

The Legacy of Yehiel Jacob Weinberg

Marc B. Shapiro

**Between the Yeshiva World
and Modern Orthodoxy:
The Life and Works of
Rabbi Yehiel Jacob Weinberg,
1884–1966**

*Littman Library of
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Reviewed by Jeffrey R. Woolf

In his classic work, *The Italian Renaissance*, the eminent British historian Peter Burke introduces his readers to a sociological phenomenon known as “clustering.” The term refers to instances in which a high concentration of intellectual or cultural creativity is found in a place or time where one would not have expected to find it based solely upon considerations of population, economics, social structure, and the like.

Burke was intrigued by the fact that sixteenth-century northern Italy

produced a higher concentration of artists and men of letters than any other period or place before or since. The concept of clustering, however, is clearly not limited to Western Europe; Jewish intellectual history has also had its periods of clustering. In twelfth-century Europe, for example, titans such as R. Jacob Tam, R. Judah Hasid, R. Abraham of Posquieres, Maimonides, R. Abraham ibn Ezra, R. Judah Halevi, and others almost simultaneously lived, created, and changed the face of Judaism for all time. Similarly, the sixteenth century witnessed an unparalleled flourishing of Jewish intellectual creativity in both Eastern Europe and the Ottoman Empire. It was then that R. Joseph Karo and R. Moses Isserles combined to produce the *Shulhan Aruch*, a watershed in the development of Jewish law. At the same time, R. Isaac Luria promulgated the mystical doctrines which revolutionized Jewish spirituality and led directly to Sabbateanism

and modern Hasidism, and which, according to Gershom Scholem, contributed to the development of other Jewish movements and intellectual trends that prospered in the modern era, among them Zionism.

Less well known, though of critical importance for a sober understanding of contemporary Jewish history and culture, is the instance of “clustering” that occurred in Jewish Lithuania from the middle of the nineteenth century until the Holocaust. During this period, a group of brilliant scholars revolutionized talmudic methodology and created the system of yeshivot, which ultimately established its hegemony in the Jewish communities of Eastern and Central Europe and continues to define the institutions of Orthodoxy to this day. These men and the institutions they established provided a notable portion of the leadership of the Jewish people in the period up to and including the founding of the State of Israel.

It was these scholars who, together with the leaders of Polish and Hungarian Hasidic dynasties, to a large degree determined the responses that Orthodoxy adopted toward Enlightenment, emancipation, Zionism, socialism, anti-Semitism, and all the rest of the ideas, aspirations, and social forces that constituted the challenge of modernity. They set the tone both for the growth and development of

twentieth-century Orthodoxy, and for the criticism leveled against it. Understanding their lives and teachings and the circumstances that influenced them is thus not only of academic interest; rather, it is critical for an intelligent appraisal of the state of contemporary Jewry. These rabbis are still a real presence in Orthodox life, and their ideas still influence how today’s Orthodox Jews relate to the wider world—and in many cases, how the wider world relates to them.

Unfortunately, almost no critical biographies of the Lithuanian rabbis have appeared which would present not only their lives but also the intellectual and historical context in which they lived. True, Immanuel Etkes and Hillel Goldberg have presented authoritative studies of the founder of the Musar movement, R. Israel Salanter; and Shaul Stampfer has provided us with an illuminating examination of the institutional history of the major Lithuanian yeshivot. But aside from some scattered monographs in scholarly publications, no full-fledged, non-hagiographic study exists for such major figures as R. Naftali Tzvi Yehuda Berlin (the Netziv), R. Israel Meir Kagan (the Hafetz Haim), R. Meir Simha of Dvinsk, R. Yehiel Michel Epstein of Novhardok, R. Nota Finkel of Slobodka, R. Isaac Elhanan Spector of Kovno, R. Joseph

Rosen (the Rogatchover), R. Haim Soloveitchik, R. Haim Ozer Grodzensky, and many others. The same is true even for those twentieth-century figures whose influence on Orthodoxy today is most keenly felt. Despite numerous narrowly focused monographs on their lives and writings, there are still no full-scale, balanced, scholarly biographies of R. Abraham Isaac Kook, R. Joseph B. Soloveitchik, R. Moses Feinstein, R. Aaron Kotler, or R. Abraham Isaiah Karelitz (the Hazon Ish).

