלה. הראשונה נניה כי הממשלה לא תעמיד רושמים מיוחדים, רק תאמר לאבי הילד או תעשהו נוצרי או יהודי, הנחשוב כי עוד בעת הזאת, תכריח הממשלה את איש יהודה להמרה, והוא יצעק כי לא ירצה להמיר דת בנו, רק גם לא ירצה למולו, ובמה איפא וע"י איזה אמצעי תכריחהו לאחת משני אלה. ועוד תשאר שאלה במילה אם נבקש כזאת מהממשלה. ואיך נכריח למסור את זרע ישראל לנכרים, בעבור כי אביו רשע הוא, ואיך נוכל להחליט עוד מראש, כי לא יהי' זה הנער חכם וחסיד וימול ויעש שם בישראל? ובדבר זה באמת היא המבוכה הגדולה. יותר מאשר אני מעיין בדבר, יותר אני נדהם ונבהל, אם לא נשליך ח"ו ניצוץ והי' לבערה. כי לבי אומר לי אשר במניעת הכתיבה לא נפעל הרבה, הרשע הנמהר לא יסוב אחר בעבור כי בנו לא יורשם עתה מהרב, ויחשוב כי יעשה בנו אח"כ (את) כי יגדל מה שירצה, ואם ידחוהו אז מישראל, ילך לנכרים. רק הוא בעצמו לא ירצה כעת לתת לנכרים. ועוד חושב, כי בעת יגדל יקבלוהו עוד ישראלי. ועכ"פ מניעת הרשימה לא תפעל מאומה, כי גם אם לא יִפְתַּב בין הנולדים, עוד לא יהי' האב מוכרח לתת לנכרים. ואם יהי' מוכרח מי יודע אם עשינו את הראוי?

השאלה השביעית. אם רק ע"י הרשימה נרצה להכריח את האב, הנה יש ויש כבר רבנים סרבנים אשר ספרי הרשימה בידיהם והם ירשמוהו בין העברים, ובכמה ערים בארצנו יִרְשֶׁם הנולד גם בספרי מנהיגי העדה, כמו אצל הרב, וכן פה בעדתי, והממשלה תקח לה ספרי שניהם למקור, ולא מעט תהי' לפעמים המלחמה ברשימה, הרב ירשמהו ולא המנהיג או גם להפך. ועוד בערים אשר רק מנהיגי העדה ירשמו ספרי הנולדים, והמה מרביתם מבקשים חדשות כפי הנהוג.

השאלה השמינית. אם לפעמים נאבד איזה שם מפנקסאות, כמו אם נקרע בשוגג הדף, או כי נכתב במקום אחר מאביו, ולא ידע עתה בנו איה נרשם, הנדחה איש כזה מעדת ישראל, או יצטרך לברר בפני עדים כי מהול הוא?

ויש לדאוג עוד כי עת יבאו הרבנים בסוד גבוהים היושבים ראשונה במלכות, אולי יגמרו אומר כי אין לרשום עוד כלל יום המילה רק יום הולדת לבד, ובזה יתקלקל הדבר יותר, כי אז לא נוכל עוד לעשות ההערה המבוארת כי ילד פלוני לא נימול. או יקחו כל רשימות הנולדים מאת אנשי העדה, ויתנו אותן ביד ראשי הפקודות, כאשר כבר הציעו כמה אנשים עצתם בזה במגידי חדשות, והם יעצו כזאת גם על רשימות נולדים בעמים. ואם לא יפעלו בעצתם על הכלל, יפעלו ח"ו על הפרט, היינו על עדת ישראל, ורק ע"י הטענות והמריבות בדבר המילה.

והאמת אגיד בעבור כל השאלות והדברים האלה אני נבוך מאד בענין הזה, ואני מחכה עוד לתשובתו הרמתה ועצתו תנחני, אולי יוכל כ"ת לשכך את רוחי בדבר הזה. אחלי ידידי וחביבי! יודיעני דבר בירור, ומעצת שנינו תצא הדבר על נכון כרצונו וכרצון ידידו ומכבדו כערכו הרב. שלמה יהודה ליב ראפפורט.

יום א' כ"א מרחשון תרי"א פק"ק פראג

Appendix B⁹⁵

The following letter from Shir relates to his brief bid for the Rabbinate of Papa in Hungary⁹⁶ and is another proof of the strained relationship between Shir and R' Y. Orenstein.

לך לבדך

פן יהיה דבר עם לבב אנשי פאפא, לשאול את הרב מלבוב עלי,
חלילה להם מזה, כי שונא הוא לי מעודי, ואם ירצו כתבי עדות
אשלח שמה – וכחכמתך תעשה אם להראות מכתבי להרב אב"ד
בעירך ואם לא, כי אולי ירצה להסב הרבנות בפאפא אליו
ואז ירע תחת אשר ייטיב לי

⁹⁵ Published here with the kind permission of The Library of The Jewish Theological Seminary. My thanks to David Sclar, for showing me the letters, and to Prof. Jonathan Meir, for helping me with the transcription.

⁹⁶ See Y. Y. Greenwald, *Toldot Mishpachat Rosenthal* (1920) pp. 71-72 for some letters relating to this little-known episode.