THE POLEMIC OVER ORGAN ACCOMPANIMENT OF SYNAGOGUE WORSHIP IN THE NINETEENTH CENTURY

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INTRODUCTION

The Jews and Jewish communities of Central Europe in the nineteenth century were subjected to a tremendous psychological and sociological tension. This tension, which tore apart individuals and communities alike, was created by the two opposing forces of tradition and modernization. European society was struggling through the process of rationalization in the economic, political, and intellectual spheres. The hopes of the Jews for emancipation were tied up with this struggle, for persecution and oppression of religious groups had no place in an ideal rational society. However, rationalization was not only "good for the Jews;" it was also bad for them: the logical conclusion of the process was the elimination not only of religious discrimination, but of religious distinctiveness altogether. Thus, implicit in the rationalization of society was the danger that the Jews would pass beyond emancipation to assimilation. And indeed, many did. Most, however, did not. Most Jews were too firmly rooted in the tradition, emotionally and intellectually, not to mistrust to some extent the ideal of the rational, neutral society. Some rejected this ideal entirely: chief among the conservatives were the rabbis, who saw that integration of the Jews into the surrounding society was bound to lead to the weakening, if not the dissolution, of the authority of Torah law and of the authority of the teachers of Torah, the rabbis. On the other hand, many Jews, for a

variety of psychological and economic reasons, found the new world of an enlightened, pluralistic society attractive. These elements of the community, by today's nomenclature the reform and neo-orthodox Jews, attempted to create a synthesis: to maintain roots in Judaism, yet to accept rationalization to a useful extent.

The tension between tradition and modernization was manifest in two loci. On the individual level, it gave rise to frustrations, vacillations, neuroses -- the conflict internalized could not but cause suffering.[1] In the Jewish community, this tension led to conflicts among factions with differing conceptions of the ideal balance between tradition and rationalization. Ultimately, many communities were irrevocably fragmented by these conflicts. Both sides in such communal disputes, the traditionalists and the modernizers, saw their respective positions as being in accord with the true spirit of the Jewish tradition, while in fact, both sides were often guilty of bending the tradition to fit a position dictated by current economic and psychological needs. The halakhic process, of course, had always proceeded out of a tension between the accumulated tradition and the needs of the hour, but in the eighteenth century, time had begun to move a good deal faster than previously; social, political, and technological changes during the past two centuries have come ever more rapidly. As a result, in the nineteenth century, the delicate balance between tradition and innovation

was knocked awry. The rapidity of change, coupled with the breakdown of the medieval social structure and the consequent loss of Jewish autonomy, posed a crisis for the halakhah. How and whether the halakhic process could continue became unclear. The conflict between the traditionalists and the modernizers, superimposed on this uncertainty about the meaning of halakhah in the modern period, gave rise to a number of interesting ideologies and strategies. The purpose of this thesis is to examine and clarify some of these, and thereby to shed some light on the process of transition from medieval Judaism to the Judaism of today.

During the nineteenth century, public controversies between traditionalists and modernizers raged over a number of specific issues, but the most frequent subjects of contention were attempted changes in the practices of public worship. Dress, music, use of the vernacular, synagogue architecture, shortening of the service: each of these was a focus for heated debate and even political action. Public worship became such a center of controversy for two reasons: its public nature, and its freedom from real halakhic constraints. Unlike individual and home observances, modifications in public worship could not be done discreetly, nor could they be simply a matter of personal prerogative. Changes had to be accepted by the whole community. Accepting or rejecting modifications, being a public act, acquired tremendous symbolic value: in deciding whether or not to move the reader's stand to the

front of the synagogue, a community was making an ideological statement which far transcended the significance of a minor rearrangement of furniture.

The other factor responsible for the centrality of public worship in the conflict between traditionalists and modernizers was the lack of a halakhic basis for many of the established practices of the synagogue. While halakhah did set the content and order of the major prayers in public worship, it was by no means clear that such procedural matters as the subject and language of the sermon, the costume of the precentor, the melodies, choral form, and accompaniment of the cantorial music, and the location of the reader's stand, were anything more than long-standing custom. The modernizers saw the non-legal nature of synagogue procedures as an opening for change; the traditionalists saw such change as a threat to the halakhic process and to their own authority, especially in view of the public character of the matters in question. Faced with the ineffectuality of their personal authority, the traditionalists turned to superior authorities: the halakhic literature, and when that failed, the state. The modernizers wished to see themselves as part of the tradition, so they were forced to fight the enemy on his own terms: they too sought to justify their position halakhically.

In order to understand fully the polemical exploitation of the halakhah by both the traditionalists and the

modernizers -- and in order to see the effects of that exploitation on the condition of the halakhah today -- it is useful to choose a particular issue which became a focus of controversy between the opposing groups, and to study the development of the argumentation used by both sides. An issue which is particularly well-suited for such an analysis is the question of the use of the organ in synagogue worship. This is a gray area from a halakhic point of view. There is no halakhic authority which explicitly forbids the playing of the organ during worship, but neither is the practice obviously permissible. The law is sufficiently vague to allow both sides significant freedom of action. This thesis will examine the relevant ancient and medieval sources and precedents, and trace the development of the polemic over the use of the organ through the nineteenth century.

CHAPTER I

TALMUDIC AND MEDIEVAL SOURCES

It is clear, from the superscriptions of many of the psalms, and from passages such as Ezra 8:10 and Nehemiah 12:27, that instrumental music was a part of worship in the first and second Temples. The Mishnah also alludes to the musical instruments involved in Temple worship.[2] Whether one of the instruments used in the Temple was roughly equivalent to the modern organ is not at all clear. According to the Mishnah in Tamid, one of the utensils of the sacrificial ritual, the magrefah, or ash rake, served a dual purpose: it was used to scrape waste material from the altar, and it was struck against the stone floor of the Temple as a sort of gong, calling the priests and Levites to attend to their various functions.[3] However, a discussion in the Gemarah in Arakhin suggests that the magrefah was something entirely different: Samuel is quoted as teaching that the magrefah was an instrument having ten openings, each capable of playing ten (or possibly a hundred) notes.[4] While this description is not entirely comprehensible, it does seem to resemble the pipe organ. Rashi and the Tosafists were definitely aware of this resemblance, and assumed that the Gemarah was referring to an organ. There are two problems with this identification: a) in the same disucssion in Arakhin, Rabbi Shimon ben Gamaliel states that there was no hydraulis in

the Temple.[6] Hydraulis, it seems, is the Greek term for a forerunner of the organ, a pipe instrument utilizing water pressure to force air through the reeds.[7] b) It seems strange that the term magrefah should refer to two distinct instruments, a chiming rake and a complicated wind instrument.[8] Perhaps, because of the impressive and important sound ascribed to the rake/gong magrefah in the Mishnah, later generations of scholars, who had never seen the Temple and its accouterments, associated it with the impressive-sounding hydraulis. In any event, there is no convincing evidence that an organ-like instrument was played in the Temple service; indeed, Rabbi Shimon ben Gamaliel's statement suggests that the contrary was true.

Following the destruction of the second Temple, there were numerous attempts, some successful and some not, to institute customs which would serve as symbols of a permanent state of mourning over the loss of the Temple.[9] Apparently, the statement in the Mishnah in Sotah that "since the end of the Sanhedrin, the song of the banqueting hall has ceased,"[10] was one such attempt. The ensuing discussion in the Gemarah,[11] however, indicates that some Amora'im considered the attempt neither successful nor desirable; Rav Hunah seems to ridicule the whole idea. There is no allusion in either the Mishnah or the Gemarah to any cessation of singing in a religious context. The discussion centers on singing during labor, and on drinking-music. Indeed, not

even all secular music is forbidden: the songs of certain laborers, such as cowherds and boatmen, are allowed. This passage in Sotah could hardly be construed as placing limitations on liturgical music, vocal or instrumental. More relevant is Mar Ukbah's statement in Gitin,[12] understood by the Gemarah as forbidding vocal and instrumental music, with no specification as to the context of the music. Taken at its face value, this passage might well be understood as prohibiting singing -- and instrumental accompaniment -- not only at work and at play, but also at prayer.

There is evidence, however, that the severe view inferred from Mar Ukbah's statement was not accepted as practical halakhah in the talmudic period. The evidence is indirect, and is found in the discussion of activities which are forbidden on the Sabbath. In listing those actions which may not be performed on the Sabbath because they may indirectly cause labor to be done, the Mishnah in Bezah forbids dancing and clapping and drumming (with the hands).[13] The Gemarah explains that this prohibition is intended to prevent people from repairing a musical instrument,[14] which would be a clear violation of the Sabbath. A further elucidation of the problem of music-making on the Sabbath appears in Erubin,[15] where the Gemarah discusses the status of noise-producing activities such as knocking on a door or siphoning wine (which gurgles?). The conclusion is drawn that actions which merely generate noise are permissible; only

the production of musical sounds is forbidden. The reasoning behind this conclusion is significant: the generation of sound -- any kind of sound -- is not in and of itself a violation of Sabbath rest; musical sound is forbidden only because of the danger that one might become involved in the music, lose track of the day, and do actual constructive labor, preparing or repairing a musical instrument. With respect to the question of the permissibility of music in general, this talmudic concern with the temptation to repair an instrument on the Sabbath suggests that music, both vocal and instrumental, was a part of daily life, a common and natural activity. Thus, the general applicability, or at least the effectiveness, of the prohibition stated in Gitin is questionable.

The halakhic authorities of the middle ages differed in their treatment of Mar Ukbah's apparent prohibition of music. The majority, it seems, sought (and found) ways to avoid a stricture so unrealistically severe. Probably the earliest post-talmudic opinion on the subject was that of R. Hai Gaon. R. Hai begins his responsum by describing in glowing terms the widespread custom of singing at feasts and weddings: with "joyous voices" the people sing of God's great deeds and of their hopes for redemption and of their good wishes for the bride and groom; "and there is no man in Israel who would refuse to participate..."[16] In order to reconcile this reality, of which he obviously approves, with the pro-

hibition ascribed to Mar Ukbah, R. Hai interprets Mar Ukbah's statement as referring only to secular music:

> ...the music forbidden by Mar Ukbah was not of this type, but rather songs of love of man for his fellow, praising the beautiful for his beauty... and the strong for his strength, etc... This is basically the same matter we learned /in Sotah/, "since the end of the Sanhedrin, the song of the banqueting hall has ceased."[17]

Music which has no Jewish content, then, is forbidden. R. Hai makes no reference to instrumental music.

The Tosafists, in commenting on Mar Ukbah's statement, also connect it with the passage in Sotah prohibiting the song of the banquet hall, but restrict permissible music even further than did R. Hai: only shir shel mizvah (song arising out of a religious obligation) is allowed. The only specific example mentioned is the wedding feast.[18] There is a minority view, held by at least one authority, which accepts Mar Ukbah's prohibition at its face value: according to R. Isaac ben Moses (in the Or Zaru'ah), while music which is occupationally functional (e.g., the chanting of plowmen to their oxen) may be permitted, no music whose purpose is merely to "rejoice the heart" is allowed, even without instrumental accompaniment; and

> at the end of the second Temple it was decreed not to play musical instruments such as drums and violins, and it is even forbidden to play them for children.[19]

There are several indications that R. Isaac's severe view was not widely accepted: in the Mishneh Torah, Maimonides restates the prohibition of all music, but concludes with a moderating observation:

> And it is already customary among all of Israel to say words of praise and songs of thanks to God etc., over wine.[20]

R. Joseph Karo quotes Maimonides' ruling verbatim in the Shulhan Arukh;[21] R. Moses Isserles adds that "for the sake of fulfilling a mizvah, such as at a wedding, all [i.e. vocal and instrumental music] is permitted."[22] Indeed, at least one major halakhic authority of the middle ages, R. Jacob Mollin (the Maharil), seems to have considered music not only permissible at weddings, but obligatory, as is revealed by the following story:

> ...the duchess of the land died, and in her honor, the duke ordered that no musical instruments be played in all the land for a year; and there happened to be a wedding [scheduled] in that territory during that year. They asked the Maharil whether to perform the marriage without musical instruments, and he ordered that the wedding not be done without musical instruments, for that is essential to the rejoicing of bride and groom; [he ordered] that if it was impossible [to use music] in their locale, they should go to a place where it would be possible. And so they did...[23]

And finally, it should be noted that Sefer Hasidim discourages the teaching of Jewish melodies to priests, as well as the borrowing of Christian melodies for Jewish liturgical use.[24] This restriction implies an awareness of and interest in music on the part of the Jews of the period.

With respect to the permissibility of playing musical instruments on the Sabbath, the major medieval authorities do not offer a clear, unified interpretation of the talmudic prohibition. The most severe position is that of Maimonides, who states simply that

> it is forbidden to drum, to dance, and to clap on the Sabbath; this is a rabbinic decree, lest one should repair a musical instrument. Drumming with the back of the hand is permitted.[25]

Maimonides' ruling is clearly an abbreviated restatement of the two talmudic passages dealing with this matter, in Bezah and in Erubin. More liberal interpretations of these passages are found in the Tosafot and in the Sefer Raviah, by R. Eliezer ben Joel Halevi. The Tosafist suggests that the danger that people would be led to repair a musical instrument on the Sabbath was only applicable in ancient times, when instruments were simpler, perhaps, and people wiser; "but we are not skilled in making musical instruments, and such a decree is not relevant to us."[26] The logical consequence of such a view would seem to be that all instrumental music is to be permitted on the Sabbath, since the only reason for limiting such music has become obsolete.

