

SPECIAL ARTICLES

LOUIS DEMBITZ BRANDEIS

BY LOUIS E. LEVINTHAL

LONG before his death, Louis D. Brandeis had become a tradition both in American life and in the Zionist movement. About his name and personality there had accumulated a mystical aura. He stood in an historical perspective even while he was contemporary. The seclusion forced upon him by his membership in the Supreme Court stimulated the growth of legends and anecdotes about him. An unconscious tribute of this nature has in this instance mitigated the profound sorrow which inevitably followed on his death. Already in his lifetime he had been possessed by the ages.

The name of Brandeis is second to none in the list of those who have placed the impress of their genius on the development of American jurisprudence, particularly our constitutional law. His contributions to law, economics and social science will be long remembered by Americans generally; his services to the Jewish people will never be forgotten by American Jews, and especially by American Zionists. And even in the sphere of his specifically American activities, although his approach was "new" and "modern," his inspiration was derived from his spiritual ancestors, the Prophets of Israel, with their passion for justice and righteousness. For this reason it is difficult to dissociate the Jewishness of Mr. Justice Brandeis from his secular legal and judicial career. This memoir will seek to deal with his relationship to Jewish life and thought, but even such specialized treatment will be understood only when it is realized that his life as a whole knew no contradictions or conflicts, but was built on a definite single pattern of consistent ideas and ideals.

I

LOUIS D. BRANDEIS was born in Louisville, Kentucky, on November 13, 1856. Of his early years we know little except that he lived the normal boyhood of a child of a well-to-do family, and that the bitter struggle between slave and abolitionist sentiment in his native state preceding and during the Civil War made a deep and vivid impression upon his young mind. His education in a private school was supplemented by travel abroad and by a short period at a German academy, where his free spirit rebelled against the strict discipline of that institution.

In 1877 he was graduated from the Harvard Law School with an extraordinarily brilliant record, and began the private practice of law in St. Louis. Beckoned, however, by friends and associations in Boston, he soon returned to that city, where he lived for close to forty years until his appointment in 1916 to the bench of the Supreme Court of the United States.

He achieved professional distinction early. The law firm with which he was associated represented many large corporations, and his practice was highly lucrative. He did not permit this fact to influence his personal code, however, nor his evolving conception of justice and right. Thus, while his firm handled cases for life insurance companies, he campaigned against certain questionable practices of these concerns, and advocated the establishment of savings bank life insurance for the public benefit. While he was acting as the legal representative of railroads, he publicly attacked certain policies of one of the most powerful systems as inimical to the interests of the people. He resigned as attorney for the largest shoe machinery company in the country and attacked it as a monopoly. At his own expense he served as counsel to establish the validity of such progressive legislation as the statutes fixing maximum working hours for women and establishing minimum wages for employees. It was this active interest in the rights of the inarticulate common man, which he defended against highly organized predatory interests, that won him his popular title of "the people's attorney."

Indeed, it is rather remarkable that his social ideology and liberal outlook developed as they did. Prosperity came early to Louis D. Brandeis; he moved in the circles of his wealthy professional colleagues. He was secretary of the Boston Art Club and a member of a fashionable boat club; he was associated with a society polo group. That a man in this environment, and subject to these influences, should become a champion of the downtrodden, a pioneer of social security, an exponent of broad democracy, is evidence of unusual character.

It was not strange, therefore, that Woodrow Wilson's appointment of Brandeis, the first Jew to be named to sit on the bench of the United States Supreme Court, did not go unchallenged. All the reactionary elements which had been exposed or attacked by "the people's attorney," together with many misguided individuals, joined in the hue and cry to prevent his confirmation by the Senate. In replying to the opposition to Brandeis, President Wilson said: "He is a friend of all just men and a lover of the right; and he knows more than how to talk about the right — he knows how to set it forward in the face of its enemies."

After protracted and heated debate, Brandeis was seated in June 1916. His judicial interpretations of the Constitution during his twenty-three years on the Supreme Court and his concept of the living and developing law have already made history. The basic principles which found expression in his legal and judicial career provide a key to his character and to an understanding of the consistent pattern of his interests and ideals. To him law was made to serve the people, not the people to serve the law. Neither was law drawn only from precedents. It was drawn from the living, breathing reality of men and women who sought to live together in peace and understanding. He was willing to strike out in uncharted fields to find adequate solutions. Dean James M. Landis of the Harvard Law School, in his memorial address before the Brandeis Lawyers Society of Philadelphia, said in this regard: "There is no better justification of the significance of the right of freedom of expression to the maintenance of a civilization that would base itself upon the rationality of mankind than his closing

sentence in *New State Ice Co. vs. Liebman*: 'If we would guide by the light of reason, we must let our minds be bold.' "

As lawyer and as judge, Brandeis introduced the method of using scientific data furnished by the sociologist and economist, and sought to have the law keep step with the march of time as reflected in the living conditions of men and women. But many of his briefs and decisions were also based on the importance and value of human intangibles. In one of his notable opinions he wrote: "The makers of the Constitution undertook to secure conditions favorable to the pursuit of happiness. They recognized the significance of man's spiritual nature, of his feelings and of his intellect. They knew that only a part of the pain, pleasure and satisfaction of life are to be found in material things. They sought to protect Americans in their beliefs, their thoughts, their emotions and their sensations"

II

THE story is told, whether factual or legendary, that shortly after President Wilson had appointed Brandeis to the Supreme Court, a friend said to the President: "Isn't it a pity, Mr. President, that a man as great as Mr. Justice Brandeis should be a Jew?" Instantly the President replied: "But he would not be Mr. Brandeis if he were not a Jew."

The causal connection between the Jewishness of Brandeis and his unique contributions to American law and jurisprudence is obvious. His passionate devotion to the welfare of the underprivileged and the dispossessed, of those who were denied that equality of opportunity which the founders of our Republic had intended all Americans to share; his yearning to make the life of the average individual, the little man, the forgotten man, more significant, more worth living; his battles, as lawyer and as judge, against economic tyranny in every form; his conviction that true democracy demands equal economic opportunity no less than equal political rights; his deep human sympathy; his gallant championship of American ideals of justice and righteousness — all these are identical with traditional Jewish ideals, which he derived from his Jewish background, from those common

group memories and from that special aptitude in the field of social justice and ethics which he called "the Jewish heritage."

At first glance it would seem that Brandeis's acceptance of Zionism was a decision of the mind and not of the heart. There are some Jews who are brought to a realization of the Jewish problem by personal difficulties, large or small, — exclusion from a country club, discrimination in some more shocking form, or a violent contemporary outburst of anti-Semitism. Hurt, baffled, for the first time conscious of his insecurity, the individual seeks an answer. There was no such personal frustration in Brandeis's case. In every sense he felt personally secure; yet his keen, logical mind, when brought to bear upon the problem of the Jewish people, quickly grasped the basic elements of the question, and he was enabled to see beyond his own personal needs and desires. His mind grasped the significance of ancestral influences which his heart was prepared to receive.

His early Jewish education was scanty and his contact with the Jewish people remote; his accurate appraisal of the facts of Jewish life is therefore all the more remarkable. It might almost be said that in his first approach it was his instinct asserting itself — an instinct which was not wrong. That he believed there existed a "Jewish instinct" or an unconscious affiliation of the individual with his people, is revealed in one of his comments. "Let us not imagine that what we call our achievements are wholly or even largely our own," he said. "The phrase 'self-made man' is most misleading. We have power to mar, but we alone cannot make. The relatively large success achieved by Jews, wherever the door of opportunity was opened to them, is due, in the main, to this product of Jewish life, to this treasure which we have acquired by inheritance, and which we are in duty bound to transmit unimpaired, if not augmented, to coming generations."

Beneath the surface of his success as lawyer it was soon obvious that Brandeis was a product of Jewish life, and that the Jewishness of his ancestors operated through him. It is interesting to note that his maternal uncle, Lewis Naph-tali Dembitz, a leading lawyer of Louisville, was a Jewish

scholar of rare distinction, the writer of most of the articles on legal subjects in the *Jewish Encyclopedia*, and also the author of an authoritative volume on the synagogue service. Young Louis Brandeis must have been a great admirer of his uncle, for though his original name was Louis David, he early adopted the name of this favorite relative, and when he entered Harvard Law School it was as Louis Dembitz Brandeis. And it should not be forgotten, to quote Emerson, that "every man is an omnibus on which all his ancestors are seated."

It is impossible to ascertain just when his Jewish consciousness began to manifest itself. His biographers relate that some time in the nineties, while in the west, he wrote his wife commenting favorably on the plan to rebuild Palestine. At any rate, not until 1910, when he was already 54 years old, is there available recorded evidence of his feelings on Jewish subjects. In a newspaper interview published on December 9, that year, Brandeis said of Zionism: "I have a great deal of sympathy for the movement and am deeply interested in the outcome of the propaganda. These so-called dreamers are entitled to the respect and appreciation of the entire Jewish people."

The same year, Brandeis first came into contact with the laboring masses of American Jewry and saw for himself their material poverty amid their potential spiritual richness. On the occasion of the New York garment workers' strike in that year, he served as the impartial chairman of the Arbitration Board, and he successfully negotiated a novel compromise plan which has been regarded as epoch-making in the development of American trade unionism. This intimate glimpse of his fellow-Jews among the employers and the employees in the garment industry made him at least an interested auditor when Jacob de Haas poured into Brandeis' ears the story of the Herzlian solution of the problem of the homelessness of the Jewish people. De Haas was one of the founders of Zionism in England, had known Theodor Herzl, had attended the first Zionist Congress at Basle, and was then the editor of an Anglo-Jewish publication in Boston.

There followed a period of absorbed study of the Zionist

movement and its implications for Jewish life. He read everything within reach on the various aspects of the Jewish problem. Then, in March, 1913, came his first public participation in Zionist activities, when he served as chairman at a reception in Boston for Nahum Sokolow, one of the outstanding leaders of Zionism, who was then touring the United States for the cause. In the course of his brief remarks, Brandeis said: "The great message that Mr. Sokolow brought to Boston may sometime become a reality, and the Jewish people may establish the national state that they have aspired to and longed for so long The task ahead of them is to make this Zionist ideal a living fact."

It was after the outbreak of the World War in 1914 that the major responsibility for the continued existence of the Zionist movement had to be taken over by American Zionists. The Provisional Executive Committee for General Zionist Affairs was organized in August of that year, and Brandeis accepted the chairmanship of that Committee and the leadership of the movement. He took charge of Zionist administration, wrote a number of articles and addresses, and made a tour of a number of American Jewish communities in an effort to enlist their support for the Zionist cause.

Frequently, in these addresses, Brandeis pointed out that there are two aspects to the Jewish problem, that of the individual Jew and that of Jews collectively. He asserted on one occasion: "Jews collectively should likewise enjoy the same right and opportunity to live and develop as do other groups of people. This right of development on the part of the group is essential to the full enjoyment of rights by the individual." Seldom has there been so concise and so comprehensive a statement of the principle on which Zionism is based.

To Brandeis, Judaism was a way of life which should be preserved. "Death," he wrote, "is not a solution of the problem of life," and those who advocated assimilation, either by conscious pursuit of such a policy or by neglect of the Zionist-survivalist project, were actually un-Jewish. Zionism, according to Brandeis, aimed not only to rebuild the

Jewish homeland in Palestine, but also to rebuild the Jewish people, to reconstruct Jewish life wherever Jews live.

He was especially interested in the work of those individuals who went to Palestine and assumed the personal burden of restoring the Homeland. The hardships which these pioneers endured were not in the nature of a misfortune; they were, rather, priceless character builders, he felt. These men were struggling toward an ideal of social perfection; they were evolving a cooperative commonwealth within which the individual citizen may best develop a creative, a self-respecting, a worthwhile personality. And he had "no fear of the Arab or of any other question," because he knew in his heart "that Jewish qualities are qualities that tell." Not long before he passed away he made a special contribution to Hadassah to establish playgrounds for the joint use of Moslem, Jewish and Christian children in the Holy Land. This was in accordance with his frequently expressed view that "prosperity for Palestine must mean prosperity for all classes of its inhabitants. No one who has been in Palestine can doubt that the Arabs have been greatly benefited by what the Jews have done there." In a letter to this writer, dated December 12, 1939, Brandeis wrote: "In the whole world, nothing finer, nothing nobler, is being achieved than by the young men and women in the agricultural settlements in Palestine."

