

THE CONTROVERSY OF THE MESSIANIC DOGMA  
AROUSSED BY GRAETZ'S  
DIE VERJUENGUNG des juedischen STANNES.

Submitted by

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as

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# I

## THE LAWSUIT AGAINST DR. KOMPERT.

It was in the month of June, of the year 1863, that Messrs. Wertheimer and Kompert published in the tenth issue of the *Jahrbuch fuer Israeliten*, an article from the pen of Dr. Heinrich Graetz, which became the source of a trial instituted by the Austrian government and which led to a storming controversy within the Jewish camp. The article which was the cause of so much agitation, was entitled *Die Verjuengung des juedischen Stammes*.

The publishers in compliance with the law, submitted a copy of the year-book to the authorities who had charge over the press. As no objections were made the book was freely distributed. It was not until a laudatory criticism of the year-book appeared in the *Wiener Gazette* that trouble began. The increased popularity which the book thus received was too much for the circles of anti-semitism to endure. This was soon manifested by the attacks of Sebastian Brunner, the founder and editor of the *Wiener Katolische Kirchenzeitung*. Brunner who was known for his bitter assaults on Jews and Judaism, now saw a new opportunity to give vent to his hatred, and in the most vehement manner he denounced the article of the Jewish historian.

In this instance Sebastian Brunner chose a prudent course. He came forth not as an anti-semite, but rather in the ostentatious garb of a champion of orthodox Judaism, against its deriders, the author and editor of *Die Verjuengung des juedischen Stammes*. The growth of liberalism at the time would never have countenanced the attacks of Brunner had he come out with the accusation that Graetz ridiculed Christianity. On the contrary, a cry would have been raised that the efforts of Brunner aimed to revive the much abhorred Inquisition. Brunner realized that in the role of defender of a "legally acknowledged religious association" his shafts would hit the mark. For such a liberal attitude on his part would serve as a protective coloration in veiling the motives of clericalism.

The article in question begins with a discussion of the existence and nature of mortal and immortal peoples. In defining both the author says that mortal peoples are distinguished from immortal peoples, in that the latter possess the power of rejuvenation, which the former lack. He says:

"Die erste <sup>P</sup> Probe die eine Nationalitaet fuer ihre Dauerhaftigkeit und fuer ihre Berechtigung zur ungeschmelzerten Existenzentfaltung abzulegen hat, ist ihre Verjuengungsfahigkeit nach ueberstandener Altersschwaeche. Wen sie auch nur einmal Beweise fuer ihre Auferstehung aus dem Grabesschlummer gegeben hat, dann hat sie ihre Unsterblichkeit bekundigt." (Jahrbuch fuer Israeliten, page 3.)

He further asserts that this quality of rejuvenation is the peculiar possession of the Jewish people. This he tries to prove from Jewish history and especially from the period of the captivity of the Jews in Babylon. Graetz describes the decay and extermination that threatened the Jews in the Babylonian exile, and how finally "the kernel and the heart" began the reenergizing process which led to the revival of the entire people. The "unextinguishable spark" of the race constituted in this instance a small nucleus of enthusiasts who "sat weeping by the waters of Babylon" whenever they recalled the desolated sanctuary. It was from their midst that the ennobling poet termed Isaiah II, called to life a crumbling people. It is from the speeches of this prophet that Graetz concludes that Isaiah believed that the people Israel is its own Messiah. He dwells especially on chap. LII to prove his point. His conclusion is as follows:

"Der juedische Volksstamm ist der Apostel, den Gott an die goetzen-diennerische, gottvergessene, sittlich angefaulte Welt sendet. Er soll das Licht der Voelker sein, damit Gottes Heil bis an die Enden der Erde gelange."\*\*\*\*

"Israel ist das Messias-Volk, das ist der grosze Gedanke dieses Propheten; es allein ist der Heiland der Welt, der das Wort der Erloesung in die Nacht des Kerkers sprechen soll. Die Koenigliche Davidische Nachkommenschaft, auf welche die meisten Propheten alle Herrlichkeit uebertragen haben, verschwindet diesem Propheten vor der idealen Groesze Gesamtisraels. Die verkuemmerte, verachtete, angespiene, zertretene Knechtgestalt ist zu hohen Dingen berufen, gerade durch ihren Leidensstand. Die dornenkrone welche das Messiasvolk geduldig ertraegt, macht es eines Koenigsdiadems wuerdig. Ein Volk das durch Leiden und Tod zur Auferstehung durch die Pforten des grabes zum Leben erweckt werden soll, das hat Sinn; auf eine Einzelpersoenlichkeit uebertragen, wird es Carricatur und fuehrt zur romantischen Schwaermerei." (ibid. page 11)

It was this idea that Israel itself is the Messiah, and that any attempt to interpret chap. LII and LIII as referring to a single individual, must be regarded as a caricature and lead to romantic vagaries, which formed the basis of Brunner's attacks. The columns of the *Wiener Kirchenzeitung* succeeded in attracting the attention of the State's Attorney Lienbacher, with the result that a trial ensued. The indictment

according to the Austrian Gazette as translated by the Occident, reads as follows:

"The year-book for Israelites of 5624 (1863-64) contains in pages 1-13 an article concerning the rejuvenation of the Jewish tribe from the pen of Dr. Graetz, professor at Breslau, in which the author resting for support on the so-called exile prophet Isaiah, endeavors to prove that the Jewish people itself is the Messiah, and will have to redeem itself thru a rejuvenation, and should not expect the coming of a single person as a redeemer. By this assertion the author puts himself in opposition to the doctrine of the Messiah of the Jewish Church, a religious association acknowledged by law in Austria. The State's Attorney indeed does not in fully guarding the right of free inquiry, discover in this a criminal action. But the author combats in this article not alonewith arguments, but with insulting expressions, likewise the doctrine of the Messiah held by the orthodox Jews is assailed by him.\*\* In this wise the doctrine of the Messiah entertained by the orthodox Jewish church is ridiculed, derided, and abused, which constitutes a trespass against paragraph 303 of the criminal law.

"If it however appears that this criminal attack was primarily directed against orthodox Judaism it embraces plainly nevertheless from a Christian standpoint the crime of disturbing religion (paragraphs 122a and b of the criminal law,) for according to the Christian religion, especially the catholic doctrine, the Messiah appeared in a single person, and is revered as a divine personage, wherefore there is contained in styling the Messiah a caricature a blasphemy, and this as also the assertion that this doctrine leads to romantic vagaries, demonstrates a contempt against the Christian religion. The christian and especially the catholic must discover herein a blasphemy of his Messiah-Christ, and a contempt of his religion, since the symbols of the crown of thorns, the royal diadem, the sufferings, the gates of the grave, and the resurrection remind him strongly of his redeemer and of his work of redemption. If even the Jewish author of this article simply meant to direct his attack against orthodox Judaism, he has nevertheless, as regards the Christian religion rendered himself guilty of a gross neglect of public supervision, (paragraph 29 and 33 of the present law.) The author being a foreigner cannot it is true be put on trial here, but the editor of the year-book Leopold Kompert, appears justly guilty of both misdemeanors, as he himself confesses to have read Dr. Graetz's article in manuscript before it was printed, and then handed it over to be printed. Therefore Leopold Kompert, born in Muenchengraetz, forty-two years old, of the Mosaic religion, married, au-

thor, a citizen and resident of Vienna (city number 10 Braenner st.) is accused of the misdemeanor of having offended a legally acknowledged religious association, punishable according to the general criminal code and of the offence of neglected supervision in publishing the offensive article, punishable according to paragraph 122 let. a and b of the press law, and the court is requested to order proceedings i due form, at which the article, the rejuvenation of the Jewish tribe with the report of the judicial police shall be read aloud.-Vienna Dec. 8, 1863 The imperial royal State's Attorney, Lienbacher."

## II

### THE TRIAL PROCEEDINGS.

On December 30, 1863, the trial which was to decide the fate of the editor of *Die Verjuengung des juedischen Stammes*, took place. When summoned before the court, Dr. Kompert sought to undermine the grounds upon which the charges were based by maintaining that he felt himself not guilty of having derided either his own religion, or of having indirectly insulted Christianity.