R. Eliezer ben Joel's position is less radical than that of the Tosafist. Rather than declaring the talmudic prohibition obsolete, this scholar finds ways to evade and mitigate it: a) the prohibition is merely a rabbinic decree dealing with an indirect violation of the Sabbath; b) there are cases where the playing of instruments is a mizvah, as at a wedding; c)therefore, there should be no objection to asking a non-Jew to play an instrument for Jewish festivities on the Sabbath.[27] This reasoning suggests that at least some medieval Ashkenazic Jews found the rabbinic fence excluding music on the Sabbath a nuisance. It also indicates

that there was nothing remarkable about the hiring of Christian musicians to play at Jewish weddings in thirteenth century Germany. It is important to note that R. Eliezer ben Joel's position by no means eliminates the prohibition of music on the Sabbath: music is only allowed for the fulfillment of a mizvah, and the instruments are to be played only by non-Jews.

Apparently, the view expressed in the Sefer Raviah was normative for Ashkenazic Jewry, though there is some evidence that even this liberalization was still too restrictive for the general public. R. Mordecai ben Hillel quotes Sefer Raviah in his code with approbation,[28] and is in turn quoted by R. Moses Isserles in his Darkhe Mosheh. The last-mentioned authority adds the following interesting comment:

> ...and it may be concluded that in any other circumstance [than a wedding], this is forbidden just as any other request of a non-Jew [to do labor on the Sabbath for Jews]; therefore, it is surprising that a custom has arisen to be lenient in this matter...[29]

In other words, the practice had spread of asking, or hiring, Gentile musicians to play on the Sabbath not only in the limited context of marriage festivities, but for other, less obligatory, occasions as well. Isserles quotes R. Jacob Weil's discussion of this practice, which considers the possibility that the Tosafist's view might be a means of legitimizing what was already a popular custom.[30] However, he apparently was not convinced, for in his addenda to the Shulhan Arukh, Isserles states simply that asking a non-Jew to play music on the Sabbath is permitted only at wedding celebrations, and under no other circumstances.[31]

R. Joseph Karo was less lenient than his Ashkenazic counterpart in the matter of playing music on the Sabbath. While he recognizes that there are some authorities who permit a Gentile to perform music for Jewish wedding festivities on the Sabbath,[32] Karo himself considers all musical activities to be proscribed, because of the danger of inadvertent labor (repair of an instrument).[33] Karo's refusal to go along with those who would allow employment of Gentile musicians at Jewish weddings is not surprising, for it is consistent with the position of R. Jacob ben Asher in the Tur. R. Jacob ben Asher makes it quite clear that a non-Jew may only be asked to perform forbidden actions on the Sabbath if such actions are required for the actual fulfillment of a mizvah, as for example, work involved in preparing for a circumcision which must be done on a Sabbath.[34] Playing a musical instrument at a marriage feast would be too indirectly involved in a mizvah to be included in this permitted category.

The foregoing review of the positions of various classical halakhic sources with respect to music reveals that there was no unified, consistent view regarding the permissibility of music in general, nor was there a universally accepted position regarding the prohibition of music on the Sabbath. There seems to have been a certain amount of tension between popular custom and official pronouncement: apparently, rabbinical attempts to restrict the playing of music, in general

and on the Sabbath, were not understood or accepted by the people. Perhaps it was to relieve this tension that some authorities sought halakhic justification for easing or evading rabbinic strictures on musical activity (e.g., the Tosafot and the Sefer Raviah[35]).

That music was both a part of Jewish life and a subject of controversy in the seventeenth and eighteenth centuries is indicated by several interesting documents from various parts of Europe. Early in the seventeenth century, an Italian Jewish physician by the name of Abraham Portaleone published a treatise on the Temple and its ritual, Shilte Gibborim. This work contains several chapters on music and musical instruments. The author's main purpose seems to be apologetic: he argues that King David knew Plato's laws of harmony, which he taught to the Levites;[36] therefore, those who claim that the Jews are (or were) unsophisticated, crude, and ignorant in the realm of music, are themselves ignorant of the facts.[37] Portaleone discusses at length the problem of the identity of the magrefah, finally admitting that he cannot solve it.[38] He also attempts to determine the modern equivalents of the other instruments mentioned in the Mishnah.[39] The author's treatment of levitical music, while betraying a lack of objective historical knowledge, does show that Portaleone had a thorough knowledge of contemporary musical theory and technique; indeed, he digresses at one point from his historical analysis to impart to his readers

specific guidance in playing various musical instruments and in reading musical notation.[40] Clearly, music was important in the culture of Renaissance Italy, and Portaleone did not want to see his fellow Jews culturally deprived.

The author of Shilte Gibborim, not surprisingly, was not the only Jew in early-seventeenth century Italy who was knowledgeable in the field of music. In the first years of the century, a dispute arose in at least one community over the participation of a choir in communal worship. According to a question addressed to the enigmatic, independent Venetian scholar Judah (Leon) Modena, choral performance of liturgical songs such as Adon Olam and En Kelohenu, in the style then in fashion, aroused strong opposition from some members of the community, who claimed that such musical expression was forbidden since the destruction of the Temple.[41] In his responsum, Modena quotes the various passages from the Talmud and the major codes indicating that music is forbidden except in fulfillment of a mizvah.[42] However, he emphasizes the significance of the exception: for the sake of fulfilling a mizvah, such as rejoicing at a wedding, instruments may be played, and singing over wine at a banquet is even allowed -- the severest restrictions may be abrogated. And furthermore,

> No one who has a brain in his head can doubt that praising God with song in the synagogue on Sabbaths and holidays is to be considered a mizvah similar to rejoicing with bride and groom; for every holy Sabbath is a bride for us, and we are obligated to beautify and entertain her...[43]

Thus, Modena attempts to produce halakhic justification for

the inclusion of choral music in the synagogue liturgy. While Modena's halakhic authority is questionable, as is the seriousness of his scholarship, he was not a lone renegade: this responsum was published with five haskamot appended to it, one of which (by a Rabbi Baruch ben Samuel) states emphatically that anyone who condemns those who play and sing at weddings and circumcisions and in the synagogue on Sabbaths and holidays is an ignoramus.[44]

Eighteen years after its first appearance, Modena republished his responsum on music as part of his preface to Salomone di Rossi's book of songs, Hashirim asher Lishelomoh. He explains his inclusion of the responsum as an attempt to silence the objections of the "superpietists who reject everything new and everything which they don't understand."[45] From the original responsum, and from Modena's comments in the preface to di Rossi's work, it is clear that choral music in a liturgical context was an innovation during the period in question, an innovation which found both support and opposition within the community. To the extent that Modena's responsum can be considered a halakhic defense of the innovation, it is interesting that he does not attempt to show that the prohibition of music is generally invalid, but only to expand the list of mizvot which would require expressions of joy through music.

Music appears to have been a source of pleasure and a legal concern for Ashkenazic Jewry during the seventeenth and eighteenth centuries, no less than it was for the Jews

of Italy. There must have been innovation in liturgical music -- otherwise, R. Joel Sirkes would not have found it necessary to discuss the distinction between melodies introduced into the synagogue from secular sources, and those borrowed directly from Christian worship.[46] The former he permits; the latter he rejects as syncretistic. And the earlier controversy over the permissibility of asking a Gentile musician to play for Jews on the Sabbath continued into this period, as may be seen from R. Abraham Gumbiner's statement (in his commentary to the Shulhan Arukh) that it is permitted to do so.[47] He bases his opinion on the argument of the Tosafist that in "our day" people are no longer skilled in the repair of musical instruments, so the danger of accidentally repairing one is non-existent. Gumbiner wishes to allow Jews to listen to music on the Sabbath; clearly, he does not consider performance of (or listening to) instrumental music in general to be forbidden.

The musical activity of Ashkenazic Jewry need not only be inferred from halakhic discussions; it is clearly described in contemporary personal accounts. Abraham Levy, a Jewish traveler of the first quarter of the eighteenth century, describes in his memoir various aspects of the communal life in the Jewish communities he visited. He tells of the famous and excellent choir which participated in worship in Prague;[48] and he mentions the hour-long musical Kabbalat Shabbat performed every Friday by the choir, with the accompaniment of an organ and other instruments.[49] And in

Nikolsburg, according to Levy, a similar custom was followed: the Sabbath was welcomed with "singing and music."[50] A non-Jewish observer, Johann Jacob Schudt, corroborates Levy's testimony about Prague, and adds detail: Schudt knows that music and musical instruments are a matter of controversy among the Jews;[51] he is aware of various Christian traditions regarding the Jews' negative feelings about music, and about organ music in particular.[52] Therefore, he sees the presence of an organ in the Alt-Neu-Schul in Prague as remarkable,[53] and he seeks an explanation for this departure from tradition.[54] Schudt also describes the procedure for Kabbalat Shabbat in Frankfurt. He does not mention instrumental music, but does indicate that in that community the Sabbath was welcomed with fairly elaborate vocal music, the singing lasting for an hour.[55]

Further information on the musical life of the Jews of Prague is to be found in a Judaeo-German document reproduces by Schudt, a description of the festivities in the Jewish community in 1716, honoring the birth of Prince Leopold, son of King Charles.[56] A high point of this celebration was an elaborate procession, in which marched various dignitaries, including the most prominent rabbi of the community, carrying a Torah scroll.[57] This parade also contained a "marching band" consisting of harps, trumpets, and "the new organ, built by Rabbi(?) Meir Mahler, which cost more that four hundred /gulden/..."[58] This description is sig-

nificant, in showing that there were skilled musicians and instrument-makers among the Jews, and that the performance of music was not limited to weddings; if the Jews of Prague felt that mourning for the ruined Temple placed any restrictions on their musical activity, apparently they saw the obligation to honor the king of the land as overruling such a constraint.[58a]

CHAPTER II

THE INITIAL EXCHANGE

In the light of the evidence regarding the the controversy surrounding the place of music in Jewish life, from the talmudic period until the beginning of modern times, the dispute which arose in the nineteenth century appears to have been more a continuation than a new departure. The modernizers who sought to introduce music into the liturgy in the early nineteenth century may not have been acting in radical rejection of established law. They could claim for their position roots in a minority tradition which had had its prominent adherents throughout the generations. In an earlier period, proponents of two opposing traditions or two halakhic positions might have contented themselves with dignified debate and an appeal to a highly respected rabbinical authority. But in the period in question, the condition of halakhic authority was too precarious to allow for scholarly debate over matters of public worship; and in view of the newly arisen specter of assimilation into a neutral, secular society, any reforms seeming to move the Jews closer to the surrounding society were immediately suspect. On the other hand, it is often difficult to reconstruct the real motives of the modernizers, and to ascertain their attitude toward the tradition. Some, certainly, introduced reforms in a spirit of continuity with the tradition, feeling themselves a part of the process of legal development; others, however, rejected

Jewish law altogether, and sought to remodel Judaism in the image of fashionable German Protestantism. Given this confusion over who was sincere and what they were sincere about, it is not surprising that the already defensive conservatives often lashed out at the modernizers with a desperation which seems today to have been "overkill." In the matter of the use of the organ in worship, the old controversy over music erupted into verbal violence and communal strife out of proportion to the significance of the issue itself.

The organ was first used to accompany Jewish worship (in the modern period) in Seesen in 1810.[59] The Seesen temple was established by Israel Jacobson, who was then president of the Consistory of Westphalia. Jacobson, a wealthy layman, represents a clear personal manifestation of the tension between tradition and modernization. He was a Jew who had "made it" in society. He was wealthy and cultured and politically influential. He was dedicated to the ideal of the rational society and worked hard to bring it into being. It pained him that Jewish practice, as he perceived it, was so irrational, so pre-modern. In order for emancipation to come, Judaism had to catch up with the surrounding European society. It might be said that Jacobson and others like him were embarassed to walk into the new society followed by their shokeling, wailing, shuffling cousins. And yet, Jacobson would not convert. He was still a Jew who felt rooted in the tradition and who felt a responsibility toward his fellow Jews.

Nor did he elaborate any sort of heretical ideology.[60] He simply wanted an esthetization of Jewish practice (according to the esthetic standards of Enlightenment Germany). His reforms were esthetic ones. They were reforms of dress and music and style. And they were done with the approval of the three rabbis who sat on his Consistory board.[61]

It is not clear whether the organ was a permanent feature of worship at Seesen. It was not discussed in the halakhic literature of the period. And the Consistory and its innovations passed away with the passing of Napoleonic rule. The organ did not become a major focus of controversy until 1815, when one was introduced into the reform synagogue organized by Jacobson and Jacob Beer in Berlin. At approximately the same time, a reform "temple" was opened in Hamburg. Like Jacobson, the Hamburg modernizers sought rabbinical support for their innovations. They therefore arranged for the publication of a collection of responsa and a learned essay verifying the legality of the practices of their synagogue.[62] The book of responsa, Nogah Zedek, and the essay, Or Nogah, were both edited and written by an otherwise unknown scholar named Eliezer Liebermann. Both appeared in 1818.

