Charles S. Liebman

Conservative Judaism has been characterized by some of its leading exponents as a coalition rather than an ideologically cohesive movement. Other distinguished spokesmen for the group, however, insist that it was a specific school of thought, the so-called "Historical School," rather than institutional loyalty that provided the matrix for the emergence of Conservative Judaism. One of the most forceful expositions of this view is found in a new book by Professor Moshe Davis. Whether and to what extent historical evidence supports Professor Davis' thesis is examined here by Professor Charles Liebman who teaches Political Science at Yeshiva University. Formerly an Assistant Professor at the University of Pennsylvania, he has written extensively on urban politics and is co-author of a forthcoming book on suburban political patterns. He is presently engaged in the preparation of a study of orthodox Judaism in the United States.

ORTHODOXY IN NINETEENTH CENTURY AMERICA

Moshe Davis' new book, *The Emergence of Conservative Judaism*, though reproducing much of the material originally published by him in an article on "Jewish Religious Life and Institutions in America"[1] is an interesting and informative volume. The author has brought many sources together in a highly readable form and his work will represent a good starting point for future scholars. Yet it is far from being either a definitive or an authoritative study.

The book attempts to describe the emergence and development of the "Historical School," which differed both from Orthodoxy and Reform on the measure of accommodation that Judaism should make to the American milieu. It attempts to demonstrate that with the foundation of the Jewish Theological Seminary the "Historical School" achieved its ultimate institutional form as the conservative movement. Though some historians prefer the term "Conservative Judaism," Davis maintains:

> Upon considered study of the sources and documents of the period, it seems clear to me that between the two possibilities, with the entire century in mind, the name "Historical School" presents the more accurate description of the pre-twentieth-century "Conservative Movement." It emphasizes the revolutionary character of the idea which only eventu-

> ally became embodied in particular institutional forms, and includes such differing approaches as the traditionalism of Isaac Leeser and Sabato Morais, the development conception of Alexander Kohut and the progressivism of Benjamin Szold and Marcus Jastrow, all of whom identified themselves with this School and institutions. (p. 15)

The major criticism of Davis' work is that his evidence for the existence of the Historical School as an independent approach to Jewish life in nineteenth century America is inadequate. If he is to make his point, he must indicate the major lines of Reform, the major lines of Orthodoxy, and then show that members of the Historical School shared significantly more with one another than they shared with Reform or Orthodoxy. Furthermore, he must demonstrate that the differences between the Historical School and Reform and Orthodoxy were differences of the same quality. In other words, if he posits some religious continuum with radical Reform at one end and Orthodoxy at the other, we can only distinguish the Historical School from them if that movement can in fact be located along the same continuum. But if, for example, the differences between Reform and Orthodoxy were over the centrality of Halakhah in Jewish life, and the Historical School members shared with one another only a commitment to raise the level of Jewish education, fight anti-semitism, and procure public adherence to Sabbath and *kashrut*, they cannot be juxtaposed to Orthodoxy and Reform anymore than one might today compare Zionism, Conservatism, and Reform. One can be a member of a reform congregation and a Zionist and it is readily apparent from Davis' own material that one could have been either Reform or Orthodox and a member of what he terms the Historical School.

What Davis has done is to take the founders of the Jewish Theological Seminary together with their earlier associates, call them the Historical School, and then treat them as though there was no need to demonstrate that they represented a sufficiently independent and cohesive school of thought to justify distinguishing them from Orthodoxy and Reform. Lest there be any question that what Davis is doing represents a real innovation, and that it has never been incontrovertibly accepted that the precursors of the Jewish Theological Seminary represented a school of thought, we need only cite Herbert Parzen, in his study of "The Early Development of Conservative Judaism" which appeared in *Conservative Judaism*. Parzen notes that "the sketch of the history of the old Seminary makes abundantly definite that it did not embody a movement."[2] Davis, whose entire theme lies in contradiction to that of Parzen, is at the very least obligated to note wherein he is justified in beginning with assumptions contrary to the evidence of a fellow Conservative scholar. The stress here is on the word "assumption" because unless one accepts Davis' position *a priori* that there was an Historical School, much of the book, particularly the first half, is without meaning. As we will indicate by example below, what Davis does is simply document the ac-

tivities of a number of members of his "Historical School." He tells us that Leeser, Szold, and Morais did something. But if there is no Historical School to begin with, then why are we concerned with what Leeser, Szold, or Morais did. Maybe Reform and Orthodox leaders were doing exactly the same thing.