In the first place he emphatically objected to the use by the State's Attorney, of the expression *orthodox Jewish doctrine*. Kompert maintained that he was entirely ignorant of any Jewish doctrines that were *orthodox*; and that no code in Europe or in Austria knew of any such doctrine. The reason for stressing this point, Dr. Kompert asserted, was to remove the appearance as though Dr. Graetz as author and he as editor occupied as reform Jews a hostile position toward orthodoxy. He further declared that it was imperative to make this fact clear, for the *Wiener Katolische Kirchenzeitung*, an organ that constantly was charging the Jews with murder, usury and fraud, and with every thing disreputable, was trying to represent the so-called reform Jews as revolutionists, and as men who were desiring to overthrow the existing social order.

The indictment read that Kompert was guilty of ridiculing, deriding and abusing the "orthodox Jewish church." Against this Kompert alleged the non-existence of any such institution. He contended that the words *orthodox Jewish doctrines* have been derived from a mode of viewing things that is "foreign to our religion." It is true that there are Jews more or less pious, and that there are certain changes in the liturgy which some Jews prefer; but the basis, the "doctrine proper," the complete foundation of Judaism is common to every Jew who calls himself so. Since there is no *orthodox Jewish church*, and no *orthodox Jewish doctrine*, Graetz could never have insulted a religion which has no existence in fact. Consequently the charge of the State's Attorney that Kompert was guilty in allowing the *orthodox Jewish church* to be "ridiculed, derided and abused" falls to the ground.

After making this preliminary point, Kompert approaches the article of Graetz and presents to the court the view of the author as he sees it, maintaining that the charges of the State's Attorney are based upon an erroneous interpretation of the article in question.

He contended that the author does in nowise touch upon the doctrine of the Messiah. Kompert declared that Graetz does not say, "I do not believe in a personal Messiah." In fact he does not at all find the Messiah doctrine relevant to his theme, and is therefore not concerned with it in the article. Graetz does not even hint at any supposition that the Messiah-doctrine is a disputed dogma of Judaism.

The thirteen articles of faith drawn up by Maimonides, in which the Messiah doctrine is included, form the general confession of faith of the Jew. The interpretation however of these articles has never been prohibited. "It is true that every Jew will confess, 'I believe in a personal Messiah;' but how, when and where he will appear has ever been left free for the inquiry and interpretation of the Jews." The very fact that the article was taken to be in any wise intended as an attack on the doctrine of the Messiah shows that its contents were not understood, asserted Kompert.

The author, in discussing the rejuvenating power of Israel, tries to account for it on historic grounds. He takes the period after the exile, during the Babylonian captivity, and pictures the abject conditions that prevailed in the midst of the exiled Jews. At that time when Israel was on the verge of utter destruction, with hardly any apparent means of escape there came Isaiah and consoled his people. Isaiah knew how to awaken the slumbering spark in their heart; he converted their dejection into courage, their timidity into trust, their indifference into warm interest, and transformed even their indolence into activity. Graetz quotes the writings of the prophet to support his point. This brings him to chap. LIII which expounds the views of the prophet of the exile. In commenting on the passage Graetz says that the fundamental thought of Isaiah is, that Israel is the Messiah people.

"Israel ist das Messias-Volk, das ist der grosze Gedanke dieses Propheten." (Jahrbuch p.11)

The doctrine of the Messiah per se is not at all touched upon by the author. He is simply explaining a scriptural passage, and does it in no other capacity but that of an exegete.

In affirming that the entire chapter LIII does not refer to any single individual but to the whole people of Israel, Graetz has made no departure from tradition. Although this passage has been from the remotest times variously interpreted, nevertheless the interpretation that has been universally accepted was that of the author, declared Kompert. Rashi one of the most pious of the commentators, and also Ibn Ezra concur in their opinions, namely that the chapter refers to Israel as a whole which is destined at some future time to bring to the world the

Messianic kingdom.

Not only does the interpretation of the chapter as given by the author of *Die Verjuengung des juedischen Stammes*, prevail among Jewish commentators, but it also obtains among the greater part of Christian theologians. The well known Christian scholar Gesenius also adheres to the same interpretation, that by this passage none other than the whole people Israel is meant. In this instance Kompert quotes Gesenius to prove his point. He then turns to the phrase upon which in reality the institution of the trial was based; namely the expression: "auf Einzelpersoendlichkeit uebertragen, wird es Carricatur und fuert zur romantischen Schwaermerei." The accusation of the State's Attorney was that this expression was meant by the author to characterize the belief in a personal Messiah. That is to say the belief in a personal Messiah is a caricature and leads to romantic vagaries.

In this sense the expression is insulting both to the believers of orthodox Judaism, and to those who adhere to the doctrine of Christianity and especially to that of the catholic church. Kompert tried to explain to the court that this expression of Graetz referred to the meaning of the text. Namely it is the whole chapter that speaks of Israel as being the Messianic people; and that any other interpretation of the passage is a caricature, and hence cannot be the meaning which the prophet intended to convey, and must therefore "lead to romantic vagaries."

Graetz could not be accused of any attempt at insulting religion; for he merely expounds an interpretation which others before him have done, and this in a manner which is in keeping with the best opinions of both Jewish and Christian scholars. The accusation therefore of the State's Attorney that the author intended to offend a "legally acknowledged religious association," has no ground whatever.

Kompert then turns to the second accusation, namely that of indirectly assailing the Christian religion; he says that he could in no wise anticipate how any one would believe that the passage in question was intended as an attack upon the founder of Christianity. The character of a man such as Graetz would never dream of characterizing Jesus as a caricature.

"I beg your honors to reflect only what man of the least cultivation, and Dr. Graetz is surely a person of this class, what educated man would have the folly to say that Jesus is a caricature and would lead people to romantic vagaries? What Jew of the least sense will say this? It is a fact founded on the world's history and has existed 1863 years; who then will call Christianity the daughter of Judaism which has transformed the world, which has derived its ethical basis from Ju-

ism, a caricature? Who will say that a fact of 1863 years is a romantic vagary?"

In further defence, Kompert resorted to the personality of Graetz as a fact sufficient in itself to do away with the slightest suspicion of any attempts at insulting religion. He explained that Dr. Graetz was a professor at Breslau, and a man acknowledged as a foremost scholar in his field; that the seminary in which he taught was of a kind to which even orthodox Jews send their children to prepare themselves as Rabbis. How can a man whose purpose it is to train thoroughly Jewish men, insult his own religion? Is it to be conceived that such a man should write a book which is only to be in the circle of Jewish readers, with the purpose of offending another religion?

After having sought to defend Dr. Graetz for which purpose almost his entire arguments are devoted, Kompert next makes some brief remarks in vindication of himself. Here he simply tells the court to interpret his conduct in the publication of the article, by the light of the evidences which his past record proves. His antecedent deportments must vouch for the purity of motive in his present action. By that he meant that his writings ought to show whether or not he was inclined in any way whatever to offend either his own or any other religion.

Kompert declared that often in his novels he had the opportunity to contrast religious differences in well defined lines and he challenged any one to point out a single passage in any of his productions which has the slightest evidence of hostility toward Christianity. He left it to his counsel to read to the court various passages of his writings which showed that the author was filled with the deepest veneration for religion. These made it hardly imaginable that the writer should be induced to publish anything which would have as its object to insult Christianity. Throughout his defense, Kompert spoke with evident sincerity. Especially his concluding remarks were uttered with an emotion which clearly showed that they were the result of the speaker's purest motives.

The defending speech of Kompert was followed by the testimonies of the two Vienna Rabbis Mannheimer and Horowitz, who were called in to give their expert opinion in the case. Mannheimer in corroboration of the facts presented by the defendant, alleged that the greater part of the Jewish commentators insist that chapters LII and LIII of Isaiah refer not to any single individual, but to the whole people of Israel. He also gave his personal view on the matter and said: "For my part I would unhesitatingly adopt Graetz's explanation." He maintained further that he was not voicing merely his own opinion but that of the most authoritative body of Jewry.

"If we were to meet in a council we would be tolerably unanimous that in chapter LII the whole people in its prophetic mission is spoken of," asserted Mannheimer.

The State's Attorney then questioned Mannheimer as to his opinion regarding the expressions "Caricatur" and "romantischen Schwaermerei." Lienbacher wanted him to state what he thought the author had in mind when writing them. Mannheimer replied that by these expressions he understood the author meant the appearance of the many false Messiahs during the Middle Ages, which resulted in that the Rabbis pronounced excommunications against those who would fix a time for the coming of the Messiah. The State's Attorney declared that the testimony of the witness was contradictory in that Mannheimer stated: "I believe in the coming of a personal Messiah," and then explained that the Messiah is the Jewish people. To this Mannheimer replied that when he said that the whole Jewish people is the Messiah, he was merely explaining the passage in Isaiah, since it speaks of the mission of Israel. But this does not necessarily involve the denial of the coming of a personal Messiah.