Brandeis urged that the chief bulwark against spiritual and moral deterioration of the Jews of America is to develop in them, particularly in the educated Jews, the sense of *noblesse oblige*, a sense which could best be achieved through active participation in the Jewish renaissance through membership in the Zionist Organization. This conception of Zionism — far different from mere philanthropic pro-Palestinism — is all the more noteworthy in that it came from one who, as we have seen, had not been brought up in an intensely Jewish environment, and from one who had never been affiliated with that most ancient and most authentic of all living Jewish institutions, the Synagogue. Here was a demonstration that one could become a devoted Zionist by force of conviction, logic and reason, as well as through sentimental and emotional attachments and loyal-

ties. And here too was another classic demonstration of the redeeming power of Zionism.

There was, of course, nothing new in his conception of Zionism. Others before him had given expression to the same ideas, both with regard to the solution of the Jewish problem, and with regard to the social ideals of Zion reborn. But the manner in which he found the answer provides a further illustration for the words he used in 1916, following an address by the Rev. William Blackstone at a Zionist convention:

“Those of you who have read with care the petition presented twenty-five years ago by the Rev. William Blackstone and others, asking that the President of the United States use his influence in the calling together of a Congress of the nations of the world to consider the Jewish problem, with a view to the giving of Palestine to the Jews, must have been struck with the extraordinary coincidence that the arguments which the Rev. Blackstone used in that petition were in large part the arguments which the great Herzl presented five years later in setting forth to the world the needs and the hopes of the Jewish people. That coincidence, the arguments presented in America, arguments later presented by Herzl without knowledge of the fact of what had been done in America, shows how clearly and strongly founded they are. They come to all men who will regard in a clear and statesmanlike way the problems of the Jewish people.”

It has been frequently pointed out that Brandeis came to his Zionism via his Americanism. His faith in human freedom, his belief that the principles of the Declaration of Independence applied to all men and women and children everywhere, his passion for justice and righteousness, all these led him to espouse the cause of Zionism which was the application of these principles to the solution of the Jewish problem.

In fact, Brandeis saw in Zionism the means of realizing in Palestine more quickly and more completely those social ideals that America has striven, and is still striving, to make real. The advantage Palestine enjoys, he thought, is its relatively limited area. It is not too big for social and economic experimentation. Nor are there in Palestine power-

ful vested financial interests to impede industrial democracy and cooperative effort. He even conceived the very details of Palestine's upbuilding in American terms. The *Halutzim* (Jewish pioneers) were to him "our Jewish Pilgrim Fathers." And when he described the aridity of undeveloped Palestine, he referred to the experiences of the Puritans who upon landing at Plymouth met stony soil upon which they eventually founded a nation. And in the practical working out of Zionism, Brandeis urged that the movement be organized democratically and efficiently according to well-tried American methods.

He spoke of democracy on the American scene; he indicated the need for the same in the Jewish community. His sympathies were with the little people, the underprivileged and dispossessed, and who have been more often and more continuously dispossessed than the Jews? Brandeis attempted to apply the principle of democracy to Jewish life in America. He was chairman of the Jewish Congress Organization Committee which in 1916 led to the convening of the first American Jewish Congress in Philadelphia. He believed that there was need for a democratic body to express the will of the masses of American Jewry. In the field of relief work and in other matters affecting the Jewish people as a whole, he felt that the direction should come from the Jewish masses themselves. He was opposed to "secret diplomacy" or policies of evasion and indirection. "Secrecy," he wrote, "necessarily breeds suspicion, and creates misunderstanding."

It would not be fair to say that Brandeis created any new concept of Americanism, but undoubtedly he did define and clarify American democracy. He rejected the "melting pot" theory of Americanism, and advocated what has come to be known as "cultural pluralism" or "cultural democracy." The term he gave to what he regarded as the essential feature of true Americanism is "inclusive brotherhood." In his famous Fourth of July address, at Faneuil Hall, Boston, in 1915, he declared: "America, dedicated to liberty and the brotherhood of man, rejected the aristocratic principle of the superman as applied to peoples as it rejected that principle when applied to individuals. America has

believed that in differentiation, not in uniformity, lies the path of progress.

"The movements of the last century have proved that whole peoples have individuality no less marked than that of the single person, that the individuality of a people is irrepressible, and that the misnamed internationalism which seeks the obliteration of nationalities or peoples is unobtainable. The new nationalism adopted by America proclaims that each race or people, like each individual, has the right and duty to develop, and that only through such differentiated development will high civilization be attained."

Brandeis further elaborated upon his concept of the distinction between nationhood and nationality in one of his most comprehensive statements on Zionism, entitled "The Jewish Problem — How to Solve It," where he wrote: "Likeness between members is the essence of nationality; but the members of a nation may be different. A nation may be composed of many nationalities, as some of the most successful nations are. An instance of this is . . . the American nation. The unity of a nationality is a fact of nature; the unification into a nation is largely the work of man. As a nation may develop though composed of many nationalities, so a nationality may develop though forming parts of several nations."

Thus he reached the conclusion that Zionism, far from being inconsistent with American patriotism, is actually, for the Jew in this country, the inevitable consequence of true Americanism.

"Multiple loyalties are objectionable only if they are inconsistent," he declared. "A man is a better citizen of the United States for being also a loyal citizen of his state, and of his city; for being loyal to his family, and to his profession or trade; for being loyal to his college or his lodge . . . Every American Jew who aids in advancing the Jewish settlement in Palestine, though he feels that neither he nor his descendants will ever live there, will be a better man and a better American for doing so."

These phrases have been quoted frequently, and yet it is still necessary to repeat them. Brandeis, too, realized the inability on the part of some Jews to think clearly on the

subject, and he emphasized the fundamentals. "There is no inconsistency between loyalty to America and loyalty to Jewry," he said, and proceeded to indicate the positive affinity. "The Jewish spirit, the product of our religion and experiences, is essentially modern and essentially American. Not since the destruction of the Temple have the Jews, in spirit and in ideas, been so fully in harmony with the noblest aspirations of the country in which they lived." Zionism could not be divorced from this Jewish spirit because the two were identical.

Brandeis believed that Zionism was truly based on American ideals. To him, as to Thomas Jefferson and Abraham Lincoln, to Charles W. Eliot and John Dewey, the spirit of American democracy could best be nourished and our national achievements could best be enriched, if each nationality, each religious or cultural group, would develop to its utmost capacity, thus giving to American civilization its multiformed and multi-colored beauty and richness. He therefore declared: "Loyalty to America demands that each American Jew become a Zionist."

If the Zionist ideology of Brandeis was not novel, and if his conception of Americanism was not new, it was Brandeis's articulation of the synthesis of the two that will rank as his greatest contribution to American Jewish life.

From 1914 until his death, Brandeis's participation in Zionist work was whole-hearted and enthusiastic. Throughout the years of his service on the bench of the highest court of the land, he maintained a close and personal interest in the Zionist movement. Even after he withdrew from official leadership of the Zionist Organization of America in 1921, after an internal controversy between a group led by Dr. Chaim Weizmann, Dr. Shmaryahu Levin and Louis Lipsky, on the one side, and a group led by the Justice, Dr. Stephen S. Wise, Judge Julian W. Mack, Professor (now Mr. Justice) Felix Frankfurter, Jacob de Haas and Robert Szold, on the other, Brandeis never failed to renew his annual membership in the Organization. His financial contributions to Palestine, frequently anonymous, were munificent, and he bequeathed a considerable portion of his residuary estate to Jewish Palestine. But these pecuniary benefactions were,

of course, relatively far less significant than his self-dedication to the cause of Zion's rebirth, and once having found "Zion," he never for a moment forgot it.

III

LOUIS D. BRANDEIS created no voluminous literature. We find occasional public testimony at hearings, magazine articles, legal briefs, addresses on Zionism, a few pamphlets, many letters, numerous judicial opinions, so often in the minority in those early years. These writings, limited in extent though they are, are rich in profound, incisive thought, clearly and compactly expressed.

His greatness is not to be found, however, in his utterances or writings. It was in the man himself, in his unique personality, that there were indefinably epitomized a school of thought which may be labelled "American" and also a philosophy of life which may be called "Jewish," and it was in his very being that these two — Americanism and Jewishness — were synthesized. And just as there are those who still lag behind his juristic, social and economic pioneering, there are also those who have not yet attained his acute perception of the essence of American democracy and of what he liked to call "the Jewish spirit."

He was simple and unassuming. He eschewed all ostentation. His home in Washington, his summer cottage in Chatham, on Cape Cod, were unpretentious, even austere. Lavishness and gaudiness, display and extravagance were hateful to his orderly mind. His humble surroundings were reflections of his character, for his personal manner, too, was reserved and unassuming. He was never reluctant to admit his own shortcomings, and when taking over leadership of the American Zionist movement, he declared publicly: "I feel my disqualification for this task. Throughout long years which represent my own life I have been to a great extent separated from Jews. I am very ignorant of things Jewish . . ."

His simplicity, however, never partook of asceticism; his reserved demeanor and impassive attitude were never cold

or unsocial. Rather were they marks of the control and discipline which he exercised over himself. He had genuine warmth and a sparkling personality, as those who had occasion to meet with him frequently have reason to know. Visitors to the Brandeis household were always touched by the considerate and affectionate relationship which obtained between the Justice and his charming wife and companion (who before her marriage to Mr. Brandeis in 1891 was Alice Goldmark) and their two daughters. Included in his long and crowded daily schedule, beginning soon after sunrise, there was always time set aside for his grandchildren with whom he loved to play and discourse.

Genuinely, and in the full meaning of the word, he was a leader, in that he was far removed from the trivial, the shoddy, and the mean in Jewish life and affairs. He was ever direct in speech, appreciative of loyalty, and tolerant of differing views. Indeed, his role in American Zionism was not always calm. There were interests and views which he felt called upon to combat, and he had the courage of his convictions. But he was blessed with the ability to remain above the petty strife which appeared to consume many about him.

It has frequently been noted that Brandeis had a passion for facts and that he was meticulous about details. Above all he was ever a pragmatic realist. It was his grasp of realities which made him insist on improvement of health and sanitation conditions in Palestine as a prerequisite to nation-building. He knew that a nation could not be built on a malarial swamp, that the first step must be the eradication of endemic sicknesses. And so he was keenly interested in the medical organization of Hadassah.

For two thousand years there had been dreams and visions and hopes. This time the Jews must deal in substantial and material things. He thought in Herzlian terms and used Herzlian language, and all his plans had a Herzlian swing. There were some dreamers who were disappointed in him because he kept his feet on the ground, and because he failed to soar with them; they thought he was lacking in the sentiment or the spirit of Zionism. But for all his realism and pragmatism, there were spiritual qualities which likewise possessed him, though perhaps they defied definition. Many

a man upon first meeting the Justice, felt that there was something hauntingly mystic about his eyes and his voice, that he saw things too deep for mere expression in words.

Many American Jews could not understand him, for here was a man who quoted the Bible, *Ahad Ha-am*, Herzl, who referred to Aaron Aaronsohn, Ben Yehudah, and who, on the other hand, quoted Seton-Watson, W. Allison Phillips, Carlyle. He was a synthesis of two worlds. All his life represented the achievement of syntheses, and the reduction of conflicts. Many found it difficult to reconcile social reform and capitalism in his career and in his beliefs. This was because he freed himself from the encrusted meanings of those terms; he did not allow his actions to be influenced by connotations of words which foster prejudices. He was an attorney for business, but not for the evils of big business. He was a champion of labor, but was opposed to a dictatorship of labor as much as to a dictatorship of high finance. He was interested in, and to the end of his life supported, *Hashomer Hatzair*, a left-wing Zionist group, while at the same time he helped found the Palestine Economic Corporation, and played an important role in the encouragement of the investment of private capital in Palestine. His stand was not inconsistent, because he saw these groups as different facets of the same country. A liberal in the modern economic sense of the word, he was not a Marxist. He was a believer in the system of private enterprise, though he felt that there were evils in the system which had to be corrected. He was a meliorist with the obstinate idea that change, both in American life and in the Zionist movement, must be based upon a realistic appreciation of facts.

