Authority and Dissent in Jewish Life
Greenspoon, Leonard J.

Published by Purdue University Press

Greenspoon, Leonard J.
Authority and Dissent in Jewish Life.
Purdue University Press, 2020.
Project MUSE. muse.jhu.edu/book/77425.

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What is a rabbi? A scholar? A teacher? An adjudicator? A judge? An educator? A preacher? A community leader? A social worker? A psychologist? An arbitrator? It is reasonable to assume that if we ask this question of ten different people, we will get ten different answers. Many Jews have their own rabbi. But in the present context, it’s not the actual rabbinic figure they are related to in one way or another that matters, but rather their perception of the essence of the term. However, while examining the term “rabbi,” we must first remember the basic distinction between a rabbi as a scholar, who is ordained for his knowledge of halachah, and a rabbi as a person who plays a public and social role, certainly if this activity is carried out in a formal framework such as a community rabbinate.

Indeed, along the spectrum between these two options there is a wide variety of other possibilities, but it seems that the dominant perception that has taken root in the Jewish world since the High Middle Ages is that of a community rabbi. Yet, this concept, or rather this essence, is a relatively new phenomenon in Jewish society. As Israel Yuval has shown, this institution appeared only in the fifteenth century in Central European Jewish communities. Since then, the community rabbinate has undergone many changes in all its aspects. In this context, I have tried to examine the institution of the nineteenth century community rabbinate in Eastern Europe, the region where 80 percent of the world’s Jews lived.

To do this, I first reconstructed the biographies of about fifteen hundred rabbis, focusing on those who served in the small and medium communities in the Lithuanian Jewish cultural arena—that is, in today’s Lithuania, Latvia, Belarus, and northeastern Poland. The reason for focusing on rabbis of small communities was not only...
that this group never received proper attention in the historical research, but also because it was the largest group within the contemporary rabbinical world. In this way, I wanted to avoid the methodological failure that characterized many of the studies on the rabbinate in the Middle Ages and in the modern era, mainly the attempt to draw broad conclusions and offer insights concerning all contemporary rabbis, based on a very limited sample of only the most prominent and well-known rabbis of the time. In this essay, I focus on what I consider the most significant challenge these community rabbis faced—namely, the question of their public authority, which accompanied them throughout their entire rabbinical career.

According to traditional hagiography, especially that of the ultra-Orthodox school, the community rabbi was the ultimate local religious authority, dominating most aspects of local Jewish life, with regard not only to purely halachic issues, such as kashrut, Shabbat, and family life, but also public matters such as education and relations with non-Jewish authorities. However, given the variety of sources available to us, this concept has nothing to do with the real status of the community rabbi and his degree of authority. Until the mid-nineteenth century, all crucial aspects of the community rabbinate—that is, the selection process of the community rabbis, their appointment, and their employment contract as well as their possible dismissal—were dominated by a small group of the local political-economic elite. The local Jewish community elites perceived themselves as the sole and exclusive center of power concerning all aspects of local community life, certainly those of public significance. Extending significant authority to the rabbi, especially in public matters, inevitably reduced the elite groups’ degree of social and political authority and control. Thus, the members of this group did everything in their power to avoid this situation or to minimize its probability as much as possible—for example, by an indefinite postponement of the appointment of a new community rabbi, sometimes for a period of several years. Moreover, even when a community rabbi was appointed, the elite members who controlled the rabbi’s selection process made sure that the elected candidate would not threaten their exclusive control of local public life, as described by Rabbi Yehuda Leib Margaliot, who at the end of the eighteenth century was the rabbi of several Jewish communities in Poland:

In their haughtiness, the leaders and rulers of the community would never appoint a famous, respectable, and righteous rabbi. This would require them to submit to him, and to give him the power to punish wrongdoers for their crimes. They prefer to appoint a rabbi who will submit to them, one with no power, and when the rabbi wishes to correct some matter pertaining to the community’s daily life, everything will be done only by consulting them. He will have to speak to them softly, and flatter them [in order to convince them] to cooperate with him.
Likewise, when, in mid-nineteenth century, about twenty-five candidates ran for every vacant rabbinical position, it was not difficult to find the candidate who would suit this approach of the local elites. In this way the local community hierarchy was clarified already in the first place.