The second witness to give expert testimony was Lazar Horowitz, Rabbi of Vienna, and lecturer in the *beth hamidrash* founded by Jellinek. He upheld in the main the evidences presented by Kompert and Mannheimer stating that he knew of no orthodox Judaism as a distinct church; asserting further, that he considered the belief in a personal Messiah to be essential to the faith of Judaism, but as regards the interpretation of that belief as is portrayed in the prophets there was considerable room for variety and difference of opinion.

After the expert testimony of the two Rabbis Mannheimer and Horowitz had been heard, the State's Attorney still insisted that it was the intention of Graetz to insult the Jewish religion by indirectly denying the personality of the Messiah, and by employing the passage in Isaiah merely as a pretext for his purpose. He maintained that the author of *Die Verjuengung des juedischen Stammes* transferred all the glory which other prophets applied to the house of David, to the people Israel, and then characterized the belief in the Messiah as a person, a caricature and romantic vagary. Even though the Jewish religion was thereby not offended, as the testimony of the two witnesses tried to prove, and in the truth of which Lienbacher as a non-Jew had to admit, he nevertheless urged his second accusation; namely that the article was an offence against the dogma of the Catholic church. It is Christianity that does maintain the belief in the Messiah as a person. Dr. Graetz, in characterizing as a caricature and romantic vagary this doctrine which is held sacred by the Christian, is guilty of the offence of insulting

religion.

Lienbacher maintained that the use of expressions such as *Carrietur* and *romantischen Schwaermerei* are inadmissible and dangerous, whatever opinions and interpretations Jewish commentators may have in explaining chapter LIII of Isaiah, still the Apostles always referred to it as proof for the coming of a personal Messiah. In holding up to ridicule the interpretation of the passage as referring to the Messiah as a single individual, Christianity feels itself derided; since this doctrine forms an important tenet of faith especially of the Catholic church. In allowing such matter to go through his hands, and in ordering its publication, Kompert was guilty of negligence in that he failed to exercise due supervision over the material that he admitted for publication; this being an important and necessary responsibility which must be born by all editors. The State's Attorney then asked for the judgement of the court.

Next appeared Dr. Lichtenstein, the defending council of Dr. Kompert. He declared that it was strange that his client should be charged with having insulted both Judaism and Christianity and that by one and the same passage. He further argued that the law acknowledges as religions only Catholics, Protestants, Jews, etc., but no particular species of Jews. The indictment postulates the existence of an *orthodox Jewish church*, a species which has no existence in fact. This orthodox church which believes in a personal Messiah, has been insulted, such being the contention of the State's Attorney. But two competent witnesses have already established that Judaism is a unit and cannot be divided into sects of orthodox and reform Jews.

To constitute an offence of religion a doctrine of that religion must be shown to be traduced, contended Dr. Lichtenstein. But Judaism has no definite doctrines of faith, it possesses no particular articles of belief. It has but one dogma; namely the existence and unity of God. Everything else is legitimately subject to speculation and controversy. This was established by the two Vienna Rabbis. Judaism finds itself therefore neither offended nor traduced by the publication of *Die Verjuengung des juedischen Stammes*.

The council next urged that to be guilty of an offence, the intent to offend must be present. In this case it is clear that it was far from the intention of the accused to insult any religion. And on this point the indictment itself is completely silent. The accused is then innocent of the first charge which the court finds itself compelled to drop.

Dr. Lichtenstein then turned to the second part of the accusation, namely that the article indirectly attacked the doctrines of Christia-

nity, and especially those of the Catholic church. He showed that even Catholic exegetes often denied the applicability of the chapter LIII of Isaiah to Christ as the Messiah. Competent scholars such as Origen and Rosenmueller, whom Rabbi Mannheimer quoted, hold that the chapters LII and LIII of Isaiah refer not to any single individual, but to the whole people of Israel. He further made the distinction between an attack on the exegesis of a passage and an attack on the subject which the passage happened to treat of; declaring that the attack on the exegesis of a passage cannot be punishable, and that such is the case here, for the material part of the offence, namely "disturbing religion" is absent.

On the charge that Kompert is guilty of negligence as an editor in that he failed to exercise due care in the publication of the article, Dr. Lichtenstein declared that the editor had before him the work of a man who had never written a polemical matter in his life. In addition to that Graetz is known as a scientific man, occupying a position of prominence in the community. The essay *Die Verjuengung des juedischen Stammes*, has nothing to do with Christianity, and even the single passage upon which the whole charge is based, has no allusion to Christianity whatever, when it is taken in the plain ordinary sense. The editor could not conceive that any one would invent an exposition of the passage in question to the extent of making it allude to Christianity, and that in a derogatory manner; a thing which the text neither directly nor indirectly conveys.

The decision of the court was that Kompert was not guilty of the offence of insulting an "acknowledged religious association", but guilty of transgressing paragraph 30 of the press-law, since his conduct constituted a neglect of duty, in that he failed to use his powers of supervision incumbent upon every editor. Kompert was condemned to a fine of forty florins, or in default of payment of the sum, to a prison confinement lasting eight days. The court also ordered that the yearbook for Israelites of the year 1863-64, shall not be allowed to circulate, and that the copies be destroyed.

As reasons for the decree, the court sustained itself on the fact that two competent witnesses had affirmed the prevalence of divergent views among Israelites regarding the Messianic belief. As far as Judaism was concerned the article harbored no insult. The court however saw in the expressions *Carriatur* and *romantischen Schwaermerei*, a derogatory reference to the Savior through which the divine person, and consequently God Himself was derided. The offense of disturbing religion is thus established; hence the justification of the penalty imposed.

### III

#### THE CONTROVERSY IN JEWISH CIRCLES.

The trial at Vienna created quite a stir in the circles of Jewry. The proceedings at the trial, especially the testimony of the two witnesses, Rabbis Mannheimer and Horowitz, was so marked in its effect, says the Occident, that it threatened to have "very serious consequences" within Jewish ranks. For a time the Jewish publications in Europe became the arena for controversy. Invectives were hurled by one group against another with such force and vehemence as to arouse the various shades of Jewish opinion to assume crystallized forms, and to stand out in bold contrast to each other. Not only was European Jewry in seething conflict, but also the Western World found Jews arrayed against each other in a battle of words.

The controversy began when Dr. Israel Hildesheimer, Rabbi of Eisenstadt, issued a protest against the views expressed at the trial by the witnesses who gave the expert testimony. The protest proper contained no reference to persons, but was concerned mainly with laying down the basis of difference that existed, in the opinion of Hildesheimer, between the orthodox and the reform camps. The reason for the protest, Hildesheimer said, was to counteract any misconception that might arise as regards the nature and substance of Judaism. In commenting on this protest, *Die Neuzeit* of January 29, 1864 says:

"Die Zuschriften welche wir von verschiedenen Seiten ueber die Hildesheimerische Agitation erhalten, bestaetigt nur unsere Vermuthung dasz der Eisensstaedter Zelote ziemlich isoliert mit seiner Wuehlerei dasteht."

How erroneous this idea was can be seen from the fact that the protest was supported by the signatures of one hundred and twenty one Rabbis, some of whom belonged to the most eminent men of Hungary, Germany, and Holland. The Hildesheimer declaration as reported in the Occident of June 1864, reads as follows:

"In consequence of the expressions of opinion before the high imperial court in Vienna, on the 30 ult., on occasion of the press-trial which was of a kind to call up among faithful Israelites great regret and a deep emotion, the undersigned find themselves in duty bound to declare as follows:

"Judaism consists in the laws and verities of faith communicated to us by God in the written and oral law; whoever denies any one of

these verities of faith or the obligationness of any one of these laws stands on a par with him who rejects the whole Sinaitic revelation.

"Among the verities of faith handed down by revelation belongs the immovably firm trust in the future coming of a personal Messiah out of the stem of David; wherefore the abrogation of that belief must be regarded as a denial of the divine revelation vouchsafed to Israel.

"Whoever lives according to the Talmudical writings in which the totality of the oral law is contained, and according to the religious acts which are based on the same, is orthodox, a true believing Israelite, and can find satisfaction only in such a communal life, in which he has the security of being able to observe exactly the Jewish religious law.

"The subscribers have deemed it necessary to publish this, in order to counteract as speedily as possible any misconception which could originate from the declaration of opinion made at the aforesaid trial.