Before we proceed to a more detailed examination of the evidence for the existence of a Historical School one point should be made. Even if Davis had succeeded in justifying his thesis that the "Historical School," *i.e.*, the founders of the Jewish Theological Seminary, formed an independent movement in nineteenth century American Jewish life, the evidence is by no means convincing that he is justified in calling them the precursors of the Conservative movement. As Marshall Sklare in his brilliant study *Conservative Judaism*[3] demonstrates, the conservative synagogue movement evolved as an effort on the part of the offspring of the more successful East European immigrant families and less frequently the immigrants themselves to adopt East European Orthodox worship to the prevailing social and cultural norms of middle class urban America in the early 1900's. There was no ideological foundation for the changes introduced by the Conservatives. The Seminary, in fact, whose founders originally contemplated calling it the Orthodox Jewish Seminary, and who organized the present Union of Orthodox Jewish Congregations as its original group of constituent congregations, has traditionally resisted sanctioning many of the Conservative synagogue innovations and has until recently turned aside efforts to identify it with Conservatism as juxtaposed to Orthodoxy. If, by definition, one chooses to encompass both the Seminary and the United Synagogue movement under the label Conservatism, the relationship between the two bodies represents more a marriage of convenience than a love affair. In fact, even Solomon Schechter, at a much later period, entertained hope for a *shidduch* between the Seminary and the new Orthodox immigrants from Eastern Europe. The dowry was to be Eastern European acculturation, but not surrender of religious convictions. Orthodoxy, wisely or unwisely, refused to separate the halakhically essential from the non-essential. (This may only serve to prove that we need to be wary of change even within the framework of Halakhah.) Nevertheless, the founding of the Seminary in 1887 did not necessarily lead to the emergence of the Conservative movement.

Now let us turn our attention to some examples from Davis' text which in fact argue against the existence of the Historical School in the sense which has been suggested. 1) Davis distinguishes the members of the Historical School by name but there is almost nothing that can be said about them as a group. They had no central institutions, no regular meetings, and until quite late, no publication. Here, for example, is an early instance of how Davis treats the Historical School.

> In 1868, another such incident occurred [The Governor of a State addressed a Thanksgiving Day proclamation only to Christians] and evoked a response from members of

> the Historical group . . . The rabbis of Philadelphia, among whom were Bettelheim, Jastrow, and Morais, were greatly aroused, (p. 96).

Time and again Davis narrates incidents in American Jewish history, and then relates the reaction of the Rabbis of the "Historical School." There is no evidence that anybody else acted differently.

2) In order to distinguish the Historical School from Orthodoxy we must know something about the Orthodox movement. Davis tells us practically nothing but he does, at two different points, mention the names of two prominent leaders, Bernard Illowy, and Abraham Rice. To distinguish Illowy from the Orthodox elements of the Historical School seems without foundation. Illowy was one of the initiators of the Cleveland convention of 1855 which sought to unite all Jews on a statement of religious principles. Illowy was on very friendly terms with Isaac Mayer Wise, had cordial relations with Kaufmann Kohler, and, until an occasion of public controversy, Illowy was even on intimate terms with David Einhorn, the leader of American radical reform.[4] Illowy, with a Ph.D. from the University of Budapest, was a fully acculturated Jew. Furthermore, his participation in Hungarian revolutionary activity which forced him to flee to the United States indicates that he did not retreat from the world of secularism. Finally, Illowy whom Davis calls a spokesman for the "position of the infant Orthodox movement in America" (p. 133) in turn characterized Leeser (whom Davis embraces as the first leader of the Historical School) as an example for all Israel "to behold clearly the difference between the ways of truth and the footprints of falsehood."[5] Leeser, by the way, is referred to by another Conservative writer as "a skillful and energetic propagandist and negotiator for traditional or Orthodox Judaism."[6]

The other prominent Orthodox leader whom Davis mentions is Abraham Rice. He characterizes Rice as an example of the "West European Orthodox which, even in the mid-century decades, refused to associate with the Historical School leadership" (p. 314). Rice died in 1862, 15 years before the foundation of the Seminary. We know little about him other than his tremendous influence in Baltimore. But if, as Davis amply demonstrates, Leeser was unquestionably Orthodox in theology, practice, and loyalty, and if Rice still refused to associate with him, then perhaps this refusal had nothing to do with Orthodoxy *per se*. Perhaps as we shall suggest below, differences between the Orthodox in and outside the "Historical School" were simply one of tactics. And if non-association with the Historical School characterizes Orthodoxy, then how could Illowy become its spokesman?