Nogah Zedek contains six responsa: three from Italy, one from Jerusalem, one from Rabbi Aaron Chorin of Arad, Hungary, and one from Rabbi Moses Kunitz of Oben (Budapest). It is interesting that Liebermann turned to Italian and

Sephardic (Palestinian) authorities for approval of the Hamburg innovations. Perhaps he assumed that the Italian and Sephardic communities would have a more lenient tradition regarding instrumental music in the synagogue.[63] It seems that Liebermann did not ask the same questions of all his authorities: he sought the Italian and Palestinian rabbis' opinions only on the use of the organ. His questions to Kunitz and Chorin dealt with other reforms as well.

The first responsum, that of R. Shem-Tov of Livorno, raises and rejects three possible objections to permitting the organ. From R. Shem-Tov's restatement of the question, it appears that he was not asked about the problem of playing musical instruments on the Sabbath, but only about the general permissibility of the organ. R. Shem-Tov argues:

1) If music was forbidden out of mourning for the destruction of the Temple, only secular music and drinking songs were forbidden. R. Shem-Tov understands the Shulhan Arukh and Isserles' comments thereto as permitting music for sacred purposes.[64]

2) The prohibition against imitating Gentile customs (see Leviticus 18:3) applies only to customs which have no purpose or explanation other than their role in Gentile religion, or to customs which are clearly sinful. Playing the organ does not fall in either category; indeed, it was once a Jewish custom, and has a positive, uplifting effect on worship.[65]

3) The prohibition against imitating any of the implements of Temple worship does not apply here, as Rashi has explained thatthis prohibition refers only to exact replication -- which the modern organ certainly cannot be.[66]

4) Jews everywhere, even the most pious and conservative Jews, are accustomed to employ vocal music in the liturgy; vocal music is obviously permitted in worship. Instrumental music is secondary and inferior to vocal music. Therefore, the permissibility of vocal music must imply, a fortiori, that of instrumental music in a similar context.[67]

R. Shem-Tov's second and third arguments apply only to the organ; they are not relevant to the general question of music or musical instruments. It is possible that these two objections were fairly obvious, and that the respondent realized that they would certainly be taken up by the traditionalists. It seems more likely, however, that the matter had already been discussed and argued sufficiently to make known the main arguments of the opposing sides. If so, then while the responsa of Nogah Zedek were the first published statements in the nineteenth century debate over the organ, they did not constitute the actual opening of the controversy. By 1817 (the date of R. Shem-Tov's responsum), there had already occurred a crystallization of the major halakhic arguments. R. Shem-Tov must have known that his

position would meet with strong opposition. And yet, it is important to note that R. Shem-Tov's enthusiastic support of the heter is based, ostensibly at least, on the specific halakhic question and not on an ideology of general change, progress, etc. There is no evidence that the respondent was in any way opposed to or outside of the classical halakhah, and no reason for assuming that he saw his responsum as anything other than an honest appraisal of the question, on its own merits.

The letters of support for R. Shem-Tov's position from two other scholars of Livorno and two scholars of Jerusalem do not contain any halakhic discussion: they consist symply of expressions of agreement with the heter.[68] Again, there is no evidence that these rabbis took the position they did out of a conscious ideology favoring halakhic change or rationalization of Jewish practice. Indeed, given the fact that in Jerusalem the tension between the tradition and modernization was probably not as strong as in Germany, there would have been no ideological reason for Palestinian scholars to force the halakhah to yield a heter in this matter. On the other hand, R. Haim Ayash and R. Judah Takli of Jerusalem were apparently not completely comfortable with R. Shem-Tov's heter, as they did append to their approval the suggestion that the organ be placed in the women's gallery -- not in the main synagogue; and that the music played not be similar to that played in churches.[69] Thus, they too were conscious

of the fact that the use of the organ would not receive universal and immediate approval by the halakhists of the generation.

The other Italian authority addressed by Liebermann was R. Jacob Recanati of Verona, who bases his response on three possible objections to the organ: 1) imitation of Gentile customs; 2) mourning for the Temple; 3) the possibility that accompaniment might interfere with kavanah in prayer.[70] The first two he rejects using arguments similar to those of R. Shem-Tov. In addition, he points out that if all customs practiced by Christians were forbidden to Jews, then it would be necessary to prohibit even the lighting of candles in the synagogue.[71] With respect to the third objection, he brings several precedents for allowing musical accompaniment in the synagogue. The most interesting of these examples is a dispute which took place in Corfu in the eighteenth century over the abrogation of the ancient custom of chanting the Shema on holidays with an elaborate (vocal) musical setting. The argument for abrogating the custom was that people became distracted and began to engage in profane conversation during the singing of the Shema. The argument in favor of retaining the music was that, in general, customs may not be tampered with.[72] In this example, the traditionalist position favored music; the innovators wished to eliminate it. The outcome of the dispute was that the music was retained, for its own sake and on account of the sanctity of established custom.

Recanati's inclusion of an account of the Corfu dispute is remarkable, in that the resolution of the case seems to support his opponents' position more than it supports his own. If custom may not be changed, then the custom of barring instrumental music from Jewish worship must rule out the introduction of the organ. Recanati ignores the anti-innovation implications of the incident, and sees in it only a pro-music precedent. Thus, like the other respondents discussed so far, Recanati does not appear to have taken a position based on an inclination toward or an ideology of modernization; on the contrary, he includes in his argument a precedent which relies upon an extremely conservative conception of the development of halakhah and custom.

The two Central European scholars whose opinions appear in Nogah Zedek, unlike the Italian and Palestinian authorities, were not geographically and culturally isolated from the struggle over the establishment of modernized public worship; it is not surprising, therefore, that the responsa of R. Aaron Chorin and R. Moses Kunitz contain a significant ideological component which informs their halakhic reasoning. R. Aaron Chorin of Arad appears to be responding not to a question from Liebermann, but to an anonymous pamphlet attacking the reformers' "temple" established at this time in Hamburg, on five counts: 1) reciting the Pesuke Dezimrah in German; 2) accompanying worship with an organ; 3) breaking communal discipline; 4) abolishing the silent Amidah; 5) using

Sephardic pronunciation and abolishing the chanting of the Torah portion.[73] Chorin quotes various classical halakhic sources to show the permissibility of the innovations and the insignificance of the third point. But more importantly, he argues at length that the changes are not only permissible, but necessary. He criticizes the disorder and distraction and lack of sincerity which he sees as characterizing Jewish worship of his time; he tries to show that increasing the orderliness and comprehensibility of the service will bring about increased kavanah on the part of the worshippers.[74] In other words, Chorin does not discuss the Hamburg innovations as abstract halakhic issues, but as practical solutions to a real problem. Interestingly, he presents the problem wholly in terms of pre-modern Jewish standards. His critique of the state of Jewish worship refers to lack of kavanah, prevalence of profane conversation, appointment of unsuitable shelihe zibur;[75] he does not phrase his position in terms of modern, rational standards such as "what will the Gentiles think," or general opposition to the ugly, the superstitious, the irrational, the medieval. Chorin even criticizes the innovators himself -- suggesting that they find a minyan to pray during the week, rather than opening their synagogue only on the Sabbath.[76]

R. Aaron Chorin was an enigmatic figure, whose real attitude toward the tradition is not entirely clear.[77] The traditionalist rabbis of his generation regarded him as a

radical modernizer; however, in this responsum he gives the impression that his approval of innovation was based not on a desire to rationalize Judaism, but rather on a belief that current practice represented the abandonment of certain classical values: he sought innovation not to "progress," but to "return." While he welcomed -- and justified halakhically -- the modifications of the modernizers, he claimed to do so for respectable pre-modern reasons. Only one of Chorin's statements in this responsum smacks of a distinctly modern attitude: among his arguments for rejecting the relevance of "you shall not walk in their statutes" to the question of the organ, appears the statement that this principle no longer applies, as the nations of nineteenth century Europe are not idol-worshippers, and hence we are not forbidden to adopt their customs.[78] The basic premise that Christians are not idolators had been growing in halakhic acceptability since the period of the Tosafists; however, Chorin's application of this premise indicates a clear sympathy with the attitude of the maskilim, who believed in the obsolescence of the distinctions separating Jew from Gentile.[79]

The other Ashkenazic contributor to Nogah Zedek was R. Moses Kunitz of Budapest. Like R. Aaron Chorin, Kunitz was an example of an individual whose life reflected the tension between tradition and modernization. He was steeped in the pre-modern way of life and scholarship -- and yet was concerned with helping his people achieve "enlightenment."[80]

Kunitz's responsum in Nogah Zedek is a direct and brief answer to a question addressed to him by the Berlin congregation, covering 1) the use of Sephardic pronunciation; 2) the elimination of the silent Amidah; 3) organ accompaniment.[81] His answer gives halakhic bases for each of the innovations. With respect to the organ, he simply points out that earlier authorities have permitted it. That a non-Jew may play the organ on the Sabbath is clear from the accepted custom of having a non-Jew light candles in the synagogue on the Sabbath.[82]

Moreover, like Chorin, Kunitz goes beyond merely permitting organ accompaniment, and argues in favor of it:

> and if we...say that there is in this /innovation/ divine praise, in that it gathers together the scattered people, and brings near those who have long kept distant from the courts of the Lord and who have become almost totally estranged; if on account of this /custom/ they come back to holiness, then this is a sanctification of God's name and an important obligation.[83]

In other words, if the organ attracts the alienated back to the synagogue, it is not only permitted, but highly desirable. At first glance, this idea may seem similar to Chorin's argument that innovations such as organ accompaniment will restore kavanah and purity to Jewish worship: innovation for the sake of restoration. However, upon closer examination, a significant difference becomes apparent. Kunitz suggests that the organ will bring back the alienated; but who are the alienated? Those who have been bitten by the modern world, who have adopted the values of the rational society to the

extent that they are no longer comfortable with pre-modern Jewish practices. Kunitz seeks to adapt Judaism to the esthetic sensibilities of rationalized, modern Jews, so that these Jews will not separate themselves totally from their people. This position is clearly more radical and more modern than that of R. Aaron Chorin.

Together with Nogah Zedek, Liebermann published a long (76 page) essay entitled Or Nogah. This book is a sort of modernizer's manifesto. Besides setting forth halakhic arguments against the various objections to the Hamburg innovations, the author elaborates a definite ideology of modernization. He begins with an account (apparently tongue-in-cheek) of his own introduction to the Hamburg temple; when he first heard of it, he was violently opposed -- but he was lured to the place by a ruse, and once there, was astounded to find himself favorably impressed by the proceedings,[84] and thrilled by the throngs of estranged Jews returning to their faith, their eyes filled with tears.[85] And so, having reconsidered his position, he proceeds to argue for moderation, and tolerance of those who have been moved to modernize Jewish practice.[86] With regard to the use of the organ, Liebermann deals with three halakhic objections: 1) violation of the Sabbath; 2) imitation of Gentile customs; 3) mourning for the Temple.[87] He quotes various standard authorities to build a case against these objections; most of his arguments are similar to those used in Nogah Zedek: the Sabbath prohibition is questionable, and there are precedents

which contradict it (playing instruments at wedding feasts on the Sabbath; having a Gentile light candles).[88] The prohibition of imitation of pagan practices is not relevant, he argues, for the Gentiles of Europe are not pagans; and besides, instrumental music in worship was an ancient Jewish custom.[89] Our mourning for the Temple, according to the sources quoted by Liebermann, prohibits only secular music, not liturgical accompaniment.[90]

Liebermann characterizes his own ideology as moderately modernizing. He criticizes harshly those who dwell in the darkness of unchanging tradition as well as those who wander aimlessly outside the constraints of tradition altogether.[91] He bemoans the failure of nerve of the rabbinical leadership of his generation: he claims that scholars have abdicated their own authority to modify the law, resulting in a petrification of halakhah and a breakdown of respect for halakhic authority:

> ...some of the teachers have made for themselves a rule, that in any question which comes before them, they may not act without first consulting with all the other teachers; and they think this shows honor to the Torah, humility, and fear of sin. However, this is an error on their part, for on the contrary, there is /in their behavior/ no humility or fear of sin, but rather mockery of the Torah, and foolish actions, for it gives the impression that each scholar, in his community, does not have the strength and the power to understand and to instruct according to the Torah and the commandment...[92]

Liebermann emphasizes the right -- and the responsibility -- of every generation of scholars to modify the tradition in accordance with the needs of the hour.[93] At the same time, however, he calls attention to the principle that only those

laws may be promulgated which the majority of the people are able to fulfill.[94] In addition to this clearly and forcefully stated ideology of halakhic evolution and ongoing authority, Liebermann lists a number of specific proposals for modernizing Judaism, such as education in secular subjects, abandonment of pilpul, vernacular sermons, and praying for the welfare of our current homeland rather than for the return to Zion.[95]

Clearly, Liebermann was far more radical than any of the contributors to Nogah Zedek. And by presenting his position publicly, he precluded any possibility that the innovations of the Hamburg congregation might be argued on their own halakhic merits. The ideological component of the responsa was minimal and moderate. The collection of responsa raised several serious and respectable halakhic arguments supporting the reforms. If there was any chance that the Ashkenazic rabbinical establishment would deal with these arguments with professional moderation, Liebermann's radical manifesto in Or Nogah destroyed that chance. This work made it clear that the reformers were not serious in their use of halakhic argumentation: if halakhic authority did not support their position, they would simply reject the validity of that authority. Given this attitude, halakhic argument was pointless. And so, while the great legal scholars of the time could not, of course, let the halakhic claims of the innovators go unanswered, they too went beyond halakhah in their

response, and tried every weapon they could find to neutralize the threat posed by the innovators and their justifiers. The response of the traditional establishment to the Berlin and Hamburg temples and to Liebermann's works was the famous collection of responsa assembled by the Hamburg rabbinical court, Eleh Divre Haberit, which appeared in 1819.

