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The Formation of the Talmud

Scholarship and Politics in Yitzhak Isaac Halevy’s Dorot Harishonim

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Chapter 1
Y.I. Halevy: The Traditionalist in a Time of Change

1.1 Introduction

Yitzhak Isaac Halevy’s life exemplifies the multifaceted experiences and challenges of eastern and central European Orthodoxy and traditionalism in the nineteenth century.¹ Born into a prominent traditional rabbinic family, Halevy took up the family’s mantle to become a noted rabbinic scholar and author early in life. Not content to simply fulfill his role as “scion of the renowned Ivenec family in Russia,” he went on to become a defender of traditional Judaism and one of the first and greatest expounders of an Orthodox Wissenschaft aimed primarily at an eastern European audience, authoring the greatest Orthodox historiography of the late nineteenth and early twentieth centuries, Dorot harishonim.² At the same time, Halevy evolved into a master politician, becoming the architect of the first international Orthodox political movement of the twentieth century, Agudath Israel (also known as “the Agudah”). In many ways, Halevy’s experiences as a scholar and politician reflected the upheaval and transformation faced in the nineteenth and early twentieth centuries by the traditional Jewish community (especially in eastern Europe) that he dedicated his life to defending.

1.2 The ideological, political, and religious turmoil of the nineteenth century: Wissenschaft des Judentums and the Reform Movement

Even before Halevy was born in 1847, traditional Judaism in Europe had faced internal threats to its legitimacy for decades. Two related European Jewish movements, both originating in Germany, posed a particular danger to those wishing to preserve traditional Jewish religious practice: Wissenschaft des

¹ His original name was Yitzhak Isaac Halevy Rabinowitz. The surname Rabinowitz was dropped upon his departure from Russia in 1895. See O. Asher Reichel, Isaac Halevy: Spokesman and Historian of Jewish Tradition (New York: Yeshiva University Press, 1969), 26. See below for a detailed discussion of the terms “Orthodoxy” and “traditionalism” in Halevy’s time.
² On Halevy as “scion,” see Reichel, Isaac Halevy: Spokesman and Historian, 15.

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Judentum (lit., “Science of Judaism”) and the Reform Movement. Wissenschaft des Judentums had emerged out of the German scholarly effort, called by the name Wissenschaft, to study and teach history in a new way in universities.

Although the Jewish people has been deeply concerned with the meaning of its history throughout the ages, the classic position of rabbinic Judaism towards the study of history can best be described as aversion. This attitude changed drastically during the nineteenth century, when an ethos of historical consciousness emerged within the Jewish community in central Europe, particularly in Germany, the same country whose scholars pioneered the scientific study of history in western universities. In 1825, Leopold von Ranke (1795–1886), widely considered the father of modern historical scholarship, was appointed Professor at the University of Berlin, where he instituted what he termed “Wissenschaft” (lit., “science”), best described in English as “the scientific study of history.” What he meant by “scientific” history was historiography based on objective research, free from value judgments. The goal was to show the past wie es eingentlich gewesen – as it really was. Beginning in the late-twentieth century, however, scholars questioned the feasibility of values- and bias-free scholarship. Georg G. Iggers was one historian who pointed out that Ranke’s historiography displayed a specific political and ideological agenda. Although Ranke replaced Hegel’s philosophical approach with an historical one, their worldviews were remarkably similar. In Ranke’s view, according to Iggers, the historian’s role was to provide valuable insight into the meaning of the world, and history was the ideal science to replace philosophy: “While the philosopher, viewing history from his vantage point, seeks infinity merely in progression, development, and

3 For a list of medieval Jewish historical works, see Yosef Hayim Yerushalmi, Zakhor: Jewish History and Jewish Memory, The Samuel and Althea Stroum Lectures in Jewish Studies (Seattle: University of Washington Press, 1996), 31–51. For more on Jews’ aversive views of history, see David Ellenson, “Wissenschaft des Judentums, Historical Consciousness, and Jewish Faith: The Diverse Paths of Frankel, Auerbach and Halevy,” The Leo Baeck Memorial Lecture 48 (2004): 2; and Jacob Neusner, “Paradigmatic versus Historical Thinking: The Case of Rabbinic Judaism,” History and Theory 36, no. 3 (1997). Maimonides’s attitude that the study of history was a waste of time, especially in his commentary to Mishnah Sanhedrin 10:1, had a big impact upon the Jewish community. For more on Maimonides’s attitude towards historiography, see Yerushalmi, 33n5.


6 For further details, see Iggers, Historiography, 26.
totality, history recognizes something infinite in every existence: in every condition, in every being, something eternal, coming from God; and this is its vital principle.” For Ranke, history had the power to give meaning and value to human existence, and the role of the historian was to establish that meaning as an extension of historical research. In his view, history was, in many respects, superior to philosophy in its ability to confer meaning. But historical research itself, rather than providing meaning, had to be the primary goal.

Ranke’s authority was often invoked by scholars throughout Europe and beyond to legitimize the consensus practice. This same ethos penetrated the Jewish community, beginning in Germany, stimulating the development of a modern critical-historical consciousness and the establishment of the scientific-historical study of Judaism known as “Wissenschaft des Judentums.” Beginning around 1820 as a movement of Jewish academics, Wissenschaft des Judentums was a direct byproduct of the process of secularization that ultimately came to dominate the modern West. Wissenschaft secularized Jewish history by focusing on Judaism as a culture and thus created the possibility that sacred texts could be studied as historical documents. Its founders, like Ranke, spoke of the ideal of objectivity in their scholarship, and, like Ranke, few (if any) practitioners of Wissenschaft des Judentums during the nineteenth and early twentieth centuries accomplished this goal. Isaak Markus Jost (1793–1860), the early nineteenth-century German Jewish historian, described the lofty goal of objectivity in Wissenschaft des Judentums thus: “No prejudice should blind the historian, no universally held dogma should darken his views; no apprehension should intimidate him from revealing the truth as he sees it.”

8 See Novick, That Noble Dream, 28–29, for further details. Novick argues that Ranke was influential in American universities as well (26).
9 See Ismar Schorsch, From Text to Context: The Turn to History in Modern Judaism, Tauber Institute for the Study of European Jewry Series 19 (Hanover, NH: Brandeis University Press, 1994), 161: “As the sonorous name Wissenschaft des Judentums implies, the emergence of historical thinking in modern Judaism is unimaginable outside the German context.”
12 Isaak M. Jost, introduction to vol. 4 of Geschichte der Israeliten (Berlin, 1820–1828), iii, quoted in Ismar Schorsch, “Ideology and History in the Age of Emancipation,” in The Structure
inception, however, Wissenschaft des Judentums was imbued with ideological and political agendas.\textsuperscript{13} As Ismar Schorsch has noted, “Recourse to the study of the past was taken to serve the overwhelming needs of the present, with the inevitable result that ideology dominated the writing of scientific history.”\textsuperscript{14}

Wissenschaft des Judentums did not have one single agenda but, rather, many overlapping goals. One of the prominent objectives was external: to improve the standing of Jews and Judaism among non-Jews. Leopold Zunz (1794–1886) was a leader and founder of the field who has been described as relatively non-ideological, in part because he did not act as the rabbi of a large community or as the leader of any particular ideological movement.\textsuperscript{15} Zunz believed that Jewish “scientific” scholarship could be used to obtain full civil and religious rights for the Jewish community.\textsuperscript{16} Another set of early objectives concerned the scholars’ desires to change attitudes and practices within Judaism. First and foremost, Wissenschaft des Judentums was a form of rebellion against the rabbinic establishment; Zunz wrote, “Our science should first of all emancipate itself from the theologians.”\textsuperscript{17} Zunz listed the rejection of rabbinism (the hegemony of the rabbis common in his day) as one of the main tenets of Wissenschaft. He directed his antagonism toward what he saw as the widespread practice of intolerant and capricious study of the Talmud, which, he believed, led to the banalization of Judaism. He thought that the rabbis of the Jewish community should be well-versed in biblical and rabbinic texts but also sensitive to the changes occurring in society.\textsuperscript{18}

Since the founders and early practitioners of Wissenschaft des Judentums also aimed at concrete religious reform, it was no coincidence that the Reform Movement in Germany, centered initially around Rabbi Abraham Geiger (1810–1874) and his associates, arose in the 1830s and 1840s, just a few decades after the emergence of Wissenschaft des Judentums. Geiger, born in Frankfurt,
grew up in a religious household and spent his early years receiving a traditional Jewish education, anchored by the study of the Talmud. He first attended the University of Heidelberg, where he concentrated on Classical and Oriental languages, but, soon after, he went to study at the University of Bonn, where he began to pursue philosophy and history. He eventually came to use his scholarship to promote the reform of modern Jewish life by arguing that Judaism had always been a religion open to adopting modifications to its inherited traditions.  

Geiger’s claims about Judaism’s relative flexibility emerged amidst rapidly changing political circumstances in German politics and society, which presented the Jewish community with a unique set of challenges and opportunities. As legal restrictions on Jews in the German states were gradually lifted, allowing for the community’s deeper assimilation into the larger society, it became imperative to determine which parts of Jewish tradition were essential and which parts, seemingly antiquated and irrelevant to some, could potentially be discarded. These circumstances prompted various individuals to think about how to adapt Judaism to the new emancipated environment. Several thinkers, including Geiger, who were eager to reform traditions, realized that it was important to demonstrate that Jewish law had always evolved over time to adapt to shifting environments. Geiger cleverly employed Wissenschaft des Judentums, and particularly history, to demonstrate this evolution and thus to advance his reform agenda. Geiger also aimed to demonstrate how Jews could faithfully preserve their religious traditions while simultaneously adapting to modern German society. Banned from seeking a university professorship because he was Jewish, he worked both as a rabbi – in Wiesbaden, Breslau, Frankfurt, and Berlin – while also writing prodigiously and speaking to spread his ideas. As Michael Meyer has noted, “Few of his writings can be termed pure Wissenschaft, in the sense of bearing no relationship to the present. Though he felt bound as a scholar not to distort the past, he studied mainly in order to hold it up to the present. Historical knowledge, Geiger’s work tried to show, was the essential prerequisite for reform.”


Judaism. He wrote that the rabbis of the Talmud had been influenced by the times in which they lived but could not reveal this fact, so they claimed – often torturously – that all their halakhic rulings had support in the Bible.\textsuperscript{21} Later rabbis failed to realize that the Bible and rabbinic literature bore the marks of their own history, thus exacerbating the problem. However, as Geiger matured, his focus shifted to praising the rabbis and identifying his own reform agenda with the rabbinic attitude of the past. He constructed a development model of rabbinic law that allowed his own reform agenda to be part of mainstream Jewish history. Precisely this later approach led to Geiger’s role as the spokesman and ideologue for German Reform.\textsuperscript{22}

Geiger’s series of 24 lectures, entitled \textit{Das Judentum und seine Geschichte} (Judaism and Its History, published 1864–1865) are a clear demonstration of his approach. He attempted to show that his movement for reform was not a break from the past, but, rather, part of a long tradition of reformation and adaptation of Judaism throughout the ages. Hillel the Elder, the great sage of the end of the first century BCE, considered to be the one who laid the foundations for the spiritual and intellectual movement of the early rabbinic period, came to represent the genuine reformer and a model for Geiger’s own approach. As he said, “Hillel conveys to us the image of – and this term will not degrade but ennoble his memory – a true reformer.”\textsuperscript{23} Geiger was of the view that the Sadducees were the elite priests who controlled Judean politics from the time of the return of the exiles from Babylon until the destruction of the Temple by Rome in the first century. By contrast, the Pharisees (“the opposition,” in Geiger’s words) were a religious group representing the masses. They were interested in establishing equal rights and sought to rebel against the priesthood and any other structures of hierarchy.\textsuperscript{24} The Pharisees were divided in two groups, led by Shammai and Hillel. Shammai’s followers, the traditionalists, followed the old rules of religious practice, while Hillel led a revolution in the tradition: “He [Hillel] encountered all those difficulties that have been encountered at all times by efforts at revitalization and rejuvenation.”\textsuperscript{25} Geiger clearly identified with Hillel, which placed his own agenda within the larger context of Jewish history. He further explained that “Hillel was a man who dared openly to oppose those who sought to make the Law more

\textsuperscript{22} Schorsch, \textit{From Text to Context}, 187.
\textsuperscript{23} Abraham Geiger, \textit{Das Judentum und seine Geschichte} (Breslau: Schlettersche Buchhandlung, 1865), 1:104, quoted in Wiener, \textit{Abraham Geiger}, 186. Wiener translated this and other quotations from \textit{Das Judentum und seine Geschichte} in his \textit{Abraham Geiger}.
burdensome, and who was not at all afraid to be known as an advocate of leniency who sought to render the Law less difficult.” Geiger explained that these two visions among the Pharisees extended to the Jewish diaspora through Shammai and Hillel’s disciples. He associated the Pharisees of the old school with “the adherents of time-honored, strict observance,” who “sought to sanctify their people by imposing upon them innumerable hardships and restrictions regarding religious observance.” The spirit of reform, however, remained among “the spiritual heirs of Hillel, who had more regard for inner conviction than for outworn, burdensome restrictions, and who considered the demands of the times rather than ancient statutes.” Geiger believed that the disciples of Hillel enabled Judaism to survive and thrive. Geiger’s historical model of the rabbinic tradition placed him squarely within the mainstream of the rabbinic establishment as the heir to the tradition of Hillel. The leaders of the Jewish community, he argued, ought thus to follow their predecessors and consider modifications to their inherited traditions.

Scholars such as Harvey Hill have pointed out that, while the reforms that Geiger instituted in his synagogues, including two editions of a reformed prayer book, “were relatively modest,” he aimed at a much bigger goal: change in the “general attitude towards the idea of reform [. . .] he sought to nurture the historical consciousness of modern Jews, the awareness of past changes that would foster an openness to present ones.” Geiger cleverly employed Wissenschaft des Judentums to advance his ideology and to place it within historical context. By presenting Judaism as an historical phenomenon open to scholarly analysis, he appointed the historian, rather than the talmudic scholar, as the ultimate arbiter of tradition.

Like Geiger, other Wissenschaftlers both before and after him worked to demonstrate the evolution of Jewish law and to find a precedent in the past for reform and change, as well as to search for an essence of Judaism compatible with emancipation and integration into European society. These diverse agendas created inconsistencies within Wissenschaft des Judentums, which some of

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30 For a general overview of Wissenschaft des Judentums in historical context, see Breuer, Modernity within Tradition, 173–177; Schorsch, “Ideology and History,” 1–31; and Schorsch, From Text to Context, 183–204.
its eminent practitioners later recognized.\textsuperscript{31} From early in the movement’s history, critics pointed cynically at these inconsistencies in light of Wissenschaft’s claim of objectivity.\textsuperscript{32}

The liberal and emancipated segments of the Jewish community came to enthusiastically adopt this historical awakening. Meanwhile, the interconnection between Wissenschaft and religious reform continued. The same people were usually both Jewish religious reformers and Wissenschaftlers.\textsuperscript{33} For instance, Geiger was also the editor of a journal, the \textit{Wissenschaftliche Zeitschrift für jüdische Theologie} (Scientific Journal of Jewish Theology), whose goal was to offer historical and theological defenses of Reform.\textsuperscript{34} As Michael Meyer has said, “The cumulative effect of Geiger’s critical work was . . . to historicize and therefore to relativize every sacred text of Judaism, biblical no less than rabbinic.”\textsuperscript{35} His research, therefore, created a framework in which the Jewish people’s present (and potential future) conditions could change or even abolish any tradition.\textsuperscript{36}

The Jewish religious establishment, both in Germany and in eastern Europe, thoroughly rejected the new scholarly method but struggled to contain its spread even among the faithful. Their chief spokesman in Germany at the time was Rabbi Samson Raphael Hirsch (1808–1888) of Frankfurt am Main, the founder of what has been called “Neo-Orthodoxy,” which Glenn Dynner has described as “a moderate German synthesis between tradition and modernity.”\textsuperscript{37}

While there is no one generally accepted definition of “Orthodox” or “Orthodoxy” in this period, there is consensus that central and eastern


\textsuperscript{32} See Breuer, \textit{Modernity within Tradition}, 179–180. Breuer notes that Rabbi Sampson Raphael Hirsch used Heinrich Graetz’s criticism of Geiger against Graetz’s own scholarly work. Graetz and Hirsch’s complicated relationship will be discussed below.