Scholars and laymen alike, therefore, owe a debt of gratitude to Marc B. Shapiro for providing us with a highly engaging study of the life and writings of R. Yehiel Jacob Weinberg, commonly known as “the Seridei Esh,” from the title of his collected writings. Weinberg, who served as the last director of the famed Hildesheimer rabbinical seminary in Berlin, epitomized what Hillel Goldberg has termed the “transitional figure,” an Eastern European talmudist who went to Berlin in order to absorb, encounter, and grapple with Western culture. Shapiro’s presentation is learned and informative, and despite several methodological lapses which raise questions about some of his conclusions, *Between the Yeshiva World and Modern Orthodoxy* is nonetheless one of the finest scholarly efforts in the field.

As a child, Yehiel Jacob Weinberg was educated in the intellectually rich but culturally limited Orthodox institutions of late nineteenth-century Lithuania. A talmudic prodigy in his youth, he studied at the famed Slobodka yeshiva, where he stood out for his brilliance and promise. After a short, unhappy stint in the rabbinate of the town of Pilwischki (and a miserable marriage to the daughter of the town’s previous rabbi), Weinberg went to Berlin, where he pursued the course of secular studies that had begun to interest him already in his days in Slobodka. He was to stay on in Berlin, serving as head of the Hildesheimer seminary until its closure in 1938. During that time, he was recognized as the preeminent authority on Jewish law in Germany, and developed an academic career as a scholar of biblical and targumic literatures.

At the same time, Weinberg emerged as a leading advocate of the German approach to traditional Judaism known as neo-Orthodoxy, an ideology that he had openly opposed in his youth. Neo-Orthodoxy (like its American counterpart, “modern Orthodoxy”) affirmed the inherent value of modern culture and advocated the integration of secular learning into the traditional Jewish curriculum. The guiding spirit of neo-Orthodoxy had been the nineteenth-century luminary

R. Samson Raphael Hirsch, and it was his heritage that Weinberg championed during his tenure at the Hildesheimer seminary. After the war (which he passed in unusually benign circumstances), broken in health and spirit by the destruction of all the worlds that had bred him, Weinberg retreated to the small Swiss town of Montreux, where he spent the remainder of his life in self-imposed exile.

Shapiro's presentation of Weinberg's life and times is riveting. To begin with, he is a superb historical researcher. In addition to Weinberg's writings and the relevant primary and secondary literature, Shapiro gained access to innumerable governmental, newspaper, and private archives, unearthing dozens of fascinating unpublished sources, such as a communal letter sent to Adolf Hitler by the leading lights of German Orthodoxy in October 1933 in the hopes of achieving "a gradual relaxation of the tensions arising from the present situation." Similarly, he treats his readers to any number of piquant discoveries, such as the fact that Weinberg officiated at the marriage of the renowned Hebrew novelist S.Y. Agnon. Shapiro uses his vast store of data judiciously, giving an account of Weinberg's life that is both comprehensive and readable. He portrays him as a man torn between competing

intellectual and spiritual loyalties. Chief among these, though by no means alone, is the struggle that rent his spirit between his abiding devotion to the Talmud-centered piety of Slobodka and his embrace of Western culture and scholarship. The author, in large part through Weinberg's own words, depicts an intellectual journey from a passionate advocate of self-sufficient, isolationist Orthodoxy to an equally impassioned champion of engagement with modern culture, and along the way carefully describes the cultural background of Weinberg's odyssey. Shapiro's account is moving, vividly detailed, and somewhat suspect.

It is, of course, no crime for a biographer to identify strongly with his subject. Yet it seems that Shapiro's sympathy for modernity leads him to unduly simplify Weinberg's story, presenting him as a heroic scholar emerging from the darkness of Eastern European Orthodoxy into the light of German neo-Orthodoxy, whose inner struggle with modernity eventually was resolved in favor of Enlightenment. After describing one of Weinberg's last writings, for example, Shapiro renders the opinion that "Weinberg's public identification with... German Orthodoxy, at the expense of East European Orthodoxy, was never made clearer." And when

he remarks in the afterword that “Weinberg’s form of Orthodoxy has been forced on the defensive in recent years,” he is surely referring to the modern variety.