Eleh Divre Haberit consists of 22 letters, almost all from Central and Eastern European scholars, responding to a request for support by the rabbinical court of Hamburg. The three main issues are summarized in the proclamation of the court, which appears on the title page:

1) It is forbidden to change the order of customary Jewish prayer, from the preliminary blessings through the Alenu; how much the more so is it forbidden to omit anything!

2) It is forbidden to pray this liturgy in any language other than the holy tongue, and any prayerbook printed not in accordance with established custom is unfit for use and forbidden.

3) It is forbidden to play any musical instrument in the synagogue on the Sabbath or holidays, even if the musician is a non-Jew.[96]

It should be noted that the Hamburg court was not concerned with the general question of the permissibility of music or even with the suitability of the organ for Jewish worship, but only with the danger of performing labor on the Sabbath. Some of the respondents restricted themselves to this particular halakhic matter; others, however, preferred to deal with the larger questions of the organ or music in general; and some treated the question of the Hamburg court as though

it were primarily a political or ideological problem, not a halakhic disagreement at all. In these differing responses may be discerned differing perceptions of the status of halakhic authority and differing estimations of the nature and gravity of the threat posed by the modernizers.

For the most part, those rabbis who restrict their answer to the specific question posed by the Hamburg court seem to do so in the belief that they are being called upon simply to give an opinion in a legitimate halakhic dispute -- no more and no less. The arguments presented by these respondents are calmly-reasoned, conservative interpretations of the talmudic discussion of music-making on the Sabbath[97] and of the later sources.[98] R. Moses Tovah of Sondheim argues that in matters of indirect labor (shevut), "you are not to permit anything which was not explicitly permitted by the sages."[99] R. Herz Scheier of Mentz dwells on the problem of defining "shir shel mizvah:" he distinguishes between music required for the fulfillment of a commandment (e.g., at a wedding celebration), and music which is incidental to a mizvah (such as accompaniment to synagogue liturgy). Given such a distinction, playing the organ in the synagogue during Sabbath worship would not fall in the category of permitted exceptions.[100] Two of the responsa in Eleh Divre Haberit, in the course of forbidding organ accompaniment on the Sabbath, explicitly indicate a permissive attitude toward liturgical instrumental music at other times: the members of the rabbinical court of Prague write that it is their policy to insist

that the musicians participating in the Kabbalat Shabbat service in their community "put down their instruments half an hour before Barekhu."[101] And a letter signed by eleven rabbis of Livorno describes a similar position.[102] Thus, at the time that this collection of responsa was published, it was still possible for rabbis with acceptable conservative credentials to argue that instrumental music -- and even organ music -- had a legitimate place in Jewish worship.

R. Mordecai Benet of Nikolsburg bases his contention that instrumental music is forbidden in Sabbath worship on the same reasoning as R. Herz Scheier: unlike a wedding celebration, congregational worship does not require music as the actual fulfillment of a mizvah.[103] However, Benet is an example of those scholars who are not content to rely on this argument alone, and who seek to expand the grounds for the prohibition. He adds the following considerations:

1) The music interferes with kavanah, confusing and distracting the worshippers.[104]
2) "Whoever introduces an innovation which is contrary to the teachings of the sages misleads the people and causes them to sin, and is not to be obeyed."[105]
3) The opinion of R. Joseph Kolon regarding imitation of Gentile customs,[106] quoted by R. Shem-Tov of Livorno in Nogah Zedek, is not applicable in the case of the organ: R. Joseph Kolon had permitted Jewish doctors to wear the special garb of their Christian

counterparts, arguing that this dress has no specifically Christian significance; Gentile customs are forbidden only if they have religious, symbolic value, or if they contradict Jewish moral values. According to Benet, the use of the organ in Christian worship has become so universal as to have acquired the status of a religious symbol.[107]

4) Customs which are questionable because of their significance to the Gentiles may only be adopted by the Jews if they are explicitly permitted in the Bible. Does the organ fall in this category? "In my humble opinion there is great doubt, and therefore it is to be forbidden."[108]

Thus, R. Mordecai Benet "covers" the prohibition of playing musical instruments on the Sabbath by adducing more general arguments, forbidding instrumental music in worship, and forbidding the use of the organ in the synagogue at any time.

The general opposition to any innovation, stated in a limited form by R. Mordecai Benet ("2" above), is expounded as a major argument against introducing the organ in the responsa of several other contributors to Eleh Divre Haberit. For example, R. Naphtali Hirsch Lakav of Winzenheim argues that

> ...it must surely be forbidden to play this instrument in the synagogue, and a major proof of this is that nowhere in the entire Diaspora of Israel is it customary to use /the organ/ in the synagogue...[109]

And R. Samuel of Amsterdam points out that since the destruction

of the Temple, there have lived tens of thousands of scholars, knowledgeable in Jewish law and in the ways of the world, and none has ever suggested introducing the organ into synagogue worship.

> ...we learn from this that all these scholars knew that it is forbidden to do so, and to change a single thing from all that was done in the past.[110]

The most prominent proponent of this ideology of the sanctity of the tradition in its present form was R. Moses Sofer of Pressburg, who summarizes his view as follows:

> ...we may not imagine that we can permit that which our fathers and our fathers' fathers treated as forbidden.[111]

Sofer contributes three responsa to Eleh Divre Haberit, and in them he explicates at length this ideology, by way of answering Liebermann's claims in Or Nogah. Like R. Naphtali Hirsch Lakav and R. Samuel of Amsterdam, he argues that the prohibition of instrumental music can be inferred from the fact that none of the sages of bygone generations saw fit explicitly to allow it.[112] But Sofer does not rely on this negative evidence alone: he confirms the prohibition both by theoretical halakhic argumentation and by historical conjecture. In several places, Sofer discusses the question of the authority of a latter-day rabbinical court to countermand the decrees of an earlier court. His conslusion is that such authority is extremely circumscribed, so that in practice, the sages of the current generation are powerless to alter the status quo.[113] Therefore, if it is customary to worship

a capella, that custom may not be abrogated -- especially if it is supported by statements of earlier halakhic authorities. To eliminate any doubt about the permanent and binding nature of the prohibition of the organ, Sofer proposes the following historical reconstruction:

> ...it appears to me that it was a law of the early pagans to use this instrument in their house of worship, and not to use it for any other occasion; therefore, it was forbidden in the Temple as an imitation of a pagan law -- this instrument was of special significance to them even before the Temple; and so it is forbidden to us by Torah law.[114]

By this conjecture, Sofer attempts to quash the whole debate, making the prohibition of the organ into a matter of direct Torah law, so that questions of rabbinic authority, mourning for the Temple, imitating the modern Gentiles, or protecting the Sabbath, all become irrelevant.

Having demonstrated the insurmountability of the obstacles to the introduction of the organ, Sofer goes on to reject the positive argument raised by the modernizers: in response to the suggestion that changes in the practices of public worship are necessary to attract back Jews who have become estranged, who have adopted some of the values and tastes of modern European society, Sofer claims that throughout all the centuries, the Jews were always fully united in acceptance of the tradition and in obedience to rabbinical authority; it is only because the modernizers have begun to undermine this unanimity and piety that some Jews have been moved to question and to doubt and to become estranged from the body of

tradition.[115] Thus, the modernizers are to blame for the alienation of Jews from the tradition; certainly, the tradition must not be tampered with in order to undo the damage. By this line of argument, Sofer shows an unwillingness or an inability to see the tension between tradition and modernity which was affecting so many Jews of his period. Sofer saw authentic Judaism in a state of siege, and could conceive of only one strategy: digging in and outlasting the opposing forces. Hence, even the most insignificant change in practice had to be rejected as a potential crack in the wall.

In his contribution to Eleh Divre Haberit, R. Jacob of Lissa gives clear expression to the siege mentality adopted by many of the traditionalists:

> ...the beginning of change is in the break in the fence, which they widen little by little until it is broken through... and trampled...[116]

In the face of so great a danger, halakhic persuasion and ideological argument do not suffice: this scholar feels the need to turn to arguments ad hominem, pointing out that when Eliezer Liebermann visited Posen, he spent most of his nights gambling. R. Jacob suggests that Liebermann wrote Or Nogah not out of any commitment to his people, but rather purely for financial gain.[117] And R. Eliezer to Trest, in his responsa, does not concern himself with halakhic issues at all, concentrating instead on strategic matters:

1) He suggests that this evil has befallen the Hamburg community on account of their sins, especially that

of allowing idle conversation during worship. He recommends finding a preacher to teach the people to abandon this harmful practice.[118]

2) He urges the conservative leaders to speak gently to the modernizers, to try to persuade them to return to the fold and abandon their efforts.[119]

3) If repentance and persuasion do not avail, R. Eliezer recommends force, calling upon the leaders of the Hamburg community to turn to the officers of the state to request their assistance in destroying the evildoers.[120]

It is interesting that this scholar, who appears almost frantic in his opposition to the modernizers, is unique in his implied admission ("1" above) that the success of the reformers may be due to a deficiency in traditional practice: his admonition suggests that innovation would not have gained a foothold if not for the disorder and lack of kavanah prevalent in congregational worship. From this isolated example of self-criticism, it appears that there was some awareness on the part of the conservative leadership that Ashkenazic public worship was esthetically deficient, even from a pre-modern, Jewish point of view. Obviously, it was politically imprudent (or so it seemed to them) for the traditionalists to admit publicly that established practice was not all it should be. It seems reasonable to suppose that there were other rabbis, besides R. Eliezer of Trest, who would have liked to see certain improvements in liturgical practice, and even

"reforms" (R. Eliezer suggests introducing the weekly sermon[121]). However, given the siege mentality beginning to prevail among the traditionalist leaders, it is not surprising that such ideas were kept quiet. Indeed, R. Eliezer's suggestions for improving the quality of worship appear only in the original Hebrew responsum in Eleh Divre Haberit; they are among the few passages omitted from the German translation appended to the book.[122] It is, of course, not clear why R. Eliezer of Trest exposes his critical view at all; perhaps out of honesty; perhaps out of courage; perhaps out of desperation.

Eleh Divre Haberit presents the entire spectrum of traditionalist views with respect to the introduction of the organ, from the moderate to the hysterical. The existence of such a wide range of perceptions of the problem indicates that in 1819, the traditionalist leaders were not yet united in their estimation of the modernizers or in their fear of innovation. Some rabbis were willing to accept innovation in principle and to argue with the reformers on specific halakhic grounds; others, perceiving in any innovation a major threat to halakhic authority, developed an ideology rejecting any adaptation of Jewish practice to the values and standards of the outside world. As the nineteenth century progressed, both sides became more radical, and the possibility of reasoned discussion and of communal compromise diminished to the vanishing point.

CHAPTER III

REBUTTALS

Within a year of the publication of Eleh Divre Haberit, five books appeared supporting one side or the other in the dispute. These works were primarily polemical in tone, and were both causative and symptomatic of the polarization of the situation. Three of them were responses to Eleh Divre Haberit:

1) Berit Emet, by David Caro;
2) Herev Nokemet Nakam Berit, by Meir Israel Bresselau;
3) Davar Be'ito, by Aaron Chorin.

Of the two books supporting the traditionalist position, one, Zeror Hehaim, by R. Abraham Lowenstamm, was written independently of Eleh Divre Haberit, as a rejoinder to Liebermann's publications.[123] The other, Lahat Haherev, by Leib Reinitz, was a response to Herev Nokemet Nakam Berit. Common to all these works are a lack of halakhic dialectic, and an emphasis on forcefully stated ideological positions. For the most part, these books represent the rebuttal speeches in a debate, rehashing the arguments already presented in the opening statements of the two sides (Nogah Zedek/Or Nogah and Eleh Divre Haberit), containing little or no original material.