The degree of control of the local elite over the community rabbinate can be demonstrated through the content of the rabbinic contracts. For example, the contract granted by the Verona Jewish community to Rabbi Yohanan ben Seadia in the year 1539 states: “In matters of public affairs, the rabbi is bound to agree to any regulation of the community leadership.” Similar, according to the regulations of the Jewish community in Vilnius (Vilna), “when the leaders of the community call the rabbi to participate in a meeting, for whatever purpose, he must come immediately without any delay. It goes without saying that he may not refuse to attend any meeting that deals with any judgement or public issue.”

Thus, even if no one publicly challenged the rabbi’s authority to rule in accordance with the halachah, a system of checks and balances was established, as was ruled by the Berlin Jewish community: “In any rabbinic court case or ruling, the rabbi must be accompanied by two judges who will be appointed by the leaders of the community.” Similar restrictions were imposed on the rabbi as to the amount of fine he was allowed to impose as a penalty in a rabbinic court, as well as to his authority to represent the community before the authorities.

However, these restrictions were not limited to the rabbi’s involvement in various aspects of public life. Many communities prohibited the rabbi from engaging in business of any kind, as well as traveling anywhere without obtaining prior permission from the competent community institution. Similarly, the rabbi had to accept upon himself various restrictions regarding the daily lives of his family members, such as the possibility of appointing them to public positions, and his involvement in legal proceedings in which they are involved. This subordination had crucial implications from both the personal and family perspective of the rabbi, mainly because of the fear that if he did not comply with these regulations, his term in office would not be renewed at the end of the period prescribed by the rabbinate’s contract or would be terminated without prior notice. It should be remembered that in such a case, in addition to losing his source of income, he might develop a bad reputation as a rabbi who did not accept the authority of the community institutions, which would make it much more difficult for him to win a rabbinic position in any other Jewish community.

Therefore, most community rabbis had no choice but to accept the authority of the local elites, even when it involved giving up their personal dignity and respect for the institution of the rabbinate. This was apparently the reason that during the nineteenth century most community rabbis refrained from confronting the local community elites when the Jewish communities were instructed to submit to the authorities.
the lists of Jewish recruits for the Russian army.16 This reality is largely consistent with what Newton Malony and Richard Hunt defined as “Push,” a situation in which the cleric feels a lack of control over the space in which he operated.17

Indeed, when a certain rabbi dared to confront the centers of power of his community—for example, when his ruling, though formulated according to Jewish law, had any kind of implication for the economic situation or the public status of those who were among the local elite—they would not hesitate to remind him of the local political hierarchy: “The rabbis totally depend on the leaders of the community. When, for example, one of the community leaders is angry with the rabbi for not respecting him, or provoking him with his regulations, he will act to fire him, will fight him and harm his livelihood, until the rabbi would honor him properly.”18

One of the best examples to illustrate the problematic and complex situation of the community rabbi with regard to his ability to exercise his halachic authority is his relationships with the local butchers and slaughterers. It should be borne in mind that the rabbi was, at least theoretically, the supreme halachic authority regarding the issue of kosher food sold in the community, and especially concerning slaughtering. According to the accepted practice in most East European Jewish communities, butchers would buy the cows alive, transfer them to slaughtering, and then sell the meat in their shops. When doubt arose about the kosherness of a slaughtered cow, the rabbi had the sole authority to approve or disapprove the meat. When the rabbi ruled that the slaughtered cow was not kosher, the butcher had no choice but to sell this cow to a non-Jewish butcher or directly to the non-Jewish population, at a much lower profit than he would get for kosher meat. Given that the percentage of nonkosher cows from all the cows slaughtered was close to twenty-five,19 each purchase of a cow was accompanied by the risk of considerable financial loss.

To avoid a great loss of money, some butchers sold nonkosher meat as kosher, disregarding the rabbi’s ruling.20 I do not intend to claim that most butchers ignored the laws of kashrut and were willing to sell nonkosher meat to the Jewish population, although, as Assaf Kaniel showed in his groundbreaking study, a high percentage of observant Jews in interwar Warsaw consciously consumed nonkosher meat only because they could not afford the high price of kosher meat.21 Nevertheless, it can be assumed that this situation contained a clear potential for confrontation between the rabbi and the local butchers, certainly in cases when the question of whether a certain cow was kosher or not was not unequivocal, or when the rabbi had repeatedly disapproved the kosherness of cows purchased by a certain butcher.