3) Davis misuses the term "conservative" on occasion to imply an institutional allegiance that is not warranted. Thus, he states, "In June of 1884, a reader wrote a letter to the *American Hebrew* proposing to organize the forces of the Historical School; the editors replied that such organization would come about in due time . . ." (p. 232). The letter, in fact, called for the formation of a union of "conservative" congrega-

tions "for the preservation of Judaism against reform."[7] The question is, what is meant by the term "conservative?" Davis translates the term "conservative," wherever he finds it, as "Historical School." He tells the reader at the outset that he is doing so and that is his right, provided the term "conservative" always means the same thing and is always used in the same context. Davis has defined "Historical School" as a position juxtaposed to Orthodoxy and Reform. But the term "conservative" as used by writers in the nineteenth century did not mean that at all. In the example cited above, one cannot be sure what the reader or the *American Hebrew* meant by the term "conservative." Granted, that within a few years the *American Hebrew* was using the term "conservative" with definite non-Orthodox connotations, one is much less sure about the usage in 1884. The most telling bit of evidence, however, is against Davis. Two months after publication of the letter, the *American Hebrew* printed an extract from the *Jewish Chronicle* which had in turn summarized and commented upon the previous letter and editorial. The *Jewish Chronicle* extract, as printed in the *American Hebrew*, clearly interprets the term "conservative" to mean nothing more than opposition to Reform.[8] This was the traditional meaning of the term which, according to Parzen, was invented by reform. Since their opponents labeled them radical, they replied by dubbing their opponents Conservative. There is, in addition, abundance evidence that the term "conservative" even in the 1880's and 1890's meant different things to different people. Illowy, in the book cited above, characterizes Baltimore as a "very conservative" city when his referent is obviously Orthodox. Davis himself brings a lengthy quotation from Morais who uses the term "enlightened conservatism" (p. 204). If conservatism here did not mean Orthodoxy, it is unlikely that Morais would have used the term "enlightened" when his referent was to the need for a European Rabbi distinguished for profound learning and lofty character. Morais, whom Davis has elsewhere characterized as "the unflagging champion of traditional Judaism,"[9] and who served as first head of the Seminary, was apparently fond of the term "conservative" as a synonym for Orthodoxy. In answering an attack on the Seminary by a leading reformer, Richard Gottheil, he defends the Seminary as an Orthodox institution which will win many converts to "intelligent conservatism."[10]

4) Davis' greatest problem is in his effort to distinguish the theology of the Historical School from that of Orthodoxy on the right or Reform on the left. As Davis' own evidence amply demonstrates, the right wing of the Historical School was Orthodox and the left wing Reform. Moreover, the right wing never perceived its own position as being distinct from that of Orthodoxy. Unfortunately the reader may be misled on this point. Davis quotes H. Periora Mendes, a member of the "traditionalist" element of the Historical School, as saying, "religiously the attitude of Historical Judaism is expressed in the creeds formulated by

Maimonides . . ." (Davis, p. 286). The reader may interpret Mendes' statement to mean that he was defining a position for the Historical School which in this case came close to Orthodoxy. But that is not at all the case. Mendes is using the term Historical Judaism as synonomous with Orthodoxy.* In fact, the only distinction Mendes makes is between "historical Judaism" and the "Reform School." In other words, it is not, as Davis implies, that the traditionalists of the Historical School adopted a theological position which was close to Orthodoxy. Most of the "traditionalists" of the Historical School *were* Orthodox.