Americanism and Zionism were inextricably interwoven in the fabric of the life of Louis D. Brandeis — a life which to the end was true to its pattern.

In announcing the death of Justice Brandeis, which occurred on October 5, 1941, Chief Justice Harlan F. Stone made this brief, formal statement to the Supreme Court of the United States:

“Learned in the law, with wide experience in the practice of his profession, he brought to the service of the Court and of his country rare sagacity and wisdom, prophetic vision and an influence which derived power from the integ-

city of his character and his ardent attachment to the highest interests of the Court as the implement of government under a written constitution."

This great tribute may, in all humility, be freely adapted to the Jewish side of his life: Conscious of the problems of the Jewish people, he brought to the service of his fellow-Jews "rare sagacity and wisdom, prophetic vision and an influence which derived power from the integrity of his character and his ardent attachment" to the cause of the survival of his people as a free and normal group among the families of mankind.



SOL M. STROOCK
1873-1941

SOL M. STROOCK

By JAMES N. ROSENBERG

I would the great world grew like thee,
Who grewest not alone in power
And knowledge, but by year and hour
In reverence and in charity.

Alfred Lord Tennyson, *In Memoriam*.

THE death of Sol M. Stroock on September 11, 1941 was a deep personal bereavement to his family and devoted friends. It was also a grievous loss to thousands of men, women and children in the United States for whom he rendered a lifetime of service, and to other thousands of oppressed in far and scattered corners of the earth whose cause he championed. The dedicated life which then ended laid foundations which will endure and carry blessings with them. Mourning the passing of a beloved friend, I write, however, not in sorrow because he is gone, but rather rejoicing because he was here. Let the truth and meaning of my statement appear not only from my words but from his own life in one of his latest and greatest battles.

In August 1936, leading organizations — Protestant, Catholic, Jewish — joined in asking Sol M. Stroock to be their spokesman in championship of a petition filed with the League of Nations for intercession by the League on behalf of all oppressed minorities in Germany.

Turn back the clock to 1936. This was two years before the rape of Austria and the Munich surrender. There was then still time for courage, wisdom and justice to have saved not only the Jews but also the world from the past four years of horror had the nations then heeded the wisdom and vision expressed in Stroock's address.

Stroock the trained lawyer stands before a radio microphone broadcasting his appeal to the nations. He begins by stating that he was speaking not only for the American Jewish Committee which he represented, but also for a num-

ber of organizations and societies here and abroad comprising a total membership of many thousands of men and women, "to whom the cause of justice and humanity is not only an ideal to be cherished, but a practical day in and day out duty to pursue and to perform. . . ."

"A practical day in and day out duty." In those telling few words, he not only wrote his own biography, but by contrast described the wicked and arrogant men who scorn such principles and practices. There lay the power of Sol M. Stroock — there was his strength. He was the dreamer, the scholar; but he was also one of those rare men who can draw dreams down from the sky, bring them to earth, plant them into solid, fruitful, every-day realities for the good of all men. The dreamer—yes, but also the doer. I return to his address:

"A priceless heritage of all Americans, sanctified by inclusion in our Constitution, is contained in the First Article of the Bill of Rights of that Constitution. This heritage is the right of all Americans to petition their government for the redress of grievances and which it is therein guaranteed shall not be prohibited nor abridged. To Americans it is axiomatic that this right cannot be infringed because it is one of the basic pillars upon which our American democratic society rests."

Once more I am constrained to interrupt. The allusions to the Bill of Rights and "the heritage of all Americans," recall an important incident of Stroock's youth. In 1894, Columbia Law School awarded him the Toppan Prize for excellence in Constitutional Law. Here is significant comment on the life of a Jew who saw, as too few men do, that the Old Testament and the New alike establish those principles of justice and brotherhood which were for the first time in man's history brought to political reality as a way of life on the corner-stone of the Constitution of the United States. That imperishable Bill of Rights and the Bible of his Fathers — these were at once the root, the nourishment and the beacon light of Sol M. Stroock's faith and life.

At once a deep student of the prophets — the Hebrew Fathers of Judaism, and the American Fathers who met in Philadelphia in 1787 — he understood and lived their truths. His words emphasized that unity of Americanism and Jew-

ishness which marked the whole course of his distinguished career. I return to his address.

"Today we realize that this fundamental right of petition must be world-wide in its extent. All of the inhabitants of the civilized world are today closer than were their fathers a century ago. What happens in one country vitally affects the destinies and the lives of the peoples of other countries. The development of an international consciousness — indeed of an international conscience — therefore, implicitly recognizes the right of men everywhere to petition against international grievances. To that end such a petition was made public this week when a number of organizations in this country and abroad, sectarian and non-sectarian, joined for the purpose of urging the League of Nations to intercede in behalf of the oppressed groups in Germany. It is not for intervention that this petition pleads; it is a call upon the family of the League of Nations to express the enlightened determination of the conscience of the civilized world regarding the situation that has arisen in a powerful country, formerly at least considered a member of the family of Nations, whose policies and practices have shocked the conscience of civilized mankind and have visited upon numbers of men, women and children — Catholics, Protestants, Jews, so-called 'non-Aryans,' pacifists, liberals, labor leaders, and others, indescribable misery, suffering and degradation. This world conscience will take fitting recognition of the plight of the thousands of human beings who have been and now are hounded by a relentless and unceasing oppression."*

Enumerating the organizations which sponsored this petition, citing numerous precedents in support of his plea, Mr. Stroock finally summarized the grounds upon which the petitioners were calling upon the League for intercession.

"Confident of the justice of their appeal, the petitioners ask the sympathetic interest of all lovers of mankind so that

* This petition was drafted with the advice of Hon. James G. McDonald by Cyrus Adler, Morris R. Cohen, Melvin M. Fagen, Oscar I. Janowsky, Morris D. Waldman, James N. Rosenberg and Sol M. Stroock. It is printed in full in *International Aspects of German Racial Policies*, by Oscar I. Janowsky and Melvin M. Fagen, (New York, Oxford University Press, 1937), pp. 229-237.

through their interest the League of Nations may be moved to assert its prerogatives. Only thus may we hope for some alleviation of the suffering and injustice visited upon minority groups within Germany itself and upon the many thousands of German citizens of different races and beliefs now in exile from the Fatherland of which they and their forbears in many cases had been loyal and devoted citizens for over one thousand years."

So spoke the Jew, learned in the long history of Jewish religion and culture, of Jewish fortitude and charity; so spoke the American, learned in root principles of the country he loved and served. Devoted to every phase of Jewish life, his was also a wider outlook. His life pointed to the identity between the good Jew, the good husband and father, the good American citizen, the good man in all life's relations. It was this quality of unblemished, simple goodness that made him loved. It was his learning and wisdom that enabled him to perceive long before others did the inevitable consequence now visited on the entire world for its acquiescence in oppression of minorities. It was his courage that gave voice to his appeals.

At long last the world of today opens its eyes and ears to truths which Stroock eloquently urged. Let his voice then echo and re-echo; for it will be only through the voices of that valiant, selfless, devoted company of men and women — Christians and Jews alike — of whom Sol M. Stroock was a preeminent member — that a decent, just and durable peace can come out of the dreadful war which Stroock foresaw but to live through which was spared him.

Born in New York City on Rosh Hashanah 5634 (September 22, 1873), Solomon Marcuse Stroock had looked forward with particular sentiment to his sixty-eighth birthday in 1941, for on that day, too, would his anniversary coincide with the Jewish New Year.

His parents were Samuel Stroock and Mariana Marcuse Stroock. An uncle was the celebrated Jewish historian Abraham Berliner, whose teacher, in turn, was Stroock's paternal grandfather. The Stroock household was one in which the Jewish tradition was strong. His early activity was devoted to the affairs of the congregation of B'nai Jeshurun, where

his father and maternal grandfather had been members of long standing. It was indeed with this congregation that Stroock retained his closest affiliation, though in later years he also joined two Reform congregations and attended their services.

In 1891, he received his B.S. degree from the College of the City of New York. Attracted by the new School of Political Science at Columbia University, he entered that institution for graduate work. He received a Masters degree in the following year. Turning, however, to the profession in which he was to make his notable success, he entered the law school at Columbia, and was graduated in 1894. He was elected a member of Phi Beta Kappa.

Years later, he recalled that Louis Marshall had come to New York the same year that Stroock received his law degree. Marshall was already a distinguished lawyer and toward him Stroock turned for his ideal. "His vitality, his zest," said Stroock in 1936, "and his worthwhile attainments immediately attracted me. He honored me with his confidence, and from the time I first met him until his death, uninterrupted through the years, he was my counsellor, guide and friend. In his steps I have sought to follow. His friends have been my friends; his interests have been my interests; his ideals have been my ideals."

For two years Stroock served as apprentice in a law office, and in 1896 he entered the firm of Platzek and Stroock, of which his brother Moses was a member. In 1907, when Platzek became a judge, the two brothers formed the firm of Stroock and Stroock, which continues to this day. During the years, honors came to him from his professional colleagues. For almost two decades he was a member of one or more of the committees of the Association of the Bar of the City of New York. He served as its vice-president at one period. In 1931, he was named chairman of the Committee on Character and Fitness, First Department, Appellate Division, Supreme Court, New York State. For many years he was chairman of the Committee on Legal Education of the Bar Association, and was also a member of the Legal Education Committee of the New York State Bar Association. He also served in several capacities the New York County Lawyers Association, and was a member of the American

Bar Association, as well as of several other professional societies. His Alma Mater recognized him by making him a member of the Board of Visitors, Columbia University School of Law.

From his youth, the needs of the community drew him, and to them he gave himself unstintingly. When President Nicholas Murray Butler conferred upon him the Columbia University Medal at Commencement, 1931, he made the following citation: "Generous and devoted in many types of unofficial public service and in supporting and directing important public charities."

His father had been a member of B'nai Jeshurun in 1868, at a time when the congregation was strongly orthodox. Thus, Stroock's connections with the synagogue began with his childhood. He was a product of its religious school. In 1895, he became Secretary of B'nai Jeshurun, a post he was to hold for more than a decade. In 1896 an association for biblical study was created under his chairmanship, and he later became principal of the religious school of which he was himself a graduate.

When, in 1911, Judah L. Magnes was installed as rabbi at B'nai Jeshurun, Stroock presided and gave the welcoming address. He said:

"Eighty-six years ago this Congregation was organized and dedicated to God. Proud as we are of our history and of our traditions, we look forward undauntedly and courageously to a brighter future. Our fathers have pointed the way for us; along that way we have traveled, and with God's guidance we shall continue so to travel. . . . We have kept the faith."

This speech epitomizes his convictions as to the Jewish religion and was reflected a quarter century later when he described the "pristine beauty and power and glory" of Judaism. In the years following the first World War, it was to the philanthropic, humanitarian interests of the community that he chiefly turned. From the immediate precincts of B'nai Jeshurun he went out to serve the community at large.

In 1924, he was elected president of the Young Men's Hebrew Association, a post he relinquished for the greater one of heading the Federation for the Support of Jewish

Philanthropic Societies of New York City from 1926 to 1929. During the same period he was also president of the Metropolitan League of Jewish Community Associations. He was long associated with the Judaeans, both as a board member and, in 1938, as a vice-president.

One of the major interests in Stroock's life, was the Jewish Theological Seminary of America, whose famous head, Solomon Schechter, was among his closest and beloved associates. The Seminary and B'nai Jeshurun enjoyed close relationships for years and Schechter had been elected an honorary member of the congregation at the time of his arrival in America. In 1910, Stroock became president of the New York Branch Executive Committee of the Seminary, and in 1923 was chairman for New York City in the drive for one million dollars for the school. In 1930, he was elected Chairman of the Board of Directors of the Seminary, and a year later became president of its Library Corporation. He was serving in both positions at the time of his death.