\textsuperscript{33} Meyer, “Jewish Religious Reform,” 19.


\textsuperscript{35} Meyer, \textit{Response to Modernity}, 93.

\textsuperscript{36} For several such instances, see Meyer, \textit{Response to Modernity}, 93n123.

Europe did not have the same “Orthodoxy.” While Jews in Halevy’s time often referred to themselves as living in “the East” or “the West” — see below regarding contemporary praise of Halevy for having bridged eastern and western Orthodoxy — current scholars of Jewish history tend to refer to Germany as “central Europe.” These scholars have identified a number of, in the words of Moshe Samet, “characteristic features” of Orthodoxy that will be helpful here. Glenn Dynner mentions “a well-developed ideology” and an “institutionalized framework,” providing a general description that has the advantage of potentially encompassing a wide variety of orthodoxies, from Neo-Orthodoxy in Germany to ultra-Orthodoxy in Hungary to yeshiva-oriented traditionalism in eastern Europe. Samet’s definition is more applicable to the latter two cases. It includes: separatism (also from fellow Jews inclined toward reform or secularization); suspicion of modern culture, including most modern education; stringent observance of halakhah, along with the belief in the rabbi’s authority as deriving from his special relationship with God; and establishment of “community-wide yeshivot” and the ideal of young men’s studying in them for many years as a “sign of piety” rather than as a means to a practical end. Samet identifies all of these features collectively as “an historic innovation, more a mutation than a direct continuation of the traditional Judaism from which it emerged.” The development of Orthodoxy in the ideological and institutional sense, however, took place over time and, in the eastern European context, arguably hit its peak in the interwar years. When talking about a region or community in which Orthodoxy had not yet “crystallize[d],” in Dynner’s words, it is perhaps more appropriate to refer to “traditionalism.”


39 Dynner, “Jewish Traditionalism,” 288. He characterizes “Hungarian ‘ultra-Orthodoxy’” as “rejectionist” and “secessionist” and “advocat[ing] resistance to all innovation and compromise” (288). This book, however, does not focus on Hungarian ultra-Orthodoxy.


42 Dynner, “Jewish Traditionalism,” 297.

43 Dynner, “Jewish Traditionalism,” 288. Dynner, drawing on Jacob Katz, has an even more expansive definition, saying that “Katz’s cultural/religious application [of the term ‘traditionalism’] helpfully distinguishes the phenomenon from older, more passive adherence to tradition, while, at the same time, incorporating later permutations like Orthodoxy” (288).
words “Orthodoxy” and “traditionalism” will depend on the level of the organization of the Orthodox movement in the community discussed.

Hirsch’s Neo-Orthodoxy, the earliest type of Orthodoxy according to these definitions, adopted some of the religious trappings and non-religious customs of the surrounding German society but prioritized adherence to Jewish tradition. Hirsch grew up in a home influenced by the Haskalah (Jewish Enlightenment) and received a full secular education in German institutions in addition to undertaking religious study. (Ironically, while a student of philosophy at the University of Bonn, he befriended Geiger, whose efforts at reform he would later sharply criticize.) He called his approach to Judaism “Torah im derekh erets” (lit., “Torah with the way of the world”). He explained,

The term Derech Eretz [sic] includes all the situations arising from and dependent on the circumstance that the earth is the place where the individual must live, fulfill his destiny and dwell together with others, and that he must utilize resources and conditions provided on earth in order to live and to accomplish his purpose. Accordingly, the term Derech Eretz is used primarily to refer to ways of earning a living, to the social order that prevails on earth, as well as to the mores and considerations of courtesy and propriety arising from social living and also to good breeding and general education.44

Hirsch embraced certain aspects of German culture: wearing clerical robes, eschewing a beard, and promoting certain professions and educational subjects, while insisting that all these be conducted alongside Jewish culture, religion, and law – and never in conflict with them. In his view, Wissenschaft des Judentums was problematic because it challenged the underpinnings of Jewish law and tradition. More specifically, any type of Jewish scholarship that did not a priori acknowledge both the uniqueness of the Jewish nation and the divine origin of its laws was prohibited and false.45 He believed that both the Jewish people and Jewish law were eternal and immune to the influence of history. Noah H. Rosenbloom has described Hirsch’s attitude as follows: “[W]hat Hirsch calls history is more accurately metahistory, since history also has its laws of natural development and all the nations of the world are subject to these laws. Israel, however, was not governed by these laws and frequently defies them.”46 According to Hirsch, a secular historicism divorced from “cultural memory”

45 For more details, see Breuer, Modernity within Tradition, 179–181.
46 Rosenbloom, Tradition in an Age of Reform, 272.
had no value. “You are learning," he wrote, “[in order] to know the light, the truth, the warmth and the sublimity of life, and when you have attained to this you will comprehend Israel's history and Israel's Law, and that life, in its true sense, is the reflection of that Law, permeated with that spirit.”\(^{47}\) Hirsch strongly opposed modern “scientific” study that eschewed value judgments and sought only historical truth, likening it to the dissection of a dead body.\(^{48}\)

Hirsch reserved much of his ire for the Jewish historian and Wissenschaftler Heinrich Graetz (1817–1891), although, in his youth, Graetz had been a disciple of Hirsch’s. Upon reading Hirsch’s *Neunzehn Briefe*, an epistolary defense of tradition, Graetz came to Oldenburg in 1837 to study with him.\(^{49}\) Although Graetz soon became disenchanted with Hirsch intellectually, and the two men parted ways in 1840, he remained loyal to Hirsch even after his departure, dedicating his dissertation to Hirsch.\(^{50}\) As the years went by, Graetz developed a more liberal approach and became associated with Zacharias Frankel (1801–1875), joining his positive-historical school, the *Jüdisch-theologisches Seminar*, in Breslau in 1854. Frankel’s seminary aimed for an approach between that of the traditionalists and that of the reformers; he is considered the father of American Conservative Judaism. Based in the study of Jewish history, the Jüdisch-theologisches Seminar presented halakhah as dynamic and evolving. Unlike Hirsch and most other Orthodox rabbis, Frankel held that Judaism had indeed evolved over time.\(^{51}\)

As the years passed, Graetz’s ideologies converged in many ways with those of Geiger, though Graetz had never gotten along with Geiger personally and often had opposed him, criticizing Geiger’s scholarly work in order to cast aspersions on the Reform movement.\(^{52}\) Their later writings show that both believed in: a God connected to history, both human history in general and Jewish history in particular; Jewish history as an expression of Divine Providence; and a Bible


\(^{48}\) See Breuer, *Modernity within Tradition*, 180–181, for more details.

\(^{49}\) See Rosenbloom, *Tradition in an Age of Reform*, 70–75.

\(^{50}\) Rosenbloom, *Tradition in an Age of Reform*, 106–108.


\(^{52}\) Meyer, “From Combat to Convergence,” 151.
composed through Divine inspiration, rather than verbatim revelation.\textsuperscript{53} (Graetz and Geiger fought as late as 1869, and Graetz only admitted some appreciation of Geiger after the latter’s death in 1874.)\textsuperscript{54} The Orthodox rabbinate, meanwhile, viewed Graetz’s work as heretical and dangerous. In his journal \textit{Jeschurun}, Hirsch penned a withering review in which he criticized the fourth volume of Graetz’s \textit{History of the Jews} as “superficial and filled with fantasy.”\textsuperscript{55}

Though most Orthodox Jews in Germany opposed Wissenschaft des Judentums, others did not share Hirsch’s low opinion of it. Some Orthodox Jews believed, as their liberal counterparts did, that the scientific-historical study of the Jewish past could be used to further their current goals.\textsuperscript{56} Rabbi Esriel Hildesheimer (1820–1899) advocated for Wissenschaft as an ideal tool to strengthen religion and maintain its observance.\textsuperscript{57} In his view, Torah study and scientific research shared a common goal: the pursuit of truth. In 1873, Hildesheimer founded the \textit{Rabbiner-Seminar für das Orthdoxe Judentum}, which in 1883 became known as \textit{Das Rabbiner-Seminar zu Berlin}. He wrote that it would aim “to make science, hitherto unable to make peace with traditional belief, serviceable and fruitful for the knowledge of Torah, and through its methods, enrich and advance true Jewish knowledge.”\textsuperscript{58} In many ways, Hildesheimer shared other, more liberal, scholars’ aims of increasing the dignity of Jewish practice and encouraging the Jews of his time collectively to comprehend their history and literature. Unlike his liberal contemporaries, however, he believed that Wissenschaft des Judentums could be reconciled with traditional belief and used to resist religious reform.\textsuperscript{59}

The new rabbinical seminary in Berlin utilized Wissenschaft des Judentums no less persistently than did Frankel’s seminary in Breslau and Geiger’s \textit{Hochschule}

\textsuperscript{53} Meyer, “From Combat to Convergence,” 159.
\textsuperscript{54} Meyer, “From Combat to Convergence,” 150.
\textsuperscript{55} Rosenbloom, \textit{Tradition in an Age of Reform}, 107. The review, entitled “\textit{Geschichte der Juden von Dr. H. Graetz},” was published in several installments in \textit{Jeschurun: Eine Monatsschrift zur Förderung jüdischen Geistes und jüdischen Lebens im Haus, Gemeinde und Schule}, 1855–1856 (Rosenbloom, 107 and 107n91–94).
\textsuperscript{56} Schorsch, “Ideology and History,” 11.
\textsuperscript{57} See David Harry Ellenson, \textit{Rabbi Esriel Hildesheimer and the Creation of a Modern Jewish Orthodoxy}, Judaic Studies Series (Tuscaloosa: University of Alabama Press, 1990), for his biography and for further details of his thought.
\textsuperscript{58} Esriel Hildesheimer, “Prof. Dr. D. Hoffmann ז”ר [May the Memory of a Righteous Person Be a Blessing],” \textit{Jüdische Presse} 53 (1922): 267, quoted in Breuer, \textit{Modernity within Tradition}, 183.
für die Wissenschaft des Judentums. Hildesheimer’s teaching staff, which included David Zvi Hoffmann (1843–1921), Abraham (Adolph) Berliner (1833–1915), and Jakob Barth (1851–1914), combined deep knowledge of Torah with exceptional academic rigor. These scholars, along with many others who worked with Hildesheimer, produced a large body of literature, thus making a vital contribution to Wissenschaft des Judentums.

Their unwavering commitment to scholarship caused them to adopt ideas that their contemporaries considered controversial. In his book on Isaiah, Barth accepted the theory of a Deutero-Isaiah (lit., “second Isaiah”), meaning that chapters 40 to 55 of Isaiah are of later origin than the preceding chapters, for which he was severely criticized by several Orthodox rabbis. Hoffmann, on the other hand, accepted the traditional Jewish view that Scripture was of divine origin and thus could not be studied using unrestrained scientific scholarship. He argued, however, that the Oral Law was a human creation, which allowed for full scientific inquiry in the search of truth – while still binding Jews to observance of halakhah. Hoffmann described his approach in the introduction to his work on the Mishnah, *Die erste Mischna und die Controversen der Tannaim* (The First Mishnah and the Controversies of the Tannaim, later translated into Hebrew as *Hamishnah harishonah ufelugta detana’ei*):

Both Scripture and Mishnah, the Written Law and those laws transmitted to our sages orally, are the two sources from which every Jew draws the Torah received by Moses from God at Mount Sinai. When we speak about the Written and the Oral Law, we understand them to be a single, unified Divine Law which was partially learned from Scripture, and partially from the received laws transmitted to us by our sages. These two wellsprings, however, differ in their form, and accordingly differ in our research of them. Scripture, both in content as well as in form, constitutes the words of the Living God. Its date of composition in most instances is clear and defined, and immediately or shortly thereafter, it attained its final, immutable form that has been preserved until today. The Mishnah, on the other hand, also has content deriving from a Divine source

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63 See the introduction to his commentary on Leviticus in David Zvi Hoffmann, *Sefer Vayigra* (Jerusalem: Mossad Harav Kook, 1972), 3–8. See also Ellenson and Jacobs, “Scholarship and Faith,” 31–37, for further details on Hoffman’s approach to biblical and rabbinic scholarship.
(to the extent that it contains laws transmitted from Sinai), but its form was only fixed at a later time. [. . .] Consequently, when analyzing Scripture, we take its authenticity and perfection as axiomatic and only accept conclusions that do not contradict this principle. As for Mishnah criticism (to the extent that it does not contradict the halakhah established by the sages of the Talmud), historical research concerning the date of its composition, which is based on the period in which its extant form was fixed, is not only permissible – research into the sources of the transmitted Torah is, in fact, obligatory.\textsuperscript{64}

Hoffmann, in other words, strongly believed in historical investigation into the development of rabbinic law, especially the Talmud. His doctoral research, later included in the book \textit{Mar Samuel: The Life of a Talmudic Sage} (Leipzig, 1873), caused a great uproar in Frankfurt Neo-Orthodox circles due to its scholarly style and scientific-historical approach. In Hoffmann’s opinion, halakhah had been influenced by historical and sociological factors, as well as by the personalities of the rabbis involved in its development. Hirsch declared \textit{Mar Samuel} heretical and, along with his Frankfurt followers, refused to support or endorse the rabbinical seminary in Berlin.\textsuperscript{65} Hirsch’s allies published several articles, some anonymously, criticizing the school and its pursuit of Wissenschaft des Judentums. The members of the Frankfurt Orthodox school believed that Hildesheimer’s Berlin seminary did not differ from the various liberal seminaries of the time.\textsuperscript{66} Moreover, in their view, any scientific pursuit of the Jewish past that did not proceed primarily from apologetics served only to confuse students and shake their faith.\textsuperscript{67}

Their contradictory views concerning Wissenschaft des Judentums repeatedly led to disagreements and strife between the schools of Berlin and Frankfurt, but the argument between the two was later resolved. In 1891, the influential Orthodox weekly \textit{Der Israelit}, which was far closer ideologically to the Frankfurt school than to the seminary in Berlin, published a call for the formation of an Orthodox Wissenschaft des Judentums, which would pursue the scientific study

\textsuperscript{66} Ellenson and Jacobs, “Scholarship and Faith,” 29–30. In support of their argument, Ellenson and Jacobs discuss issues 16–18 and 22 of the Orthodox journal \textit{Der Israelit} (1872). On Orthodox objections to Hildesheimer’s seminary, see also Shapiro, \textit{Between the Yeshiva World and Modern Orthodoxy}, 79–82.
\textsuperscript{67} See Rosenheim, \textit{Erinnerungen}, 54–55.
of Judaism in an objective manner while remaining compatible with Orthodox values. In 1892, the newspaper began the publication of a scientific supplement, which in 1899 became the *Blätter für jüdische Geschichte und Literatur* (Journal for Jewish History and Literature). The editor, Rabbi L. Lowenstein of Mosbach, also a researcher who had published a work on Jewish history, gave the publication credibility. Its scholarship was not much different from that of the scientific publications of Berlin’s Orthodox community at that time. But the fact that it was published by *Der Israelit*, which was identified with the Frankfurt school, served to grant the publication the implicit imprimatur of the more traditional Orthodox community.