Most of Caro's Berit Emet is devoted to a forceful and detailed exposition of an ideology of radical modernization of Jewish life. Before he deals with any halakhic issues, the author makes it clear that he does not really take the

halakhah seriously: he distinguishes between "external commandments," which change according to the time and place and popular acceptance, and "internal commandments," which are eternal moral laws.[124] And he mocks the "kingdom of nonsense," which fortifies itself with words -- words such as "miracle," "commandment," "custom," "reward and punishment," and "eternity."[125] After such an introduction, it is hard to imagine anyone concerned with the halakhah giving much credence to Caro's interpretations of the classical sources bearing on the Hamburg and Berlin reforms. And yet, despite his affirmations of the value of "freedom of thought,"[126] Caro feels constrained to present halakhic justifications for all the reforms which were introduced, including the organ. His primary arguments in this connection are 1) that the prohibition of imitation of pagan ways is not applicable to the Gentiles of Europe;[127] and 2) that the Sabbath poses no problem, for the organ is to be played for the sake of a mizvah.[128] He also brings various sources to demonstrate that music in general has always been a part of Jewish life.[129]

The ideological introduction and halakhic discussion together make up approximately one third of Caro's work. Another third consists of a responsum-by-responsum refutation of Eleh Divre Haberit, in which the author seeks to point out flaws in logic and misuse of the sources in the traditionalists' statements.[130] The final third of Berit Emet is a harsh critique of the rabbinate of the period and of the quality of Jewish life in general. Caro attacks the rabbis of his

generation for their moral and esthetic insensitivity,[131] for their over-stringency in ritual matters,[132] for their ignorance in secular subjects,[133] and for their pedagogical deficiencies.[134] He suggests, as a remedy for this situation, that the government undertake to supervise the appointment of rabbis, so that they will be qualified to serve in an appropriately enlightened manner.[135] From Caro's arguments, it is clear that he felt in no way constrained by the tradition: in a compromise between the Jewish tradition and modern European values, all the compromising was to be done by Judaism. The extent to which this author was swept away by the values of the surrounding society is indicated by the concluding pages of his book: he argues that the morally and esthetically degraded situation of the Jews is the result of their long suffering, which is now coming to an end due to the enlightened behavior of the Gentiles; however, in response to the Gentiles' recognition of our humanity,

> it is incumbent upon us to improve our ways...and to bring ourselves closer to them in all kinds of interrelations...[136]

and when the rulers of the land notice how the Jews have improved ("bürgerliche verbesserung!"),

> they will certainly not remove their lovingkindness from us, and it will be good for us and for our children...[137]

Caro, it seems, saw the Jews through the eyes of a modern European Gentile; he sought modernization of Jewish practice as a ticket for entry into neutral, European society, and

felt no sympathy with or rootedness in pre-modern Judaism and its values.

Meir Bresselau, in Herev Nokemet Nakam Berit, feels obligated to list halakhic arguments favoring the various reforms of the Hamburg temple. But like Caro, he presents the classical sources in a brief and perfunctory manner, not delving into halakhic dialectics, but rather simply listing excerpts which appear to support his position.[138] This catalogue of sources occupies the last four of the sixteen pages of Bresselau's work. The first portion of the book consists of an attack on the publishers of and contributors to Eleh Divre Haberit, and a general defense of the efforts of the modernizers. The author describes the religious condition of the Jews in very negative terms:

> ...and many of the Children of Israel walk in perverted ways, and have abandoned God their creator, have forgotten festival and Sabbath... do not call upon His name, and do not revere His countenance.[139]

He blames the rabbinical leadership for thus alienating the people, by means of their harsh interpretations and their lack of concern for the well-being of their flock.[140] And he calls attention to the popularity of the reformers' house of worship, to the enthusiasm of the worshippers, and to the beauty of the modernized liturgy.[141] The tone of Bresselau's arguments suggests that he was himself a Jew who felt alienated from the tradition, who felt more comfortable with the esthetic standards and life-style of contemporary Germany than with the way of life of the pre-modern

Jewish community. He sees the stringency of the rabbis as a manifestation of greed and desire for power;[142] he sees the halakhah not as a living, dynamic law, but rather as an obsolete compendium of restrictions. He culls from this compendium proof-texts for his view, more out of a desire to lend respectability to his arguments than out of a commitment to continuity with the tradition.

The position set forth by R. Aaron Chorin in Davar Be'ito is considerably more moderate than that of Caro and Bresselau; Chorin apparently did feel constrained by the tradition. For the most part, he repeats the arguments presented in his responsum in Nogah Zedek: the Gentiles of modern Europe are not idolators, so the adoption of their customs is not forbidden;[143] playing a musical instrument on the Sabbath is permitted for the sake of fulfilling a mizvah;[144] and the current disordered and profane atmosphere in Ashkenazic synagogues is repelling many people who might be attracted by a dignified and esthetically-pleasing service:[145]

> Not only is there no suspicion of a prohibition... but I have seen /in the introduction of the organ/ a positive, preservative value, in returning many of our people who have refused to enter the holy courts on account of the shame and degradation which they have found in the customary order of prayer...[146]

In terms of a general ideological position, Chorin emphasizes two points: 1) the Jewish commitment to interpersonal harmony and communal peace,[147] and 2) the principle that halakhic authorities must not refrain from leniency out of the fear that the people will extrapolate from lenient decisions

total license.[148] The former is meant as a criticism of the harsh condemnation of the modernizers by the traditionalists -- and of their extreme tactic of calling in the state authorities.[149] And the latter argument is an attack on the siege mentality expressed by several of the contributors to Eleh Divre Haberit.

The following exchange of letters gives some insight into the tactics employed by the traditionalists and into the difficulty of identifying Chorin's real position:

1) R. Moses Sofer, in Eleh Divre Haberit:

> The teacher of Arad has responded to my letter with unnecessary length, so I will reproduce for you only the end of his words, where he recants and admits /his error/: "...now I have heard that they have omitted portions of the blessings and prayers, and do not pray for the ingathering of the exiles, which belief is a principle and a foundation of our holy Torah; and they have changed the wording of the prayers -- I pronounce upon myself the verse: 'this ruin is under your hand.'[150] Therefore I say publicly: All my words in my letter 'Kin'at Emet' /Chorin's responsum in Nogah Zedek/ are null and void; and I have no authority to judge, and the scholars of Israel and leaders of our time are justified, and my opinion is of no value over against theirs..."[151]

2) R. Aaron Chorin, in Davar Be'ito:

> ...Sofer is here in error,[152] for there was not in my answer a single nonessential word; rather, I clarified the matters, explaining the reasoning on which I relied in agreeing to publish my permission /for the reforms/, and the permission is clear and beyond any doubt; only if it be true that the ruin of which /Sofer/ writes is really due to my opinion -- then I declare my words to be null and void.[153]

Chorin, it seems, was trying to keep one foot in each camp, seeking to effect modernization in a way which would not require a break with tradition, and therefore he was prepared

to disclaim responsibility for changes which went beyond what he considered the limit to which tradition could be bent.

R. Abraham Lowenstamm published his rejoinder to Nogah Zedek after the publication of Eleh Divre Haberit, but he had written it earlier,[154] before the siege mentality of the traditionalists had been given literary formulation. Lowenstamm does not articulate an ideology of conservatism, nor does he advocate any tactic other than honest consideration of the halakhic sources. On the other hand, he clings so strongly to the status quo that at times his halakhic argumentation is clearly forced. Zeror Hehaim consists of nine chapters, each dealing with a different liturgical innovation; the first chapter discusses the introduction of the organ. The author's chief arguments in this matter are as follows:

1) Musical instruments were forbidden in Sabbath worship in the Temple; how much the more so in a modern synagogue.[155]
2) Modern organists are certainly capable of repairing their instruments, and might easily do so inadvertently on the Sabbath.[156]
3) If the playing of instruments on the Sabbath is permissible, why is it not done in any Jewish communities?[157]
4) Even if, technically, it might be permitted to ask a non-Jewish musician to play on the Sabbath, it is unthinkable and certainly forbidden for a non-Jew to

participate -- and indeed, to lead -- Jewish public worship.[158]

5) The organ, specifically, is forbidden as an imitation of a Gentile custom, even according to the criteria of R. Joseph Kolon: the Christians do not use the organ for any secular purposes, nor do they use any other instrument for religious music; such illogical restrictions must imply that the sound of the organ was considered holy by the founders of Christianity, and that the organ is of symbolic significance.[159]

6) It is absurd to claim that the present day Gentiles are monotheists.[160]

7) In the light of "5" and "6," what can be said about the organ in Prague?

> Perhaps the synagogue with the organ was built before this had become a custom in Gentile worship; and indeed, according to what we have heard, this synagogue has been in existence since the days of the Second Temple.[161]

Lowenstamm, interestingly, does not attempt to argue that instrumental music is forbidden in general. Indeed, he explicitly permits the playing of musical instruments (other than the organ) in a liturgical context on weekdays, providing that the musician is Jewish.[162] While this scholar's prejudice is evident, and his historical speculations are questionable, his argumentation clearly lacks the hysterical quality so evident in much of Eleh Divre Haberit.

In contrast to Zeror Hehaim, Reinitz's Lahat Haherev was written after the public discussion of liturgical innovation

had become fully polarized and ideologized. While this work does contain halakhic discussion, the sources are hardly examined in the spirit of calm persuasion: the book is written in a fiery rhetorical style, lashing out at every suggestion of the modernizers. Reinitz's general description of the reformers is characteristic:

> There have arisen and come forth dwellers of the northern country...filled with the spirit of lewdness, reeling like a drunkard in his vomit; evil and wicked people have come forth, sinning greatly against God... They are all adulterers, an assembly of traitors, mockers who have sought mockery. They are haters of good and lovers of evil, making the light dark and the darkness light, the sweet bitter and the bitter sweet; they have rejected God's Torah, and ignored His laws.[163]

With respect to the organ, Reinitz argues that

1) Instrumental music was restricted to the Levites, and to the Temple, and to the time of the pouring out of the drink-offering; it was and is forbidden in any other context;[164]

   > And I don't know why these heretics have not built for themselves an altar...to offer sacrifices and peace-offerings and drink-offerings...[165]

2) Since the destruction of the Temple, rejoicing through music is forbidden "in every season and at every time and in every place."[166]

3) When R. Moses Isserles, in his addenda to the Shulhan Arukh, says that instrumental music is permitted "for the sake of a mizvah such as at a wedding feast,"[167] he means only at a wedding feast. Otherwise, he would say "for the sake of a mizvah" (with no specification); or "...such as at a wedding feast etc." or "...such as

at a wedding feast, a circumcision, or public worship."[168]

4) Maimonides, in the Guide for the Perplexed, associates instrumental music with early paganism, which was supplanted by the Torah.[169] Thus, since Sinai, musical instruments have had no place in worship.[170]

The author avoids an analysis of the problem of playing instruments on the Sabbath, and does not discuss the problem of the status of the Christians or of the symbolic value of the organ. In other words, he ignores the major halakhic issues bearing on the question, issues which were dealt with in some way by all the other participants in the controversy, on both sides. Reinitz, relying as he does on vituperation and on crude interpretation of sources, gives a distinctly unscholarly impression. While the author's personal background is unknown, it seems reasonable to suggest that Lahat Haherev represents the deterioration of the question of the organ from halakhic controversy to popular polemic.

Important insight into the development of the public, literary controversy surrounding innovation in general and the organ specifically may be attained by examination of some of the private letters of the period, which have since been published. Such an examination yields a fuller understanding of the motives and tactics of the various protagonists. In particular, there are extant a number of interesting letters which depict the impact of the appearance of Nogah Zedek and Or Nogah on the rabbinical establishment:

1) In the winter of 1819, a member of the Hamburg rabbinical court writes to R. Moses Sofer, telling him of the activities of the modernizers and describing Nogah Zedek and Or Nogah. He relates that the rabbis of Hamburg attempted to enlist the help of the state authorities, but were beaten to the draw by the reformers -- and now the traditionalists bear the burden of proving the authenticity of their position; therefore, they ask Sofer for a letter in support of their view.[171]

2) At approximately the same time, R. Moses Sofer writes to R. Moses Mintz of Oben (Budapest), pointing out that he is not discussing his correspondence regarding the modernizers publicly; "for there is no vineyard without thorns," and he fears that public airing of the issues might bring out the rebellious potential in his own community. Furthermore, if the matter enters the public arena, it will become inflated out of proportion to its real significance, and every common man will feel the need to pass judgment on it.[172]

3) In an undated letter to R. Moses Sofer, R. Raphael Ventura of Livorno relates that a certain Ber Herzberger of Berlin had some time before appeared in Livorno and called upon the rabbis of the community, seeking their permission for a) prayer in German, and b) playing the organ in the synagogue on the Sabbath. Failing to achieve his objective, the visitor found an

independent scholar willing to write such a decree in exchange for thirty gold pieces; and he collected signatures of approval from merchants, beggars, etc. for three gold pieces each.[173]

4) In a letter written in the spring of 1819, R. Eliezer of Trest writes to R. Moses Sofer of an incident involving the expulsion of Eliezer Liebermann from Prague by the police (apparently at the instigation of the Jewish community).[174]

5) Also in the spring of 1819, the Hamburg rabbinical court addresses a letter to R. Moses Sofer, thanking him for his responsum in their behalf, and covering several related matters: they express their surprise at R. Moses Kunitz's participation in Nogah Zedek, for they had heard that he was a God-fearing man. They ask Sofer to write to the rabbis of Kunitz's locality, apparently to find out the reason for his heresy and if possible, to obtain a retraction.[175] In addition, the Hamburg rabbis inform Sofer that they have written to the rabbis of Livorno, explaining to them the gravity of their interference on behalf of the reformers, and requesting a reversal.[176] They point out that they are restraining themselves from revealing the full extent of their feelings about the modernizers out of a desire to avoid a communal schism like that which had attended the Emden-Eybeschuetz controversy.[177] And the rabbis

of Hamburg apologize to Sofer for omitting part of his responsum from Eleh Divre Haberit "so as not to give an opening for controversy..."[178]