"In the month of Shebat 5664, (January 1864)"

Dr. Hildesheimer wrote to Rabbi Fassel of Grosz-Kanischa, asking him to permit the latter's name to appear on the protest as one of its supporters. Fassel who was one of the pioneers of modern culture, was by no means in sympathy with the declaration, since he himself introduced many a reform which would not wholly coincide with the fixed opinions of strict orthodoxy. In direct answer to Hildesheimer, Fassel writes in *Die Neuzeit* of January 29th:

"Sie haben durch Ihr Rundschreiben\*\*\*zwei ehrwuerdige Maenner Israels verunglimpft, verketzert, als Unglaebige hin und den Verleugnern der sinaitischen Offenbarung gleichgestellt."

Fassel states in words the meaning of which can hardly be misunderstood that the testimony of the two witnesses, Rabbis Mannheimer and Horowitz, was in full consonance with the beliefs and teachings of Judaism. He goes even further than that, and says what neither Mannheimer nor Horowitz had ever intended to say, namely, that the belief in the coming of a personal Messiah from the stem of David, does not belong to the dogmas of Judaism. In this wise he justifies his refusal to sign the protest, since it does not contain a correct statement of Judaism's tenets of faith. He says:

"Aber sind Sie auch ueberzeugt dasz die im Folge des am 30 Dezember v. y. verhandelten Preszprozesses geschehenen Aeuszerungen, ja sogar der inkriminirte Artikel selbst, ein Dogma des Judenthums negirt oder auch nur angreift? Schwerlich! Haben Sie befor Sie ein so weittragendes Geschosz gegen zwei ehrwuerdige Nestoren der juedischen Wissenschaft abfeurten, nachgedacht, ob nach den Ausspruechen des Talmuds und der jue-

dischen Autoritaeten der Glaube an die einstige Ankunft eines persoelichen Messias aus dem Stamme Davids wirklich zu den Dogmen Israels gehoere, so dasz die Verleugnung dieses Glaubens als eine Leugnung der goetlichen Offenbarung zu betrachten ist? Schwerlich!"

In a rather sarcastic fashion Fassel alleges that Hildesheimer must have failed to notice the various important passages both in the Talmud and elsewhere that treat of the question of the coming of a personal Messiah, and that class this belief as being a matter not essentially part of the faith of the believing Jew. Fassel quotes Rabbi Hillel who says that Israel does not expect the coming of the Messiah. (Sanhedrin 8b) Hillel believed in the coming of a Messianic age maintained Fassel, in which peace and prosperity shall remain unbroken. Hillel believed in the mission of Israel as portrayed by the prophets namely, that Israel is to be the redeemer of all humanity. Even such a man as Hillel denied the belief in the coming of a personal Messiah. He writes:

"Gewisz hat auch dieser Rabbi an die prophetische Zukunft geglaubt, 'wo die ganze Erde ein heiliger Gottesberg sein, wo nicht gefrevelt und nicht verderbt werde; wo die ganze Menschenwelt voller Erkenntnis Gottes sein wird, wie Gewaesser ~~das~~ Meer bedecken; wo ein ewiger, ununterbrochener Friede herrsche, gar kein Grund zu irgend eines Zerwuerfnisse vorhanden sein wird und die Voelker ihre Schwerte zu Sicheln und ihre Spiesze zu Hippen verwandelt werden,' u.s.w. diese Zukunft kann er unmoeglich verleugnet haben; denn das waere ja eine Demolition der ganzen Prophetie, ein Aufhebung der heiligen Mission Israels, und eine Negirung des Endzweckes des Menschengeschlechtes. Sondern der persoeliche Messias, der da kommen soll zur Wiederherstellung des Reiches Zion, hat er bloesz abogirt; war nun Rabbi Hillel ein Verleugner der sinaitischen Offenbarung? Oder hat nicht vielmehr Albo recht, dasz eine Glaubenssache welche bei einem talmudischen Rabbi geleugnet wird unmoeglich zu den Glaubensartikeln gehoeren koenne."

Fassel then takes up the opinion of Maimonides as regards the belief in the coming of a personal Messiah. He says that the author of the 13 articles of faith who put the belief in the personal Messiah as the 12th principle in the confession of the believing Jew, never meant to stamp as unbeliever him who would reject this principle on the grounds of its being in incompatibility with the dictates of reason. For Maimonides himself, by excluding this principle from the discussions in the Moreh Nebukim, from those chapters where only philosophically verifiable articles are treated, confesses that a belief in this principle must rest on other grounds than those of reason, and syllogism. Even in the Hilchot Tshuba(3,6), where the belief in the coming of a personal Messiah is dealt with at length, Maimonides only deprives the denier of

this belief, of the enjoyment of eternal salvation, but in no wise does he stigmatize him as an infidel.

The belief in the coming of a personal Messiah could only be a secondary principle with Maimonides, maintains Fassel, for the author of the *Moreh* himself admits that the wise men and the prophets of Israel never dreamed of the material conquests of the nations of the earth; and that Israel should be the ruling power of the world. It was the Messianic age that was of prime importance; the age in which peace shall reign uninterruptedly throughout the land of all nations; in which there shall be no hunger, no pain, no suffering, no war, in which the sole occupation of all mankind is to be the worship and reverence of God. It is this golden age that is the end, the goal to be striven for and achieved; and the Messiah is at best a means to the attainment of this glorious end. Maimonides could therefore never have meant that that which is but a means should in itself be regarded as one of the essential and indispensable pillars of the faith of the Jew.

Fassel calls attention to his work *Die mosaisch-rabbinische Religionslehre*, in which the 12th Maimonidian article of faith is explained in the spirit of the Messianic age. He says that God shall raise a Messiah (out of the stem of David,) through whom Israel shall be redeemed and raised to a standard of excellence. All humanity shall then be enlightened and shall recognize the true God, and shall live with each other as brothers in love and in perfect concord. He further declares that Graetz was by no means the first one to declare Israel as a Messianic people, proclaiming its mission to the world without recourse to a personal Messiah. Fassel is in perfect accord with Dr. Graetz as regards the interpretation of chapter LIII of Isaiah, as referring not to a single individual but to the whole people of Israel. He is of the opinion that there exists no contradiction between this view and that of Maimonides. According to Maimonides there shall arise one who shall be the restorer of the kingdom of Zion, but the mission is thereby not ended, for the whole earth must be won for the cause of God.

Through whom shall this mission be realized? Through the kingly Messiah? That would be impossible. Even Maimonides was fully aware of this, for he discusses it in his commentary to the Mishna Sanhedrin, Perek Chelek. The Messiah shall only be the redeemer of Israel, who is to bring it to the kingdom of Zion. Israel shall then through the practice of justice and righteousness be successful in winning all the nations to the complete and permanent recognition of God. Then will the prophecy become true, "that the whole world shall be full of the glory of God as the waters cover the sea."

Israel, according to Maimonides, who expects the coming of a personal Messiah, is in the end to be the Messiah of the world. How then can it be said that Graetz in *Die Verjuengung des juedischen Stammes* has abrogated the belief in the coming of a personal Messiah? For Graetz does not depart from the principles set down by Maimonides, as regards the mission of Israel, and as regards the one who is in the end to bring that mission to its full realization. The testimony of the two witnesses Mannheimer and Horowitz have certainly not done so, when they endorsed the opinion of Graetz.

As further proof for Graetz's proper and legitimate position, Fassel turns to Moses Sofer, chief Rabbi of Presburg. The latter was asked whether or not he regards the belief in the coming of a personal Messiah as belonging to the fundamental articles of the faith of Judaism. To this he answered, that it would be impossible to believe that the redemption of Israel is one of the grounds upon which Judaism rests, and that it forms <sup>one</sup> of its necessary bases, and if that be removed the whole of Judaism must fall. Fassel quotes Moses Sofer as saying that, even if God were to desire that Israel should ever remain in the exile, and continue to exist spread throughout the entire world, Judaism would even then continue to exist upon a solid foundation. Thus Fassel adds another authority to support his contention that the belief in the personal Messiah does not form one of the essential dogmas of Judaism.

Moses Sofer in stating his view says, that if the existence of Judaism as a faith could only be maintained upon the belief in the coming of a personal Messiah and upon the redemption of Israel, it would mean that God is only worshipped because of the bounties that are in store for those that pay Him homage. Such cannot be the case, for God must be recognized without the hope of reward, and without the "fruit of the land and all that is good thereof," be vouchsafed to the believers in the faith of Judaism.