Yet such a description of Weinberg’s life overlooks a fair amount of evidence, some of which appears in Shapiro’s own work, that might lead to other conclusions. The author brings no quotations to suggest that Weinberg ever actually ended up valuing traditional beliefs less than modern ones. Moreover, the whole tenor of Weinberg’s life, and indeed of Shapiro’s book, suggests that Weinberg’s struggle never found resolution throughout his long life. The author’s presentation of Weinberg’s halachic rulings, for example, shows that even in his last years, at a time when he was issuing many relatively liberal halachic rulings, he could sometimes be very conservative, sometimes contradictorily so. Although he supported the institution of the bat mitzva, he opposed the playing of an organ at funerals, even though the two proposed innovations stood on similar ground in terms of their reliance on halachic precedents. Moreover, several of the students closest to Weinberg, such as Abba Weingort of Bar-Ilan University, have testified that this conflict was far more intractable than Shapiro is willing to acknowledge, and

that it tore at Weinberg until the day he died.

However, the feeling that Shapiro is not sensitive enough to the complexity of his subject’s Orthodoxy appears most strongly when he deals with Weinberg’s achievements as a halachic scholar. Detailed discussions of Weinberg’s halachic writings in Shapiro’s book are few and far between; certainly they do not command the same centrality as discussions of the subject’s biography and worldview. But even when Shapiro does address Weinberg’s better-known responsa, the reader gets very little sense of how Weinberg’s halachic thought actually worked. We learn little about how he related to the opinions of earlier authorities, how much latitude in the interpretation of his sources he would allow himself, whether his rulings reflected a consistent tendency toward stringency or leniency in specific areas, or, most importantly perhaps, to what extent he allowed himself to decide in contradiction to previous authorities. These questions are not unrelated to Weinberg’s life and worldview, and are the building blocks of any understanding of his halachic methodology. Without them, any study of a halachist like Weinberg is lacking.

Shapiro’s failure in this regard is unfortunate for several reasons. First,

it belies the book's stated purpose of covering Weinberg's "works" as well as his life. Second, given the specialized and somewhat opaque nature of halachic discourse, Shapiro misses a golden opportunity to introduce the uninitiated reader to the world of Jewish jurisprudence through a careful study of the rulings of one of its most interesting and sympathetic modern practitioners.

Third, and perhaps most importantly, Weinberg's responsa *did* involve real methodological daring. Though one would scarcely know it from Shapiro's presentation, Weinberg's halachic writings represent a revolutionary approach to halachic adjudication, and deserve a much closer look.

One noteworthy example concerns the obligation of married women to cover their hair (*Seridei Esh*, vol. iii, no. 30). As Shapiro properly notes, Weinberg's essay on this law "is a wonderful synthesis of traditional halachic learning and modern scholarship. It is complete with textual emendations of rabbinic literature, philological analysis of the crucial word *pera*, discussion of linguistic aspects of Hebrew, comments on the nature of *gezeira shava* exegesis, and citations from the Peshitta, the Septuagint, and modern Christian

exegetes." However, because Shapiro does not explain what the many odd and unfamiliar words in this sentence mean, and does not offer any presentation of Weinberg's actual argument, the reader has no way of knowing how Weinberg reached his far-reaching conclusions on the subject, or how inventive his halachic methodology really was.

The Talmud derives the obligation of married women to cover their hair from the fact that according to the law in the book of Numbers, a suspected adulteress had her hair exposed as a sign of degradation. Weinberg begins with a thorough analysis of the relevant talmudic and post-talmudic sources, in a manner not unlike that of other traditional halachists. But he does not stop there; he then undertakes a careful discussion of the operative verb in the biblical verse (*ufara*, "and he shall uncover"). In the process he embarks upon a philological *tour de force* in which he brings to bear both ancient and modern translations and interpretations of the word. He cites four ancient biblical translations—the Aramaic Targum, Greek Septuagint, Syriac Peshitta, and Latin Vulgate—as equally valid sources, irrespective of the fact that the second is not accepted as authoritative in Jewish law and the last two are Christian. Having completed his

comparative analysis of *ufara*, Weinberg proceeds to a critically informed discussion of the talmudic sources upon which the law is based.