6) R. Moses Mintz writes to R. Moses Sofer (undated), asking him to use his influence in powerful Jewish quarters to involve the state authorities in the neutralization of Chorin and Liebermann. And he adds,

...now is the time to root out this idolatry from our land. I have also dug a grave for Liebermann... I have written several letters to wealthy people...[179]

7) Rabbi Moses Mintz writes to R. Aaron Chorin, sending a copy to R. Moses Sofer, pointing out that in an earlier dispute, the writer had saved Chorin's rabbinical position by intervening on his behalf. Now he realizes his mistake in having done so, and warns Chorin that if he does not withdraw his support of the modernizers, Mintz will use every means at his disposal to divest Chorin of all rabbinical authority.[180]

8) In 1820, R. Abraham Halevy of Trieste writes to R. Moses Sofer, informing him of his success in obtaining retractions from several rabbis who had contributed to Noqah Zedek, especially R. Jacob Recanati.[181]

Apparently, the rabbis of Central Europe perceived the publication of Noqah Zedek and Or Noqah as an unfair and dangerous tactic: unfair because these works did not represent real, honest scholarship, and dangerous because they claimed to support the temptation of modernization with traditional authority. The initial response of the traditionalist

leaders to this shock was to seek ulterior motives for the actions of the modernizers: financial gain, quest for power, general wicked character. The next step was to utilize this knowledge quietly to deflate the modernizers' efforts, by obtaining retractions, by threats, by involvement of the Gentile authorities. The further step of turning from behind-the-scenes negotiations to public controversy seems to have been taken reluctantly, with the understanding that it might well exacerbate the problem rather than solving it. And indeed, that is what happened. As is clear from the above analysis of the polemical works following Eleh Divre Haberit, as the debate moved out of the hands of the rabbis, it rose in pitch and declined in quality. Positions more extreme than what the halakhah dictated became petrified, precluding reasonable persuasion and compromise. The result of this process was that the introduction of the organ and other liturgical innovations changed from minor issues of halakhah and custom to shibboleths: acceptance or rejection of the organ came to symbolize acceptance or rejection of a certain ideological position. A community which allowed the introduction of the organ was proclaiming its rejection of established rabbinical authority.

CHAPTER IV

LATER DEVELOPMENTS

The greatest outburst of literary polemic regarding the organ occurred between 1815 and 1820, in response to the opening of the first synagogues containing this innovation. But the controversy was by no means resolved at that time. During the second quarter of the century, the innovations of the modernizers spread to various communities of Central and Western Europe. The siege tactics of the rabbinical establishment were powerless in the face of the social and economic forces pulling the Jews toward adaptation to the surrounding society. In an age of change, an ideology based on the contention that all change is immoral was bound to have limited appeal. This inability of rabbinical authority to prevent the spread of religious reform became obvious fairly quickly, as did the futility and even counter-productivity of public halakhic argumentation. Hence, little polemical literature was produced during the quarter-century following 1820.

In the mid-1830s, however, Michael Creizenach, a teacher at the Frankfurt Philanthropin and an outspoken modernizer,[182] published his Schulchan Aruch, an elaborate critique of the pre-modern Jewish way of life, and an attempt to demonstrate the necessity and permissibility of various modernizations of Jewish practice.[183] Creizenach's arguments with respect

to the organ are characteristic of his general approach: he recognizes the existence of halakhic objections to the introduction of the organ, but argues that such restrictions are contrary to the spirit of Judaism.[184] According to Creizenach's ideology, the spirit, or the values, standing behind the specific practices of Judaism, are the core of the religion; the practices are secondary and may change with changing conditions. In the case at hand, the spirit of Judaism requires not a rigid adherence to trivial and obsolete restrictions, but rather the freedom to alter Jewish practice in accordance with current esthetic standards. Interestingly, the traditionalists would probably have agreed with Creizenach that the underlying values of Judaism transcend specific practice; however, they would have disagreed as to just what those underlying values are.

Creizenach's ideology was a dangerous one, for it sounded reasonable, yet carried in it the potential for total anarchy. This danger was increased by the fact that Creizenach was himself a layman; if he could presume to determine what the true spirit of Judaism required, then anyone could. Thus, not only was his work threatening to the traditionalist rabbinical establishment, but it also threatened to undermine the efforts and destroy the authority of the modernizing rabbis, who sought moderate change in continuity with the tradition. Indeed, the response to Schulchan Aruch came not from the pre-modern rabbinate, but from R. Abraham Sutro, a rabbi who was open to moderate modernization, who

preached in German and advocated vocational education.[185] Sutro's Sefer Milḥamot Hashem, which appeared in 1836, contains apologies for various classical Jewish beliefs such as divine providence, revelation, and the legends of the midrash.[186] Primarily, however, this work is a detailed attack on Creizenach's book, refuting every heter suggested in it. With respect to the organ, Sutro argues only on the issue of Sabbath labor. He does not deal with the other arguments previously used by the rabbis to support the prohibition of the organ.[187] Apparently, Sutro believed that the case against allowing the organ to be played on the Sabbath was strong enough to stand on its own merits, not requiring such reinforcements as a general opposition to all music, or to all innovation. The polarization of 1820 was not (or was no longer) complete. With the spread of modernization, all sorts of possibilities arose: a spectrum of compromise positions came into existence. It became possible, as in the case of Sutro, for a rabbi or a community to accept one reform and reject another. Sutro's moderate conservatism finds its counterpart, perhaps, in Leopold Zunz's moderate liberalism: Zunz argues in Die Gottesdienstlichen Vorträge der Juden historisch entwickelt that while the organ is permissible and desirable, if it causes serious communal strife it should certainly not be introduced.[188]

Evidence of both moderate and radical approaches to modernization may be detected in the debate at the Frankfurt

rabbinical conference of 1845, over the introduction of the organ into synagogue worship. Evidence of moderation may be seen in the expression of a view very similar to that of Zunz: while the organ may be desirable in the long run, it is not advisable at present because of its foreignness to Jewish worship and the resultant popular resistance it arouses.[189] Also, the reformers take pains to explicate the relevant halakhic material in order to demonstrate that the objections raised by the traditionalists are not applicable.[190] On the other hand, the report of the liturgy committee to the conference makes the point that a means of permitting the organ must be found, for "without the organ, an edifying, meaningful worship service is impossible."[191] In other words, the halakhic argumentation is only pro forma: the conclusion is dictated by practical need -- the need to adapt Jewish worship to the European esthetic standards already accepted by a significant portion of the Jewish population. The most radical argument presented in the context of the debate over the organ is one which makes the permissibility of the organ a corollary to a major theological innovation of the modernizers: the playing of the organ on the Sabbath had been forbidden as a precautionary measure, to prevent inadvertent performance of labor on the Sabbath. This category of prohibition, shevut, was not considered applicable in the Temple of Jerusalem: the priests and Levites were not bound by such precautions while performing the sacrificial

service.[192] Several of the participants in the Frankfurt conference argue that since there is no longer any distinction between the Temple and the modern synagogue, then the same exemption from precautionary restrictions should apply to the synagogue.[193] This reasoning makes the introduction of the organ in Sabbath worship a logical consequence of the modernizers' reëvaluation of exile: the Jews are not to mourn for their dispersion, nor are they to see their own synagogues as in any way inferior to the Temple of Jerusalem.

The outcome of the debate at the Frankfurt conference was a unanimous vote to permit the use of the organ in Sabbath worship.[194] Despite the modernizers' recognition of the symbolic importance of the organ, and their reluctance to stir up communal strife, they concluded that the potential benefit of organ accompaniment in worship outweighed such political considerations -- especially in view of the lack of any convincing halakhic argument against this innovation. Not surprisingly, their decision called forth a response: in 1849, the prominent "enlightened" traditionalist leader and scholar, R. Zevi Hirsh Chajes, published a critique of the proceedings of the Frankfurt conference, entitled Minhat Kana'ut. In his rejection of all the innovations suggested by the reformers, Chajes includes a point-by-point refutation of the halakhic arguments supporting the introduction of the organ.[195] Chajes' rebuttal is just that: he does not present any original arguments, nor does he attempt to set up

an overarching ideology. He simply knocks down each of the modernizers' assertions.

The basic arguments over the permissibility of the organ in 1845 were similar to what they had been in 1820; the stimulus and the response were recapitulations of the earlier halakhic arguments. However, there was a significant difference in tone. In the initial dispute, the traditionalists were clearly in power -- threatened, but in power. They saw the modernizers as constituting a terrible danger to their position, and used every and any means at their disposal to drive them away, to keep them from gaining a foothold. The reformers, on the other hand, were new and disunited and did not have a consistent or even a conscious ideology. But by mid-century, the modernizers had made significant inroads in Central European Jewish communities. They had leaders and institutions. They no longer needed to grasp frantically at halakhic straws to find legitimacy for their views. Modernizing rabbis, in the 1840s, met in assemblies to debate halakhic issues and to define a united policy on specific innovations. They may have been unsure of their authority, but that insecurity did not stop them from acting.

The traditionalist strategy had failed. The rabbinical establishment simply did not any longer have the authority within the Jewish community to quash the modernizers. The tactic of denying any possibility of change backfired, for by making it clear that they had no authority to tamper with

the tradition, they raised the question of whether they had any authority at all. And that was a question which was being raised anyway. By the time of the reform rabbinical conferences it was clear that insistence upon the sanctity of the status quo would not make the modernizers go away, nor would it discourage people from joining them. Chajes' approach seems to be not a denial of rabbinical authority, but a reassertion of it. He says in effect: "I am a rabbi, and I have the knowledge and the authority to state what the halakhah teaches. It teaches that the organ is forbidden in Sabbath worship." This attitude, though it may not have had any more potential for preventing the popular success of the reformers than did the earlier siege tactics, at least implied an honest approach to the tradition, and maintained the dignity of the rabbinate.

The movement away from the hysteria of 1820 reached a civilized climax of sorts in 1861: a new (non-reform) synagogue was being built by the Berlin Jewish community, and the question arose as to whether to place an organ in it. A number of scholars published opinions on both sides of the issue before the community council finally voted in favor of the introduction of the organ.[196] The most elaborate literary contribution to the controversy was the book, Die Orgel in der Synagoge, by R. David Deutsch of Sohrau. Deutsch states in his introduction that the purpose of his work is to set the record straight once and for all on the halakhic view of

organ accompaniment.[197] He argues at length for the prohibition of the organ as an imitation of a Gentile custom, utilizing sources and logic similar to those used in earlier cycles of the controversy.[198] Deutsch's innovation in this area is to emphasize the question of appearance: even though a practice might not actually **be** an imitation of a pagan custom, if it gives the impression (albeit mistaken) of being such an imitation, it is forbidden. Thus, regardless of the real origin of the organ and of the Jews' real reasons for introducing it in modern worship, it must certainly appear to an outsider to be an imitation of Christian worship, and therefore must be forbidden.[199] This scholar also restates the arguments against allowing the playing of musical instruments on the Sabbath, and rejects the claim that the accompaniment of public worship should be exempt from this restriction.[200]

In addition to his **halakhic** argumentation, Deutsch introduces a sociological claim which is interesting, though of questionable validity. He argues that it is foolish to suggest that organ accompaniment will attract people to the **synagogue**, for it is only the conservative, anti-organ Jews who attend regularly now.[201] In other words, the only people who feel an obligation to attend public worship are those who will be repelled by an organ, so the net result will be to reduce synagogue attendance. Deutsch was probably correct in assuming that **an** innovation of such negative symbolic value as the organ would drive some of the traditionalists away from the synagogue; however it is impossible

to determine the extent to which any such loss was offset by a return of Europeanized Jews to the "improved" worship format.[202]

A rabbi of the Berlin community, R. Michael Sachs, also published a responsum opposing the introduction of the organ in the new Berlin synagogue. Sachs' opinion, written in German, does not contain significant halakhic argumentation. His opposition to the organ is based more on subjective considerations:

1) The organ would alter the spirit of Jewish worship, interfering with kavanah.[203]
2) The organ would introduce a foreign element into Jewish worship.[204]
3) The introduction of the organ would lead to communal dissension and would cut off the Berlin community from the mainstream of Jewish life.[205]
4) The use of a Gentile organist is unacceptable.[206]

In conclusion, Sachs argues that the bringing of order and dignity to synagogue worship is desirable, but that it can and must be done without breaking with established tradition.[207] Sachs' responsum is clearly directed to laymen, and is based not on the rabbi's authority in halakhic matters, but rather on concern for communal harmony and on the desire to maintain the "true spirit" of Jewish worship. Sachs seems to have felt it advisable to persuade laymen in their own terms, rather than to rely on his legal authority.