Jewish leaders in eastern Europe during this same period almost universally rejected *Wissenschaft des Judentums* as well, though the eastern and central European traditionalist Jewish communities were quite different, as was discussed above. While Hirsch, who believed in the eternal and unchanging nature of Jewish law and sacred texts, still had to contend with his community’s attraction to the culture of a society that began emancipating Jews in the 1820s and 1830s, eastern European rabbis served a flock that was more insular and had fewer political rights than did German (and other central European) Jews. The late nineteenth and early twentieth centuries also represented the height of the eastern European yeshivot, in which the community’s young men and luminaries undertook intense, multi-year study of traditional Jewish texts, especially the Talmud and its commentaries. Even the comparatively insular yeshivot, however, could not keep out various products of *Wissenschaft des Judentums*. First, Graetz’s *History of the Jews* was translated into Hebrew by Shaul Pinchas Rabinowitz and published in installments from 1888 to 1898, reaching a wide audience. Graetz’s claim of a middle-of-the-road ideology, coupled with the fact that he was a former disciple of Hirsch’s, made him especially threatening, and the dissemination of his work among eastern European Jewish youth in general and yeshiva students in particular presented a great challenge to the Jewish religious leadership there.

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71 On Hirsch’s opposition to Graetz and Frankel, see Rosenbloom, *Tradition in an Age of Reform*, 105–108.
Another threat to eastern European traditional Judaism was the five-volume *Dor dor vedorshav* (Each Generation and Its Own Interpreters) by Isaac Hirsch Weiss (1815–1905). This historiographic work in Hebrew, dedicated to the history of the rabbis and their writings, was first published between 1871 and 1891 and achieved wide distribution. Four editions were printed before 1907, and an additional two editions appeared by 1911. Weiss’s large audience included laymen and a great number of yeshiva students. *Dor dor vedorshav*’s critical approach posed a particularly serious threat to traditional Judaism in eastern Europe because Weiss was a noted Talmudist. He had studied in the yeshivot of Trebitsch and Eisenstadt and had been offered positions in several yeshivot near his hometown. Great rabbinical authorities of the time endorsed and praised his publications: two *midrashei-halakhah* (early rabbinic compilations of biblical exegesis deriving halakhah from biblical sources); the *Sifra* (a *midrash*, or rabbinic commentary, on Leviticus) with his introduction and notes, published in 1862; and the *Mekhilta* (a *midrash* on Exodus) with his introduction and notes, published in 1865. These works found willing readers among talmudic scholars. Once his critical approach was noticed, however, Weiss had to abandon his career as an Orthodox rabbi.

Weiss’s engaging style made his books uniquely powerful. He employed a critical approach to rabbinic sources, discussing the development of halakhah and placing it in historical context. *Dor dor vedorshav* described the history of talmudic and other rabbinic literature and explored the characters of the primary sages. Although Weiss agreed with the Orthodox claim of the sinaitic origin of the Oral Law, his critical portrayal of the characters of various sages and his claim that the Oral Law had developed and changed through the ages challenged the reigning traditionalist view and raised doubt about the value of the

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72 For further details, see Asaf Yedidya, “Benjamin Menashe Lewin and Orthodox Wissenschaft des Judentums” [in Hebrew], *Cathedra: Letoledot Erets Yisrael ve yeshuvehah* 130 (2008), 133–134.
73 See Stampfer, *Hayeshiva halita’it behithavutah* (Shazar, 1995), 354n138, for detailed examples of the infiltration of Weiss and Graetz’s work into yeshivot. See also Etkes, introduction [in Hebrew] to *Yeshivot Lita*, ed. Immanuel Etkes and Shelomo Tikochinski, 40; and Yedidya, “Benjamin Menashe Lewin” [in Hebrew], 133–134, for further details.
75 The two editions were: Isaac Hirsch Weiss, ed., *Sifra* (Vienna: J. Schlossberg, 1862); and Isaac Hirsch Weiss, ed., *Sifra* (New York: Om, 1947).
Oral Law in traditionalist circles, Rabbi Grodzinski severely criticized *Dor dor vedorshav*, writing in his approbation of Lifshitz’s *Dor yesharim*: “[those who have only “superficial” knowledge of Torah] approached [the Oral Law] with a libertine criticism focused on weakening the basic foundations of the Oral Law [. . .] This poison has also developed outside their camp, in places where Torah thrives and is dear to her students. There, too, it has taken root and borne fruit [. . .] and its ideology has been absorbed, bringing in its wake the forgetting of Torah and the abandonment of Judaism.”

With the publication of these popular works, Wissenschaft des Judentums made significant inroads into the traditional community and began to affect yeshiva students in eastern Europe, making it quite difficult for leading eastern European rabbis to follow Hirsch’s path of condemning the growing field without offering an alternative. The time was ripe for the development of an orthodox Wissenschaft that could be used to advance and validate Orthodox and traditionalist ideology.

1.3 Yitzhak Isaac Halevy and Orthodox Wissenschaft: *Dorot harishonim*

1.3.1 Halevy’s early life, education, and career

Y.I. Halevy found himself in the right place at the right time to pioneer this Orthodox Wissenschaft and apply it to the Talmud. He arrived in Germany and decided to pursue a scholarly career just as the Orthodox need to address Wissenschaft was growing urgent. Halevy’s arrival in Germany inaugurated a new era in the Orthodox community and paved the way for a novel reconciliation between the values of the Torah and Wissenschaft des Judentums. Halevy’s Orthodox approach to Wissenschaft combined some of the scholarly sensibilities of the central European form while retaining the perspective of his

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77 Hayyim Ozer Grodzinski, introduction to Lifshitz, *Dor yesharim*, 8–9 (later reprinted in *Iggerot R. Hayyim Ozer*, 315–317). As quoted in the introduction to this book, the attribution refers to “those who have a broad knowledge of the [Babylonian and Palestinian] Talmuds, but it is superficial [. . .] they have found reason to justify the views of Reform, and they have dedicated all of their thoughts to distorting the words of the Living God [. . .].”
eastern European background and, with its largely apologetic tone, aiming primarily at an eastern European audience. As discussed in the introduction, Halevy's writings extolled objectivity in the finest Wissenschaft tradition, but he much preferred consulting Jewish sources to any alternatives, and he repeatedly argued that Jewish practice had not changed much between the biblical period and his time.

Halevy's success was due in part to his background: His yeshiva education in eastern Europe and subsequent travels around central Europe and decision to settle down to write in Germany, combined with his keen political instincts, made it possible for him to bridge the two different Orthodox/traditionalist communities and advance the interests of both. Halevy was born in Ivianiec, near Vilna, in 1847. One of his ancestors, Rabbi Isaac Ivenecer, had been instrumental in the founding of the famous yeshiva of Volozhin.\(^79\) Halevy's father, Rabbi Eliyahu Halevy Rabinowitz, died tragically at a young age, so Halevy was raised and educated by his paternal grandfather, Rabbi Nahum Hayyim, whom he admired greatly.\(^80\) Rabbi Nahum Hayyim remained his mentor and teacher even after Halevy moved to Vilna to live with his maternal grandfather, Rabbi Mordekhai Eliezer Kovner, after a great fire destroyed Ivianiec in 1858.\(^81\)

Growing up in this rich Jewish educational environment, Halevy acquired a comprehensive knowledge of the Talmud at a very young age. At the age of thirteen, he joined the yeshiva of Volozhin, where he developed a reputation as a prodigy in Talmud and became a favorite student of Rabbi Joseph Dov Ber Soloveitchik (1820–1892), the author of *Beit halevy* (House of Levy), a collection of works including commentaries on the Talmud, halakhic insights, responsa,

\(^79\) For further details on the Volozhin yeshiva, see Shaul Stampfer, *Hayesheva Halita’it*, 59–218; and Zalman Epstein, “Yeshivot Volozhin,” in *Yeshivot Lita*, ed. Immanuel Etkes and Shelomo Tikochinski, 70–80. For Rabbi Isaac's role in particular, see Stampfer, 45n69.

\(^80\) According to Y. I. Halevy's son (the source for most of the information we have about Halevy's early life), Rabbi Eliyahu Halevy was killed when he was in his twenties. The family was late in fulfilling the town edict of leaving the windows facing the street unobstructed during a national parade, and a police officer shouted at Rabbi Eliyahu, pushing him to the floor, causing him to fall and die. See Shemuel Halevy, “My Father of Blessed Memory” [in Hebrew], in *Yitzhak Isaac Halevy Memorial Volume: Including a New Volume of Dorot Harishonim about the Last Era of Second-Temple Times* [in Hebrew], ed. Moshe Auerbach (Benei Berak: Netsah Yisrael, 1964), 14.

and sermons. Although the head of the yeshiva of Volozhin at the time was Rabbi Naftali Zvi Yehudah Berlin (NeTZIV, 1816–1893), Halevy developed a stronger and deeper relationship with Rabbi Soloveitchik, whose analytical thinking he preferred. Rabbi Soloveitchik – who addressed Halevy as “beloved by God, me, and, indeed, everyone” – was the only scholar to whom Halevy referred as his mentor. Halevy did not remain long in the Volozhin yeshiva, studying there for only one year before returning to Vilna to continue his talmudic studies. Because his time at the yeshiva was so brief, Halevy was mostly self-taught and thus considered written works to be his ultimate instructors. Chief among these were the work of Rabbi Yehudah Rosanes (1657–1727) called Mishneh lemelekh (novella, or hiddushim, on Maimonides’ Mishneh Torah) and Noda biyehudah, a collection of responsa by Rabbi Yehezkel Landau (1713–1793). Halevy maintained this independent approach throughout his life, and, because he never pursued formal academic training in a university, he conducted his historical research in a similar manner. In fact, despite the important role that Wissenschaft des Judentums played in his life, Halevy may be more accurately described as a practitioner of Hokhmat Yisrael (lit., “wisdom of Israel”); recently, historians have used the latter term to refer to Jewish scholarship written in Hebrew, mostly outside of Germany, by Jews without university educations. As will be shown below, Halevy sometimes referred to Hokhmat Yisrael in discussing his own work.

The first book Halevy wrote was a collection of novellae in the traditional rabbinical analytical style entitled Battim levvadim (“Holders for the Poles,” a reference to the carrying of the Tabernacle’s table in the desert). The book engaged with complex issues of hazakah, a halakhic concept entailing a factual-legal presumption [praesumptio juris] based on previous behavior. Although this work attested to his erudition in rabbinic texts, it never made it past the manuscript stage in Halevy’s lifetime and was not published until 2001. His unique approach to the analysis of talmudic sugyot (literary units; sing., sugya)

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82 Shemuel Halevy, “My Father of Blessed Memory” [in Hebrew], 19.
83 Upon his departure, Halevy presented a lengthy talmudic discussion in the presence of the students and faculty of the yeshiva that deeply impressed the attendees. For further details, see Shemuel Halevy, “My Father of Blessed Memory” [in Hebrew], 16; Stampfer, Hayeshiva halita’it, 117; and “Eine kurze Biographie,” 1.
85 See Exodus 25:27.
is reflected in his avoidance of the forced solutions and abstruse analogies typi-
cal of the latter (ca. mid-sixteenth century and beyond) talmudic commentators
[Aharonim]. Instead, Halevy returns to the source of the difficulty and offers an
interpretation of the subject that attempts to eliminate the problem at its root.
Once, upon reviewing a new book written by a prominent scholar, Halevy
claimed, “The difference between me and this author is not that great; while he
has found eighty solutions to a single problem, I search for a single solution to
resolve eighty problems.”

Halevy often quoted the words of Pri megadim, the
supercommentary of Rabbi Joseph ben Meir Teomim (1727–1792), specifically its
introduction to the laws of shehita (ritual slaughter). Rabbi Teomim said: “We
have seen from various authors [. . .] the application of very subtle sevarot [log-
ical deductions] employed in order to differentiate among contradictory
[passages] without [providing] any support [for their assertions]. They have ad-
dressed problems differently in every instance, without providing a consistent
framework for the understanding of what is being presented.” Halevy argued
that his method was more systematic than those of the “various authors.”

In fact, Halevy’s analytical approach to the Talmud, in contrast to the tradi-
tional pilpul (dialectical discussion) method, was in many ways similar to the
analytical one developed by Rabbi Hayyim Soloveitchik (1853–1918), the son of
Rabbi Joseph Dov Ber Soloveitchik, Halevy’s contemporary, and the leading
lecturer [maggid shi’ur] of the Volozhin yeshiva. Rabbi Soloveitchik was also
known as “Rabbi Hayyim Brisker,” after the Yiddish name of Brest-Litovsk
(present-day Belarus), the city in which he perfected his method after the clos-
ing of the yeshiva of Volozhin. The pilpul method was very common in eastern
Europe until the nineteenth century. It involved the investigation of a chain of
talmudic sources, and then the connection of how the understanding of one of
these sources affected the understanding of another source, and then how the
added connection affected the understanding of the increased number of sour-
ces, and the same with the next source, and so on. The chain of sources was
usually quite long and complex, and the “chain logic” was often muddled. The
analytical method, pioneered and disseminated by Rabbi Hayyim Soloveitchik,
deemphasized citing various texts in order to compare and contrast them and,

86 Isaac Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, ed. O. Asher Reichel (Jerusalem: Mossad
Harav Kook, 1972), 17.
87 Joseph ben Meir Teomim, Pri megadim, quoted in “Rabbi Yizchok Halevy: Eine kurze
All translations from German are mine unless otherwise indicated.
88 For details, see Stampfer, Hayeshiva halita’it, 118–125.
instead, engaged in analytical description and identification of the texts’ underlying halakhic principles. By so doing, it aimed to develop a general conceptual framework that could be applied repeatedly to various sources, instead of, as was common in pilpul, devising case-by-case answers in order to distinguish between sources that appeared contradictory.  

One good example of the distinction between these two methods can be seen in the laws relating to the special uniform the priests [kohanim; sing., kohen] wore while serving in the Holy Temple in Jerusalem. The Torah (in Leviticus 19:19 and Deuteronomy 22:11) prohibits wearing an article of clothing [sha’atnez] that contains wool and linen fibers woven together. This prohibition of certain kinds of mixing [kil’ayim] is suspended for the priest’s uniform, which was required to be made of both wool and linen.  

Rabbi Abraham ben David of Posquières (RAVaD, 1125–1198) disputed Maimonides’ interpretation of the extent of the exception. Maimonides (Rabbi Moses ben Maimon, also known as RaMBaM, 1138–1204) had argued in the Mishneh Torah, his comprehensive code of Jewish law, that the exception only applied when the kohen was actively performing his official duties in the Temple.  