Against this backdrop, disagreements between community rabbis and butchers were quite common.22 However, in this case it was not a confrontation between two sides of equal status. Not only were the butchers usually members of the local political and economic elite, but they also had complete control over the rabbi’s economic
situation. For various reasons, both those related to contemporary formal regulations and those deriving from the community’s financial structure, the rabbi’s salary was not paid directly from the community budget but through the collected “meat tax.” Traditionally, the communities imposed this special tax on the butchers for each slaughtered cow. However, these funds were not transferred to the treasurer of the community but directly to the rabbi as his salary.

Against this background, one can clearly discern the negative correlation between the extent to which the rabbi was adhering to the laws of slaughter and the koshering of the slaughtered cows and his economic situation. As the number of cases in which the rabbi disapproved of the kashrut of slaughtered cows was increased, his economic situation deteriorated. The butchers did not hesitate to postpone the payment of his weekly salary, sometimes for several days, sometimes for a week or a month. In some cases, they even stopped paying him at all.

The difficult economic reality that many rabbis experienced had severe implications for their ability to function in the public sphere, as Rabbi Naftali Freund wrote with great pain:

The rabbi’s blood will pour like water until he gets to see his thin salary, and he is the target of the arrows of every insolent and wretched man. These rabbis, which are at the lowest economic level, how can we hope that they will stand guardedly in the war against sinners? If there is no flour, there is no Torah!

In practice, the community rabbis had almost no effective tools to deal with this reality. From the point of view of the community leaders, the situation of a rabbi who was dependent on them was preferable, and it is reasonable to assume that even if he approached them with a complaint regarding his salary, they would not respond in the affirmative, as it turns out from the following text:

Notices were posted in the town’s synagogue, on behalf of our rabbi, who complains to the leaders of the community about his bitter and hasty situation. He is starving and unable to provide food for his family. He begs the rich to be kind enough, to pay attention to his very well off condition, and find some source from which he can make a living, at least minimally.

In such a case, the rabbi can hardly be seen as an authoritative figure, to say the least. The desire to limit the rabbi’s authority was not unique to the elite groups. It was also prevalent in other local social strata. The middle class, and even the lower strata members of the community, usually shared the same attitude toward the rabbi, despite the rabbi’s attempt to position himself as not only a moral and spiritual model but also as such that without his daily guidance the Jew cannot live in accordance with halachah.
However, in the eyes of those who belonged to these social strata, the rabbi was generally perceived just as a scholar who specializes in solving daily halachic problems, such as food kosherness and Sabbath regulations. When it came to questions relating to broader aspects of private and public life, such as educational worldview and moral questions or public conduct, many community members did not give special weight to the rabbi’s opinion and therefore rarely consulted him.39

Indeed, as the political power of the middle classes and even of the lower strata increased, especially in the second half of the nineteenth century, so did their involvement in the subject at the center of our discussion.30 Traditionally, the ordinary Jew did not dare to challenge, at least publicly, the authority of the leaders of his community for fear of harm. However, the stronger the self-confidence of those who belonged to the middle and lower social strata, as well as their willingness to take a leading position in shaping the social and political reality, the weaker the status of those with traditional authority, especially the rabbi. Thus, most often the community rabbi served as an alternative easy and convenient target, for instance in cases of public dissatisfaction with some policies of the community institutions. The status of the rabbis deteriorated to such an extent that sometimes they had to defend themselves against a campaign of public slander, and there were even rabbis who felt helpless while members of the community challenged their halachic authority.31

An echo of the deep sense of affront felt by many contemporary rabbis arises from Rabbi Abraham Zakheim’s subsequent remarks, which largely reflect the situation of the community rabbinate in Eastern Europe in the second half of the nineteenth century:

Any rude can harm the rabbi as seen in many communities in our country. Rabbis are afraid of some individuals who oppose them, because they did not do what they were expected to do, or because they lost the rabbi’s trial, or other such matters, and all for the sake of envy and respect. Therefore, the rabbis are afraid to intervene in public issues, because it is impossible to please everyone.32