The Jewish Theological Seminary of America was dear to his heart. One of his greatest pleasures was to visit the Seminary to talk with the students. He received the degree of D. H. L. from the Institute of Jewish Religion (1931) and from the Seminary (1935). He was elevated to the presidency of the American Jewish Committee to succeed his dear friend Cyrus Adler upon the latter's death on April 7, 1940.

On the day of his death the Executive Committee met and resolved:

"Mr. Stroock was a member of the American Jewish Committee for many years. In 1930 he was elected to the Executive Committee, and in 1934, he became its Chairman. . . . During the many years of his association with the Committee, Mr. Stroock actively participated in its work. As Chairman of the Executive Committee, especially during the last few years of Dr. Adler's life, Mr. Stroock devoted a great part of his time, his energies, and his many talents to the direction of the activities of the organization. . . . Mr. Stroock never sought personal recognition or commendation. He was wholeheartedly and unreservedly interested in the cause for which the Committee is laboring, and gave a noble example to his colleagues of complete selflessness and boundless devotion. . . ."

A friend of the family writes: "Sol Stroock was a simple man, an integrated man. Stroock, the Jew, stood in very personal relations to the great issues of liberty and justice, and he was active in practical reform in the community at large. Being a Jew was this citizen's life-form, and, quite naturally, he soon came to be regarded as the representative Jew in the larger community also. He was always the Jews' advocate. He always defended their cause. This wider role was not casually and superficially apparent; it came from the natural and spontaneous direction of his being. No thunder. No noise."

Kind and thoughtful in personal relationships, he was fortunate in his marriage to Hilda Weil of New York on March 6, 1904. They had three children of whom two, Minette S. Kuhn and Alan M., survive. The death at the age of 25 of his elder son, Robert, who had already attained distinction in his scholarly and literary pursuits, was the great personal tragedy of Stroock's life. To his family and to the community at large he left a heritage, both American and Jewish, and with all of us remains a memory of a man who worked quietly and with dignity so that those who followed him could "look forward undauntedly and courageously to a brighter future."

His death was marked by wide mourning. Noted men spoke words of appreciation and sorrow. To those voices I cannot, I need not add more. The Psalmist has spoken: "Who shall ascend into the mountain of the Lord and who shall stand in His holy place? He that hath clean hands, and a pure heart. . . . Who shall dwell in Thy holy hill? He that walketh uprightly, and worketh righteousness." That was the man. That was Sol M. Stroock.

RABBI SAADIA GAON

BY ROBERT GORDIS

I

THIS year, 1942, marks the millenary of the death of one of Israel's greatest sons, Saadia ben Joseph, generally called Saadia Gaon. Recalling his life and work after ten centuries vividly reminds us of the grandeur of Jewish history and the sweep of Jewish experience.

Saadia is both a product of his times and the creator of an epoch and can be understood only against the background of Jewish history. The cultural history of Israel exhibits a remarkable symmetry of form. It begins with two creative periods lasting roughly some two thousand years, during which the Bible and the Talmud were produced. These remain the greatest monuments of the Jewish genius, the first having become the charter of humanity for one half of mankind, the second, Israel's citadel and way of life to the present day.

The Bible and the Talmud are by no means products of Jewish isolation. On the contrary, every page in them testifies to the influence of other cultures, the ideas, languages, and institutions of other nations. But whatever was found valuable in these cultures was fused in the crucible of the Jewish genius and finally emerged indubitably Jewish in form and content. Thus the Bible and the Talmud are superb examples of creative assimilation. The success of this process was due, in no slight measure, to the fact that throughout the Biblical and Talmudic periods, Jews lived in a Jewish environment in which theirs was the dominant culture, at least as far as they were concerned. Even when the Jewish state ceased to exist, the Jews of Palestine and Babylonia enjoyed wide cultural autonomy.

In other areas, and in later times, this was no longer the

case. Outside of Palestine and Babylonia, Jews constituted a minority group that found the impact of foreign cultures more powerful, and their influence harder to withstand. As a result, a new type of assimilation, passive and non-creative, made itself felt in many circles. This was in reality a form of total surrender, which generally expressed itself in complete dissociation from Jewish life and thought, and often in apostasy. Nonetheless, even here the process of creative assimilation went on. Within both types of community, gifted men arose who saw the challenge of the dominant culture and strove to harmonize its best elements with Jewish tradition. They enriched the content of Judaism as they perpetuated it.

There have been three such main periods in Jewish history, each associated with a great name, and each introduced by a Bible translation into the vernacular. The first of these, the Hellenistic, began at the opening of the third century B. C. E. This expansionist Greek civilization looked upon Alexandria as its cultural center. Alexandrian Jewry produced the Septuagint, the first translation of the Bible into any language, and its most gifted son, Philo, made the first significant attempt to harmonize Greek philosophy with the Jewish religion.

The second of these epochs came more than a thousand years later, in the ninth and tenth centuries, c. E., with the spread of Islamic civilization from Arabia and Iraq across the Near East and northern Africa over to Spain. The adjustment of Judaism to Arabic culture is symbolized by Saadia, himself the author of a magnificent translation of the Bible into Arabic.

The third of these periods is the modern era, and may be dated in the eighteenth century with the rise of the Enlightenment and the French Revolution. Its characteristic figure is Moses Mendelssohn, who sought to adjust Judaism and the Jew to the culture of the day and therefore produced his famous translation of the Pentateuch into German.

Comparisons are invidious, yet it seems clear that of these three, Philo, Saadia and Mendelssohn, Saadia was the greatest, in moral stature, breadth of Jewish knowledge, versatility and creative originality.

II

It is worth noting that Saadia came to the fore when the vital energies of Judaism seemed spent at last. For almost a thousand years, the Jewish people had been engaged in creating the Talmud, a vast and imposing interpretation of Biblical Judaism to meet the needs of a new day. So great was the prestige of the Babylonian Talmud, that for centuries the Yeshivoth, or academies, of Sura and Pumbeditha, in which it had developed, were regarded by Jewry as its spiritual centers, for the maintenance of which Jews contributed the world over. To the heads of these Yeshivoth, called by the title of *Gaon*, "Excellency," questions on every phase of Jewish law and lore were addressed from every corner of the world. The replies or *Responsa* of the Geonim, as well as their other legal works, continued the process of interpretation by which Judaism kept pace with changing conditions.

Side by side with the spiritual authority of the Gaonate was another institution, that of the Exilarchate, which represented the last temporal glory of the Jewish state. The ruling authority, the Sassanide kings and later the Caliphs, recognized the Exilarch, who traced his descent from the house of David, as the official representative of the Jewish community, with the power to impose taxes and superintend the judicial system of Jewry. The chroniclers of the time have left us colorful, and perhaps colored, descriptions of the Exilarch, his court and entourage, his powers and possessions. The relationship between the spiritual and the temporal authorities was not always amicable. A powerful Exilarch would tend to dominate the Geonim, while a commanding personality in the Gaonate would outshine the Exilarch. Clashes between the two institutions were not infrequent for financial reasons as well, for large revenues were at stake. But to the masses of the people, in Babylonia and throughout the world, these occasional collisions were unable to dim the luster of recognized and organized Jewish leadership.

Rabbinic Judaism possessed ample prestige, but long before the ninth century it seemed to have spent its force. The Geonim were worthy and often talented men, but none seemed to possess the commanding personality and creative genius necessary to meet the challenge of a new age.

For a new, great religion was born in the Semitic world, Islam. Like a whirlwind, it swept across Asia and Africa and threatened to conquer Europe as well. This new religion, which leaned heavily upon Jewish ideas, released new and unsuspected energies among the Arabs. In the space of a few years, Bagdad became the world's most civilized capital. The works of the Greek philosophers and scientists, virtually forgotten in Christian Europe, were carefully translated and studied and their discoveries were carried further by Mohammedan savants. Mathematics, astronomy, philosophy, philology, poetry and history were cultivated with notable results.

Modern research has revealed that Arabic-speaking Jews played an important part in this significant activity. Exactly as in modern times, however, not a few of these Jews, enthralled by the new horizons that beckoned, abandoned Judaism as outmoded and unnecessary. Some adopted the dominant faith of Islam; others became skeptics, undermining the fundamentals of Judaism with the newly forged weapons of philosophy and logic. These attacks may conveniently, if anachronistically, be described as the challenge from "the left."

Nor was this all. The imposing structure of Rabbinic Judaism had been erected not without opposition from some Jews who resented this new and complex development. Stimulated by certain tendencies in Mohammedanism, they demanded a return to the text of the Bible and the abolition of Talmudic law and custom. In the name of a literal adherence to the words of Scripture, or *Mikra*, Anan and his followers broke away and founded a distinct sect called the Karaites in the second half of the eighth century. As a result of the agitation of these sectaries, Rabbinic Judaism was compelled to return to the text of Scripture and study its original and literal meaning. Thus the foundations were laid for the sciences of Hebrew grammar and lexicography.

This by-product aside, however, the Karaites were fundamentally reactionary. What they sought to do was to blot out a thousand years of development. Today this sect numbers only a few thousand souls, its effort to turn back the clock of time having proved a failure. But in the eighth, ninth and tenth centuries, Karaism was a mighty force, its challenge constituting the attack from "the right."

Nor was all at peace within the camp of Rabbinic Judaism. Faced by attacks on both flanks, traditional Jewish leadership seemed to lack the energy to defend itself. Instead, it was torn into factions, with more than a suspicion of moral corruption in some quarters. Into this breach stepped Saadia. Single-handed, he attacked the enemies on all fronts, brought a new lease of life to traditional Judaism, and immeasurably enriched the content and scope of the Jewish heritage.

III

SAADIA BEN JOSEPH was born in Dilaz, a village in Fayyum, Egypt, in 882. His father was of humble origin, but possessed a reputation as a scholar. Some documents declare Saadia to be the descendant of proselytes, but since this tradition is repeated of many Jewish worthies, it is not to be accepted at face value. Apparently, it was in Egypt that Saadia later married and raised a family. In his native land, he received a broad education in all phases of Arabic culture. Here, too, he acquired a profound knowledge of Biblical and Talmudic learning, which he later supplemented by years of study in Palestine, whither he went in 915.

He was scarcely more than a boy when he began his literary work, which characteristically combined original scholarship with a responsiveness to live issues. His earliest works include the *Agron*, the first Hebrew dictionary known, intended to help poets with their rhymes, and also a series of polemics against the Karaites, who were very influential in Egypt. His fame had spread beyond his native land, and, when he came to Babylonia, he was given the post of *Alluf* or *Resh Kallah* on the staff of the Academy of Sura.

Meanwhile a new peril arose. A Palestinian scholar, Aaron ben Meir, sensing the weakness of the Babylonian schools, and ambitious for his native land, tried to reassert the authority of the less important Yeshivoth of Palestine, which he headed. In 921, Ben Meir announced that the accepted calendar which had been promulgated in Babylonia was wrong and that all the Jewish holidays should be celebrated two days earlier. Soon world Jewry was divided into two camps, the advocates and the opponents of the new proposal. In fact, for two years the major festivals were

celebrated on different days both in Palestine and in Babylonia, and doubtless elsewhere, wherever the winds of controversy had swept. Saadia was quick to see the grave danger of a new schism, even as he was convinced of Ben Meir's error. Drawing upon his extensive store of Jewish learning and his equally wide knowledge of astronomy and chronology, Saadia attacked the innovation so successfully that the entire project collapsed and the peril was averted.

The chronology of Saadia's manifold writings is obscure, but somewhere in his busy career he found time not only to continue to hammer away at the Karaites, but to polemicize vigorously against the skeptics. Against one such hyper-rationalist critic of Scripture, Hivi of Balkh, Saadia wrote a devastating reply in verse. Polemics, then as now, do not make edifying reading, especially after the heat of battle is over, and a kindly oblivion has enveloped all of Saadia's writings of this genre, except for fragments recovered from the Cairo Genizah.