In his glosses on the Mishneh Torah, Ravad raised an issue with Maimonides’s opinion based on b. Yoma 69a, which quotes a baraita (source contemporaneous with the Mishnah) that clearly allows the priest to wear his uniform even when not performing his Temple service. It says: “[Regarding] priestly garments, it is prohibited to go out to the country [i.e., outside the Temple, while] wearing them, but in the Temple it is permitted [for the priests to wear them], whether during the [Temple] service or not during the service, due to [the fact] that it is permitted to derive benefit from priestly garments.” Ravad thus argued that the exception applied whenever the priest wore his uniform in the Temple compound, regardless of whether he was carrying out his official duties at any particular moment. The simple understanding of the argument was that Maimonides believed that the purpose of the exception to the prohibition was to allow the priest to perform those duties that required him to wear his uniform. Thus, whenever he was not performing his duties, the prohibition remained in place. Ravad, by contrast, claimed that the prohibition was suspended.
at all times when the priest would be wearing the priestly garments, irrespective of his performance of the Temple service. In his commentary *Kesef mishneh*, Rabbi Joseph Caro (1488–1575) explained that Maimonides could interpret the sugya in b. Yoma as relating to only those garments which were not *kil’ayim*, but not to the parts of the uniform, such as the belt, which were made of wool and linen.92 His answer was a localized interpretation aimed at explaining this sugya, which appears to contradict Maimonides’s ruling, it a way that avoids that contradiction. As is true with most one-time solutions, other questions and contradictions quickly surfaced. In his responsa collection *Sha’agat Aryeh*, Rabbi Aryeh Leib Gunzberg (1695–1785) raised various other contradictions to Maimonides’s ruling; in response, other scholars offered resolutions, usually one at a time, to these apparent contradictions.93 This is precisely the pilpul method: citing many sources and their similarities and differences, then endeavoring to differentiate the cases.94 It could resemble, in Daniel Mann’s words, “fixing a leak by plugging holes.”95

Rabbi Soloveitchik’s method was totally different. Instead of gathering contradictory sources and providing solutions to them one by one, it used a smaller number of sources to devise a precise and comprehensive halakhic description, which could offer a solution to all potential issues. In this case, his approach was that the dispute relates to what it means for a priest to wear his garments.96 As explained by Chaim Saiman, “The first approach [put forth by Ravad] tends toward a colloquial definition; hence, so long as the uniform is being worn, the mixing prohibition is suspended. The second maintains that simply wearing the vestments is not enough; rather, the kohen must have, in Brisker parlance, the ‘legal status of wearing’ them. And that ‘status of wearing’ is determined not by whether the garment is physically covering the kohen’s body, but by whether the kohen is engaged in a halakhically significant ‘act of wearing.’”97

Thus, in Soloveitchik’s view, Maimonides thought that the exception to the *kil’ayim* prohibition was not a function of the service performed by the priest,

93 Gunzberg, *Sha’agat Aryeh*, 178–186. For solutions offered by later scholars, see Gunzberg, 179n4, 181n7, 185n9, and 186n10-n11.
but, rather, by his “halakhic status of wearing” his uniform. As a result, as long as the priest wore his clothing in anticipation of, or in preparation for, fulfilling a halakhic requirement to wear his uniform, the kil’ayim prohibition was set aside. Soloveitchik’s general conceptual framework resolved all the issues and contradictions raised by earlier scholars. What the Talmud generally meant was that it was not required for the priest actually to be performing the service in order for the prohibition to be suspended. As long as the priest was engaged in a halakhically significant “act of wearing,” in which he assumed that he would perform his service on that day and in that place, he could wear his wool-and-linen uniform.

Soloveitchik’s approach, which came to be known as the “Brisker method [derekh],” later spread to many yeshivot in eastern Europe. His sophisticated, logical technique was so influential that it eventually replaced pilpul. His approach thus shared the same objectives and methodology as Halevy’s, since Halevy preferred – and sought – one answer that could solve a variety of problems over the usual answers that attempted to address one narrow problem at a time. In fact, it generally could be said about Halevy’s work that he adopted a similar method, returning to the source of the problem and searching for an interpretation of the subject that attempted to eliminate the problem at its root. (This resulted in a history of the Talmud’s formation that was astonishingly comprehensive but also led Halevy to stretch the historical record in order to fit all events into his model, as will be discussed in chapter 4.) Halevy and the younger Soloveitchik naturally developed a lifelong friendship. Halevy wrote, “it is known in Russia that we were as close as two biological brothers, and that I was instrumental in his appointment as head of the yeshiva in Volozhin in its prime. Every year he lived in my home for several months.”

At the age of eighteen, Halevy married and immediately assumed a prominent role in rabbinical circles as a rabbi of the community of Berezin. In 1867, after serving for two years, Halevy was appointed gabbai (administrator) of the yeshiva in Volozhin – a title awarded to a select few. Only 20 years old, Halevy was assigned this unique role in the administration of the yeshiva despite having previously studied there for only one year. The position gave him responsibility for the internal affairs of the yeshiva, allowing the rosh yeshiva (head of the academy) to focus his efforts on teaching and external affairs. Halevy’s involvement with the yeshiva lasted until the Russian authorities closed it in 1892. He worked tirelessly for over two decades to delay the closing of the

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99 For details on this event, see Stampfer, Hayeshiva halita’it, 208–250.
yeshiva, thwarting a concerted effort on the part of the *Maskilim* (followers of the Jewish Enlightenment) to convince the Russian authorities to close it in 1879.\textsuperscript{100} At the same time, he published an article in the traditionalist newspaper *Halevanon* in which he attacked the initiative to establish a modern Russian rabbinical seminary.\textsuperscript{101} Halevy’s failure to prevent the closing of the yeshiva, as well as the controversies with the Russian Maskilim, who wanted to make changes to the educational and social structures of the community, likely played a role in forming his antagonism toward them and influenced the combative style later displayed in his magnum opus *Dorot harishonim*.

Halevy’s leadership role at the yeshiva catapulted him to prominence in the community and afforded him a great deal of influence in communal affairs. His son Shemuel proudly claimed that “from the time that he was appointed as the gabbai of Volozhin, no decisions were made by the God-fearing [traditional] community [הeditary] in Russia without his participation and approval.”\textsuperscript{102} Regardless of whether this hyperbolic-sounding claim by his son was literally true, it is clear that, throughout his life, Halevy reveled in his participation in communal decisions and controversies, excelling particularly in polemic activity in defense of the Jewish religious establishment.\textsuperscript{103}

As a result of his engagement with the community, Halevy developed strong ties with the most prominent rabbinic figures then active in Russia. These included two leading figures of the Volozhin yeshiva – the Netziv and Rabbi Hayyim Soloveitchik – and Rabbi Grodzinski.\textsuperscript{104} Halevy’s lifelong relationship with Rabbi Grodzinski (often called “Rav Hayyim Ozer”), which began when the latter was a young man and deepened over the years, later proved pivotal to Halevy’s role and mission in creating Agudath Israel. Rav Hayyim Ozer’s prominent role in Agudath Israel, which Halevy founded, was a result of

\textsuperscript{100} “Eine kurze Biographie” [Part 1], 1–2. For further details on this episode, see Stampfer, *Hayeshiva halita’it*, 215–216; and Shemuel Halevy, “My Father of Blessed Memory” [in Hebrew], 24–28.

\textsuperscript{101} Yedidya, *Criticized Criticism* [in Hebrew], 149.


\textsuperscript{104} See Reichel, *Isaac Halevy: Spokesman and Historian*, 21–22. See also Shemuel Halevy, “My Father of Blessed Memory” [in Hebrew], 39–41 and 43–44, for some notable examples of their close relationship.
their close relationship. Furthermore, as will be discussed below, Rav Hayyim Ozer was influential in Halevy’s decision to write *Dorot harishonim*.

Halevy’s home during this period was a hotbed of activity. He hosted many rabbinic figures from abroad on their visits to Vilna, and this hospitality enabled him to forge relationships with a wide cross-section of rabbinic authorities from Europe and Palestine, which vastly extended his network of contacts. He ultimately built a nearly unmatched network of traditionalist rabbinic authorities from diverse locales and affiliations, *Hasidim* and *Mitnagdim*, and also Zionists and anti-Zionists. Among those with whom Halevy developed strong relationships in this way were the Zionist Rabbi Abraham Isaac Kook (1865–1935, the first Chief Rabbi of British Mandate Palestine, known as “Rav Kook”) and the anti-Zionist Rabbi Yosef Hayyim Sonnenfeld (1848–1932, rabbi and co-founder of Edah Hahareidis, the ultra-Orthodox communal organization in Jerusalem in Mandate Palestine). Halevy’s close relationship with Rav Kook is documented in their extensive correspondence on a wide variety of topics, from educational issues to political matters. Their association lasted throughout Halevy’s life, and they discussed many of Halevy’s activities and enterprises.

Halevy supported himself as a tea wholesaler during his time, but his life drastically changed in 1895 when his business failed. Halevy was forced to flee Russia in order to avoid his creditors. His monetary obligations, however, were still on his mind even after he left Russia. For more details, see Reichel, *Isaac Halevy: Spokesman and Historian*, 27–28; and Shemuel Halevy, “My Father of Blessed Memory” [in Hebrew], 39.

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109 His monetary obligations, however, were still on his mind even after he left Russia. For more details, see Reichel, *Isaac Halevy: Spokesman and Historian*, 27–28; and Shemuel Halevy, “My Father of Blessed Memory” [in Hebrew], 39.
finally settled in Hamburg in 1902.\textsuperscript{110} Those years of wandering led him to many European cities, including London and Paris, and allowed him to further expand his contacts with a global network of rabbinic and community leaders of western and central Europe. Halevy’s sudden financial exile, in fact, played a major role in the rest of his career, as both his initial travels and his settling in central Europe prompted him to embark on the two defining projects of his life: Dorot harishonim and Agudath Israel.

\subsection*{1.3.2 \textit{Dorot harishonim}: Halevy’s approach to historical scholarship}

Upon his initial arrival in Pressburg (Bratislava) in 1895, following difficult stays in several different communities, Halevy decided to dedicate his efforts to writing and publishing. We can surmise that this decision stemmed in part from his inability to be directly involved in the public affairs of a community where he was unknown.\textsuperscript{111} Initially, Halevy focused on preparing \textit{Battim levvadim} for publication. He soon realized that he lacked sufficient funds to publish it. As a result, he decided to complete the initial volume of what would become his magnum opus: \textit{Dorot harishonim}.\textsuperscript{112} Halevy’s choice to focus on the new project was also a strategic decision motivated by a sense that \textit{Dorot harishonim} would allow him to garner sponsors interested in his approach to Wissenschaft, which, as discussed above, he often referred to as “Hokhmat Yisrael.” In 1900, upon sending sections of volume 2 to Rabbi Salomon Breuer (1850–1926), Hirsch’s son-in-law and successor in Frankfurt, Halevy included a note saying, “Knowing your purest desire for all holy things in Israel [. . .] I am confident that you will rejoice to see how, through my hand, God has fulfilled the desire of all God-fearing Jews [יְרֵאֵי יִשְׂרָאֵל] to establish Hokhmat Yisrael and Jewish history properly, and to restore them to their rightful place.”\textsuperscript{113}

\begin{itemize}
\item \textsuperscript{110} For details, see Shemuel Halevy, “My Father of Blessed Memory” [in Hebrew], 35–45; and Reichel, \textit{Isaac Halevy: Spokesman and Historian}, 27–31.
\item \textsuperscript{111} Reichel, \textit{Isaac Halevy: Spokesman and Historian}, 29.
\item \textsuperscript{112} All citations of \textit{Dorot harishonim}, vols. 1c, 1e, 2, and 3, with volume and page numbers refer to this edition: Isaak Halevy, \textit{Dorot harischonim: Sefer divrei hayamim libenei Israel}, 4 vols. (Berlin & Vienna: Benjamin Harz, 1923).
\item \textsuperscript{113} Halevy, \textit{Iggerot Rabbi Yitzhak Isaac Halevy}, 81 (letter 5). In his writings, Halevy often used the words יְרֵאֵי יִשְׂרָאֵל to refer to pious, traditional, and Orthodox Jews. These words have been translated fairly literally here and throughout the chapter as “God-fearing [people, Jews, etc.].”
\end{itemize}
Halevy’s approach to “establish[ing] Hokhmat Yisrael and Jewish history properly” depended heavily on apologetics. Halevy’s historiography was largely programmatic, designed with the express intention of defending tradition. He stated his apologetic objectives clearly in a 1907 letter to Rabbi Judah Kantor:

I am not involved with the [Wissenschaft] literature in order to write articles that will aggrandize myself in the eyes of the ignoramus, but only because I have witnessed the [spiritual] poverty of my people. The Maskilim have taken over our people’s literature and have set about ruining, destroying, and confounding – the German scholars with their methodical approaches and comprehensive system, and their adjutants, the Russian Maskilim, whose writings are disjointed and discombobulated but brimming with disdain – such that the youth and most undiscerning readers are entrapped by their degeneracy. And so I said, “It is time to act for the Lord” (Psalms 119:126) and began organizing my thoughts on these subjects [. . .] It is incumbent upon all who are pure of heart to expose them for what they are and point out their mendacity.\(^{116}\)

Halevy’s words show that his Wissenschaft enterprise was guided by apologetics. Only scholarship that fit the Orthodox Weltanschauung was allowed. Halevy thus rejected the documentary hypothesis of biblical criticism, concentrating on rabbinic texts instead. In his view, rabbinic literature provided the ideal material for demonstrating the antiquity of the Oral Law and the unbroken chain of the transmission of traditions [shalshelet haqabbalah]. With great pride, Halevy wrote that “our association is not like the Berliners” – the scholarly Orthodox community affiliated with Hildesheimer’s Rabbiner-Seminar – who “are indifferent if one writes for or against the Torah.”\(^{115}\) Halevy’s disdain for the “Berliners” had not escaped them; although the membership of the Jüdisch-Litterarische Gesellschaft (Jewish Literary Society) that Halevy helped found in 1902 included much of the German Orthodox intelligentsia, few in Berlin chose to join. Halevy’s religious and political approaches were far closer to those of Hirsch’s Frankfurt community than to those of Hildesheimer’s Berlin school.\(^{116}\) He also had his eye on an audience in eastern Europe, for whom even Hirsch would not have been traditional enough.

Halevy’s antagonistic and disrespectful writing about non-Orthodox views reveals his combative style and clearly illustrates the ideological bent of his scholarship. Critics of his approach used his antagonism towards opponents as evidence of the apologetic rather than scholarly nature of his work. Abraham

\(^{114}\) Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 79 (letter 1). It should be noted that the second half of the verse in Psalms reads, “they have violated your teaching [Torah].”


Epstein, a contemporary scholar, wrote, “I find Halevy’s works upsetting because he labors not out of love for the truth but out of hatred for free inquiry. This hate compromises his work, so that the truth is absent. Every chapter of his books opens with insults and derogatory comments against R. Solomon Judah Rappaport, R. Zacharias Frankel, etc.”  

Halevy’s work cannot, however, be characterized only as apologetics. Eliezer Sariel has pointed out that Halevy “saw himself as a leader of a movement towards the development of Orthodox Jewish studies,” who made “a comprehensive effort to apply modern historiographic principles from an Orthodox worldview.” Like the Wissenschaftlers, Halevy repeatedly emphasized his objectivity in his work, claiming it as the centerpiece of his achievement. In the introduction to volume 3 of *Dorot harishonim*, he wrote: “Every reader of this work will recognize that I have written only those conclusions I arrived at after much analysis [. . .] I have not twisted the sources to coincide with my views; quite the contrary, I have limited myself to what emerges from the sources and to the evidence I found compelling. Thus, I see myself merely as partnering with the reader so that together we can grasp the nature of the matter [. . .].”

In addition to defining his own work as merely delivering the fruits of his “analysis,” Halevy often sharply distinguished between his research methods and those of rival scholars: “If other researchers had not acted with total disregard for it [Hokhmat Yisrael]; if they had not eschewed honest research; if they had not been captious and imperious; if they had not been preoccupied with finding faults in everything – they certainly would have arrived at different conclusions.” Halevy seemed to believe he was the only scholar equipped to engage in unbiased research, which incidentally happened to confirm the Orthodox view of tradition. In this view, historians such as Graetz and Weiss, whose research was at odds with tradition, were biased in their writing, and their conclusions were therefore flawed. Putting it even more strongly, Halevy said, “The time has come to join forces for the benefit of Hokhmat Yisrael, in all its subjects, and rescue it from the hands of heretic researchers – for in reality that is the sole reason for [its causing] great damage among the Jews – and to

119 Yitzhak Isaac Halevy, introduction to *Dorot harishonim*, vol. 3.
reestablish it with holy purity.” Halevy also expressed great distaste for apologetics, saying, in a letter to a fellow rabbi, “We do not wish to write apologetics on behalf of the Torah, since our holy Torah does not need it; we only wish to do honest work and thorough research, which will reveal [the Torah] in all her glory.”

Yet Halevy had quite traditionalist views about many aspects of Jewish history and Jewish law, most prominently on the subject of the Oral Law. In contrast to most practitioners of Wissenschaft des Judentums, who endeavored to show that both ancient rabbinic law and more modern halakhah were the products of historical development, Halevy wrote: “The Jews, however, have no new Torah and no new Judaism. What was from the earliest times is what we see in the latest times, and what is found in Scripture is what is found in later homiletics, and the behavior of Elkana, Samuel and David was no different from the behavior of all Israel, until the end of the Second Temple Period and is identical with what we have inherited in the tradition and what was recorded in the Mishnah.” In Halevy’s view, the antiquity and the integrity of tradition were of paramount importance because they could validate the Orthodox claim against reform in the broad sense – not only the Reform Movement but also the positive-historical school of Frankel, the forerunner to American Conservative Judaism. To support this framework, he argued that the Oral Law was transmitted without any creative development or human input.