I have not touched upon the relationship of the Historical School to Reform Judaism. I think that Davis' own material substantiates the suggestion, made by Parzen in the above cited articles, that many of the early Conservatives or the left wing of Davis' Historical School really represented the right wing of Reform. The early history of Reform in the United States is the story of the clash between the Eastern radical reformers under Einhorn and the Western moderates under Wise. Parzen implies that the left wing of the Seminary represented an Eastern element of right wing Reform for whom even the Western wing was too radical. Parzen notes that 12 congregations originally composed the Seminary Association which founded the Jewish Theological Seminary. Of these, eleven had ministerial leadership. Of the eleven, seven were of the left wing and four "were primarily traditional without any tint of change." Within a short time, all seven of the left wing synagogues affiliated with the Reform movement ceased supporting the Seminary and the four traditional synagogues (two sephardic and two ashkenazic) joined the Orthodox synagogue movement and also withdrew from contact with the Seminary. This, of course, supports Parzen's contention that the Seminary founders did not constitute a movement.

Most of Davis' own material, and certainly outside sources, support the proposition that the ideologically most significant segment of the "Historical School" was Orthodox. Davis, indeed, notes that "the active heads of the early Seminary, Mendes and Drachman, had always leaned toward Orthodoxy" (p. 313). If so, what distinguished these Orthodox Jews who supported the Seminary from those Orthodox Jews who refused to support it, and in what way does Davis justify denying the appellation Orthodox to the former group. The problem centers about the definition of Orthodoxy. Let us accept the definition of one of the more literate spokesmen of the right wing Yeshivah world, an opponent of cultural synthesis and of cooperation with the non-Orthodox. Rabbi Bernard Weinberger maintains that unqualified Judaism, or Orthodoxy, is the "unequivocal, unqualified, and unambiguous acceptance of the

* See his article, "Orthodox or Historical Judaism," in *Neely's History of the Parliament of Religions and Religious Congresses at the World's Columbian Exposition,* Chicago, 1893).

Halakhah as the binding factor in Jewish life," or elsewhere, "complete commitment to the Halakhah".[11] By this definition the Seminary in its inception was certainly Orthodox. But Davis has defined Orthodoxy, at least by implication, somewhat differently. He has made it the narrow preserve of the early East European immigrants under the influence of the Lithuanian *Yeshivot*. The counterpart today would be to make it the exclusive province of the Union of Orthodox Rabbis, a position even they have refused to take. He denies to Orthodoxy an affirmation of emancipation and secular enlightenment as positive forces, or the position that the equal status of Jews in democratic societies offers new opportunities for Jews and Judaism (pp. 18-19). He suggests that any efforts toward reform in Jewish religious life *ipso facto* places the reformer outside the Orthodox camp. This is a conviction that no doubt was prevalent among certain East European segments during one short period of Jewish history. The danger of any change at all was perhaps best enunciated by one such "Orthodox" spokesman in 1887. Moses Weinberger, in his history of the Jews of New York, argues that radical reform was an outgrowth of slight changes, "to beautify Judaism from without"[12] in matters on which there was no halakhic prohibition. One can certainly forgive such a reaction on the part of an immigrant in a new world, overwhelmed by the irreligiosity, crass materialism, and vulgar egalitarianism of his brethren, and lacking an understanding of the social and ideological basis of counter-Orthodox trends. But even Moses Weinberger, from his provincial perspective recognized that some elements of what he found so tragic in the new world may simply be a function of differences in ethnicity or background. He explains the vacillation of an Anglo-Jewish periodical which appears to be generally Orthodox by saying, "the distinguished editor, who was raised in this country sees everything from a different perspective — and cannot judge these things from the same point of view as those of us who were raised under the old educational system."[13]

Orthodoxy would have been grateful to Davis for a little less zealousness on his part for our point of view. We are not so provincial and narrow-minded that we are prepared to cast aside all Jews who hold doctorates, engage in secular activity, are concerned with the future of all American Judaism, and are anxious to demonstrate the compatability of Halakhah and modern life. Not all Orthodox Jews approve of these things. But no outsider has the right to turn a family quarrel into fratricide.