Saadia's brilliant services to traditional Judaism, particularly in the Ben Meir controversy, had attracted worldwide Jewish attention, and when a vacancy occurred in the Gaonate of Sura, Saadia's name naturally suggested itself to the Exilarch, David ben Zakkai, who had the power to make the appointment. He decided to consult an aged, blind scholar of the highest repute, Nissi Nahrawani. The old scholar paid willing tribute to Saadia's attainments, but strongly urged the Exilarch against appointing him Gaon. Saadia's uncompromising integrity and strong sense of self-confidence, Nissi felt, were bound sooner or later to bring him into collision with the Exilarch, who was himself a commanding personality. If a reason had to be assigned for passing over Saadia's name in making the appointment, it was at hand in the fact that Saadia was not a Babylonian like all the other Geonim.

It is to the lasting credit of David ben Zakkai that he chose to disregard this perspicacious analysis, and did appoint Saadia to the Gaonate of Sura in 928. Under Saadia's guidance, the academy experienced a rebirth of activity.

Before long, however, Nissi's fears were realized; Saadia's high moral standards and independence of spirit brought him into conflict with the Exilarch. Two years after Saadia's

installation, the Exilarch had probated a will, according to which he himself was to receive ten per cent of a large estate of some seventy thousand gold pieces. In accordance with the accepted procedure in such cases, the Exilarch sent his son to secure the Gaon's signature to the documents. The Gaon, however, felt unable to give his assent, and, after seeking tactfully to avoid signing without an open breach, finally stated his reason: "Tell your father the Torah commands us, 'Ye shall not respect persons in judgment.'" When the young prince angrily raised his hand against Saadia, the Gaon's servants unceremoniously threw him out of the house.

Again Saadia found himself embroiled in bitter controversy. David deposed Saadia and filled his post with a nonentity, Joseph ben Jacob by name, while Saadia declared the Exilarchate vacant, and appointed Josiah Hasan, a younger brother of David, as his successor. Saadia commanded the support of most of the wealthy and scholarly elements, but the Exilarch, abetted by some scholars who were envious of Saadia's distinction, possessed superior power and the capacity to bribe the court. As a result, Saadia was finally forced into retirement, and for four or five years until 937, he lived in Bagdad, supported by the bounty of friends and disciples.

These years were difficult for Saadia, but proved a blessing for Judaism. His enforced freedom from teaching and administration gave him the leisure to produce his great philosophic masterpiece, *Kitab al-Amanat wal-'Itikadat* ("Book of Philosophic Doctrines and Religious Beliefs," or, in the formula of today, "On Faith and Reason"). He wrote it in Arabic, for his purpose was to make it possible for educated Jews of the time, who knew no Hebrew, to remain loyal to Judaism by presenting a rational interpretation of the Jewish religion. It seems probable that a secondary aim was to present the tenets of Judaism to the cultured Mohammedan world. In its Hebrew translation under the title of *Emunot Ve-Deot* ("Faith and Reason"), the work has exerted extraordinary influence upon Jewish thought until the present. It was the first important attempt to synthesize the ideas of Greek and Arabic philosophy with Judaism.

Today the problems of medieval philosophy concern us only in slight degree. Yet, scattered through the pages of

Saadia's masterpiece, are valuable insights into the nature of religion, the meaning of God, the character of man and the universe, as well as the basic doctrines of Judaism, which remain serviceable and stimulating even today. Above all, the entire work is permeated by the profound conviction that Judaism is hospitable to all truth whatever its source, for the seal of the God of Israel is truth.

It is likely, too, that during these years of retirement, he was also able to complete his other great masterpiece, his superb translation of the Bible into Arabic, accompanied by an original and brilliant commentary, still consulted with profit today. Through this work and other writings, Saadia became the father of rational Biblical interpretation and laid the foundation of the scientific study of the Bible.

The seven-year period of estrangement came to an end in 937, when common friends of Saadia and the Exilarch brought about a reconciliation, and Saadia was restored to his post. Shortly thereafter, the Exilarch died, and his son Judah, who had raised his hand against Saadia, succeeded him. When, seven months later, he too died, Saadia took his orphaned son into his own home and raised him with loving care as his own child, until his own death in 942. Uniquely, the exact day and hour of Saadia's death are known from a memoir written eleven years later by two of his sons. From it we learn that the end came on Sunday night, the twenty-sixth of Iyar, at the close of the second watch, about 2 o'clock. Upon this peaceful and idyllic note closed a life filled with conflict and extraordinary achievement.

IV

TO GIVE even a summary of his works is not possible within the scope of a brief article. His immense literary output is distinguished by a rare combination of qualities, great originality on the one hand and extraordinary variety on the other. He was a pioneer in so many branches of Jewish lore that he eminently deserves the phrase applied to him by Abraham Ibn Ezra, *rosh ha-medabberim bekhoh makom*, "the first of authorities in every field," first not only in time, but also in the excellence and abiding value of his contributions.

Reference has already been made to his vast polemic output, which comprised defenses against Karaism, skeptical rationalism and his Palestinian antagonist, Ben Meir. His writings included fields as diverse as apologetics, astronomy, Biblical interpretation, history and metaphysics. His works in the field of Rabbinics comprise Responsa, Talmudic commentaries, treatises on specific legal topics and the first known Methodology or Introduction to the Talmud. Everywhere, his philosophic grasp and capacity for systematic presentation are in evidence.

He also wrote verse for the synagogue, though, it must be confessed, with more ardor than talent. However, a few of his *Bakashot* or "Petitions," in which he made no effort to use the artificial verse forms of Arabic poetry, possess simple and moving power. He prepared an Order of Service, or Siddur, for the guidance of the scattered Jewish communities of his day. The mere extent of his work is overwhelming. Henry Malter, his most painstaking biographer, lists about one hundred Hebrew and two hundred Arabic titles of known writings by Saadia.

Yet all these achievements, which would have taxed the energies of half a dozen men, do not include his two greatest works. The vast edifice of modern Biblical scholarship rests on foundations laid a thousand years ago by Saadia in his great Bible translation and the accompanying commentaries. His version avoided the pitfalls of excessive literalism on the one hand, and homiletic and allegorical vagaries on the other. As a rule, he rendered the Hebrew text literally, utilizing his knowledge of Hebrew, Aramaic and Arabic to excellent advantage. But wherever anthropomorphic terms in the original might have conveyed an inadequate concept of God to his readers, Saadia, like the Aramaic translator Onkelos before him, rendered the sense rather than the letter of Scripture. He laid down the fundamental canon of true interpretation, when he declared:

"All works ought to be understood according to the spirit of their author . . . for they [the authors] themselves understand their own words and their meaning better than anyone else."

His scientific approach led him to preface each Biblical book with an introduction dealing with its contents and

structure. This practice of the Gaon was unaccountably neglected by nearly all his medieval successors, but it is universal today. Abraham Ibn Ezra informs us that the translation was written in Arabic characters, probably because here, too, he wished to make the treasures of Judaism accessible to the non-Jewish world.

Finally, his work in philosophy, which contains other writings besides his great masterpiece, "Faith and Reason," created a new field of activity for the Jewish intellect. Malter rightly remarks that Saadia did not merely influence the Judaism of the Middle Ages; largely, he created it. From Saadia to Ibn Ezra, Maimonides and Crescas, and from them to Spinoza, the line of descent is clear and unbroken.

As for Saadia's influence upon the lesser and more numerous leaders and teachers in Judaism, it is incalculable. Every subsequent writer, whatever his field of activity, utilized the work of Saadia as a foundation for his own work.

V

SAADIA'S significance, however, is by no means purely historical. Our own day can find especial relevance in several aspects of Saadia's thought. Our generation has witnessed the deification of blind instinct as the highest human impulse and the resurgence of a deep-seated hatred and suspicion of human reason. This attitude Saadia would have rejected as unworthy of free men. His firm faith that the human intellect can bring men both truth and happiness is reflected in what is virtually a Hymn to Reason:

"With this reason man embraces the past and the future; by it he subdues the animals, that they till the ground and carry in its produce; by it he is able to draw the water out of the depth of the earth to its surface; nay, by it he builds lofty palaces, makes magnificent garments, and prepares dainty dishes; by it he leads armies, equips military camps, and manages the affairs of state; so that men become civilized and orderly; by it he learns the nature of the celestial spheres, the course of the planets, the size of their bodies, their distances from one another, as well as other astronomical matters."

For Saadia, divine revelation was a source of truth independent of man's intellect, but, significantly, the revealed truth had to square with the truth discovered by man. When these two truths seemed to disagree, the one or the other had been wrongly apprehended. Hence his efforts to interpret the Biblical modes of expression rationally, and his criticism of such scientific ideas as he regarded as false. Saadia had no sympathy for those who cleaved either to "faith" or "reason," for he was profoundly convinced that truth was one. His rational approach to the Bible as a source of religious truth is indicated in his introduction to the Pentateuch. He writes:

"The All-Wise purposed in this Book to educate those beings which were gifted with reason and to fashion them for His service. Now there are three kinds of education, of which one is stronger than the others. The first consists in saying to the one to be educated: 'Do this: do not do that,' without making him understand the consequences of the command or the prohibition. . . . The second kind consists in giving the consequences of the path chosen. The third kind of education adds thereto the history of those people who have obeyed and were rewarded by salvation, and of those people who disobeyed and were punished by misery. . . . And God has revealed, in this book which is dedicated to the education of His servants, the three methods. . . . He commands piety and prohibits sin; He announces the reward of good actions and the punishment of evil actions; and finally He gives the history of those who lived on earth before us, — the salvation of those who have been virtuous and the punishment of those who have been wicked."

One of Saadia's most fruitful insights is his division of the commandments of Judaism into two classes, those dictated by human reason and those originating in divine revelation. But even the latter category of commandments are not irrational, quite apart from their value as a moral discipline. We may restate his two categories of laws as, a) *ethical* and hence essentially universal for all men, and, b) *ceremonial* and therefore historical, rooted in the unique experience of Israel.

Saadia's emphasis on the rational and the ethical is characteristically Jewish. Our faith in Moses' message, he

argues, is based not on the miracles associated with his name, but on the intrinsic ethical value of his teaching. The triumph of justice and the redemption of his people constituted for Saadia an unassailable proposition, in which he believed with warmth and passion. Finally, for Saadia, as for all the great leaders of Israel, there was no dichotomy between learning and life, between idea and act. His own career exemplified the truth of the Talmudic dictum: "Great is learning, for it leads to action." (Kiddushin 40b).

The greatness of Saadia's deed is enhanced by his transcendent personality. His originality and breadth of learning were set off by an abounding vitality and a deep concern with the problems of the day. He was a fighter, not a recluse, a flame giving off warmth as well as light. He fought to maintain the unity and the validity of Jewish tradition against dissension within Jewish ranks and the attack of the reactionary Karaites from without. He struggled against the skeptical superficial "modernism" of his day by creating a truly modern, enriched yet reverent interpretation of Judaism for his own age. And he underlined his sincerity by unflinching personal integrity, maintained at the cost of sacrifice in the face of privilege and power. Saadia thus exemplified the highest qualities of leadership, a leadership rooted in learning and crowned by character. The great Maimonides, who in many respects carried forward the work of Saadia, paid him no more than a deserved tribute when he wrote:

"Were it not for Saadia, the Torah would almost have disappeared from the midst of Israel; for it was he who made manifest what was obscure therein, made strong what had been weakened, and made it known far and wide by word of mouth and in writing."

In his *Sefer ha-Galui*, Saadia calls attention to the amazing fecundity of Jewish moral and intellectual genius through the ages, which he regards as Providential. He declares: "God does not leave His people at any period without a scholar whom He inspires and enlightens, that he in turn may instruct and teach it, so that thereby its condition may be bettered."

The truest evidence for this principle is the life and work of Saadia himself.



ALEXANDER KOHUT

ALEXANDER KOHUT

1842-1942

BY ISMAR ELBOGEN

ONE hundred years have elapsed since the birth¹ of Alexander Kohut, a great scholar and leader. He was born in Hungary, and at a period when that country gave birth to many brilliant minds which were to become a blessing to Jewry: *e. g.*, Albert S. Bettelheim, Aaron Wise, Benjamin Szold, Adolph Huebsch, in America, and Joseph Perles, David Hoffmann, Siegmund Maybaum, in Germany — not to speak of the numerous outstanding scholars like Samuel Kohn, Ignaz Goldziher and Wilhelm Bacher who served Judaism in their own country. Hungary was then the seat of old Talmudic schooling and received some of the rays of the Mendelssohnian enlightenment — a combination which equipped it to nurture a large number of extremely gifted men and to impart its inspiration to Jewry at large.