In fact, Halevy argued that even rabbinic practices like prayer and the study of text were the same in First Temple times as they were in rabbinic times. He went so far as to claim that synagogue practices such as the repetition of the amidah prayer were performed in the First Temple period – and the repetition of prayers by the cantor [hazzan] dated from the earliest biblical times. Although the Talmud (b. Yoma 28b) quotes as aggadah (narrative) a similar concept regarding Abraham’s observance of later rabbinic edicts, Halevy

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121 See Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 118 (letter 44). In an unpublished letter to Rav Kook in the summer of 1908, Halevy attributed the errors of the later scholars (Graetz, Frankel, etc.) to their ignorance of the Talmud in addition to their heretical biases. See Yedidya, Criticized Criticism [in Hebrew], 162.

122 Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 118 (letter 44). On Halevy’s claims that the Torah “does not need [apologetics],” see also Yedidya, Criticized Criticism [in Hebrew], 162.


was unique in taking this idea as historical truth. He also saw continuity between this First Temple period observance and the halakhah of his own time.  

Even with such a rigid model of the transmission of halakhah, Halevy had to formulate a more nuanced explanation regarding the development of rabbinic midrash halakhah, which derived halakhah from biblical sources. Halevy conceded that the midrashic exegesis was a later development that came to provide scriptural proof for laws received at Sinai, but not to derive new laws. This more nuanced view was still at odds with those of medieval rabbinic authorities, such as Maimonides, who clearly believed in the existence of a creative midrashic process. According to Maimonides, the rabbis derived a substantial portion – perhaps the majority – of the law through the creative application of exegetical devices such as the 13 middot (here, exegetical rules) of Rabbi Ishmael. In claiming that the law should thus be defined as rabbinic, not sinaitic, Maimonides departed from the earlier rabbinic conception of a static halakhah (termed the “retrieval model” by Moshe Halbertal), which depicts the entire body of Law as having been received by Moses and transmitted through a continuous chain of scholars. Maimonides was the first Jewish sage to argue that the rabbis throughout the generations had offered novel readings of the Torah and, thus, had made creatively derived contributions to the halakhic process. As Halbertal explains, “he views the halakhic process as cumulative, each generation adding substantive norms derived by their own reasoning to the given, revealed body of knowledge.” Halevy, in his relentless attempt to create the illusion of a rabbinic consensus that aligned with his view of an immutable tradition, forcibly reinterpreted Maimonides’s view as agreeing with the statement of Nahmanides (Rabbi Moses ben Nahman [RaMBaN], 1194–1270) that all Jewish law is biblical and transmitted from Sinai. In Halevy’s Weltanschauung, there was no room for innovation.

125 Sariel, “A Historian from the World of Torah,” 53. See 53n16 and 53n17 for relevant citations from Dorot harishonim.
127 Moshe Halbertal, People of the Book: Canon, Meaning, and Authority (Cambridge, MA: Harvard University Press, 1997), 59. For a comprehensive and insightful analysis of the various models, see Halbertal, 54–72.
128 See Nahmanides’s critical rejection of Maimonides’s view in Moses Maimonides, Sefer ha-mitsvot leharambam, trans. Charles Ber Chavel (Jerusalem: Mossad Harav Kook, 1981), 31–43. On Halevy’s view of this subject, see Dorot harishonim, 1e: 503–514.
Given Halevy’s insistence on the antiquity and immutability of the Oral Law, it is striking that, in *Dorot harishonim*, Halevy sometimes criticized traditional rabbinic sources when he thought they had reached erroneous conclusions. He justified this criticism by explaining that since the sages’ priority was searching for halakhic truth, they may have occasionally erred in the matter of historical accuracy.\(^{129}\) While Halevy often tempered his criticism with wording such as “his meaning is obscure” or “with all due respect,” he did not always proceed so gently. Regarding the high-medieval Tosafists [*Tosafot*], who often used creative, dialectical arguments to explain apparently contradictory early rabbinic opinions, Halevy said they “explained nothing” and “made up new homilies which have no basis.”\(^{130}\)

In addition, in *Dorot harishonim*, Halevy relied on a wide variety of historical sources, not just traditional Jewish ones. He used the *Me’or einayim* commentary, by the Italian Jewish physician and scholar Azariah de Rossi (1511–1578), which cited Christian and Roman sources, though many prominent sixteenth-century rabbis had banned it.\(^{131}\) Halevy even went so far as to cite a series of New Testament verses and the writings of the Church Father Eusebius to dispute later Christian theologians’ claims that Jesus was tried by the Sanhedrin.\(^{132}\)

The contradictions in Halevy’s work – and our resulting inability to characterize it merely as apologetics – demonstrate the difficulties Halevy faced as an historian in the nineteenth and early twentieth centuries who also considered himself a strong advocate for Orthodoxy.\(^{133}\) He could not abide the idea of innovation in halakhah (though at times his writing seemed at least to imply that it had happened), but he also lionized objectivity and analysis of (mostly Jewish) primary sources, which sometimes led him to criticize accepted rabbinic authorities for arriving at conclusions he deemed incorrect.\(^{134}\) He thought that the

\(^{129}\) Sariel, “A Historian from the World of Torah,” 65. See 65n72 and 65n73 for relevant citations from *Dorot harishonim*.

\(^{130}\) Sariel, “A Historian from the World of Torah,” 66. See 66n74 for more details on the nature of Halevy’s disagreement with Tosafot, and for the relevant citations from *Dorot harishonim*.

\(^{131}\) Sariel, “A Historian from the World of Torah,” 69. See 69n85 for the relevant citations from *Dorot harishonim*.

\(^{132}\) Sariel, “A Historian from the World of Torah,” 68–69. See 68n83 and 69n84 for the relevant citations from *Dorot harishonim*.

\(^{133}\) Sariel, “A Historian from the World of Torah,” 75–76.

\(^{134}\) On contradictions in Halevy’s work regarding the development (or lack thereof) of halakhah, see Sariel, “A Historian from the World of Torah,” 75. On Halevy’s valuing of primary sources, see Sariel, 71–72. Note, however, Yedidyah’s observation, in *Criticized Criticism* [in
elite Torah scholars of his day – especially those in eastern Europe – would benefit from studying history, yet he considered the leading historians of his day heretical. More specifically, Halevy believed that the only way to defend religion from the challenges raised by calls for reform was to adopt Wissenschaft as his own. He thus considered it imperative to disseminate Jewish scholarship among yeshiva students and teachers. As he noted in an unpublished letter to Rav Kook, yeshiva students had to be taught how to contend with the reformist challenges intellectually: “We must therefore teach our youngsters to speak out against them.” He explained, in another letter, “I consider this a great endeavor as well, since by reading these books their ideologies will be corrected.”

Yet one could go further and argue that Halevy’s paradoxical relationship with scholarship and ideology was in many ways typical, not only of Orthodox Hokhmat Yisrael, but also of nineteenth-century Jewish Wissenschaft in general, since all these scholarly efforts aimed at objectivity, but none achieved it. While Halevy noted the contradiction between objectivity and agenda in the work of others, he was completely oblivious to this tension in his own scholarly enterprise. He said to Isaac Unna: “God-fearing individuals, despite having unimpeachable evidence, remain fearful of engaging in [Wissenschaft] for various reasons. I assure you that the new [approach] will not raise contradictions [against tradition] whatsoever. [. . .] Why should we be the last ones to adopt Hokhmat Yisrael? Why should those [heretics] laying waste to the [Orthodox] world take our place?” These contradictions in Halevy’s work and ideas seem at least partially to explain the largely negative reactions to *Dorot harishonim* by the Orthodox and traditionalist rabbis of his own time and for many decades afterwards.

### 1.3.3 *Dorot harishonim*: Publication and reception

Halevy initially succeeded in finding sponsors for *Dorot harishonim*. During a stay in Frankfurt, he befriended Rabbi Mordechai Horovitz (1844–1910), who

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135 On Halevy’s enthusiasm for integrating history into the yeshiva curriculum, see Sariel, “A Historian from the World of Torah,” 76–77.


had numerous connections with the wider community, and Horovitz introduced him to Rabbi Zadoc Kahn, the chief rabbi of Paris. Kahn arranged for the journal *Revue des Études Juives* to publish a French-language draft version of part of his manuscript of *Dorot harishonim*, which included his theories on the redaction of the Talmud and the saboraic era.\(^{139}\) The publication of Halevy’s articles brought his theories to the attention of scholarly circles in western and central Europe. Kahn also played a vital role in convincing the *Alliance Israelite Universelle*, a Paris-based group that promoted the rights of Jews, to sponsor the publication of the initial volume of *Dorot harishonim* in 1897 and even to commit to additional funding for the publication of the second volume. (The funding for the second volume never materialized, however, most likely as a result of the polemical tensions created by the publication of the first volume.)\(^{140}\) The first volume focuses on the history of the last *Amoraim* (rabbis who commented on the Mishnah, starting in the third century CE and ending around 500 CE) and the activities of their successors, the *Saboraim*; it encompasses the period from the completion of the Talmud to the end of the geonic period.\(^{141}\) The title page of the book identified the volume as *helek shelishi* (volume 3), hinting at Halevy’s intention to encompass the entire expanse of Jewish history in his works. Halevy addressed the out-of-order publication, writing in the introduction to volume 3 that he had intended to publish volume 2 earlier, due to the importance of his readers’ developing a proper understanding of the process of the formation of the Talmud; however, because of his travels and inability to access the necessary books, he was forced to delay volume 2’s publication. This delay meant that Baron Wilhelm Carl de Rothschild, the philanthropist who paid volume 2’s printing costs and to whom it was dedicated, died a month before the volume’s publication.\(^{142}\) Rothschild’s agreement to aid in the publication of volume 2 emerged from Halevy’s relationship with the rabbinic circle of Frankfurt, where the volume was ultimately published. Rabbis Mordechai Horovitz and Salomon Breuer recommended that Rothschild support

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\(^{139}\) His article was published in two parts: Isaac Lévi, “La clôture du Talmud et les Saboraim” [Part 1], *Revue des Études Juives* 33 (1896), and Isaac Lévi, “La clôture du Talmud et les Saboraim” [Part 2], *Revue des Études Juives* 34 (1897). Abraham Epstein later reviewed and severely criticized it; see Abraham Epstein, “Les Saboraim,” *Revue des Études Juives* 36 (1898). The final version, published in the *editio princeps* of *Dorot harishonim* in 1897, was rewritten and corrected in order to address Epstein’s comments.


\(^{141}\) Yitzhak Isaac Halevy, *Dorot harishonim*, vol. 3: *Min hatimat hatalmud ad sof yemei hageonim* (Pressburg: Adolf Alkalay, 1897). Chapters 3 and 4 of this book will elaborate in detail on Halevy’s arguments about the formation of the Talmud in *Dorot harishonim*.

the publication. In fact, despite Hirsch’s criticism of Wissenschaft des Judentums, Hirsch had praised Halevy, in an unpublished letter dated 1887, for his polemical writings and encouraged him to continue his works and his controversies with the Maskilim.\(^{143}\)

In 1901, Halevy managed to publish the second volume in Frankfurt.\(^{144}\) It discussed the era from the end of the Mishnah until the completion of the Talmud. This volume is dedicated to the role of Abbaye and Rava, the most commonly mentioned Amoraim, in the formation of the Talmud; the activities of the earlier Amoraim; and the editorial activity of Rav Ashi and his *beit ha-va’ad* (rabbinical assembly). Halevy claimed that Abbaye and Rava were the most important editors of the Talmud. This argument diverged from the traditional view, which attributed the redaction of the Talmud to Rav Ashi.\(^{145}\)

After his second stay in Pressburg in 1897, Halevy moved temporarily to the town of Bad Homburg, near Frankfurt, where he was warmly received in the home of the local rabbi, (Shelomo) Heymann Kottek (1860–1913), who gradually became Halevy’s most loyal supporter and confidant, and closest friend.\(^{146}\) In 1902, Halevy finally settled in Hamburg, where he assumed the post of Rabbi of the Leib Shaul Klaus, one of the foundations established by wealthy patrons to subsidize rabbinical scholars. It had been established in 1810 with the stipulation that its rabbis be nonresidents of Hamburg who devoted their time primarily to the study of Torah. Halevy, having made use of his extensive social contacts in order to secure the post, spent the rest of his life occupying it.\(^{147}\)

The position, whose only requirement was that he teach a weekly Talmud class to elite local scholars, provided him with ample time to continue writing *Dorot harishonim*.

Halevy succeeded in publishing volume 1c in 1906, also in Frankfurt.\(^{148}\) In this volume, continuing the pattern of conducting his historical research in an unsystematic fashion, Halevy covered the period from the last days of the Hasmoneans until the time of the Roman procurators. The remaining volumes

\(^{143}\) Yedidya, *Criticized Criticism* [in Hebrew], 155.

\(^{144}\) Yitzhak Isaac Halevy, *Dorot harishonim* 2a-2b: *Min sof yemei hamishnah ad ahar hatimat hatalmud* (Frankfurt am Main: M. Slobotzky, 1901).

\(^{145}\) Chapters 3–4 of this book will elaborate in detail on these arguments about Abbaye, Rava, and Rav Ashi.

\(^{146}\) Breuer, *Modernity within Tradition*, 193. See also Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, for examples of the vast correspondence between them.


were published posthumously. Volume 1e, covering the period from the destruction of the Temple until the redaction of the Mishnah, was published in Frankfurt in 1918, four years after Halevy’s death, by Salomon Bamberger (1869–1920). Halevy was only directly involved up to page 208; Bamberger completed the rest. Volume 1d, which addresses the end of the Second Temple Period, was published in 1964 as a section of Halevy’s *Memorial Volume* by Moshe Auerbach. Auerbach was entrusted with the unedited manuscript by Shemuel Halevy’s widow and children. As noted in his preface, he thoroughly edited it, omitting certain parts and reorganizing others. In addition, he reworked Halevy’s translation of Josephus’s works. Auerbach’s volume, probably due to his thorough rewriting, never became part of the series. Its style and structure are clearly not Halevy’s. Dr. Benjamin M. Lewin (1879–1944) worked from Halevy’s manuscript on biblical times, edited it, and published it as volume 6 of *Dorot Harishonim* in Jerusalem in 1939. Though its Hebrew title is *Tequfat hamigra* (The Bible Period), this volume does not deal with the history of that period, which Halevy planned to write and publish at a later time but did not manage before he died. It is, instead, an apologetic attack on the biblical criticism of Julius Wellhausen (1844–1918), who is considered by many to be the founder of modern biblical criticism. Halevy wrote the text as a compendium of his account of the era of the Second Temple, which he contrasted with the First Temple. Lewin, a student of Halevy’s, therefore published it as Volume 6 and not as an integral volume of the series.

Some of Halevy’s contemporaries reacted quite positively to *Dorot harishonim*. Halevy’s historiography represented Orthodoxy’s first step in employing history to defend traditional Jewish piety, and Halevy’s contemporaries knew it. In his approbation to *Dorot harishonim*, Rabbi Hayyim Ozer Grodzinski, who had been instrumental in persuading Halevy to employ his talmudic erudition in the service of Orthodoxy by writing a historiographical work validating tradition, wrote: “Those who tremble at God’s word should rejoice at the fact that this literature has also found its faithful redeemer [. . .] for so long have I hoped and yearned for such a keeper of the vineyard to come remove its thorns,

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149 Yitzhak Isaac Halevy, *Dorot harishonim*, vol. 1e, *Me’ahar hahurban ad hatimat hamishnah*, ed. from the author’s manuscript by Salomon Bamberger (Frankfurt am Main: Louis Golde, 1918).