The article of Graetz as well as the testimony of the two witnesses Rabbis Mannheimer and Horowitz sustained a most severe attack from the *Neshurun*, the acknowledged organ of strict orthodoxy. In that periodical, the writer Dr. J. Gugenheimer, Rabbi of Kollin, condemns the essay of Graetz and its supporters as a thing against which the consciousness of every Jew must revolt.

Dr. Gugenheimer regards the article *Die Verjuengung des juedischen Stammes*, as un-Jewish in character. This condemnation of Gugenheimer is based on the fact, that Graetz in his essay supports the belief in the existence of a pseudo-Isaiah. According to him it is sacriligious to maintain that the last 27 chapters of Isaiah, especially those treating of the restoration under Cyrus, should have been written by an un-

known contemporary of the Babylonian exile. The edict of Cyrus permitting the people to return to Palestine, mentioned in these chapters are therefore according to the supporters of the belief in the existence of a post exilic Isaiah, a vaticinium post eventum. This view denies special prophesy, and shatters the correct opinion regarding the authenticity of the canon.

Graetz's essay is further denounced by the writer in the *Jeshurun*, on the ground that it pictures events in a light which is wholly untrue according to the known facts of history. The sufferings of the Jewish people, the ill-usages and oppressions to which they were subjected in the later European dispersions, are ascribed by Graetz to the period of the Babylonian captivity, although history, Gugenheimer says, is ignorant of any Jewish oppressions during the exile in Babylon. On the contrary, the advise which Jeremiah gave to the Hebrews that they should carry on agriculture, build houses, establish families and multiply in the land, and pray for the country's safety, clearly shows that there was no such thing as oppression for the Jew, since Jeremiah regarded the peace of Israel as being dependent upon the peace of Babylon.

כי בשלום יהיה לכם שלום (Jeremiah XXIX 8)

Furthermore the position occupied by Daniel and his friends at the royal table, and the favor which Daniel enjoyed at the hands of the king certainly do not point to any persecutions of the Jew. Even when the royal permission was given for Israel to return to Palestinian soil in order to rebuild the temple, only a very small portion of the people took advantage of the opportunity. Nor were those that went to Palestine, the elite of the people, as Graetz would have it. Graetz characterizes in poetic fashion these select few who returned to rebuild the Temple, as the ones responsible for the rejuvenation of the Jewish tribe.

"Das war der diamantene Kern des 'unzerstoerbaren Knoechelchens' von dem die Auferstehung und die Neuverjuengung ausging," says Graetz. Gugenheimer maintains that quite the contrary was the case; the decaying element in Palestine was restored to a flourishing condition precisely by those people who remained in Babylon. The characterization of Graetz is entirely out of harmony with the facts when he says:

"Diejenigen, welche bereits ueber ein halbes Jahrhundert dort angesiedelt waren,\*\*\*vergaszen das verlorene Vaterland, das zerstoerte Jerusalem, den verbrannten Tempel.\*\*\* Diese nahmen schnell den babylonischen Goettercultus an---."

For it was Babylon that later furnished the vitality to re-envigorate the withering colonists in Palestine. Gugenheimer therefore con-

cludes that Judaism as well as science must stigmatize the essay of Graetz as a false and an untenable presentation of the truth.

It is peculiar that Gugenheimer who attacks Graetz's essay from both the historic and orthodox view-point, declares it guiltless as far as the main charge, namely that of denying and ridiculing the belief in the coming of a personal Messiah; upon which the whole trial was instituted. Gugenheimer says that the Jewish teaching regarding the coming of a personal Messiah is in no way repudiated by the essay of Graetz. He admits that Graetz is not very plain in countenancing in his article the belief in a personal Messiah. Nevertheless no direct denial of the belief is in any way expressed.

On the contrary, it clearly states that the majority of the prophets transfer the splendor of the Messiah to a kingly descendent of David. Gugenheimer regards the article as far as its expressed views concerning the belief in the Messiah, as in no wise affording a cause for criminal charges.

The most vigorous of the attacks of Gugenheimer are directed against the testimonies of the Rabbis Mannheim and Horowitz, who were called to the trial to offer their expert knowledge for the cause of the defendant. The criticism which Gugenheimer makes of the testimonies of the two witnesses, is that they did not meet the object of the charge directly, but resorted to generalities that should in no manner have been touched upon. In stead of removing the grounds for the charge that the essay derided the Jewish doctrine of the personal Messiah, the witnesses introduced the peculiar question of whether or no there exists an orthodox Judaism. Instead of supporting the guiltlessness of the essay on the grounds that the doctrine of the personal Messiah is nowhere ridiculed nor denied, and hence Judaism cannot find itself insulted, the witnesses went about to treat a question that had according to Gugenheimer no bearing on the case, when they began to inquire whether or no Judaism is a substantial well-defined thing, that can be either denied or affirmed, honored or derided.

He characterizes the statements of the two Rabbis, concerning the nature of Judaism, as a being possessing the quality of India rubber elasticity, which may be stretched to any length and form, without losing its essential essence. According to the testimony of the two witnesses, Gugenheimer says, Judaism can harbor any opinions however contradictory, for it has no tenets of faith, no articles or dogmas of belief; hence it can neither be denied, derided, nor ridiculed. Such a substance he regards as wholly inconceivable. The question as to the existence of an orthodox Judaism, and the negative answer given to it by the testimony of the two expert witnesses, is too much for Gugenheimer to endure. He stamps the reply of the Rabbis as the result of the

crudest form of ignorance.

If Judaism has no positive basis, what kind of Jews are Mannheimer and Horowitz? Gugenheimer asks. Has Judaism no principles by which it can be distinguished? Has it no articles of faith, to be either confessed or denied? The replies of the two witnesses to the questions put to them at the trial, and their claim that there are no sects in Judaism, are in the opinion of Gugenheimer, the result of a deliberate attempt to shut one's eyes to the truth, to the facts as they really and openly exist.

The chief attack of Gugenheimer is prompted by the question put to Mannheimer by the council of the defendant, and the former's reply. Dr. Lichtenstein asked Mannheimer: "Does there exist an orthodox Judaism?" To this Mannheimer answered that he was in duty bound, and in the interest of Judaism to declare that there existed no separation within the Jewish people. He declared that he had already made this point clear when in the year 1840 he was asked whether the Jewish oath in any form is binding on both the orthodox and the reform Jews. He emphatically asserted that no sectarianism whatever was to be found within the ranks of Jewry. Mannheimer admitted the prevalence of all sorts of opinions regarding the teachings of Judaism. But in spite of all these there was never an outspoken schism. He pointed to the Karaites as the only sect within which the distinguishing marks are so great as to separate its members from the rest of the Jewish people; but this sect is rapidly disappearing. The Jews are in general the so-called rabbinical Jews.

In spite of the divergent views which Judaism harbors, there has never come such marked clashing antagonisms as differentiate Catholics from Protestants, within the folds of the Jewish people. Mannheimer alleged that there obtains among Jews, just as everywhere else, persons entertaining opinions that are either strict or lax; there are people who are free-thinking, and others who are bigoted. There are those that are more believing in thought, and others more believing in words. The only changes that were made, especially in Austria, deal with the liturgy, and are of matters purely formal in character, such as the worship and its mode of expression, so that it may be more intelligible to the worshippers and coincide more fully with the aesthetic tastes of the times. The essence of faith, the part that deals with the fundamentals of Judaism is the same as of old. The substance of the prayers of the Jews in Austria as well as elsewhere, is the same as that of all Jews from time immemorial.

It is against these views expressed by the Vienna Rabbi, that Gugenheimer vigorously directs his attacks. To say that there was no split

in the ranks of Jewry is simply to close one's eyes to the glaring facts. Gugenheimer is especially resenting the statement of Mannheimer concerning the changes in Judaism, which the latter says refer only to externals. To the declaration of Mannheimer that there exists no orthodox Judaism, nor a non-orthodox Judaism, Gugenheimer adds, surely such things do not exist. There is only one Judaism but it does not harbor all sorts of conflicting beliefs; Judaism is of one kind only. It is an embodiment of ideas so fixed and so firmly constituted, that every step outside of this embodiment alienates us from its limits. A non-orthodox Judaism is therefore no longer any Judaism.