Two major supporters of the introduction of the organ were R. Ludwig Philippson, editor of the Allgemeine Zeitung des Judenthums, and R. Abraham Geiger, outspoken leader of the reform rabbis. In an editorial in his newspaper, Philippson divides the question of the organ into four sub-questions:

1) Is instrumental music in worship contrary to the spirit of Judaism? No: the Bible is full of references to the use of instruments in worship.[208]

2) Is there any law against the playing of instruments in the synagogue? No: music has always been part of Jewish worship; with the destruction of the Temple, only secular music was forbidden, and even this prohibition is no longer observed: many Jews, including traditionalists, play instruments and attend concerts, and on state holidays, instruments are played in public worship, with the concurrence of the rabbis.[209]

3) Is it forbidden to play instruments in worship on Sabbaths and holidays? No: the author reviews the halakhic arguments on this matter.[210]

4) What about imitation of Gentile customs? The organ is by no means a specifically Christian symbol, and even if it were, once the Jews use it in the synagogue, it becomes a Jewish symbol -- just as the vernacular sermon has been judaized.[211]

Philippson concludes that the organ is not only permissible, but necessary, to beautify and dignify Jewish worship and

to involve the congregation.[212] This author's second subquestion is important, for it indicates that, at least in the second half of the nineteenth century, opposition to the organ was largely based on its symbolic significance, and not on any general opposition to music or to musical instruments. Indeed, the influence of European culture on the traditionalists seems to have been strong enough to overpower the talmudic injunction against secular music -- while opposition to the organ remained largely intact.

Like Philippson, R. Abraham Geiger argues that the introduction of the organ is essential to the preservation of Jewish public worship, and that the construction of a new synagogue in Berlin without an organ would be a disaster.[213] Geiger's radical reform ideology is clearly evident in his arguments against the prohibition of the organ:

1) Talmudic pronouncements must be seen in proper historical context: the prohibition of music stated in the Talmud was the product of intense sorrow and a depressed state of mind; later authorities recognized this, and limited the prohibition to secular music. Today, liturgical music is certainly permissible.[214]
2) The synagogue and prayer have replaced the Temple and sacrifices; if music was a part of Temple worship on Sabbaths and holidays, then it must be a part of modern synagogue worship as well.[215] And Geiger attacks the Sadducean-Karaitic attitude of somber puritanism

which seeks to eliminate any feeling of "warm religiosity" from Sabbath and festival observance.[216]

Geiger points out that the question of the organ is hardly a halakhic question any more, after having been examined and argued constantly for the past fifty years. It has really become more a clash of gut-feelings than a legal-theological dispute.[217] In other words, Geiger saw the learned disputation over the introduction of the organ as a cover for a quarrel which was basically emotional and esthetic. He perceived the organ as a symbol of a whole approach to the tradition, not as an issue in and of itself. Already in 1820, it was clear that the organ had a symbolic value far exceeding its importance as a specific halakhic question. By 1861, this symbolic value was obvious to -- and publicly admitted by -- at least one of the major protagonists in the debate. And yet, the debate continued.

After the decision to place an organ in the new Berlin synagogue in 1861, the matter remained relatively quiescent for nearly half a century. It flared up again in Berlin in 1904; but in the interim, an interesting comment was published by a traditionalist scholar, which is worthy of note: In his compendium of halakhic discussions entitled Sede Hemed, R. Haim Medini points out that in earlier times it was customary to allow the playing of musical instruments on the Sabbath (by a non-Jew) at wedding festivities, because of the obligation to entertain the bride and groom. However,

> ...in recent generations, in our great sin, the breakers of the fences of Torah have multiplied, so that if it be permitted for non-Jews to play musical instruments, /the people/ will violate several minor and major prohibitions, desecrating the Sabbath and festivals... Therefore the permission of music has been cancelled by the generations preceding us...[218]

In other words, because of the exploitation of the custom of allowing instrumental music at weddings on the Sabbath, this custom has been eliminated. Medini's "fence-breakers" were probably (in part, at least) the modernizers, who exploited the specific heter by extending it to allow instrumental accompaniment of public worship. This logic is a classic manifestation of the siege mentality observed earlier in the century: if a particular innocent practice provides an opening for the modernizers, then it must be eliminated in order to seal the crack in the wall.

At approximately the same time (1897), a question was addressed to R. David Hoffman (director of the orthodox rabbinical seminary in Berlin) from a rabbi whose congregation had decided, over his objections, to introduce the organ; the rabbi writes to ask whether he might permit the use of the organ on week-days in order to achieve a compromise -- for if he resists, and is forced to leave, the community will probably hire a modernizing rabbi who will permit not only the organ, but all sorts of other things as well.[219] Hoffman reviews the halakhic literature, and concludes that the organ may not be permitted under any circumstances. And he points out that included in the ordination certificate of each graduate of his rabbinical seminary is a document obligating the

graduate to honor the prohibition of the organ (as an imitation of a Gentile custom).[220] This remarkable stipulation indicates the extent to which the organ still possessed symbolic value for traditionalist Jews, and the intensity of the pressure on them to allow its use.

In 1904, the organ became a matter of public controversy in Berlin again, with the construction of another new synagogue (on Rykestrasse; the 1861 dispute involved the synagogue on Oranienburgerstrasse; the reform synagogue built in 1819 was on Johannisstrasse[221]). By this time there were already 130 organs in synagogues in Germany;[222] there was no longer any point in rehearsing the halakhic considerations. The matter was purely political; indeed, it was almost trivial, for there were several synagogues serving the Berlin community, some with organs and some without. Therefore, the decision in this case was not of great moment for the community as a whole. Nevertheless, several rabbinical opinions were published, on both sides. R. Abraham Berliner, a professor at the orthodox rabbinical seminary, edited a booklet entitled Zur Lehr' und Wehr, containing four items:

1) A responsum by R. A. Ackermann of Brandenburg, attacking the reformers for their attempts to cut themselves loose from the tradition, and attacking the organ, largely on musical and esthetic grounds. Ackermann attempts to fight the modernizers on their own terms: rather than demonstrate the halakhic unacceptability

of the organ, he cites musical authorities to show the esthetic deficiencies of this particular instrument.[223]

2) The responsum, previously discussed, by R. Michael Sachs, dated 1861.[224]

3) A historical study of Jewish liturgical music, by R. David Oppenheim of Becskerek, originally published in 1865; the author emphasizes the central role of vocal music in Jewish worship, and the inappropriateness of the organ to the spirit of the synagogue.[225]

4) A review of the whole literary polemic over the introduction of the organ into the synagogue, since 1810, by Berliner himself.[226] The thrust of Berliner's argument is that the organ represents assimilationism, and therefore is neither desirable nor justifiable.[227] He also warns that installing an organ will drive worshippers away from the synagogue.[228] And he concludes by reproducing, in bold-face type, Zunz's statement that the organ must be excluded from the synagogue if it threatens to arouse communal strife.[229]

It is interesting to note that the traditionalists had, by 1904, given up on halakhic argumentation, and attempted to debate the modernizers on their own terms -- esthetics and politics. The supporters of the organ, likewise, realized that there was no point in beating a dead horse, and argued in favor of installing an instrument in the new synagogue on the grounds of practical necessity: with the dignification

of worship, the congregation has become too passive in worship, and needs instrumental guidance to induce active participation in the liturgy.[230] Furthermore, the modernizers pointed out, in several responsa published in the Allgemeine Zeitung des Judenthums, that numerous "conservative" communities had already adopted the organ,[231] and that the traditionalists of Berlin had made peace with such innovations as German sermons, choirs, and clerical robes -- so why not organ music as well?[232] The majority of the rabbis of the Berlin community favored the installation of an organ in the Rykestrasse synagogue.[233] However, to their dismay, they were overruled by the representative assembly of the community;[234] at the dedication ceremony of the new synagogue, the choir was accompanied by an orchestra.[235]

Thus, in the last cycle of the organ controversy, the halakhah was hardly even mentioned. The organ had become wholly an emotional symbol, and was recognized as such by all parties. No one, in the 1904 dispute, quoted traditional sources, for everyone knew that such sources were irrelevant: the authority of rabbis, past and present, had become trivial, and there was no sense in pretending that legal proofs or rabbinic decrees would have any effect on practice. It is ironic that this deterioration of rabbinical authority back-fired, ultimately, on the modernizers, for in the case of the Rykestrasse synagogue, the conservative popular assembly overruled the liberal rabbis.

SUMMARY AND CONCLUSIONS

The controversy over the introduction of the organ in synagogue worship was actually the continuation of a dispute which originated in the middle ages. The permissibility of musical expression, in general and on the Sabbath, had never been determined by halakhic consensus. With the coming of the modern period, the old controversy over music took on new significance, for the introduction of the organ became, in the eyes of both conservatives and modernizers, a symbolic act. From a minor cultural borrowing of unclear halakhic status, the organ was quickly turned into an ideological symbol of great emotional impact. Once this ideologization had occurred, early in the nineteenth century, the literary dispute rapidly deteriorated from halakhic argumentation to crude listing of proof-texts, ad hominem accusations, and political maneuvering. Halakhic logic -- and communal peace -- were overwhelmed by visceral reactions. Toward the end of the century, the debate became less strident, as each side reluctantly agreed to accept the fact of the other's existence. The organ remained a symbol, a shibboleth, and remains one to this day; but once Ashkenazic Jewry was finally divided into two traditions, there was clearly no point in continuing to fight for or against unified halakhic authority. Whether because of objective social and historical factors or whether because of the "siege mentality" of the halakhists of the nineteenth century, Jewry was irrevocably split, and halakhic authority was irreparably weakened.

This study has attempted to use the polemic over the organ as an indicator, reflecting in concrete form the process of the breakdown in Jewish unity and halakhic authority which occurred in the last century. It must be pointed out, however, that this process did not stop in 1904, nor has it necessarily continued in a straight line for the past seven decades. In particular, the collision of tradition with modernity has been reenacted in its entirety in the twentieth century, with the entry of Eastern European Jewry into American -- and Israeli -- society. Continuing the analysis of the organ-polemic up to the present should yield interesting insights into the nature of the twentieth century experience -- as well as providing a means for comparing the two transitions from pre-modern to modern Jewish life, two transitions widely separated in time and space, yet apparently similar in many respects. Hopefully such a continuation will be forthcoming.

FOOTNOTES

[1]A classic example of an individual who suffered personally from this conflict is Saul Berlin. See Moshe Samet, "R. Sha'ul Berlin ukhetavav," Kiriat Sefer, 43 (5728), pp. 429ff.

[2]Mishnah, Tamid 3:8.

[3]Ibid., 2:1, 5:6.

[4]Babylonian Talmud, Arakhin 10b-11a.

[5]Ibid., Rashi and Tosafot ad loc.

[6]Babylonian Talmud, loc. cit.

[7]A. Sendrey, Music in Ancient Israel (New York, Philosophical Library, 1969), pp. 394-405.

[8]Tosafot, loc. cit.

[9]Babylonian Talmud, Baba Batra 60a.

[10]Ibid., Sotah 48a (Mishnah).

[11]Ibid., (Gemarah).

[12]Ibid., Gitin 7a.

[13]Ibid., Bezah 36b (Mishnah).

[14]Ibid., (Gemarah).

[15]Ibid., Erubin 104a.

[16]A. Harkavy (ed.), Teshuvot Hage'onim (Berlin, Mekize Nirdamim, 5647), #60.

[17]Ibid.

[18]Tosafot to Babylonian Talmud, Gitin 7a.

[19]Quoted in Shilte Hagibborim to Hilkhot Rav Alfas (Jerusalem, Hafazat Torah, 5720), Berakhot 21b.

[20]Moshe ben Maimon, Mishneh Torah (Jerusalem, Yerushalayim, 5730), Hilkhot Ta'aniot 5:14.

[21]Yosef Karo, Shulhan Arukh (New York, Friedman, n.d.), Orah Hayim #560:3.

[22]Ibid., Hagahot R. Moshe Isserles ad loc.

[23]Ya'akov Mollin, Sefer Maharil (Bene Berak, Hama'or, 5719), p. 61 (Hilkhot Eruve Ḥaẓerot).

[24]Yehudah Heḥasid, Sefer Hasidim (J. Wistinetzki, ed., Frankfurt a. M., Wahrmann, 1924), #348.

[25]Moshe ben Maimon, op. cit., Hilkhot Shabbat 23:5.

[26]Tosafot to Babylonian Talmud, Beẓah 30b.

[27]Eliezer ben Yo'el Halevi, Sefer Ra'aviah (Jerusalem, Makhon Fishel, 5724), part 2, #796.

[28]Mordecai ben Hillel, Sefer Mordecai to Beẓah, #696.

[29]Moshe Isserles, Darkhe Moshe to Ya'akov ben Asher, Tur, Oraḥ Ḥayim #338:1.

[30]Ibid.; see also Yosef Karo, op. cit., Oraḥ Ḥayim #338:1.

[31]Yosef Karo, op. cit., Oraḥ Ḥayim #338:2, Hagahot R. Moshe Isserles ad loc.

[32]Yosef Karo, loc. cit.

[33]Yosef Karo, op. cit., Oraḥ Ḥayim #338:1; 339:3.

[34]Ya'akov ben Asher, loc. cit.; Oraḥ Ḥayim #307.

[35]See notes 26 and 27.

[36]Avraham ben David Portaleone, Shilte Gibborim (Mantua, 5372), pp. 3a-4b.