151 Hildesheimer also viewed Wissenschaft as an ideal tool to strengthen religion and conserve its observance; however, his approach was primarily a scholarly pursuit, whereas Halevy’s apologetic agenda often dominated. See Yedidya, *Criticized Criticism* [in Hebrew], 192–194, and the discussion above.
and we even discussed it more than once."\(^{152}\) Rabbi Grodzinski was not alone in this view. David Zvi Hoffmann, the Talmud scholar turned critical reviewer of rabbinic texts, praised *Dorot harishonim* in a review published in 1901: "The author was careful and responsible in his conclusions. We fully believe his statement that he did not intend to write apologetics but rather to pursue the truth through thorough in-depth studies."\(^{153}\) Hoffmann, despite his affiliation with the Berlin Rabbiner-Seminar and subsequent rejection by some elements of the Orthodox community, was widely respected in many circles as a rabbinic scholar. He was the author of a noted collection of responsa, *Melamed leho‘il*, and the primary authority in Germany on halakhic questions.\(^{154}\)

Yet others were far less laudatory. Criticisms tended to fall into two general categories: first, and more common, the apologetic tone of the work detracted from its quality; second, historiography was not the correct approach to promoting the Orthodox agenda. As an example of the first, the Orthodox scholar Yehiel Michel Pines (1843–1914) noted in a letter to Halevy that criticism of his opponents features so extensively throughout the book that it detracts from a coherent historical writing style: "I cannot refrain from telling you that your work is not well ordered. Your book is more a series of glosses than a book of history."\(^{155}\) Y. N. Simhuny made a similar point in a critical review of *Dorot harishonim* published in 1921: "Three basic flaws plague his work. The first is his temperament, so prominent in his books, which can be so agitating as to infuriate readers. [. . .] All earlier scholars were insignificant in his eyes. [. . .] The second flaw is the absence of a scholarly foundation. [. . .] The third flaw is the author’s unique writing style."\(^{156}\) According to these and other detractors, Halevy’s work could not be both a solid work of scholarship and a polemic.

Even one of Halevy’s most fervent admirers noted and criticized his pursuit of scientific-historical validation to support his uncompromising and rigid view of tradition. Rav Kook, who was generally extremely complimentary of *Dorot harishonim* and wrote to Halevy upon receipt of the earlier volumes that “you

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have given me the gift of fine pearls of inestimable value,” nonetheless criticized Halevy’s combative style.\footnote{Kook, *Iggerot hare’iyah*, 1:122–123 (letter 103).} Rav Kook remarked in a letter to Avigdor Rivlin, who had sent Rav Kook Halevy’s books: “From our running correspondence, I can tell that his personality is very different from mine, and the same is evident from the tone of his work. He is always dressed for battle – truth be told, he is battling God’s war – while I am a man of peace who pursues peace [. . .] It therefore seems to me that I am not able to come to terms with the connection you made [from Halevy’s work] to my thought and mindset, which desire expression through activity in the Holy Land. Nonetheless, I value both the work and the man; if only more would follow in his footsteps.”\footnote{Kook, *Iggerot hare’iyah*, 1:168 (letter 136).} Rav Kook was troubled not only by Halevy’s combative tone but also – and this is the primary example of the second type of criticism – his historical apologetics regarding tradition. Halevy feared that any legitimization of creativity would lead to anarchy and reform and would threaten the basic foundations of Orthodoxy; given that Halevy’s historiographical method itself constituted a great innovation, this fear seems somewhat paradoxical. As Halevy himself noted numerous times, earlier rabbinical authorities did not have an historical consciousness.\footnote{For examples of Halevy’s argument, see Halevy, *Dorot harishonim*, 1e:144–145, 2:117, 2:228, and 2:241. See *Yerushalmi*, *Zakhor*, 31–52, for a similar observation.} Thus they often presented anachronistic accounts.\footnote{For some illustrative examples, see Halevy, *Dorot harishonim*, 2:228–231 and 2:240–241.} Rav Kook insightfully noted, “You remark that ‘we need to be extremely careful about [applying] new approaches,’ but I can say confidently that you yourself would agree that you have done more for the state of Judaism with your historical writings, which adopt new approaches in comparison to those of all other Torah scholars, than a number of other writers who have given us yet more hidduшим and pilpulim using old approaches.”\footnote{Kook, *Iggerot hare’iyah*, 1:188 (letter 146). See also David Ellenson, “*Wissenschaft des Judentums,*” 14. However, it is clear from this letter that Rav Kook was not warning Halevy “to be guarded against new ways,” which is how Ellenson understands him. Rav Kook was simply quoting Halevy and pointing out the inherent inconsistency in his approach.} In his response to Rav Kook, Halevy argued that his approach did not offer a radical change but was merely a reinterpretation of existing sources: “I have not taken new approaches in my works, but, rather, God has helped me find the keys to understanding the Mishnah and the Gemara. I am confident that were the Tosafot Yom Tov [Rabbi Yom-Tov Lipman Heller, 1578–1654] of blessed memory alive today, he would
quote me frequently in his work. Furthermore, were Rashi [Rabbi Shelomo ben Yitshak, 1040–1105] and Rambam to see [my work], they would be very pleased with all of it.”162 As Rav Kook incisively pointed out, Halevy understood the power of his historical method, yet when describing the process of the formation of the Talmud and the development of halakhah, Halevy presented rabbinic tradition as static and unchanging and did not grant any latitude for the creative power of interpretation.

Rav Kook also differed greatly from Halevy in his approach to the validation of tradition, believing that historiography alone was not an effective safeguard. In Rav Kook’s view, tradition could be far more effectively validated via a sound philosophical and theological interpretative framework. He believed that historical and scientific research could be conducted on its own terms, without any preconceived notions:

The reason motivating the world-destroyers to cut down the saplings and turn everything upside down by rejecting tradition, in a deeper sense, is the simple fact that the world has grown progressively dark with the absence of any inner light [. . .] For instance, in the same way that it does not matter for our observance whether the Torah’s shi’urim [halakhic measurements] are Mosaic traditions from Sinai, as concluded in the Babylonian Talmud (Yoma 80), or actually decrees of the rabbinical court in Jabez [see 1 Chronicles 4:9], according to the simple reading of the Yerushalmi at the beginning of tractate Pe’ah, [. . .] because the determining factor is acceptance by the nation [. . .], so, too, it does not matter for our sacred belief in the Oral Torah whether the Mishnah was sealed in earlier or later generations, and similarly for the Talmud.”163

To Rav Kook, the authority and validity of rabbinic law did not depend on whether it had been directly transmitted from Sinai or had been creatively established by the rabbis at a later date. The law’s authority had, rather, been established by communal acceptance. The community also had the power to canonize and fix the law.164 Therefore, nothing was at stake if halakhah had evolved over time. In other words, Rav Kook argued that once the community had decided to crystallize a body of laws like the Talmud, those laws became canonical and immutable.165 This idea was not new; Maimonides had made the

162 Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 152 (letter 80).
163 See Rav Kook’s letter to Halevy in Kook, Iggerot hare’iyah, 1:193–194 (letter 149). According to the rabbinic opinion quoted here by Rav Kook, shi’urim were not a tradition from Sinai but, rather, were established by the rabbinical court of Jabez. See b. Temurah 16a.
164 Maimonides, Mishneh Torah, Rebels 2:2–3.
same point in the introduction to his MISHNEH TORAH: “Whatever is already mentioned in the Babylonian Talmud is binding on all Israel. And every city and country is bound to observe all the customs observed by the sages of the Gemara, promulgate their decrees, and uphold their institutions, on the ground that all the customs, decrees, and institutions mentioned in the Talmud received assent of all Israel, and those sages who instituted the ordinances, issued the decrees, introduced the customs, gave the decisions, and taught that a certain rule was correct, constituted the total body or the majority of Israel’s wise men.”166 In Halevy’s time, however, a great number of Orthodox and traditionalist rabbis believed that the written Torah and Oral Law were of sinaitic origin [Torah misinai] and were thus immutable. They also saw a need to counter those who pushed for reform on the grounds that laws changed over time. In Rav Kook’s worldview, this was not necessary, so he thought that historiography did not have to be apologetic and was, in any case, an ineffective apologetical tool. From Kook’s perspective, if a Jewish person chose to reject tradition, he or she could easily reinterpret history to justify that choice, and no proof otherwise would resolve the issue.

Although his method was different from Halevy’s, Rav Kook enthusiastically endorsed Halevy’s approach and even agreed to co-direct Tahkemoni (The Wise One), a student organization in Bern, Switzerland, that worked to disseminate Halevy’s methods.167 Despite his endorsement, Rav Kook was well aware of the limitations of Halevy’s work. He criticized Halevy’s followers for being resistant to any criticism of Halevy’s methods, writing to Meir Bar Ilan (1880–1949), the Berlin-based founder and editor of the Zionist weekly Ha’ivri (The Hebrew): “Although we have no other good and appropriate histories aside from theirs [Halevy’s Dorot harishonim and Ze’ev Jawitz’s Toledot Israel], we still cannot deny the existence of much good content in works with many faults.168 Moreover, [Halevy and Jawitz] were also not always correct in their tendentious criticism. The truth is the most beloved of all, and it is specifically through it that the Almighty can be praised, and true faith can be elevated.”169 Halevy’s apologetic method of applying scholarship in defense of Orthodoxy had problematic results, detracting from the credibility of his scholarship and

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preventing the wide dissemination of his works among both scholars and his intended audience of yeshiva students and Orthodox and traditionalist Jewry in general. Even the credibility of Halevy’s own disciples’ work was affected by his uncritical apologetics. In his introduction to the second edition of Toledot Tannaim ve’amoraim, Aaron Hyman’s son explains that one of the main criticisms of his father’s work was its reliance upon the uncritical research of Dorot harishonim.170

Once apologetics were no longer necessary, Halevy’s works were seen as dangerous. Rabbi Avraham Yeshaya Karelitz (1878–1953; popularly known by the name of his magnum opus Hazon ish) argued that Dorot harishonim should not be republished when the current editions sold out. His animosity towards the work was a reaction to its apologetic stance. In his view, Halevy’s work was mainly a response against heretics and would unduly expose Orthodox youth to issues and heresies from earlier generations. In his eyes, these issues had already been resolved and had lost currency among the Orthodox community.171

Although Halevy’s work was widely respected in the Orthodox community for its scholarship, his apologetics led many to shun Dorot harishonim.172 Halevy was caught in the middle – reformers dismissed him as an Orthodox apologist, and the Orthodox rejected him for his focus on old, irrelevant controversies. Having alienated both sides of the ideological battle, Halevy’s work fell by the wayside and remains largely ignored.173 But in addition to its

171 Abraham Horowitz, in Orkhot Rabbeinu (self-pub., 1998), 3:119, notes in the name of Rabbi Hayyim Kaniveky (1928-), the most prominent non-Hasidic Haredi rabbi in Israel, that the Hazon Ish also took issue with Halevy’s attitude towards his rabbinic predecessors. Rabbi Shemuel Halevy, Halevy’s great-grandson, who currently serves in the administration of the elementary school named for the Hazon Ish and established in his former house, told me in a 2007 interview that he had a different recollection of that meeting. He recalled that the Hazon Ish cited Halevy’s recurring controversies with the heretics of previous generations as a reason to avoid republishing the book. He maintains that there was no mention of Halevy’s arguments with earlier rabbinc authorities.
172 Several noted Orthodox figures did hold his work in great esteem. In addition to the positive reviews by Grodzinski and Hoffmann, several noted contemporary rabbinical authorities also respected Halevy’s scholarship. This author has heard from Rabbi Moshe Shapiro (1944–2013), one of the leading rabbinic personalities in Israel, that the work of two authorities in the past century (despite being apologetic) added a unique dimension to Torah scholarship. They were Dorot harishonim and the works of Rabbi Meir Leibush ben Yehiel Michel Wisser (MaLBIM, 1809–1879).
173 The extent of the ignorance of Halevy’s work is also evident in the description of the meaning of the street in Jerusalem named after Dorot harishonim. In his descriptions of
demonstration of Halevy’s Orthodox approach to Wissenschaft des Judentums and his several notable conclusions about the formation of the Babylonian Talmud, Dorot harishonim retains its significance today despite the criticism because of the work’s connection to Halevy’s groundbreaking political activities in support of Orthodoxy.

1.4 Political activities and Agudath Israel

During the time that he was writing, finding sponsors to support, and publishing Dorot harishonim, Halevy also engaged in political activities throughout continental Europe and Palestine. In both his historical writing and his politics, Halevy believed that he was engaging in the same project: building up Orthodoxy and defending it from its enemies.

Halevy exerted political influence over a wide range of issues, from the appointments of chief rabbis in Jerusalem and Constantinople to the Orthodox and traditionalist leadership’s navigation of its relationship with government authorities and its clashes with the Maskilim. In 1902, the same year as the founding of the liberal Gesellschaft zur Förderung der Wissenschaft des Judentums (Society for the Advancement of Wissenschaft des Judentums) in Berlin, Halevy and other prominent Orthodox scholars – Rabbis Salomon Bamberger, Jonas Bondi (1804–1874), Heymann Kottek, and Moses Marx, together with the educator Gerson Lange (1868–1923) – formed the Jüdisch-Litterarische Gesellschaft in Frankfurt. Halevy became deeply involved in nearly every aspect of the society’s activities. The society’s stated objective was to “advance rigorous scientific efforts which are suitable for deepening the knowledge of the verity of traditional überlieferten Judaism.” Only scholarship fitting the Orthodox worldview received funding, making apologetics the society’s chief concern. As a result, the society rejected some forms of scholarship, such as the documentary hypothesis of biblical criticism, and encouraged

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175 Yedidya, Criticized Criticism [in Hebrew], 182–184.

176 For notable examples, see Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 89 (letter 17), 91 (letter 18a), and 106 (letter 37).

177 Der Israelit 43, no. 17 (1902): 383, quoted in Breuer, Modernity within Tradition, 203.
others, such as traditional studies of rabbinic texts. In pursuit of its scholarly aims, the society published an annual yearbook and sponsored such scientific-apologetic works as *Dorot harishonim* and Kottek’s *Geschichte der Juden*. The society became a valuable tool for achieving the aims of the Orthodox Wissenschaft enterprise, extending Halevy’s influence by gathering like-minded scholars who followed his approach. The society was also responsible for the publishing of the third installment of *Dorot Harishonim* in 1906 (volume 1c) and the next installment (volume 1e) in 1918.