One of the only means left to the rabbis to preserve their status was what was known as a “judicial strike.” Rabbis who felt that their halachic authority had been significantly threatened, or whose wages were not paid for a long period, adopted the idea of strike as an instrument to stop this process and perhaps even regain some of their lost authority. When the rabbi also served as a judge, the threat of strike was sometimes also extended to the jurisdiction sphere.33 In the background of this move was the assumption that a society that adheres to the laws of kashrut, Shabbat, family purity, and the like is incapable of functioning without proper halachic guidance. However, because of the possible ramifications of such a drastic move and certainly because of
the fear that some people would unknowingly eat nonkosher meat or violate other halachic prohibitions, this step would involve difficult deliberations, as described by Rabbi Eliyahu David Rabinowitz-Te’omim:

It was hard for me, and despite the fact that well-known rabbis already adopted this option from time to time, yet I did not dare to do so until I asked the most important rabbi of our time, Rabbi Isaac Elhanan Spector. His answer was that it is not only permissible, but he himself also adopted this solution while serving in small communities, and it is customary in many Jewish communities.14

However, despite Rabbi Rabinowitz’s feeling that he was taking a drastic step, in practice this move had little or no effect at all. In a society in which not only did classical social structures become less and less relevant, but also secularization rapidly spread, the willingness to accept any authority, including religious authority, was significantly reduced.

Despite all that has been said so far, it seems that there is still room to question whether the concept of “honor of the Torah,” embodied in the figure of the rabbi, had no importance in the consciousness of many of the time. Despite the temptation to attribute this phenomenon solely to the processes of secularization that Jewish society has undergone since the late nineteenth century, this explanation does not stand up to the test of historical reality. For limiting the authority of the community rabbi, sometimes to the point of disrespect, was not an exceptional phenomenon even in previous periods. Therefore, it seems that the answer to this question can be found, at least in part, in the figure of the late nineteenth century community rabbi.

Two interrelated realities that took place during this period contributed significantly to the decline in the status of the community rabbinate: rabbis who were not worthy of this position and the fierce competition for every available rabbinical position. In these cases, and they were probably quite a few, the nature of the rabbi became clear to all, for example with regard to his halachic authority and thus to the capacity of his ruling. Against this background, it was quite easy for members of the Jewish community to cross the conscious barrier with regard to the duty to respect the rabbi, to obey his rulings, and to treat him as a religious leader.

Toward a conclusion, it seems impossible to escape the question of why, if the situation of the community rabbinate was as described here, so many contemporary young scholars actually opted for this career. This can be explained of course by the high level of unemployment that prevailed in the western provinces of the Russian Empire during the period under discussion. However, it seems that during their years of study in the yeshiva, a spiritual and social space that was largely disconnected from the prevailing daily reality, most of these young scholars did not even conceive the possibility that
in real life—that is, outside the yeshiva study hall—the rabbi’s authority could be in doubt. No doubt that if they had asked themselves this question before embarking on the course that would lead them to the pulpit, many of them would have opted for another way.

NOTES

1. Israel Jacob Yuval, hakhamim bedoram (Jerusalem: Magnes, 1989).


3. For studies on the community rabbinate in other parts of Central and Eastern Europe,


15. Ibid.


18. Hakarmel 7, no. 46.


22. Judah Landa, Nodah beyehudah (Lwow: Fleker 1859), Yoreh De’ah, para. 1; Zadok ben Yehoshua, Siftei Tzadik (Vilna: Katzenelenbogen, 1889), introduction.


24. Vladimir Levin, From Revolution to War (Jerusalem: Shazar, 2016), 353

25. Aharon Moshe Toibesh, Toafot Re’em (Zholkiev: Hoffer, 1855), Yoreh De’ah, para. 3; Shalom Shakhna Perlow, Mishmeret Shalom (Warsaw: Baumritter, 1895), II, Yoreh De’ah, para. 245.


27. Kol Ya’akov, June 25, 1908.


29. Hakarmel 8, no. 17.


31. Hamelitz 19, no. 89; Judah Margaliot, Beit Middot (Shklov 1786), 42.

32. Abraham Zakheim, “Bemi ha’asham?,” Hapisgah 10, 86

33. Hamelitz 26, no. 107

34. Rabinowitz-Te’omim, seder Eliyahu, 64–65.