[37]Ibid., pp. 3a, 6a.

[38]Ibid., p. 5a.

[39]Ibid., pp. 8a-8b.

[40]Ibid., pp. 8b-9a.

[41]Ben Chananja (ed. L. Löw, Szegedin) IV (1861), p. I of appendix following p. 240.

[42]Ibid.

[43]Ibid., p. II of appendix following p. 240.

[44]Ibid., p. III of appendix following p. 240.

[45]Shelomoh Meha'adumim, Hashirim asher Lishelomoh (Venice, 5383), preface by Judah Leon Modena, p. 3b.

[46]Yo'el Sirkes, She'elot Uteshuvot Habayit Hehadash Hayeshanot (Frankfurt a. M., 5457), #127 (end).

[47]Avraham Gumbiner, Magen Avraham to Yosef Karo, op. cit., Orah Hayim #338:1.

[48]M. Roest, "Het vorhaal van een reis door een groot gedeelte van Europa in het eersie vierde der 18e eeuw, door eer israëliet," Israelitische Letterbode, X (1884-5), p. 161.

[49]Ibid.

[50]Ibid., p. 165.

[51]Johann Jacob Schudt, Jüdischer Merckwürdigkeiten II Theil (Frankfurt a. M., 1714), Book VI, p. 284.

[52]Ibid., p. 285.

[53]Ibid., IV Theil (Frankfurt a. M., 1717), p. 147.

[54]Ibid., II Theil, p. 285.

[55]Ibid., p. 285.

[56]Charles VI, Holy Roman Emperor. Ibid., IV Theil, pp. 140-156.

[57]Ibid., p. 146.

[58]Ibid., p. 155.

[58a]See also the evidence on the introduction of choral music in A. Idelsohn, "Song and Singers of the Synagogue in the Eighteenth Century," Hebrew Union College Jubilee Volume (Cincinnati, 1925), pp. 397-424.

[59]J. R. Marcus, "Israel Jacobson," CCAR Yearbook, XXXVIII (1928), pp. 449-450.

[60]Ibid., passim.

[61]M. Steinhart, Divre Igeret (Rodelheim, 1812) passim.

[62]S. Mannheimer, "Eliezer Liebermann," Jewish Encyclopedia (New York, 1906), vol. VIII, p. 80; David Philipson, The Reform Movement in Judaism (New York, MacMillan, 1931), p. 32.

[63]However, note that Eleh Divre Haberit contains a letter signed by eleven rabbis of Livorno, rejecting the position of Nogah Zedek.

[64]Eliezer Liebermann (ed.), Sefer Nogah Zedek (Dessau, 1818), p. 3.

[65]Ibid., pp. 4-5.

[66]Ibid., pp. 5-6. See Babylonian Talmud, Avodah Zarah 43a.

[67]Ibid., p. 4.

[68]Ibid., pp. 7-8.

[69]Ibid., p. 7.

[70]Ibid., p. 9.

[71]Ibid., p. 10.

[72]Ibid., p. 12.

[73]Ibid., p. 14.

[74]Ibid., pp. 16ff.

[75]Ibid., p. 21.

[76]Ibid., p. 25.

[77]Moshe Peli, "Milhamto hara'yonit vehahalakhit shel harav Aharon Horin ba'ad riformah datit beyahadut," Hebrew Union College Annual, XXXIX (1968), pp. 63-79 passim.

[78]Liebermann, op. cit., p. 21.

[79]Jacob Katz, Exclusiveness and Tolerance (New York, Schocken, 1962), chapters 13-14 passim.

[80]A. Büchler, "Moses ben Menachem Kunitzer," Jewish Encyclopedia (New York, 1906), vol. VII, p. 583.

[81]Liebermann, op. cit., p. 27.

[82]Ibid., p. 28.

[83]Ibid.

[84]Eliezer Liebermann, Or Nogah (Dessau, 1818), part I, introduction.

[85] Ibid., part II, p. 19.

[86] Ibid., p. 49.

[87] Ibid., part I, p. 14.

[88] Ibid.

[89] Ibid., p. 15.

[90] Ibid., p. 17.

[91] Ibid., part II, pp. 7-15.

[92] Ibid., p. 38 (note).

[93] Ibid., pp. 36-39.

[94] Ibid., p. 38.

[95] Ibid., pp. 23-36.

[96] Bet Din Zedek deK.K. Hamburg (Barukh Ozers, Moshe Yafeh, and Yehiel Speier), Eleh Divre Haberit (Altona, 5579), title page.

[97] See notes 13, 14, and 15.

[98] See notes 31, 32, and 33.

[99] Bet Din Hamburg, op. cit., pp. 74-76.

[100] Ibid., p. 5.

[101] Ibid., p. 17.

[102] Ibid., p. 67.

[103] Ibid., p. 15.

[104] Ibid.

[105] Ibid., pp. 11-12.

[106] Yosef Kolon, She'elot Uteshuvot Maharik (Lemberg, 1798), #88.

[107] Bet Din Hamburg, op. cit., pp. 18-19.

[108] Ibid., p. 19.

[109] Ibid., p. 86.

[110]*Ibid.*, p. 61.

[111]*Ibid.*, p. 32.

[112]*Ibid.*, pp. 9-10.

[113]*Ibid.*, p. 8.

[114]*Ibid.*, p. 31.

[115]*Ibid.*, p. 42.

[116]*Ibid.*, p. 80.

[117]*Ibid.*, p. 77.

[118]*Ibid.*, pp. 94-95.

[119]*Ibid.*, p. 96.

[120]*Ibid.*, p. 23.

[121]*Ibid.*, p. 95.

[122]Ibid., compare p. 95 with pp. 129-130.

[123]Abraham Lowenstamm, *Sefer Zeror Hehaim* (Amsterdam, 5580), preface.

[124]David Caro, *Berit Emet* (Constantina, 5580), p. 13.

[125]*Ibid.*, p. 15.

[126]*Ibid.*, p. 7, pp. 17-19.

[127]*Ibid.*, p. 36.

[128]*Ibid.*, p. 34.

[129]*Ibid.*, pp. 32-33.

[130]*Ibid.*, pp. 41-88.

[131]*Ibid.*, pp. 110-113.

[132]*Ibid.*, p. 109.

[133]*Ibid.*, pp. 116-117.

[134]*Ibid.*, pp. 119-119.

[135]*Ibid.*, p. 142.

[136]*Ibid.*, pp. 137-141.

[137]*Ibid.*, p. 146.

[138]Meir Israel Bresselau, *Herev Nokemet Nakam Berit* (Dessau, 5579), p. 15.

[139]*Ibid.*, p. 5.

[140]*Ibid.*

[141]*Ibid.*, pp. 8-9.

[142]*Ibid.*, p. 6.

[143]Aaron Chorin (or Choriner), *Davar Be'ito* (Vienna, 1820), pp. 19-22.

[144]*Ibid.*, pp. 45-46.

[145]*Ibid.*, pp. 23-26.

[146]*Ibid.*, p. 47.

[147]*Ibid.*, pp. 5-18.

[148]*Ibid.*, p. 28.

[149]*Ibid.*, pp. 47-55.

[150]See Isaiah 3:6.

[151]*Bet Din Hamburg*, *op. cit.*, p. 98.

[152]*Ta'ut Sofer* -- a pun on Sofer's name; the common expression for a scribal error also means "a mistake of /R. Moses/ Sofer."

[153]Chorin, *op. cit.*, p. 53.

[154]See note 123.

[155]Lowenstamm, *op. cit.*, pp. 1b-2b.

[156]*Ibid.*, p. 3a.

[157]*Ibid.*

[158]*Ibid.*, p. 4b.

[159]*Ibid.*, pp. 6a-6b.

[160]Ibid., p. 5b.

[161]Ibid., p. 6b.

[162]Ibid., p. 5b.

[163]L. Reinitz, Lahat Haherev (Vienna?, 5580), p. 2b.

[164]Ibid., p. 4b.

[165]Ibid., p. 5b.

[166]Ibid., pp. 6a, 7a.

[167]See note 22.

[168]Reinitz, op. cit., pp. 12b-13a.

[169]Moshe ben Maimon, Moreh Nevukhim (Vilna, 5664), part III, chapter 30, p. 44a.

[170]Reinitz, op. cit., p. 8a.

[171]Moshe Sofer, Sefer Hatam Sofer (Vienna, 5642), part VI, #84.

[172]Ibid., #85.

[173]Ibid., #87.

[174]Ibid., #91.

[175]Shelomoh Sofer, Sefer Igerot Soferim (Vienna, 1929), p. 46.

[176]Ibid., p. 47.

[177]Ibid., p. 46.

[178]Ibid., p. 45.

[179]Ibid., p. 48.

[180]Moshe Sofer, op. cit., #93.

[181]Shelomoh Sofer, op. cit., p. 51.

[182]Philipson, op. cit., pp. 109-111.

[183]M. Creizenach, Schulchan Aruch (Frankfurt a. M., part I, 1833; part II, 1837; part III, 1839). The author's descriptions of the three parts are interesting:

I. Thariag: Inbegriff der Mosaischen Vorschriften nach talmudischen Interpretation.

II. Schurath Haddin: Anweisung zur Reglirung des israelitisch-religiösen Lebens durch die Scheidung der talmudischen Interpretation von dem talmudischen Erschwerungen.

III. Chisuk Hathorah: dringlich gewordene Befestigung der mosaischen Lehre durch die Reformation des judischen Ritualwesens.

[184]Ibid., part I, p. 12, #50; p. 24, #65.

[185]"Abraham Sutro," Encyclopedia Judaica (Jerusalem, 1971), vol. 15, col. 536.

[186]Abraham Sutro, Sefer Milhamot Hashem (Hanover, 5596), passim.

[187]Ibid., pp. 108-111.

[188]Leopold Zunz, Die Gottesdienstlichen Vorträge der Juden historisch entwickelt (Frankfurt a. M., 1892), p. 491.

[189]Protokolle und Aktenstücke der zweiten Rabbinerversammlung (Frankfurt a. M., 1845), pp. 326-331.

[190]Ibid., pp. 316, 331-333.

[191]Ibid., p. 316.

[192]Babylonian Talmud, Pesahim 65a; Bezah 11b.

[193]Protokolle, pp. 147-151.

[194]Ibid., p. 147.

[195]Zevi Hirsch Chajes, Ma'amar Minhat Kana'ut (in Kol Sifre Moharaz Hayot, Jerusalem, Divre Hahamim, 5719), pp. 988-990 (note).

[196]David Deutsch, Die Orgel in der Synagoge (Breslau, 1863), p. viii.

[197]Ibid., pp. 1-83, passim.

[198]Ibid., pp. 1-44, passim.

[199]Ibid., pp. 6-7, 41.

[200]Ibid., pp. 55-82, passim.

[201]Ibid., pp. 43-48.

[202]There is some evidence supporting Deutsch's claim: see A. Berliner, Zur Lehr' und Wehr (Berlin, 1904), p. 62.

[203]Ibid., pp. 12-14.

[204]Ibid., pp. 14-18.

[205]Ibid., pp. 18-20.

[206]Ibid., pp. 20-22.

[207]Ibid., p. 19.

[208]Ludwig Philippson, "Gutachten über die Zulassigkeit der Orgel in die Synagoge," Allgemeine Zeitung des Judenthums, XXV (1861), #48, pp. 685-686.

[209]Ibid., pp. 686-687.

[210]Ibid., p. 687.

[211]Ibid., pp. 687-688.

[212]Ibid., p. 688.

[213]Abraham Geiger, "Gutachten über die rituale Statthaftigkeit der Orgel bei dem synagogalen Gottesdienste," in Abraham Geigers Nachgelassene Schriften, ed. by Ludwig Geiger (Berlin, 1875), vol. I, p. 294.

[214]Ibid., p. 284.

[215]Ibid., p. 287.

[216]Ibid., pp. 289-290.

[217]Ibid., p. 283.

[218]Haim Medini, Sede Hemed, Ma'arekhet Hatan Vekalah (Warsaw, 5656), #13.

[219]David Hoffmann, Sefer Melamed Leho'il, Mahberet Rishonah (Frankfurt a. M., 5686), #16.

[220]Ibid.

[221]Berliner, op. cit., p. 1; p. 48.

[222]Ibid., introduction.

[223]Ibid., pp. 1-11, passim.

[224]Ibid., pp. 12-22, passim.

[225]Ibid., pp. 23-39, passim.

[226]Ibid., pp. 40-63, passim.

[227]Ibid., pp. 40-41.

[228]Ibid.

[229]Ibid.

[230]"Die Gutachten des Berliner Rabbinats über die Orgel," Allgemeine Zeitung des Judenthums, LXVIII (1904), #6, p. 67.

[231]Ibid., pp. 66-67.

[232]"Nochmals die Orgel," Allgemeine Zeitung des Judenthums, LXVIII (1904), #30, p. 350.

[233]Berliner, op. cit., p. 1.

[234]"Gutachten des Berliner Rabbinats..." pp. 65-66.

[235]"Zwei neue Synagogen," Allgemeine Zeitung des Judenthums, LXVIII (1904), #37, pp. 436-437.

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