Halevy joined another political movement, the *Freie Vereinigung für die Interessen der Orthodoxen Judentums* (Free Association for the Interests of Orthodox Judaism), which Rabbi Samson Raphael Hirsch had formed in Frankfurt in 1886 to assist and strengthen struggling Orthodox communities. The association, which was reorganized in 1907 to represent the interests of Orthodox communities throughout Germany, attracted several prominent leaders. Halevy enthusiastically approved of this development and was particularly happy that the new association brought together the previously feuding Orthodox leadership of Frankfurt and Berlin. Halevy decided to take an active role in the Freie Vereinigung’s operations and particularly in expanding its activities in Palestine. On the invitation of Rabbi Jacob Rosenheim (1870–1965), Halevy became a member of the organization’s Palestine Commission and its Commission on Literature and Publicity. Halevy’s main interest was in a subcommittee of the Palestine Commission dedicated to educational activities in Palestine; his involvement in this committee enabled him to influence the traditional educational system there. He perceptively suggested naming this subcommittee the “Spiritual Commission” or “Cultural Commission of Erets Israel” instead of the “Torah Commission,” so that it would have equal standing with other European organizations, such as the Alliance Israelite Universelle (mentioned above) and the *Hilfsverein der Deutschen Juden* (Relief Organization of German Jews), that had been founded to improve the social and political conditions of the Jews in Europe. Halevy, a skilled strategist for whom politics and...
cultural endeavors went hand in hand, understood that giving the subcommittee a title that evoked the general concept of “culture” would enhance the status of the subcommittee and would place it within the purview of these organizations, thus obligating them to deal with Halevy in an official capacity. In his position as a member of this subcommittee, Halevy worked extensively on the development of the Orthodox/traditionalist educational system in Palestine. He also developed his close relationship with Rav Kook through his work on the committee. Halevy even had Rav Kook’s letters translated into German and distributed among the members of the commission, with the intention of publishing them for the general public in Germany. Notably, among his many activities in Palestine, he encouraged the community to establish a Chief Rabbinate; Rav Kook came to assume the position of Chief Rabbi of Palestine and head of the High Rabbinical Court in 1921. Halevy believed that Orthodox institutions such as the Freie Vereinigung needed to broaden their scope beyond national boundaries and local political rivalries. He also thought that Orthodox institutions should be competing with transnational organizations such as the World Zionist Organization. Despite Halevy’s traditionalism, he never made separatism – the Orthodox position (originating in Frankfurt and then spreading elsewhere) that Orthodox communities should not associate with non-Orthodox Jews – a pillar of his philosophy. As a non-separatist and an outsider in Germany, he was the ideal internationalist who expanded local German institutions beyond parochial considerations. Rosenheim remarked in his autobiography, *Erinnerungen, 1870–1920* (first published in 1955, in Hebrew, as *Zikhronot*), that Halevy was the one who broadened the Freie Vereinigung

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185 For examples of his activities, see Halevy, *Iggerot Rabbi Yitzhak Isaac Halevy*, 136–137 (letter 64) and 155 (letter 82).

186 During this period, Halevy and Rav Kook corresponded frequently. For some of their correspondence, see *Iggerot Rabbi Yitzhak Isaac Halevy*, 145–146 (letter 73a) and 150–153 (letters 80, 80a); and Rav Kook’s letters in Kook, *Iggerot hare’iyah*, 1:122–128 (letter 103), 1:136–141 (letter 111), and 1:169–170 (letter 137).


190 See below for a more detailed discussion of separatism and, specifically, how disputes regarding it affected the Kattowitz conference.

from a Jewish-German or even an eastern European organization into an international enterprise responsible for Jewish religious life all over the world.\textsuperscript{192}

Halevy soon realized that the Freie Vereinigung was, at best, a stopgap measure for preventing the decline of Orthodoxy in Germany. He quickly understood that in order to strengthen the community and to face the enormous challenges presented by new denominations of Judaism, it was necessary to unite and form a truly global Orthodox political body. In a letter to Rosenheim, who later became the first head of the organization, Halevy wrote: “The Freie Vereinigung itself will only achieve great success after the creation of a great organization that will unite all God-fearing Jews.”\textsuperscript{193} Consequently, Halevy embarked on what would become the crowning political achievement of his career: the establishment of a worldwide Orthodox Jewish body, Agudath Israel.

Halevy understood that Orthodox and traditionalist Jewish communities in the early twentieth century were fragmented and heterogeneous, though they shared a commitment to studying Torah and following halakah. Yet levels of observance varied widely, and there were immense differences in lifestyle, language, cultural values, and relationship to non-Jewish culture among the various communities in eastern and central Europe.\textsuperscript{194} Moreover, while, in Germany and Hungary, there were separate and distinct Orthodox communities, the communities in Russia included a variety of ideological groups and were less organized. Halevy undertook a revolutionary political endeavor: to establish Agudath Israel, an international Orthodox Jewish body to centralize the leadership of the various Orthodox and traditionalist communities worldwide. This was a dream that Halevy had nurtured for many years, beginning long before he became involved with the Freie Vereinigung. His correspondence with Rabbi Grodzinski in 1901 clearly indicates that this idea had already been in Halevy’s mind for a long time and, by 1901, was fully formed and developed.\textsuperscript{195}

Halevy’s correspondence makes it evident that he was the true architect of the project, and that he was the one to propose the name “Agudath Israel.” The realization of Halevy’s dream of an international organization that would unite rabbinic authorities from the east and west was a monumental task requiring the credibility and acumen of a skilled politician. Halevy’s innate political skill,


\textsuperscript{193} Halevy, \textit{Iggerot Rabbi Yitzhak Isaac Halevy}, 158 (letter 86). Here the term translated as “God-fearing” is היהודים חכמים.

\textsuperscript{194} For further details, see Menachem Friedman, \textit{Society and Religion: The Non-Zionist Orthodox in Eretz-Israel 1918–1936} [in Hebrew] (Jerusalem: Yad Ben-Zvi, 1977), 219.

\textsuperscript{195} Shemuel Halevy, “My Father of Blessed Memory” [in Hebrew], 43.
paired with his experience of having lived in both the east and the west, positioned him as an ideal executor of such an endeavor. Halevy worked diligently to convince both Rosenheim and Salomon Breuer to promote the expansion of the Freie Vereinigung beyond German borders and to reach out to the various Orthodox communities worldwide.

His efforts to persuade Rosenheim bore fruit; Rosenheim announced in late 1908, in an address to the annual meeting of the Freie Vereinigung, that the time had come to unite the Orthodox minority in Germany with the Orthodox masses worldwide. He said, “We are indeed a minority, if we enclose ourselves in our own four cubits, if we ignore the hundreds of thousands and even millions of our brethren living in eastern Europe, and even in the west, in lands beyond the [Atlantic] ocean, who are still rooted in traditional Judaism.” The various communities needed each other, and thus it was decided to create a new organization embracing Jews from both east and west. It was then resolved that the first step would be to convene a meeting of leading rabbinical authorities in Bad Homburg in August 1909. Bad Homburg, a resort next to Frankfurt, was where Halevy had spent many summers and where Kottek was the local rabbi. Halevy was instrumental in bringing together rabbinical luminaries from diverse backgrounds, ranging from Rabbi Hayyim Soloveitchik to the Hasidic Grand Rabbi of Gur, Rabbi Avraham Mordechai Alter (1866–1948, also known as the Imrei Emes). The Lubavitcher Rebbe, Rabbi Sholom Dov Ber Schneersohn (1860–1920), did not participate in the meeting personally, though he sent a representative.

196 For more details, see Rosenheim, Erinnerungen, 110. On Halevy’s originating the idea, see Mittleman, The Politics of Torah, 116–117; Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 157–158 (letters 85–86). On whether Halevy perhaps took too much credit for the Agudath Israel idea, and whether Rosenheim also wanted to develop such an international organization, see Mittleman, 116n53. In a letter to Halevy in the summer of 1909, Yaakov Lipshitz of Kovno complained that, although he was the first to initiate the unification of all Orthodox Judaism, he was excluded from the original advanced collaborations to implement this initiative. See Asaf Yedidya, A Brief History: The First Hebrew Historiographical Essay on the Jews of Russia in the Nineteenth Century (Jerusalem: Mossad Bialik, 2019), 41–45.


198 Rosenheim, Zikhronot, 108.


200 On Rabbi Hayyim Soloveitchik, see Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 165–166 and 204 (letters 96 and 157). On the rabbi of Gur, see Halevy, 167–168 (letter 98). See also Rosenheim, Erinnerungen, 112, for a detailed list of the attendees. See Mittleman, The Politics of Torah, 117, for more details.
Halevy’s close relationship with Rabbi Soloveitchik was the motivation for the latter’s attendance at the meeting, and Rabbi Soloveitchik intervened to help secure the participation of the rebbe of Gur, with whom Halevy had not been previously acquainted. In his autobiography, Rosenheim wrote of the conference: “Thus in August 1909 the Homburg conference took place, where during a period of two to three weeks, gathered [. . .] the greatest rabbis and lay leaders [. . .] from Eastern and Western Europe.”201 This historic meeting was described at the time as a “conference of Orthodox rabbis.”202 It represented a milestone in Jewish politics. As a result, the meeting was not without its share of controversies. Ironically, amidst their initial attempts to invite rabbis from all over the world, the organizers felt they had to exclude some Orthodox rabbis from Frankfurt. This was because German Orthodoxy had fragmented. Most German Orthodox rabbis worked with non-Orthodox Jews in united communities [Einheitsgemeinde], in which the majority of communal tasks were carried out jointly, but the Orthodox, who were in the minority, had their own religious services. By contrast, the rabbis of Frankfurt, beginning with Rabbi Hirsch in 1876, had received permission to split off from the main Jewish community [called Gemeinenorthodox] and form their own, separatist communities [Austrittsgemeinden]. By the time of the Bad Homburg conference, six more Austrittsgemeinden on the Frankfurt model had been formed. These separatists argued that they could not, in good conscience, participate in communal organizations with heretics, by which they meant non-Orthodox, and especially Reform (or Liberal), Jews.203 Although a separatist community existed in Berlin, its leadership was more amenable than was typical to working with the general community. The graduates of the Berlin rabbinical seminary often worked as rabbis of non-secessionist communities. One notable graduate, Rabbi Dr. Marcus Horowitz (1844–1910), served as the rabbi of the Frankfurt Gemeinenorthodox community on the Börneplatz. This caused great controversy among the Orthodox, as Frankfurt was the birthplace of the separatist movement, and no other German community was as devoted to the principle of Austritt.204 This intractable conflict had the effect of excluding Horowitz from

201 Rosenheim, Erinnerungen, 111–112.
203 Mittleman, The Politics of Torah, 10.
204 Mittleman, The Politics of Torah, 108. For a detailed analysis of the secession issues, see Breuer, Modernity within Tradition, 294–303.
Rosenheim was convinced that a union between the various factions of German Orthodox Jewry was imperative. In his view, what Orthodox Jews had in common, namely fear of Heaven and devotion to a divine Torah, was much more significant than what separated them. Nonetheless, to Rosenheim’s chagrin and disappointment, the issue of secession was so important to the Austrittsgemeinde that Rabbi Salomon Breuer (Hirsch’s son-in-law and President of the Freie Vereinigung) insisted that Rabbi Horowitz not attend the conference. Rosenheim had to agree and instead secretly kept Horowitz abreast of the proceedings. The bitter animosity between Breuer and Horowitz became a sore subject throughout the establishment of the Agudah; this created many issues for Rosenheim. Both Breuer and the Hungarian rabbis pressured the group to make it the fledgling Agudah’s policy to exclude all non-seceding communities. Halevy, always the consummate politician, made efforts behind the scenes to appease Horowitz, with whom he had previously formed a relationship. In his correspondence with Rosenheim, he noted that he planned to pay a visit to Horowitz immediately after the conference and bring along other rabbinic authorities, such as Rabbi Soloveitchik. He added that Rabbi Grodzinski and the Lubavitcher Rebbe, both well acquainted with Horowitz, were also planning to visit him individually and try to diffuse the situation.

Though Halevy was determined that the separatist movement not derail the establishment of the organization that became Agudath Israel, he did not totally agree with Rosenheim’s attitude toward Horowitz and the Gemeinenorthodox communities. In his view, the latter were too conciliatory toward the Reformers. They saw the Orthodox community as just a faction within the larger Jewish community, and not as the sole representatives of Kelal Yisrael, the entire nation of Israel. Halevy, on the other hand, was of the opinion that it was imperative for Agudath Israel to see itself as containing the only true representatives of the Jewish community, thought they constituted a demographic minority, and to view Orthodoxy as the sole expression of Judaism. Halevy expressed this idea in a letter to Rosenheim: “Our principle is the diametric opposite [of Horowitz’s view].

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205 Mittleman, The Politics of Torah, 117.
206 Rosenheim, Zikhronot, 18–19. On Rosenheim’s belief in the importance of a divine Torah as the foundation of Judaism (which he shared with Breuer, though with very different results), see Mittleman, The Politics of Torah, 109–111.
207 Rosenheim, Zikhronot, 111; Mittleman, The Politics of Torah, 118.
208 On the relationship between Halevy and Horowitz, see Mittleman, The Politics of Torah, 115–117.
210 Mittleman, The Politics of Torah, 118.
Only God-fearing Jews [יירֵי חַשֵּׁם] are [considered] Kelal Yisrael, only them and nobody else, since God, the Torah, and Israel are one.\textsuperscript{211} But while Rosenheim agreed in principle with Halevy, the former was nonetheless willing to bend his views in order not to exclude from the Agudah an important part of the German Orthodox community.

Other issues that would play a major role in the formation of the Agudah became quite contentious during the meeting. The first was the Hungarian rabbis’ insistence that Agudath Israel should not meddle in their handling of local communal issues. Hungarian rabbis were very suspicious of the German rabbis, whom they saw as too acculturated and assimilated into mainstream German society. They joined Rabbi Breuer in demanding that only secessionist communities be allowed to join the Agudah. The second issue was the reluctance of the eastern European rabbis, who tended to be anti-Zionist, to have the Agudah focus too much on the concerns of Palestine.\textsuperscript{212} Halevy, in a manner similar to his approach to the activities of the Freie Vereinigung, was much more transnational and focused on Palestine. One of his goals, in fact, was to create an Orthodox response to the World Zionist Organization that would buttress Orthodoxy in Palestine.\textsuperscript{213} Rosenheim and the Frankfurt rabbis worried that this focus would deter eastern European rabbis from joining the incipient organization.\textsuperscript{214} As Rosenheim noted, out of hundreds of rabbis in Russia, only three belonged to Mizrahi, the religious-Zionist organization.\textsuperscript{215} These issues threatened to scuttle the entire project until 1911, when an incident at the Tenth World Zionist Congress in Basel (discussed below) aroused the rabbis and laymen involved to attempt to resolve these concerns and get the international Orthodox political body off the ground.\textsuperscript{216}

At the Bad Homburg meeting, the conclave decided that a world organization was required, outlined the guidelines for the formation of the body, and left the details of how such an organization would be founded to German Orthodox leaders.\textsuperscript{217} According to Rosenheim, the excitement of the meeting quickly dissipated. He wrote in his memoirs that the implementation of the decisions nearly ceased at the end of 1910 due to significant political problems in

\textsuperscript{211} Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 173 (letter 105).
\textsuperscript{212} Mittleman, The Politics of Torah, 118.
\textsuperscript{213} Mittleman, The Politics of Torah, 116 and 122.
\textsuperscript{214} Mittleman, The Politics of Torah, 116–117.
\textsuperscript{215} Rosenheim, Zikhronot, 111.
\textsuperscript{216} For further details, see Rosenheim, Zikhronot, 113–115.
Russia. Halevy, however, appears to have continued at full force, drafting a constitution similar to that eventually adopted by Agudath Israel. In his view, the organization would “strive to unite, through its activities, all of observant Jewry, both throughout the Diaspora and in Erets Yisrael [. . .] to function as a mouthpiece for the entire nation.” Halevy designed the constitution and mission with the goal of making the Agudah the representative of the “true” nation of Israel, representing Jewry as a whole (Kelal Yisrael), although his plan was for it to include only Orthodox Jews. Article I names the organization “Agudath Israel,” which was the original name he had proposed to Rosenheim in 1909. It is clear that Halevy was the force that kept Agudath Israel alive, and its mission was the implementation of his vision.