At the time of Alexander Kohut's birth, the Jews of his country were fighting a double fight — for Hungary's independence and for their own emancipation. The two movements were interdependent; the Hungarian patriots were willing to grant full rights to the Jews, provided they became Magyarized, adopted the language and the culture of the country. Alexander Kohut himself, throughout his life, was a fervent Hungarian patriot; he spoke, preached, and wrote in Hungarian; and even his son, George,² that unforgettable lofty soul, though he had left Hungary when a boy of eleven, was wont to speak Hungarian and sometimes even to write verse in his native tongue. Alexander Kohut was an enthusiastic adherent of the movement of independence, and such an admirer of the national hero, Louis Kossuth,³ that after the latter's death, though Kohut himself was a deathly sick man, he insisted on attending the Sabbath service at which he delivered an impassioned address and at the end of which

he collapsed. It was indeed the last time that he left his house alive.

Already as a boy Alexander Kohut showed signs of the future scholar; he was a polyglot and well versed in Jewish lore. After graduating from a Budapest high school he went to Breslau to the famous Rabbinical Seminary, headed by Z. Frankel, which comprised a Faculty of such luminaries as H. Graetz, the historian, J. Bernays, the philologist, and M. Joel, the philosopher, all epoch-making scholars and fascinating teachers. In fact, it was not so much the curriculum of the Seminary which built up that grand school as the personalities of the eminent professors. They impressed their pupils with their ardent search for truth. The Seminary was not so much concerned about the amount of knowledge the graduates carried away with them as with their thorough methodical training and their ability to do original research work. Education was more strongly emphasized than the mere accumulation of knowledge, and an extraordinary number of renowned scholars is found among the early classes of the Seminary. Theology was not in the curriculum. Frankel did not believe that anybody could teach the right — i. e., *his* — theology, which he designated as that of historical Judaism. He himself tried to mold the characters of his pupils through occasional remarks in his lectures and through personal interviews. His system worked well enough during his lifetime, and he created a conforming school of disciples.⁴

All the students of the Seminary had to attend the University, and such smaller German universities as that of Breslau at that period always had some excellent and inspiring professors. As a rule, the students majored in philosophy, history or Oriental languages. Almost all of them aspired to a Ph. D. degree; usually they attended foreign universities in order to obtain it. Alexander Kohut went to Leipzig, then the Mecca of Semitic studies. The High Priest of this department was Heinrich Lebrecht Fleischer (1801–1888), well known through his additions to Jacob Levy's neo-Hebrew and Chaldaic dictionaries. Besides Semitics, Kohut cultivated the Persian language and literature. He became so deeply impressed by the numerous analogies between Persian and Talmudic religious views that

he chose as the subject of his thesis "Jewish Angelology and Demonology in their dependence on Parsism," — the first investigation by a Jewish scholar of this interesting problem, which won him much credit.⁵ Later on he studied the Persian translation of the Pentateuch.

But above all, Alexander Kohut returned to an idea which he had cherished since his early youth, a revised edition of the *Aruk* of Nathan ben Jehiel.⁶ This classic Hebrew and Aramaic dictionary, composed in Rome about the year 1100, is of incomparable value to the student of old Jewish literature inasmuch as it preserves many lost texts and quotes numerous well known ones in much more correct readings than those familiar to us. However, the *Aruk* itself was transmitted in a very corrupt text, the first editions and the manuscripts showing many variants. It was Kohut's intention to publish this great work in a critical text, revised after the best sources available. Furthermore, he believed that his knowledge of Persian would be of utmost help in elucidating the Talmudic sources of the work. The Jews of Babylonia lived under Persian rule and were influenced by the conditions of Persian life. Hence, many obscure words and passages, he thought, could be explained through familiarity with that language. He employed the whole of modern philological apparatus in order to enlarge and improve the existing linguistic interpretations.

It was a gigantic task which Kohut undertook. He functioned as a rabbi in provincial towns⁷ with no scientific library facilities. Photographic or typewritten copies of manuscripts were then unknown, assistants or secretaries not available — he had to do all the work himself, to use his own eyes, his own hands. For about twenty-five years he remained absorbed in the work; with feverish passion he labored on it; he neglected his health, his family, — for the greater part of the nights, too, he gave to his *opus magnum*. In 1878, when the printing commenced, he wrote a remarkable introduction, showing that he had already surveyed the whole of the material. But it took more than fourteen years before the eight volumes of more than 8,000 columns were seen through the press. The printing was an ordeal in itself. When the scientific material was ready in manuscript, the struggle to meet the cost of printing began.

No publisher was ready to assume the risk of so large an undertaking. Many persons were eager to possess such a work, but very few would buy it. There were no learned institutions or public funds to sponsor it in a satisfactory way. Volume by volume had to be financed through the efforts of the author and his close friends.⁸

He called his work *Aruk ha-Shalem*, or *Aruch Completum*. It was his ambition to make the old dictionary encyclopedic and to provide the student with all information related to the subject. A stupendous number of learned notes and comments had to be collected. Moritz Steinschneider, a close friend of the Kohut family, jestingly called the work the "overcomplete" *Aruch Completum*. The author had given too much, and with his lavish additions and different forms of brackets, rendered it somewhat difficult for the reader to find his way through the thickets of the scientific forest. This accounts for the fact that the work, acclaimed by the greatest authorities as a "monument of science," did not become as popular as was to be expected. One can imagine the happiness of the author when at last he succeeded in completing the manuscript. The whole family had to be present at that solemn moment. The fourteenth of May, 1889, at 1 a. m. he called the members of his family to his study and each of them had to write one of the words he had reserved for them — just as when a newly-written *Sefer Torah* is dedicated by a congregation, the most important members thereof are honored with writing the last word.⁹

While Kohut was busy with the *Aruk* and had published four of its volumes, a significant change came into his life. He received a call from the Congregation Ahavath Chesed, now Central Synagogue, of New York City. After much deliberation, he accepted it and arrived there on May 3, 1885.¹⁰ "The joy of his new congregation" — so writes a competent observer — "was unbounded. His arrival was everywhere acclaimed with the utmost enthusiasm. A new light had come to American Israel."¹¹

Kohut was anything but a fighter. Polemics were abhorrent to him. However, he enjoyed the reputation of being an outstanding rabbinical scholar and a fascinating preacher of traditional Judaism. The orthodox group, then

represented through the *American Hebrew*, looked for a rallying cry. But he was not a champion of orthodoxy; he was a loyal disciple of his master, Z. Frankel. He sought neither the "way of fire" nor the "way of snow." Perhaps the best designation for him would be that of a conservative reformer or a progressive conservative "offering the old and the new in happily blended union." He made his first public appearance with a series of sermons on the *Pirke Abot* wherein he stated his program, to wit, that "we can not maintain Judaism without tradition." He advocated, instead, a moderate reform. "A reform which seeks to progress without the Mosaic rabbinical tradition is a deformity — a skeleton without flesh and sinew, without spirit and heart. It is suicide, and suicide is not reform. We desire Judaism full of life. We desire to worship the living God in forms full of life and beauty; Jewish, yet breathing the modern spirit. Only a Judaism true to itself and its past, yet receptive of the ideas of the present, accepting the good and beautiful from whatever source it may come, can command respect and recognition."¹² He preached unity, peace; he preached against intolerance, and when it came to actual shortcomings, he criticized the Orthodox and the Reformers alike. Nevertheless, Reform Judaism considered these sermons as a challenge. Kaufmann Kohler, then rabbi of Temple Beth El, answered in a series of sermons preaching radical reform.¹³ A kind of modern disputation started from the two New York pulpits and the great public of these and many other congregations followed with interest and anxiety the polemic which from both sides was led without passion and without animosity — Kohler and Kohut remained personal friends. American Jewry saw the alternative of the two different standpoints and cried for a decisive word.

In the fall of the same year, 1885, Kohler convened a meeting of rabbis in Pittsburgh. Nineteen rabbis met and passed resolutions which became known as the Pittsburgh Platform of Reform Judaism.¹⁴ It is a very peculiar document, significant of the currents prevalent in those days. It was not a *Confessio Judaica* but a homage to the latest European school of thought in science, in history of religion and particularly of the religious evolution in Israel. The laymen did not get much out of this platform; they did not

learn what to believe and what to do, but only what not to believe and not to do. They heard that the observance of such Mosaic and rabbinical laws as regulate diet, priestly purity and dress are apt to obstruct rather than further the spiritual elevation of the modern man. The only positive sentence they read was, "That today we accept as binding only the moral laws of the Mosaic legislation, and maintain only such ceremonies as elevate and sanctify our lives," but nothing was added to give a living quality and spirit to this general and rather vague statement.

The platform aroused a storm of opposition. Kohler termed it "the Jewish declaration of independence." Independence from what? asked his opponents, and answered: "Independence from Judaism."¹⁵ Kohut did not take part in the controversy; he had his personal grief—he was mourning the loss of his beloved wife, the mother of eight children. But the controversy had consequences; the orthodox and conservative groups felt that some positive action was needed. Sabato Morais, the saintly rabbi of Congregation Mikveh Israel in Philadelphia, severed his connection with the Hebrew Union College, at which he had served as a member of the Committee on Examinations, and he launched the idea of founding a seminary, the purpose of which was to be "the preservation in America of the knowledge and practice of historical Judaism." He approached Alexander Kohut, the outstanding Talmudic scholar in the country, and found him willing to apply his vast knowledge and his learned experience to the noble task. In 1887, the Jewish Theological Seminary of America opened its gates in New York City. It was a very modest institution which had to struggle for its existence.¹⁶

Unfortunately, Kohut was a broken man, tormented by that lethal illness to which he succumbed a few years later. Notwithstanding his severe pains, he insisted on continuing his classes, and when he felt too weak to leave his house, the students came to his sick-room and sat at his bedside. Foremost of them were young Stephen S. Wise, Joseph H. Hertz, the present Chief Rabbi of the United Kingdom and, last but not least, Kohut's own son, George Alexander.¹⁷ And one more interesting feature. As early as 1890, while in Europe, Dr. Kohut invited Solomon Schechter to head

the faculty of the young Seminary. At that time Schechter thought that the time was not yet ripe for him to leave Europe, but ten years later conditions were different, and he accepted the call.¹⁸

Alexander Kohut died on the 25th of May, 1894, at the early age of 52. He passed away, but he "continued to live never more to die." Never was the memory of a husband and a father cherished with more devotion than that of Alexander Kohut by his family. His young widow, a true *Eshet Hayil*, erected to her husband an everlasting monument through her deeds and her writings. And his son George, so tender-minded and poetic, devoted his life to the memory of his father. In addition to publishing a memorial volume in his honor and reprinting his main work, the son organized The Alexander Kohut Memorial Foundations for the furtherance of Jewish scholarship.¹⁹ The large number of valuable contributions to the knowledge of Judaism, published under the auspices of the Kohut Foundations are, and will ever remain, a blessing, even as they will perpetuate the memory of Alexander Kohut.

¹ The date of Alexander Kohut's birth at Felegyhaza, Hungary, is given by his brother Adolph as May 4, 1842 (*Semitic Studies in Memory of Alexander Kohut*, p. IV). But in the *Jewish Encyclopedia*, VII, 537, George A. Kohut gave the date: April 24, 1842.

² Born February 11, 1874 in Hungary, died New York City, December 31, 1933. For his character and his writings cf. Rebekah Kohut, *His Father's House*.

³ Kossuth died March 20, 1894, at Turin. He has a monument in New York City on Riverside Drive. About Kohut's attitude cf. Rebekah Kohut, *My Portion*, p. 190.

⁴ On the Breslau Seminary see the present writer's: *Ein Jahrhundert Wissenschaft des Judentums* (In: *Festschrift z. 50 jährigen Bestehen d. Hochschule für die Wissenschaft d. Judentums*, Berlin, 1922, p. 126 ff.).