"Is not the man who publicly violates the Sabbath on a par with the apostate?" Gugenheimer asks, are there no criteria by which orthodox Judaism can be distinguished from non-orthodox Judaism? How can any one who has eyes to see fail to notice the large mass of those who profane the Sabbath publicly, who disregard at home as well as outside its limits, all the dietary laws, and for whom the Jewish admonitions and guides for chastity no longer exist; who do not even circumcize their children, who declare as old-fashioned the Mosaic as well as the Rabbinical laws; how can any one maintain that these people are still within the folds of Judaism? It is not merely belief that distinguishes a person as a Jew. It is adherence to the Jewish laws that confer upon him that privilege. What kind of Jews are those whose specific Jewish character is embraced in their birth, the cemetery, and at the utmost, "an hour of devotion on the day of Atonement?"

Gugenheimer then goes on to define Judaism declaring that only those are to be termed Jews who adhere in practice to its teachings.

"Vor Gott, vor der Geschichte, vor der Wahrheit, vor dem Urtheile jedes Unbefangenen sind und bleiben nur die orthodoxen, nur diejenigen welche das schriftliche und ewendliche Gottesgesetz nebst auf demselben beruhenden rabbinischen Praeventivbestimmungen und Anordnungen, als die unverbruechliche Norm ihres ganzen Lebens betrachten, die wahrhaften Anhaenger des geschichtlich ueberkommenen Judenthums." *Jes<sup>h</sup>urun* No-VIII.

It is all of the Mosaic and all of the Rabbinical law that constitutes the fundamental code for the conduct and life of the Jew. This code is not to be meddled with, it is sacred, hence it is fixed and definite, eternal and unchanging.

The distinction is further made by the Rabbi of Kollin, between Judaism and Jewdom. He maintains that it is a gross error to confuse the two. Jewdom embraces within its folds all those who were born from Jewish parents. Conduct plays no part in this destiny which is divinely appointed and over which man has no say. Even the most distant shades

of belief held by those of Jewish parentage can in no wise take them out of the pale of Jewdom. Not even baptism itself can undo the character fixed by the hand of God in the act of birth. Judaism is a system of beliefs and practices which can be either adhered to, or departed from, a matter dependant upon the will of man. One may therefore be within the ranks of Jewdom and yet be estranged from Judaism.

To say that there exists no schism in Jewdom is a violent denial of evident facts, which can only be sincerely made by one who has no access to those Jewish circles where such conditions prevail. Gugenheimer declares:

"--so raetselhaft musz es erscheinen, wenn ueber faktische Verhaelt-nisse, ueber offen vorliegende Thatsachen bei deren Schilderung der Un-befangene die Influenz einer persoenlichen Meinung gar nicht denkbar zu halten vermag, Erklaerungen abgegeben werden, welche auf der einfachen Negation von Zustaenden beruhen, deren reale Existenz so notorisch ist, dasz man die Leugnung derselben nur bei demjenigen, der die Krei<sup>z</sup> in denen jene Zustae<sup>n</sup>de sich manifestiren nie zubeobachten Gelegenheit hatte, fuer moeglich halten sollte." *Jeshurun* No. VI. p. 190.

Outside of the Samaritans and the Karaites, Gugenheimer maintains, there exists in Jewry a separation, a cleavage so distinct that it was even fearlessly admitted by the representatives of the Reform party. Here Gugenheimer quotes Hest, who in the year 1837, (*Encyclopaedie* Section 27. Th. S. 312) divided the Jews into Rabbinical Jews, into the Karaites who believe in the Bible solely, and into "denkglae<sup>u</sup>bige biblischen." The last mentioned interpret the Bible in accordance with the dictates of the spirit of science and the guidance of reason.

Gugenheimer next gives an excerpt of the proclamation made by the 150 members of the Reform Jewish congregation of Berlin in the year 1845, in order to establish the point of the existence of sects in Judaism similar to those that prevail in Christendom, of whom the Catholics and the Protestants are the examples. The part quoted reads:

"Das alte rabbinische Judenthum mit seiner festen Basis, hat keine Basis mehr in uns--. Wir koennen nicht mehr Gebote beobachten, die keinen geistigen Gehalt in uns haben, und nicht einen Codex als unveraenderliches Gesetzbuch anerkennen, der das Wesen und die Aufgabe des Judenthums bestehen laest in unnachsichtlichem Festhalten an Formen und Vorschriften, die in einer laengst vergangenen, und fuer immer entschundenen Zeit ihren Ursprung verdanken."

Gugenheimer further states that it is entirely unnecessary to recall an article written 27 years ago, nor to remind oneself of the proclamation of the Berlin Reform congregation, in order to remove any doubt which may exist as to the prevalence of sectarianism among Jews. The

contents of the literary productions, of the periodicals and the pamphlets that appear in the service of Reform, especially the minutes of the Rabbinical Conferences of the years 1844-1847, all those are documents which establish beyond a particle of doubt, the cleavage in the circles of Jewry.

More convincing than these written evidences, continues Gugenheimer, are those which the very life of the people bring forth and force upon our consciousness the schism in Judaism. The features of the cleavage are so marked and their signs so distinct that their manifestation is evident both in private as well as in public life. The dividing lineaments between orthodoxy and reform are so contrasting, that the Jews of Frankfort A.M., and of Mainz, of Stuhlweissenburg, and of Darmstadt, because of their desire to adhere to the orthodox practices, were compelled to sever their connections with the other members of their congregations who were in the majority, and who were entirely out of accord with the fundamental teachings and practices of the Rabbinical Jews. The latter found in separation the only remedy to which they had to resort in the interest of their religious duties, their convictions, and their desire to train their children in the lines of orthodoxy.

But here Gugenheimer fears that an interpretation may be laid upon the act of the orthodox Jews in separating themselves from their brothers, as prompted by the desire of the former to form a schism. The orthodox Jews were in no wise responsible for the coming cleavage, for he says:

"Es war ja nur das Streben nach Aufrechthaltung der in Gesamtjudentheit seit Jahrtausenden heilig gehaltenen Lehren und Gesetze, welche die Separation der orthodoxen veranlaszte; nur der Umstand dasz die der Reform Huldigenden von diesen Gesetzen ganz oder theilweise sich lossagten, dieselben negiren, oder modifiziren zu duerfen glaubten, und ihre Anschauungen durch die Macht der Majoritaet ihren gesetzestreuern Bruedern aufzudraengen suchten, was die Schritte der Trennung verursachte." *Weshurun No. VI.*

The orthodox Jews can therefore not be considered as a cause for the schism, since they have not departed from any of the practices of their fathers.

"Die orthodoxen Juden koennen daher nicht als Secte betrachtet werden; sie sind die Bekenner des alten, einzig wahren, von den Vaetern ueberlieferten Judenthums, wenn auch die an vielen Orten durch aeusere Verhaeltnisse maechtigere Reform partei sich als Stamm- und Hauptgemeinde gerirt, und den Protest gegen ihre Willkuehr zur Haeresie stempeln moechte." *ibid.*

Gugenheimer then turns to the question of the personal Messiah. He declares as farcical the statements of Mannheimer that all Jews occupy the same standpoint, only that one conceives him as a moral person, while the other assigns to him a personal character. The personal Messiah as foretold by the prophets, is the goal of all Jewish hopes, says Gugenheimer. It is the Messiah that has been interwoven in all the national prayers of the Jews ever since the first exile. The Jewish people expect the restoration of their state in the Holy Land through and under the scion of the Davidian royal house. The doctrine of a non-personal Messiah repudiates completely the realization of this hope of the Jewish people; since the Messiah is converted by this doctrine, into a period for universal enlightenment of all of mankind, without the re-assembling necessarily of the dispersed Jews on their soil under the royal guidance of the son of David. Such a belief can only be looked upon as being wholly in opposition to the dictates of orthodox Judaism.

He mentions the opposition which Maimonides, the author of the thirteen articles of faith encountered, and explains that this opposition was not a result of thinking on the part of the opposing authorities, that those articles of faith were in any way not binding upon the believing Jew. The opposition was due to the fact that Maimonides set those thirteen principles as fundamentals of belief, whereas neither the Bible nor the Talmud knows of any such distinctions. Gugenheimer says:

"Die Opposition gegen die Aufstellung von Glaubensartikeln war nur dadurch veranlaszt weil in Bibel und Talmud kein Grund zur Aufstellung von Fundamental-artikeln zu finden ist, weil das Judenthum nicht 13 und nicht 9 und nicht 3 Glaubensartikeln kennt, sondern im Judenthum jedes einzelne der von Gott durch die Thora geoffenbarte Gebote und Verbote Religionsgrundsatz ist, und die Leugnung irgend eines Thoraverses oder irgend eines jener Gebote und Verbote Religionsgrundsatz ist, und die Leugnung irgend einer in der Thora liegenden Andeutung oder einer einzelnen durch die unendliche Gottes Lehre ueberlieferten Schlussfolgerung oder Wortanalogie nach der Lehre des Judenthums als eine Verhoehnung der goetlichen Offenbarung zu betrachten ist." *ibid.* p.202

Gugenheimer then quotes Albo as saying that the belief in the coming of the personal Messiah, while not one of the fundamental dogmas of Judaism nevertheless is a belief to which every Jew must hold, and a denial of which is tantamount to a denial of the immutability of the law of God. (*Sefer Ikkarim Naamar 4, chap. 12.*)

From this Gugenheimer concludes that Albo regards the utterances of the prophets concerning the Messiah, if they be made to refer to the

whole people of Israel it would constitute a denial of the doctrine; since Albo regards the descendant of David as the only true basis for the belief.