A less tendentious writer, viewing the period between 1850 and 1900 might outline the developments within Orthodoxy in the following manner. Early Orthodox leaders, from Sephardic, Western and Central European backgrounds were vigorously concerned with the growth of the Reform movement which threatened to sweep all Jewish life before it. In an effort to stem the tide of Reform the early leaders of American Orthodoxy sought to develop a cogent statement of tra-

ditional Jewish principles. Orthodoxy in Western Europe was faced with the identical problem. No similar statement of principles had theretofore been necessary because traditional Judaism had never been challenged and hence had never before been forced to adopt a position. The split in the Orthodox camp was over whether one should join forces with those Jewish leaders who were not committed to strict observance in their personal behavior but who nevertheless were willing to subscribe to an official statement of Orthodox principles. This appears to be the only adequate explanation for the position of Illowy and Leeser in the events surrounding the calling of the Cleveland conference of 1855. To those who sought unity on an anti-Reform platform there seemed to be no alternative. There was no large base of Orthodox constituents on whom they could lean. By 1850, even members of the Sephardic congregations were inclined to change. Although one element of Orthodoxy resisted the drive for unity, the remainder sought support for an anti-Reform position wherever they could find it. Whether this was strategically right or wrong we do not know. In many respects, the debate continues today and sound historical scholarship may be helpful in illuminating what took place 100 years ago. Orthodoxy, however, was severely handicapped by the absence in this country of Torah scholars and *poskim*. By the 1880's American Jewish life had changed radically. Although the scholars were not to come until much later and we are only now beginning to develop a corps of both learned and acculturated *poskim*, Orthodoxy at least had a constituency. For the first time, there was a significant pressure from the right on the Orthodox founders of the Seminary. That institution, then in its first years of infancy, sought to tie itself to this base. It failed because the barriers of ethnicity, culture, language, and custom separating the new immigrants from the old American Orthodox were too great. The Orthodox element within the Seminary was pulled, however, to the right. The Sephardic groups abandoned the Seminary; others tried to remain in both camps without seeing any inconsistency in their position. Drachman, head of the Seminary until Schechter's arrival, appears to have been purged although for what reason we do not know. His autobiography[14] is not clear on this point and a gratuitous insertion by the editor is an outrage to fair scholarship.

There is a great deal we would like to know about Orthodoxy in that period. Judaism will owe a debt to future scholars who will mine the early sources. It is reassuring to note that doctoral candidates at Yeshiva University are in fact turning their attention to this era.

Leeser, Morais, Pereira Mendes must be reclaimed for Orthodoxy. The socio-economic cultural basis of the conservative movement was well described by Marshall Sklare. It would be a chilul *haShem* to leave unchallenged the assertion that Conservatism today has its origins in the wellsprings of traditional Jewish thought. (I think again it is worth distinguishing the Seminary

from the Conservative movement). Nevertheless, in reclaiming the Orthodox leaders of the "Historical School" we are holding a two-edged sword. While we are under no obligation to favor their point of view, we must recognize that we are sanctioning as legitimately within Orthodoxy a tradition which differs in many respects from the Lithuanian tradition. The whole topic has obvious contemporary connotations. It is time that historical scholarship assumed its role on the agenda of Orthodox life.

NOTES

1. Moshe Davis, "Jewish Religious Life and Institutions in America," in *The Jews: Their History, Culture and Religion,* ed., by Louis Finkelstein, Philadelphia, 1960, volume 1, pp. 488-587.
2. *Conservative Judaism,* volume 3, July, 1949, page 17.
3. Marshall Sklare, *Conservative Judaism: An American Religious Movement,* Glencoe, 1955.
4. A description of the incident is found in Henry Illowy's *Sefer Milchamot E-lohim,* Berlin, 1914.
5. *Ibid.,* page 100.
6. *Conservative Judaism,* op. cit., page 6.
7. *American Hebrew,* June 3, 1884, page 70.
8. *Ibid.,* August 15, 1885, page 10.
9. *Proceedings of the American Jewish Historical Society,* volume 37, 1947, page 55.
10. *American Hebrew,* August 5, 1887, page 194.
11. Bernard Weinberger, "The Synthesis Motif in American Orthodoxy," *Perspective,* 1, Winter, 1959-60, page 42.
12. Moses Weinberger, *Ha-yehudim Ve-hayahadut Be'New York,* New York, 1887.
13. *Ibid.,* page 35.
14. Bernard Drachman, *The Unfailing Light,* New York, 1948.