⁵ The Angelology was published in 1866. Of the publications of Kohut cf. George A. Kohut, *A Tentative Bibliography*, 1927.

⁶ On the *Aruk* cf. Hermann Vogelstein: *Rome* (Jewish Communities Series), 1940, p. 132 ff.

⁷ After having served for a short time as Rabbi in Tarnowitz, Upper Silesia, he became successively Rabbi at Scékesfehervar (where his son George was born), Pecs and Nagyvarad, Hungary.

⁸ Kohut's original manuscript of the *Aruk* in his beautiful handwriting is deposited in the Library of the Jewish Theological Seminary of America. The author had intended publishing his work in Hebrew and adding a

German translation. He soon omitted the German version because it would have enlarged the work to at least three times the present size. The Seminary preserves also the book of subscriptions which shows the enormous difficulties met by the author.

⁹ A dramatic description of the scene is given in *My Portion*, p. 162 ff. Extremely valuable supplements to the *Aruk ha-Shalem* are furnished in D. S. Blondheim: *Notes on the Italian words of the Aruch Completum*, 1933, and in S. Krauss: *Tossefot he-Aruk ha-Shalem*, 1937. Of his collaborators Bernhard Geiger deserves special mention.

¹⁰ About the call to New York cf. *My Portion*, p. 78; *ibid.*, p. 80, the quotation of an article of Barnett A. Elzas.

¹¹ Mr. Philip Cowen, the founder of the *American Hebrew*, told the present writer that at first his group was in doubt whether Alexander Kohut was the leader they longed for. Only after having heard his first sermons did they decide to give him their full support, and Max Cohen, one of the co-editors of the *American Hebrew*, translated the sermons from the German. In this form they were printed in their magazine and later published as a separate book, *The Ethics of the Fathers*, 1885.

¹² *Ethics*, p. 12 f.

¹³ Kaufmann Kohler, *Studies, Addresses, and Personal Papers, 1931*, p. 201 ff; 593.

¹⁴ Authentic report of the proceedings are in the *Jewish Reformer* for January 15, 1886. The platform is reprinted in the first *Yearbook of the Central Conference of American Rabbis* and in D. Philipson, *The Reform Movement in Judaism*, p. 355 ff. The words faith, confidence, prayer do not occur in this important document.

¹⁵ The polemics mostly in the *American Hebrew* of the beginning of the year 1886. Cf. also *My Portion*, p. 99 ff., 114 f.; Philip Cowen, *Memoirs of an old Jew*, p. 405 ff.

¹⁶ Cf. *The Jewish Theological Seminary of America. Semi-Centennial Volume*, ed. by Cyrus Adler, p. 4 ff; *My Portion*, p. 115.

¹⁷ *My Portion*, p. 189.

¹⁸ *Ibid.*, p. 139.

¹⁹ The beginnings of the Foundations go back to the year 1915.

**NACHMAN KROCHMAL:
THE PHILOSOPHER OF ISRAEL'S ETERNITY**

BY MAX NUSSBAUM

"And I will put My Spirit in you, and
ye shall live." —
Ezekiel, XXXVII, 14

I

THE year 1648, the date of the Peace of Westphalia, marks the beginning of a new era in European history. It represents the setting of an old and the dawn of a new world, on whose horizon the sun of Enlightenment was soon to rise.

In Jewish history, the year 1648 denotes a date both important and fateful: important for the West, fateful for the East. For the Jewry of Western Europe, this year marks the beginning of a period of transition which came to a close in the revolutionary year of 1789, which in turn inaugurates the era of Jewish Emancipation. While Western Jewry is thus moving forward on the road to a broader culture, Eastern Jewry is driven backward. While the West progresses toward modern humanism, the East retreats toward medieval barbarism. While Mendelssohn and his friends, Lessing and Dohm, are cementing a mutual cultural understanding as the first step toward Enlightenment and Emancipation, the East passes through a period of political conflicts, accompanied by pogroms and bloody persecution.

This discrepancy between the fate of Western and Eastern European Jewry found its counterpart in the spiritual expressions that Judaism gave to this period of transition. The hegemony of German-Polish Jewry that had been prevailing for many years was broken for the first time, and each partner took another course. The West started out toward Enlightenment — the East toward Hasidism. Both move-

ments had one thing in common: the yearning for a spiritual renaissance. But Liberalism and Enlightenment made Jews strive for a cultural revival and for a life in freedom, proclaiming the spiritual emancipation as the indispensable presupposition for civic emancipation. It was a centrifugal movement, directed toward the outer world of Europe. Hasidism, on the other hand, proclaimed the immanence of God and sought a religion not of the Reason but of the heart, which would afford the individual the feeling of God's presence in every phase of daily life and solace in times of tribulation. It was a centripetal movement, directed toward the more intimate values of Judaism. Thus, at the end of the eighteenth century, European Jewry had two faces, looking into opposite directions: the one toward Europe, the other toward the Ghetto; the one toward assimilation, the other toward segregation. One face looked at the world with the eyes of Moses Mendelssohn (1729-1786), the other with the eyes of Israel Baal Shem (1700-1760).

The decades following the French Revolution, up to 1848, again displayed two diverging trends of development in the West and in the East of Europe. In spite of setbacks and hostile attacks on the part of a disillusioned and dissatisfied populace, equality of rights — that trophy of the gallant fight for emancipation — was eventually raised to the status of an enacted law. Western Jewry, in its turn, was willing to pay the price for the gift of emancipation and civic rights. The price was Assimilation — a movement that, nourished by the element of humanism on the one side and by practical utility on the other, characterized the nineteenth century in Western Europe. But before these ideas had a chance to be transplanted and to become effective in the East, the Russian pogroms started at the end of the nineteenth century, and what vital spirit there was within Eastern Jewry exerted itself in the new movement of a national renaissance. Once more European Jewry showed two opposite faces. While Western Jewry pursued the course of Assimilation, Eastern Jewry emphasized its identity as a national group. As the cultural sediment of enlightened Assimilation in the West, we have the *Wissenschaft des Judentums*, with the Reform movement as its religious accompaniment. Its counterpart in the East was the Russian Haskalah with its

distinctly national character, reviving the Hebrew language and literature. Their "founding fathers" were Leopold Zunz (1794-1886) in the West and Isaac Ber Levinsohn (1788-1860) in the East; the one the spiritual descendant of Moses Mendelssohn, the other, despite all, still virtually related to Baal Shem.*

There was one country, however, where East and West met, and this was Austria. Here Emancipation had come late, and when it finally came, it appeared as "tolerance" rather than as liberalism. This country lacked the intensity of both Western progressiveness and Eastern barbarism. Its device was the compromise of the "Toleranz Patent," issued by Joseph II in 1782, which, though proclaimed as a document of Emancipation, retained many disabilities.

The Jewry of Austria responded in a like spirit. Emancipation did not captivate Jewish souls here as it did in Germany, nor did the Haskalah inaugurate a national movement as in Russia. What we had there was a renaissance of Hebrew literature and letters. This Austrian movement was not removed from the world like Hasidism; it was cognizant of the world and took advantage of its progressive tools. On the other hand, it was unlike the Western assimilatory Enlightenment inasmuch as its main concern was Judaism as a whole. The goal of this literary movement was not to adjust Judaism to the surrounding culture. To analyze Judaism, to discover its substance and demonstrate its eternity with the help of the tools forged by Western civilization and European philosophy, was its supreme purpose.

The center and symbol of this literary renaissance is Nachman Krochmal. In his personality East and West seem to have a rendezvous. He has been called the Mendelssohn of the East; and, significantly enough, it is claimed that he was of the family of the Baal Shem. Krochmal was an intimate friend of Isaac Ber Levinsohn, father of the Haskalah in Russia, whose first book he helped to publish; while Leopold Zunz, founder of the *Wissenschaft des*

* Recent studies have shown that the Haskalah, though in constant opposition to Hasidism, was inwardly deeply linked with it. That this is also true for Levinsohn, see *Toldot ha-Safrut ha-Ibrit ha-Hadashah* ("History of Modern Hebrew Literature"), by P. Lachover, Book 2, p. 87.

Judentums, edited Krochmal's principal work, *Guide for the Perplexed of the Time*. For the first time after long centuries, at least in one corner of Europe, Judaism is not Janus-faced, but is represented by a personality whose eyes, though trained to look through European glasses, view Judaism with the scholarly precision of a Zunz and the national instinct of a Levinsohn, with the intellectual penetration of a Mendelssohn and the pious depth of a Baal Shem.

II

BRODY was a beautiful and flourishing town near the Russian border. Under Austrian government, in the latter part of the eighteenth century, it enjoyed the privileges of a "Free City" and, as such, was a center of prosperous merchants who used to travel to the West and bring home with them a breath of the new spirit of liberalism. It was a city of writers and thinkers, touched by the new rays of Enlightenment.

Here Nachman Krochmal was born in 1785, the scion of a wealthy family. His father was a prosperous merchant who would often go to Berlin and Leipzig and, on those occasions, meet Moses Mendelssohn and David Friedländer. From his mother's side Nachman was — if our sources are reliable — a descendant of Baal Shem and the grandson of Rabbi Nachman of Horodenko, for whom he was named. His father was already a *maskil* (enlightened) and gave his son a modern Jewish education with no radical leanings to any side. And though Nachman had to pass through all the customary stages of Jewish education — Heder, Bet ha-Midrash, Torah, and Talmud — he was trained to think freely, justly, and independently, guided by his father's moderateness and intelligence.

Nachman Krochmal's life was uneventful and might have been peaceful but for annoying financial reverses. As customary at that time, he married very young, at the age of fifteen, and went to Zolkiew, an attractive little town near Lemberg, where he spent ten years with his wife and his parents-in-law. It was here that he began seriously to learn, to study, and to search: to search for truth. He read Mai-

monides, Abraham Ibn Ezra, and Nahmanides, as well as the Scholastics and Spinoza. He also read Lessing, Kant, Fichte, Schelling, Hegel, Mendelssohn, Maimon, and the French literature. These studies later on provided the background for his philosophical and historical conceptions.

After the ten quiet and fruitful years, the tide turned, and his life became harried by illness and poverty. In spite of all reverses, he continued his studies, and disciples, among them Rappoport and Letteris, gathered around him. With them he discussed historical, philosophical, and general Jewish problems. They urged him to publish his ideas, to put his philosophy into a book which would make him the leader of his generation. But Krochmal refused. The time was not yet ripe. Only years later, after the death of his wife, when he returned to Brody in order to earn a livelihood for himself and his little son, did he begin, despite his very depressed mood, to write the first part of his *Guide for the Perplexed of the Time*. His last years, however, he spent in Tarnopol with his daughter and son-in-law, where at last he found the peace and tranquillity needed for the continuation of his work. Before he died, on the 31st of July, 1840, he asked that the manuscript be sent to Leopold Zunz in Berlin in order to be published. Zunz first issued the book in 1851, eleven years after Krochmal's death.

Many factors have shaped Krochmal's personality: his father's guidance and the modern Jewish education at his home; the free spirit of his native town and of Austria of that time; the revolutionary atmosphere of Europe, and his friendship with many leading *Maskilim*, among them the already mentioned Isaac Ber Levinsohn of Kremenez, and Dov Ber Ginsburg (1776-1809), the first writer of the Haskalah in Galicia, who lived in Brody. All these influences made him hospitable to all the modern currents of his time and prevented him from becoming prejudiced, narrow, or radical. The characteristic trait of his personality was moderation, the avoidance of extremes, and choice of the golden mean. As motto of the second chapter of the *Guide*, Krochmal quotes the famous parable of our rabbis: "The Torah has been compared to two paths, one of fire and one of snow. If a man takes the first path, he will die by the

flames; if he takes the other one, he will perish in the snow. What then must he do? He must walk in the middle."

As a scholar, the aim of his life was to discover the truth. But how? Krochmal gave the answer: In every generation there are those who blindly believe in everything, "the fools among the believers," and those who, afraid of making the same mistake, go into the opposite camp of complete denial, "the frivolous scoffers." Where, then, is the truth? In the middle road that lies between both extremes and leads to the underlying principle common to both of them. The truth of this principle can be revealed through the methods of historical criticism.