As a summary of his opinion, Eugenheimer gives a crystallized distinction between orthodoxy and un-orthodoxy; declaring that the acknowledgement or the non-acknowledgement of the inviolable and unabrogated obligatoriness of the Mosaic and the Rabbinic law forms the criterion for that distinction. He further maintains that the expecting or the non-expecting of the future reassembling of the scattered Jews in one theocratic state in Palestine under the dominion of a scion of the Davidian royal family, forms the criterion for distinguishing between the confession of the Jewish Messianic belief and the denial of that belief.

Eugenheimer stresses the point of the existence of a schism among Jewry. He does all in his power to make that emphatic. In doing this his purpose is evident. He wants to hold in clear features, orthodox Judaism before the eyes of the Jew, in order to avoid the penetration of ideas of reform under the guise of orthodoxy. The recognition of the existence of a schism in Judaism is therefore to him of the highest import. He says:

"Wenn der groeszere oder kleinere Theil der Juden den Glauben an einen persoenlichen vom Koenige David abstammenden Messias aufgegeben hat und die Messiasprophetien auf das Volk selbst bezieht, schon hiedurch die Existenz einer Spaltung im Schoosze der Judenheit konstatirt ist."

The very trial of Kompert at which two Rabbis in Israel have given as their expert testimony such an un-orthodox representation of the belief in the coming of the Messiah, establishes beyond a doubt that there is a definite schism in Judaism. The cleavage consists in no wise of mere externals; "sondern in der Leugnung von Religionswahrheiten,\*\*\* deren Nichtanerkennung in dem entschiedensten Widerspruche mit dem geoffenbarten Judenthume steht."

One of the points in the trial which Kompert and the Rabbis stressed was the non-existence of an orthodox Jewish church, and orthodox Jewish doctrines. What does exist, is Judaism. It is this Judaism which is protected by the laws of the empire. The ordinances of June 20, and October 13, 1781, place the teachings, customs and ceremonies of the Jewish religion, under the protection of the Austrian state. In these laws no mention is made of any particular kind of Judaism. It is the Jewish religion that is tolerated. Particular sects of this religion could lay no claims to protection by the state authorities. Eugenheimer maintained in opposition to Kompert and the testimony of the two Rabbis, that there does exist a decided schism in the ranks of Jewry. The decrees of the empire in placing Judaism under state protection, meant

to tolerate the customs, ceremonies, and beliefs of the kind of Judaism which existed at that time; that being non other than the Rabbinical or orthodox Judaism. Orthodox Judaism can therefore not be regarded as a schism but is the real, genuine thing. It is the Judaism that was inherited from the fathers. Non-orthodox or Reform Judaism could certainly not have been included in the decrees of the empire, as a religion to be protected. For it was not before Jacobson tried to introduce reform practices that a cleavage in Judaism began to manifest itself. It is therefore reform and not orthodoxy which must be regarded as a schism, and hence outside the state's protection. This last conclusion, while not exactly expressed by Gugenheimer, is nevertheless clearly hinted at, for it is the most inevitable judgement to which his statements directly point.

The many attacks which succeeded the testimony of the witnesses and the judgement of the court, on the part of the orthodox public, induced Rabbi Horowitz to come out in defence by the publication of a Hebrew pamphlet, in which he maintained that his testimony was misunderstood; since he was far from believing that the Messiah doctrine did not form a fundamental dogma in Judaism. The only thing that is uncertain is the time and manner of the Messiah's coming.

"כל יהודי מאמין באמונה שלמה בביאת משיח אישי משיח  
והאמונה הזאת מוצרשת מאוד בקרב כל איש ולב עמוק  
אין וסתי יבא כמות מאתנו ונודע בלתי לה' לבדו."

(Quoted, *Jeshurun*, No. VIII, p. 253.)

The pamphlet was severely reviewed by Mr. Hirsch, the editor of the *Jeshurun*. The testimony if misunderstood by the exponents of orthodoxy how much more must it have been misunderstood by the court, claimed the reviewer, if it could base its judgement upon that testimony and declare that orthodox Judaism is but a sect which has seceded from universal Judaism, and as such has no claim to the protection of the laws guaranteed to the recognized religions of the empire? Horowitz should have found no rest until he had made clear to the court, and to the entire public his real meaning behind the given testimony, declared Mr. Hirsch. For it is unheard of, the reviewer stated, that a court should base its judgement upon the sworn testimony of a witness, which testimony the court has taken to mean just diametrically opposite to the sense which the witness intended to convey.

A pamphlet in Hebrew, further contested the reviewer, is only read by Jewish circles, the court and the world outside know nothing of its contents. By this act Rabbi Horowitz showed that he in no wise intends

to clear the misunderstanding with the court in order to bring about a revision of the judgement. How can Horowitz be at ease when as a result of his testimony, the court issued its judgement and declared that actual or universal Judaism has nothing definite or precise in its dogmas, and the Jew subscribes to but very general categories of belief? How can Horowitz have his conscience clear when the court decided that the Jewish confession which has crystallized dogmas unalterable and defined, as for instance orthodox Judaism, is a separate and seceded sect from universal Judaism?

In his pamphlet Horowitz states that the reason for his declaration that there exists no schism in Judaism, was that those who have abandoned the faith, have as yet not constituted themselves into a separate sect. As to the ritual reforms they only touch the liturgy, but the religion itself, *הדת עצמה* is left undisturbed. To this the reviewer in the *Jeshurun* answers, that this explanation hardly avails anything; for the court due to this very testimony, was authorized to assume precisely the opposite opinion. Namely, those doctrines and reforms of the Reform faith, which the orthodox Jews declare to be a departure from the true religious doctrine, and as such to be condemned, are legitimately part and parcel of universal Judaism, and are repudiated by the orthodox element merely because of sectarianism.

In this review, Mr. Hirsch maintains that due to the testimony of the two Rabbis, orthodox Judaism has practically been deprived of its protection as a tolerated religion in the Austrian empire. For the court concluded that the true faith of Judaism is not orthodoxy but reform, the former having deviated from universal Judaism.

The controversy which rose to a very animate pitch among Jewry in Europe, extended to the shores of America. The *Israelite* of May 27, 1864 gives the setting of the whole conflict. The *Israelite* explains how the controversy had its origin, and states what it deems to be the motivating power behind it all. It declares that a faction of the orthodox school in Germany and Hungary have been trying for a long time to create a schism in Judaism, and thus divide the Hebrews into two sects. These persistent efforts led to the establishment of two small congregations, one at Frankfort A.M. and another in Mainz. After these results further successes were not forthcoming. The leading men were constantly agitating and utilizing every available means to make a sect of their followers. These men bitterly attacked any attempt at progress and were especially denouncing the scientific wing of the orthodox camp. At the appearance of Dr. Graetz's 4th volume of the history of Israel, and also at the publication of *Darkei hamishna* by Dr. Frankel, the head of

Breslau Rabbinical seminary, the agitators of sectarianism, the Israelite asserts, fell upon these meritorious works and furiously denounced their authors. The controversy between the two orthodox camps was constantly raging.

The law-suit against Kompert, and the testimony of the two Vienna Rabbis was but another opportunity which the faction utilized for its purpose of making a separate sect in Jewry. It is the opinion of the Israelite that the shores of America should never have welcomed with attention the "petty quarrels" of the two orthodox camps on the other side of the Atlantic. The Israelite declares that it finds itself forced to treat of the matter in its columns only because of the important place which the editor of the Occident devoted to it; and also because of the latter's ardently subscribing to the aggressive and agitating faction.