Such a melding of sources, methods, and worlds was unparalleled in modern halachic literature. It required breadth and depth of knowledge that were, and remain, rare. Shapiro acknowledges this, but he does not show it to the reader, and it is even unclear whether he himself fully understands the import of Weinberg's innovation. As a result, readers are deprived of any real taste of Weinberg's importance as a halachist, of his scholarship, intellectual courage, and determination to blend contemporary analytic methods with traditional learning.

In his halachic discussions, however, Shapiro does not rest content with sins of omission. A telling example is his presentation of the controversy of 1933 surrounding Jewish ritual slaughter, or *shehita*. In April of that year, the Nazi regime banned ritual slaughter, unless certain "humanitarian reforms" were introduced. These demands were difficult to reconcile with the requirements of Jewish law. At the very least, as in the case of the requirement that the heads of slaughtered poultry be totally severed, the

required change flew in the face of longstanding halachic practice, a fact that no rabbi dismissed lightly. In the worst case, such as the demand by the Nazi authorities that cattle be stunned prior to slaughter, the new requirements were tantamount to banning *shehita* altogether, since they would have rendered the animal ritually unfit for eating, regardless of how it was killed. The existing halachic material seemed to offer little hope for a way out—and yet, there was serious concern that if some halachic solution did not materialize, German Jews would simply eat non-kosher meat. Painfully aware of this pressing state of affairs, Weinberg penned a series of detailed responsa which argued that animals slaughtered in the manner demanded by the government might be eaten, but made this leniency conditional on the agreement of other major halachic scholars. The result was a worldwide controversy.

In the course of presenting the opinions for and against a lenient ruling, Shapiro informs us that Weinberg's opponents were, in large part, motivated by what he calls "metahalachic" considerations. His use of the term, however, is so unclear as to be misleading.

Initially he characterizes "metahalacha" as representing wider,

subjective considerations, which are normally brought to bear in halachic decisionmaking: “Because such non-formal considerations are not grounded in explicit texts and cannot be refuted in the fashion of traditional halachic arguments, they may be referred to as ‘meta-halachic’ considerations.” Yet it is not long before Shapiro begins charging the term with a negative connotation: He distinguishes “meta-halachic” considerations, which are essentially “emotional and political,” from “pure halachic analysis.” The reader is left with the impression that Weinberg’s critics manipulated the halacha according to their own agendas, in disregard of the straightforward meaning of the textual sources.

Now, the term “meta-halacha” has a history to it. In academic circles it commonly refers to the larger set of values that are traditionally brought to bear in halachic decision-making, often beyond or in the absence of a clear textual basis for a decision. Under Shapiro’s pen, however, these non-textual elements are made to lie outside the realm of “pure” or legitimate halachic decisionmaking—a view that is, quite simply, a misrepresentation of the halachic process. Any honest reading of the Talmud and all subsequent halachic literature will admit that considerations of justice, religious values, or long-term

practical implications of any specific decision are inherent elements of *proper* halachic decisionmaking. Undoubtedly Shapiro is right in saying that political considerations played a significant role both in Weinberg’s tendency to rule leniently as well as in the opposite tendency among his critics. But he is assuredly wrong to imply that these considerations necessarily violated the integrity of the halachic process. This is not to deny that extraneous, subjective factors impair a halachist’s judgment. However, most serious rabbinic scholars work hard to transcend them, and the historian must exercise caution before concluding that some rabbis were improperly influenced in their decisionmaking, while others were not. Shapiro’s treatment of halacha therefore does a disservice not only to Weinberg and his opponents, but to the entire halachic discourse of which they were a part.

This having been said, Shapiro’s contribution to historiography and to Jewish public discourse should not be underestimated. Skillfully executed intellectual portraits of contemporary Orthodox leaders are almost nonexistent. Shapiro has provided us with a sterling example of such a portrait, presenting the life and times of one of Orthodoxy’s most innovative thinkers in a way that will certainly

stimulate discussion on the role of traditional Jewish leaders in the modern world, and on the ongoing encounter between Jewish tradition and Western modernity. Along the way, he has established his credentials as a

fine intellectual historian, and even a pioneer in his field.

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