This leads us to Krochmal's methodology. If we examine his way of thinking, we find that he has a threefold approach to the objectives of his research: a historical, a critical, and a philosophical.

Krochmal was a historian who under Hegel's influence introduced the historical method into Jewish thinking, maintaining that every fact of history had to be considered in relation to its surroundings, its time and place. This was a complete innovation in intellectual Jewish life, for even the highly advanced Jewish philosophy of the Middle Ages was not cognizant of the importance of "Time and Space" in the development of Judaism. Maimonides lacked the historical conception, and so did Mendelssohn. Krochmal was the first of the Jewish thinkers to employ the concepts of "Time and Space" as principal elements of his historical method. To appreciate the greatness of Krochmal's historical approach, we have to realize that at his time all the important books on Jewish history and tradition (those by Frankel, Geiger, Rappoport, and Graetz) had yet to be written, and that he had to start his work from the very beginning and all by himself. He had to do his own spade work; he had to gather facts and to confront them with the realities of Time and Space and the laws of development.

The second methodological tool that Krochmal used in examining the phenomena of Jewish history and tradition was that of criticism, that is the arrangement and microscopic analysis of individual items of history, and the determination of their value by the judgment of the intellect. This was not entirely new. Krochmal had a predecessor in the famous

Italian Jewish scholar Azariah de Rossi (1513–1578); but Krochmal made criticism one of the main pillars of his ideological construction.

The third element in Krochmal's methodology was the philosophical. On the basis of his historical and critical research, he attempted to erect a towering structure of philosophy. Since Maimonides, generations of Jews had been without a comprehensive philosophical system of Judaism, and Krochmal felt the urge to provide a guide to his contemporaries. Hence he tried to rise above history and criticism toward the more elevated sphere of philosophy — metaphysics, philosophy of religion, and philosophy of history — and bring the resultants of his studies into one unified system. From the height of this structure, he was able to comprehend the universe as a whole and within it Judaism in its entirety, disclosing the eternal laws which govern the common events of life and history.

As historian, Krochmal was a synthesist; as critic, an analyst; as philosopher, a systematizer. All his endeavors, however, served but one purpose: to define Judaism as a unified whole of one spiritual process which, like a mighty stream, though often torrential, leads Israel securely through the ages from its eternal source to its eternal destination.

III

IT IS not the task of this essay to deal with Krochmal's entire system of thought as formulated in his *Guide*. I shall but single out one important topic from his discussion which may well stand as *pars pro toto* — namely, Krochmal's philosophy of history.

Its starting point is the idea of the sociability of the individual. Pursuing the line of ancient Greek philosophy, that of Plato and Aristotle, and influenced by Giambattista Vico and Hegel, Krochmal holds that, in contrast to the solitude of animals, man is a sociable creature by nature. Through divine predestination, sociability is an impulse innate in our souls, which inspires men to think in categories of society. Sociability is the cause and foundation of human development, that is, of history. According to Krochmal,

the development of society is effected by a natural process brought about by the necessity of living together and "by the help of God's guidance." When society first comes into existence, it establishes a social order of work, with habits of justice and righteousness, which later become stabilized in a code of laws, developing slowly the notions of mercy, love and honor in family, community and nation. Then society is no longer concerned with what is necessary, but with what is pleasant and sublime; it is creating art, music, poetry, and with these proceeds the religious knowledge of God which is "planted in the depths of the human soul." This is the stage that Krochmal calls the period of budding and growth of society.

At the next stage, society reaches a point of peaceful activity, putting all its social, ethical, cultural, and religious principles of the first period into realization, developing its language and science, spreading the knowledge of history, fixing its system of youth and adult education, and acquiring all the qualities which serve to identify a nation. At the same time the spirit is elevated, the cognition of God becomes a common heritage, and the worship of God attains to a most sublime ceremony "in sincerity of thought and in purity of worship." This is, according to Krochmal, the second period of human development. It is that of maturity and completion.

Finally, the nations enter into their third and last period of the cycle, that of decay and destruction. At a certain point, the material civilization of nations begins to spoil their character. Different symptoms: diversion, pride, domination, and superstition — like natural diseases attacking the body of society — indicate a moral decline; the spirit of justice and goodness vanishes; the knowledge and the worship of God perish; the members of the community are no longer united; influences of foreign powers begin to spread and weaken the heart of nations, so that everyone believes in everything. The consequence of all this is a spiritual decline which, in its turn, destroys the foundation of the state and leads to the death of the nation. The destruction is completed.

Such is the order of growth, consolidation, and destruction prevalent in history. However, Krochmal is not satisfied

with stating the fact of this triple process but tries to discern the principle which is behind history, permeating all development, and governing the law of growth and decay. Here he introduces an idea which has played a most important part in German Idealism: that of "Spirit" and "Absolute Spirit."

Following Fichte — and unlike Hegel — the world to Krochmal is not the source but the creation of the Spirit, which is identical with God, who is the source of all being, the only true reality, the Absolute or Total Spirit. As God is immanent and indwelling in the universe, the God-Spirit reveals Himself everywhere, in nature and history. In history, however, He reveals Himself to the nations not totally, but partially, not in His entirety, but through one or another of His attributes only. Thus, each nation in history receives a spark of the divine light. This spark is the fountainhead of all the creative forces within the nation; it molds her civilization and her culture, it shapes her particular characteristics and individual features. This is what Krochmal calls *ruah ha-uma* (the National Spirit) or *ruah prati* (the Individual Spirit), which indeed he considers as being identical with the nation. For, says he: "The substance of the nation is nothing but the substance of the Spirit within her."

The revelation of this Individual Spirit is common to all nations; but in contrast to the Total Spirit which alone is eternal and infinite, the Individual Spirit is timebound and finite. Therefore, the nations being identical with their Individual Spirit are timebound and finite too; they are mortal and do not survive. The nations pass through the three periods of growth, maturity, and decay, because the Individual Spirit within them grows, flourishes, and degenerates.

This is one of the main ideas of Krochmal's philosophy of history, taken from the philosophy of nationalism of the German Idealism. But to Krochmal it serves only as an introduction to a conclusion of more vital importance — to wit, the uniqueness of Israel's place among the nations. The question which arises here, of course, is that of the miraculous survival of the Jewish people. If the triple process of growth, maturity, and destruction is a law of universal validity, how then have the Jews succeeded to

exist until this very day? It is in this connection that Krochmal gives his famous answer.

The Jewish nation is subject to the same genetic laws of history as the rest of the nations and passes through the same process of growth and decay. This process, however, has occurred not only once in Jewish history but has repeated itself several times. Krochmal, in fact, distinguishes three such cycles in our history: the first reaching from Abraham to Gedalia, the second from the Exile in Babylon to Bar Kohba, and the third from Rabbi Judah ha-Nasi to the expulsion from Spain, each of them being a triad of growth, maturity, and destruction. That is to say that at the end of the third period of each cycle, Israel always overcomes the deadly destruction and starts out for the opening of a new cycle. To explain this unique phenomenon in history, Krochmal, inclined toward mysticism, assumes that God — or the Absolute Spirit — revealed Himself to mankind in a double way: to the nations of the world, partially; but to Israel — and to Israel only — totally. It is through an unseparable attachment between God and Israel, revealed on Mount Sinai, that the Jewish nation was privileged to receive the Total Spirit instead of the Partial one. Unlike Judah ha-Levi, Krochmal does not claim for the Jewish nation to be above the natural powers of development; he does not ascribe the fact of the Jewish survival to a miracle, but to the Absolute Spirit which, by the will of God, has become Israel's spirit throughout the ages. Because this spirit is timeless, always rejuvenating itself, and never called off from the sphere of humanity, Israel, its bearer, is also everlasting, always regenerating, and never leaving the scene of history. Israel is eternal.

It should be remarked that there is no metaphysical necessity for the special relationship between Israel and the Absolute Spirit, and, indeed, Krochmal does not attempt to prove it metaphysically. To him this relationship is a self-evident fact, the very pillar of his inmost belief, the axiom of his entire religious-philosophical structure. The idea, in this form, came to him from the Kabbalah, especially from Nahmanides who influenced him strongly. But, I think, we should not judge Krochmal too severely for being mystical

on this point. After all, the representatives of the so-called "Hegel-Renaissance" — Nicolai Hartmann, Siegfried Marck, and Richard Kroner — have pointed out that even Hegel's Absolute Spirit is of mystic character and that Hegel himself was the greatest "Philosopher of Irrationalism," while Krochmal never strove to be as great a logist as Hegel. He may therefore be excused for taking refuge in mysticism in the explanation of Israel's eternity.

IV

WITH his *Guide for the Perplexed of the Time* Krochmal starts a new epoch in Jewish thinking. From Maimonides until his time, philosophy of Judaism was founded on *ratio*. Came Krochmal and based it on historical criticism. The *Guide* indeed marks the beginning of an epoch of criticism and free searching in Israel.

Nachman Krochmal did not create a school. But Solomon Schechter says correctly "that there is scarcely a single page in Krochmal's book that did not afterwards give birth to some essay or monograph or even elaborate treatise, though their authors were not always very careful about mentioning the source of their inspiration" (*Studies in Judaism*, First Series, p. 67). Krochmal, in fact, exerted a strong influence upon the entire philosophy of Jewish Nationalism, though his name is very seldom mentioned. Most of his ideas have come down to our generation not in his own but in the name of his interpreters.

There is, for instance, J. M. Pines (1842–1913), one of the leading personalities of the national-religious romanticism who turned against the Haskalah, with his conception of Judaism as *dat ruhanit* (spiritual religion), serving as basis for Israel's eternity. There is further Perez Smolenskin (1842–1885) who was beating the way from the Haskalah toward Nationalism, explaining the eternity of the Jewish nation (*am olam*) by the spirituality of her substance (*am ha-ruah*). Even more evident than in the case of Pines and Smolenskin was Krochmal's influence upon Isaac Hirsch Weiss (1815–1905). In his famous book, *Dor dor we-dor-shaw* ("Generations and their Interpreters"), which is a

history of Jewish tradition, Weiss follows Krochmal's idea of development, especially with reference to the Halakah.

It was Krochmal, moreover, who laid the foundation to Ahad Haam's philosophy of Zionism. Ahad Haam's doctrine of *uma* (nation) and *ruah leumi* (national spirit) that creates and permeates every development in a nation's history, emanates from Krochmal. Ahad Haam's statement that the Jewish nation is eternal because "*zedek muhlat*" (absolute justice) is her mission, is, with but a slight change of the phrase only, a complete adaptation of Krochmal's *ruhani ha-muhlat*. And Ahad Haam's philosophy of the development of the National Ego (*ha-ani ha-leumi*) which like the individual ego passes through three stages of childhood, prime, and old age, plainly shows the traces of Krochmal's *Guide*. The same influence becomes evident in one of the most prominent figures of Ahad Haam's school of thinking, David Neumark (1866-1924), who took from Krochmal the entire idea of the *ruhani*, the Absolute Spirit prevailing within Israel, and of the Partial Spirit prevailing within the other nations. Indeed, even one of the most ardent antagonists to the Krochmal-Ahad Haam ideology, Micha Joseph Berdyczewsky (1865-1921), could not escape Krochmal's world-outlook, especially in his irrational phase when Berdyczewsky became strongly inclined toward Kabbalah and mysticism.

Such, then, was Krochmal. Such were his life and personality, his method and ideology, seen against the background of his time, standing between a great past from which he learned, and a great future to which he handed down his spiritual message. It is for the student to decide whether our philosopher really was the Mendelssohn of the East or rather the Baal Shem of the West; whether he deserves to be called the Zunz of the Haskalah or the Levinsohn of the Jewish Science. We venture to say that, whatever he may be called, for us he will always remain — what he in reality was — the great unifier of East and West, the perfect blending of Enlightenment and Hasidism, of Jewish Science and Haskalah. It was this rare synthesis which entitled him to be the true philosopher of Israel's eternity.