The Israelite ridicules the editor of the Occident for his stand in attacking such men as Horowitz, Mannheimer, and Graetz. How could the piety of such a man as Horowitz be questioned, "one who refuses to drink *חלב של חלבה*, or who would not eat *בשר של נכרי*; is such a man not orthodox enough for the editor of the Occident?" Asked the Israelite. The whole question should not have been meddled with; says that editor. He regards the treatment of the subject and the sustaining of the attacks on the defenders of Kompert and Graetz by the editor of the Occident, as prompted by the feeling of sectarianism. The aggressive stand of the *Jeshurun*, and of its editor, Mr. Hirsch, the Israelite asserts, can in no wise be stamped, as does the editor of the Occident, as orthodox, in contradistinction to the views of Graetz, Mannheimer, and Horowitz.

In answer to these charges the Occident assumes a poised reserve, stating that it never reads the columns of the Israelite, and the assaults on the part of its editor brought to the Occident's attention by outsiders, are hardly worth while considering. The editor of the Occident refuses to take up cudgels with the editor of the Israelite, and allows him as much field for attack as the latter may choose. Mr. Leeser deems it proper to ignore the attacks of the editor of the Israelite, on the ground that the life of that editor in America, has been made up of a "series of inconsistencies;" he can therefore "have the field all to himself."

Dr. Wolf Landauer, chief Rabbi of Dresden, Saxony, in a letter to Rev. Dr. Jonas Bondi of New York, which was printed in the Occident of July 1864, declares that Graetz in *Die Verjuengung des juedischen Satames*, does in no wise deny the personality of the Jewish Messiah. As to the interpretation of the passage in Isaiah as referring to the whole

people of Israel, in this Graetz does not stand alone; for Ibn Ezra and others are of the same opinion. The editor of the Occident vigorously opposes this view of the matter, and is far from willing to declare Graetz "guiltless" of the charge of denying the belief in the coming of a personal Messiah.

#### IV.

#### CONCLUSION.

In viewing the various elements expressed by the participants in the controversy, one cannot help but notice the prevalence of the differing opinions. At best one can enumerate those who took part in voicing their views in support of one side or the other, if ~~it~~ we are in any way desirous to do justice to the stand taken by each one, and to the reasons upon which that stand is based.

The only evidence of unanimity of opinion is seen in the Bildesheimer protest which was supported by the signatures of one hundred and twenty-one Rabbis. There a definite stand is taken which reveals the position of strict uncompromising orthodoxy. It reflects the views of a definite period which finally came to <sup>be</sup> recognized as voicing the only correct opinions which a Jew can possibly entertain if it is his desire to adhere to the faith.

But even this unanimity is obtained only by the expression of a vague general, unqualified statement. There is no attempt made to enumerate the particular articles <sup>of</sup> faith, through the confession of which, nor the definite necessary acts through the practice of which one may be classed as a believing Jew. Even this crystallized, definite element of strict orthodoxy could only mass together the opinions of one hundred and twenty-one Rabbis into the signing of a single agreement, only upon the basis of a general formula, which when analyzed reveals the most complex variety and divergence of views.

The general formula upon which rested the unanimity of the orthodox protest, reads:

"Whoever lives according to the Talmudic writings in which the totality of the oral law is contained, and according to the religious acts which are based on the same, is orthodox, a true believing Israelite."

To subscribe truthfully and upon the basis of fact to such a proposition it would mean, that the views, laws, and traditions which the Talmud contains should form the basis of the believing Jew. But these views, laws, and traditions are far from being homogeneous, and mutually supportive. On the contrary they are developmental in character, and therefore bound to be contradictory, ranging from the strictest adherence to definite forms to the greatest laxity in them. The Talmud the compendium of the opinions, sayings, laws, and practices of the Jews

during a period of almost a thousand years, can in no wise form a crystallized unchanging basis for the faithful adherence of the believing Jew. However sincere in their intentions, it was nevertheless made possible only by the lack of the historic sense from which they suffered in common, that a united expression of one hundred and twenty-one Rabbis came into being.

The dogma of Judaism concerning the coming of a personal Messiah has according to *Die Verjuengung des juedischen Stammes*, and to the testimonies of the two witnesses, been repudiated in the eyes of the protesting Rabbis. That the Jews expect the coming of a personal Messiah, is pretty well agreed upon by the authorities of the Talmud. The only prominent Talmudic authority who denies this belief is Hillel, <sup>ר</sup>א"ל. <sup>ר</sup>א"ל. (Sanhedrin 8b)

The defence of Kompert that Graetz did not at all touch upon the question of the Messiah's coming, but was merely concerned with interpreting the 53rd chapter of Isaiah, must appear pipillistic in character. For to what purpose did Graetz utilize the interpretation of the passage in Isaiah, if it were not to support his idea of Israel's mission?

But Kompert's statement that the expressions *Caricatur* and *romantischen Schwärmerei*, refer to the sense of the passage and were not meant to ridicule the belief in the personal Messiah, certainly is the only significance which one can possibly draw from the sentence by Gretz. It is hardly wise to say that because the statement: "I do not believe in the coming of a personal Messiah," is not expressed by Graetz in so direct a fashion, that he therefore does not deny that belief. For the tenor of his essay in no way supports any opportunity in which the personal Messiah can fit into the scheme of things such as is outlined in *Die Verjuengung des juedischen Stammes*. Rabbi Fassel openly says that this readily shows that Graetz does not expect the coming of a personal Messiah, and that by this stand Graetz still is following good Jewish precedent.

One cannot help but realize that at the bottom of the contraversial statements there lies the conflict between orthodoxy and reform. Whether consciously or unconsciously, the struggle between the stationary and the moving view-point is manifested by these exchanges of clashing opinions. Any attempt to reconcile the two can never be permanent. Mannheimer has tried to make such a reconciliation at the trial when he said, that Graetz speaks but of the mission of Israel, and that this does not necessarily involve the denial of the personal Messiah. Graetz

was led to his idea of the mission of Israel by his knowledge of the history and development of the Jewish people. To him it was unique, that Israel should have been able to remain alive as an important contributory factor to civilization, in spite of the sufferings and critical periods in its history. This mystery made Graetz believe in the messianic character of the Jewish people. But what made Mannheimer insist that by this mission Graetz does not abrogate the belief in the personal Messiah, was the unconscious inability, on the part of the Vienna Rabbi, to relinquish the fixed view-point of orthodoxy.

It is impossible to make any strong divisions as to the exact endings of orthodoxy and the beginnings of reform, for both these are inseparably and most often unconsciously interwoven even in one and the same person. Mannheimer who regarded himself as orthodox beyond question, maintained firmly the non-existence of any schism in the ranks of Jewry. He explained the divergence of views among Jews, on the ground that there are among Jews just as anywhere else, people that are bigoted, and those that are free-thinking; some are more believing than others, there are people who are strict in the adherence to laws, and there are again others who are very lax in them.

In strong contrast to this opinion expressed by Mannheimer, must be placed the view of Gugenheimer in the *Jeshurun*. According to Gugenheimer, there are no such Jews that are to be classed as bigoted and other Jews that are to be classed as free-thinking. There can only be one kind composed of those who adhere to the positive and definite principles of the faith of Judaism both in theory and in practice. Any departure from those principles constitutes a departure from Judaism. Gugenheimer is of the opinion that there exists only one kind of Judaism, which harbors no conflicting beliefs. For it is the embodiment of fixed and positive ideas from which any deviation must be regarded as un-Jewish in character. Such a stand absolutely discountenances any flexibility whatever.

The dogma of Judaism concerning the coming of a personal Messiah has no trace of support in *Die Verjüngung des juedischen Stammes*. Graetz who never dreamed of styling himself an adherent of reform, has either consciously or unconsciously departed from a crystallized unchanging orthodoxy, which regarded the belief in the coming of a personal Messiah as one of its fundamental tenets of faith. Graetz's severe criticism of the Reform party, and his championing the cause of conservatism, is enough to convince one of his attitude toward the Reform movement. But one cannot help noticing that even this defender of orthodoxy deviated from the definite well defined limits set by the author of the *Shulchan*

*Aruk*, as forming the true unalterable boundaries of Judaism.

The controversy of the Messianic dogma which the essay of Graetz aroused, had the very important effect in that it brought to the front the submerged differences of opinion that existed among the ranks of orthodoxy. It showed that the supposed universally accepted principles of Judaism were not at all solidly and strictly entertained by the orthodox camp. It revealed to a more striking degree than was already visible at the time, that Judaism was still in the process of evolutionary change.