The Tenth World Zionist Congress (1911) prompted the movement that became Agudath Israel to take its next important step. Against the wishes of Mizrahi, the Congress endorsed a platform of cultural activities in Palestine (e.g., developing the modern Hebrew language and giving educational and other institutions a secular nationalist emphasis) that challenged traditional Judaism. The organizers of the Agudah saw this development as a unique opportunity to attract those traditional communities that were then associated with Zionism by providing an alternative political movement to Mizrahi. Consequently, in 1911, forty-seven lay leaders of the Orthodox community assembled in Frankfurt to establish a provisional committee with the goal of organizing an Orthodox World Congress, in some ways modeled after the World Zionist Congress. They decided on a meeting in Kattowitz (present-day Katowice, Poland) at the end of May 1912. The location of Kattowitz, a German town near the Russian and Austro-Hungarian Empires, may have been symbolic, as those interested in founding a global Orthodox organization knew the importance of joining east and west. Despite the fact that invitations were only sent in early May, which precluded many rabbinic authorities, including Rav Kook, from attending, over 200 attendees responded positively. It was then that Agudath Israel was officially established. A rabbinic council, later known as Mo‘etses Gedolei Hatorah (the

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218 Rosenheim, Zikhronot, 114; Mittleman, The Politics of Torah, 119.
219 Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 174–175 (letter 110). For a draft of the constitution, see Halevy, 175 (letter 110). On Halevy’s work on the Agudah after Bad Homburg, see Mittleman, The Politics of Torah, 119.
220 Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 175 (letter 110a).
222 Rosenheim, Zikhronot, 115; Mittleman, The Politics of Torah, 119–120.
Council of Torah Sages), served as the supreme governing body of the organization. Agudath Israel thus was able to present the conference as an event of truly historical proportions: the true Kelal Yisrael, led by the greatest sages of Israel. Rosenheim said in his keynote address at the Kattowitz conference that Agudath Israel:

must be founded upon three principles: a) The organization [. . .] has to represent the general public [. . .]. b) If “Agudath Yisrael” aims to always be the organized representative of Kelal Yisrael, it has to be led by Da’as Torah. [. . .] The supreme religious counsel of Agudath Israel has to be a Mo’etses Gedolei Hatorah, a council of the greatest Torah scholars, the luminaries of all lands. Their decision must be the final word whenever practical activity needs to be measured according to the guidelines of the holy Torah and a course of action established. c) Finally, a third organizational principle: maintaining the independence of the local organizations.\footnote{Rosenheim, Zikhronot, 151.}

Rosenheim called attention to the fact that he and his Orthodox colleagues had arrived in Kattowitz to form a global organization representing Kelal Yisrael, led by the most respected Torah scholars of the era, while allowing for, as many participants demanded, the freedom of the local communities.

In a century in which “organizations were the flavor of the day,” as Isaac Breuer (1883–1946), Rabbi Salomon Breuer’s son, said several years later, it was important to distinguish Agudath Israel from all other Jewish communal organizations.\footnote{Isaac Breuer, Darki (Jerusalem: Mossad Yitshak Breuer, 1988), 23.} \textit{Mo’etses Gedolei Hatorah} did precisely that. As Gershon C. Bacon has explained, “There the rabbis and rebbes associated with the party lent legitimacy as a collective to the politicization of orthodoxy, even though the body rarely functioned on an ongoing basis in this period.”\footnote{Gershon C. Bacon, “Rabbis and Politics, Rabbis in Politics: Different Models within Interwar Polish Jewry,” \textit{YIVO Annual} 20 (1991): 43.} The establishment of this council, however, did not go smoothly, as it encountered great opposition from none other than Halevy’s beloved Rabbi Soloveitchik. The Soloveitchik family eventually disassociated itself from Agudath Israel over contentions that arose during the conclave, as will be discussed further below.

The many contentious issues that arose in Kattowitz provoked tension among the numerous rabbinical authorities involved and threatened the viability of this international enterprise. One major issue, which had already presented itself at the initial stages of the organization, during the preparation for the Bad Homburg meeting, was the separatist demands of Rabbi Salomon Breuer and others. Rabbi Breuer, representing the Frankfurt separatist congregations, as well as the Hungarian delegation (he had been raised and educated
in Hungary), demanded that only Jews belonging to separatist congregations could join. Frankfurt’s obsession with Austritt had its roots in Rabbi Hirsch’s time. The Hungarian separatist position also stemmed from bitter intra-Jewish feuding in nineteenth-century Hungary. As in the German case, the long campaign for Jewish emancipation in Hungary was dominated by an “enlightened” non-Orthodox group that emphasized its allegiance to the state. After emancipating the Jews in 1867, the government had convened a General Jewish Congress to create one Jewish communal body for the country. The congress, however, soon fractured, as its members could not come to an agreement about the definition of the community. The reformers, called “Neologues” (from the Greek meaning “new word”), tried to define the community as a society providing for religious needs, while the Orthodox insisted that community members be defined as followers of the Mosaic-rabbinic faith and the commandments as they were codified in the Shulhan arukh. The Neologues were the majority in the Congress, so the Orthodox minority walked out, which nearly resulted in a state-enforced communal [Gemeinde] system. Though this was averted, the post-Congress Jewish community in Hungary was split into three distinct camps: the Neologues (also called the Congress Communities), the Orthodox communities, and the status quo communities, which did not recognize either denomination. Unlike in Germany, however, Jews in Hungary could not belong to more than one Gemeinde simultaneously, which resulted in even greater enmity between the various groups than existed in Germany. The Hungarians therefore demanded that only those belonging to a strict Orthodox separatist/secessionist community be allowed to join the Agudah. Rosenheim and others, by contrast, saw Agudath Israel as a representative of Kelal Yisrael and therefore believed that it should be open to all Orthodox Jews who aimed to work for the benefit of global Orthodoxy, irrespective of type of community membership. (A small number of other participants even thought of Agudath Israel as a representative of all Jewry.)

Rosenheim, in particular, was concerned that the Hungarian demands would frustrate the goal of building a global organization that would be larger than the sum of local arguments. As he wrote in his memoir, “The intrigues and controversy surrounding these questions, particularly the problem of

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229 For details about the split of the communities in Hungary, see Mittleman, *The Politics of Torah*, 127–129.
rabbinic authority and relations with the various factions, with their manifold ramifications and often personal tone and character, greatly preoccupied my mind and heart all the years from 5670 [1910] until the First World War and caused me great suffering." One incident demonstrates the nature of the “intrigues and controversy.” Once during the Kattowitz conference, Halevy notified Rosenheim that Rabbi Soloveitchik, who was highly respected by all the attendees of the conference, had signed, at Rabbi Breuer’s request, a document saying that halakhah mandated that Jews join separatist communities if they lived in cities where they existed. Only after the intervention of one of the emissaries of the Grand Rabbi of Gur, who argued that this was an intra-German issue, did Rabbi Soloveitchik withdraw his demand.

Another issue of note, also involving Rabbi Soloveitchik, and in which Halevy had a vital role, caused great consternation at Kattowitz. Rabbi Soloveitchik’s presentation of “eighteen provisos” – eighteen conditions for his joining the organization – generated a major controversy. The conference organizers kept his demands secret from most participants, yet the 18 provisos still put the entire project in jeopardy. Rosenheim wrote that Rabbi Soloveitchik attended the conference with his personal secretary, Yaakov Zalman Lifschitz of Brisk, who was very skeptical about the religious observance of the German delegates. Within the first hours of the conference, Lifschitz presented Rosenheim with a letter from Rabbi Soloveitchik detailing these 18 provisos, which were purportedly aimed at preventing the organization from meddling in local religious issues in Russia and Poland. Rosenheim said in his memoir that the letter was lost, and its content was never included in the formal annals of the proceedings.

Since Halevy and Rabbi Soloveitchik had an established friendship, Halevy discussed the 18 provisos with Rabbi Soloveitchik. In a letter to Rosenheim dated 11 Adar 5673 [18 February 1913], Halevy expressed regret that

232 Rosenheim, Zikhronot, 125.
234 Both Halevy and Rosenheim stressed that Rabbi Soloveitchik demanded eighteen items, and the same number appears in their vast correspondence about the issue. His son, Rabbi Moshe Soloveitchik, however, mentioned only thirteen demands, perhaps as the result of a mistake or misprint in his letter. See Moshe Ariel Fus, “Harav Moshe Halevy Soloveitchik uma’avaqav bemo’etset gedolei hatorah ve’agudat harabbanim bepolin,” Hakirah 25 (2018):19n29. Note that Rav Moshe Soloveitchik spelled his last name without a “t,” unlike both his father, Rav Hayyim Soloveitchik, and his son, Rav Yosef Dov Ber Soloveitchik.
235 Rosenheim, Zikhronot, 169. See also Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 200 (letter 150) and 204 (letter 157).
236 See Fus, “Harav Moshe Halevy Soloveitchik,” 16 and, especially, 16n22.
237 Rosenheim, Zikhronot, 169.
the rebbe of Tcharkow had been made aware of his continuing negotiations with Rabbi Soloveitchik, asking Rosenheim to relay to him “that I have taken on personally the [issue of the] 18 provisos, and I am in written communications with the rabbi of Brisk to redraft them.”

Though the points were initially secret, Rabbi Soloveitchik’s son, Rabbi Moshe Soloveichik (1879–1941), brought some of them to light while defending his own opposition to the Mo’etses Gedolei Hatorah in a series of articles published in 1923. He claimed that his own opposition to the body was furthering those of his father, Rav Hayyim, as raised in his 18 provisos. As Rav Moshe Soloveichik described it, one of the central points that his father had raised was his reservation about the Agudah’s central body, the Mo’etses Gedolei Hatorah. Rabbi Moshe Soloveichik’s primary opposition regarded the nature of the council. He argued that since it was primarily a political body rather than a halakhic-decision-making one, it should be nominated by the entire community rather than appointed by a few select individuals. “Gedolei hatorah are neither appointed nor commissioned,” he said. In addition, no central rabbinic authority had ever existed in the Jewish community, with the sole exception of the Great Sanhedrin in the Temple in Jerusalem. From the time of the Temple’s destruction in 70 CE, no central rabbinic body had had authority over the community; the Torah was in the hands of the people, not those of a few rabbis. Soloveichik’s controversial opinion caused a great stir among the Orthodox and traditionalist rabbinic communities and prompted many articles and letters condemning his position. In a rebuttal letter published in the Jewish newspapers of the time, Rabbi Moshe Soloveichik explained that he was not alone in his opinion, since his father had already taken issue with the establishment of the Mo’etses Gedolei Hatorah in his 18 provisos. In his father’s view, and in his, communal decisions had to remain in the hands of local rabbinic authorities.

Behind the concerns regarding the identification of great sages [Gedolim] and the extent of their authority was some eastern European rabbis’ fear that their more religiously liberal colleagues (all the founders were from central

238 Unpublished letter, dated 1912, which is in the possession of the author.
241 As mentioned above, Rabbi Moshe Soloveichik mistakenly mentioned thirteen provisos instead of eighteen. See Fus, “Harav Moshe Halevy Soloveichik,” 19n29.
Europe) would interfere in the decisions they were accustomed to make for their own communities.\textsuperscript{243} Rabbi Hayyim Soloveitchik, for example, was not willing to accept any meddling in his leadership of Brisk. As Rosenheim mentioned in his memoirs, “the issue of rabbinic authority” was very much part of “[t]he intrigues and controversy” that shadowed the Agudah from its beginning.\textsuperscript{244}

When Rabbi Moshe Soloveitchik published his explosive claim about his father’s opposition to the establishment of \textit{Mo’etses Gedolei Hatorah}, it created a great storm and prompted the Agudists to strongly refute the claim. In their view, quite the opposite was true, and the claim was self-serving, since Rav Moshe Soloveitchik was connected politically to Mizrahi.\textsuperscript{245} A heated exchange of articles ensued. In an article published in \textit{Der Jude}, the Agudah’s newspaper, Rabbi Grodzinski penned a sharp rebuttal, claiming, among other things, that

\begin{quote}
The Rabbi of Brisk of blessed memory demanded [at Bad Homburg] that a \textit{Mo’etses Gedolei Hatorah} be established immediately that would supervise and oversee the activities of the organization. This would prevent, he explained, the German educational system from infiltrating our Talmud Torahs and yeshivot and mixing Torah with Haskalah, the sacred with the profane. [. . .] Indeed, the Gaon Rav Hayyim of blessed memory was the foremost head of [the \textit{Mo’etses Gedolei Hatorah}’s] activities and one of its members. In the month of Sivan 5672 [May-June 1912], the council was founded and constituted according to the operational guidelines required by Rav Hayyim.\textsuperscript{246}
\end{quote}

Rabbi Grodzinski attributed Rav Hayyim’s concerns at Agudath Israel’s beginnings to “the fact that the aforementioned bylaws of the \textit{Mo’etses Gedolei Hatorah} had not been published. He was therefore worried that the council would not be properly and firmly established, which would allow the German curriculum to penetrate our institutions and secular studies and thereby weaken Torah study.”\textsuperscript{247}

As argued by Moshe Ariel Fus in a comprehensive article on this controversy, both Halevy and Rosenheim knew that Rabbi Hayyim Soloveitchik’s 18 provisos would not be implemented.\textsuperscript{248} The mere fact that the points were kept secret for so long, despite having been discussed by so many of the

\begin{itemize}
\item \textsuperscript{243} Mittleman, \textit{The Politics of Torah}, 126–127.
\item \textsuperscript{244} Rosenheim, \textit{Zikaronot}, 125.
\item \textsuperscript{245} For Rav Moshe’s Soloveitchik’s affiliation with Mizrahi, see Fus, “Harav Moshe Halevy Soloveichik,” 5–7, and the literature cited there.
\item \textsuperscript{246} Hayyim Ozer Grodzinski, announcement, \textit{Der Jude} 160 (30 July 1923), quoted and translated from Yiddish into Hebrew in Grodzinski, \textit{Iggerot R. Hayyim Ozer}, 2:141–142 (letter 615).
\item \textsuperscript{247} Grodzinski, \textit{Iggerot R. Hayyim Ozer}, 2:141–142 (letter 615).
\item \textsuperscript{248} For details, see Fus, “Harav Moshe Halevy Soloveichik,” 19–24.
\end{itemize}
rabbinical authorities of the time, including rabbis Grodzinski and Breuer; that Rosenheim “misplaced” such an important document; and that Halevy was irritated that these discussions had been leaked to the rebbe of Tcharkow, all indicate that Rav Moshe Soloveichik’s version of his father’s objection was accurate.\textsuperscript{249} It is rather evident that these 18 provisos were kept secret for so long precisely because such reservations by the most eminent attendee about the centerpiece of the organization could have derailed the entire enterprise before it began.

As the main architect of the project, Halevy was responsible for pacifying the participants. He had been involved with the concerns of Rabbi Hayyim Soloveitchik (and others) prior the Kattowitz conference and was personally tasked by Rosenheim with dealing with his personal friend Rabbi Soloveitchik to try to negotiate a compromise. Halevy’s highly contentious negotiations with Rabbi Soloveitchik concerning those provisos were never entirely concluded, and, after Halevy’s death in 1914, Rabbi Soloveitchik withdrew from the movement.\textsuperscript{250} Halevy, who had to deal personally with the especially difficult demands of Rabbis Soloveitchik and Breuer during the conference, remarked in a 1912 letter to Rabbi Kottek: “The conference was marvelous, but in private I had to work ceaselessly to soften the demands of the Rav of Brisk on one side, and the demands of Breuer from the other.”\textsuperscript{251}

The difficulties with Rabbi Breuer were not limited to his proposed limits on the participation of non-secessioneer communities. Another thorny issue was the name Rabbi Breuer originally proposed for the council: \textit{Va’ad Gedolei Harabbanim} (Council of the Great Rabbis). Halevy vehemently opposed this name and remarked that it would undermine the entire Agudah project. The dispute over names is another piece of evidence that the nature of the council created a great stir among the various factions. The German rabbis saw it as a council of professional rabbis, like German rabbis were. By contrast, the Lithuanian and Hasidic masters, who had negative opinions of the German rabbis’ professional training and distrusted their skill in the study of sacred texts, saw it very differently. They believed that the council should consist of only the

\textsuperscript{250} Extensive correspondence among various people attests to the complex nature of the negotiations. See Halevy, \textit{Iggerot Rabbi Yitzhak Isaac Halevy}, 204 (letters 156 and 157) and 206 (letter 160). On Rabbi Hayyim Soloveitchik’s withdrawal from the movement, see Reichel, \textit{Isaac Halevy: Spokesman and Historian}, 119–120.
\textsuperscript{251} Halevy, \textit{Iggerot Rabbi Yitzhak Isaac Halevy}, 200 (letter 150).
greatest Torah scholars and sages – as they defined them. The attempt to form a global organization encompassing such divergent personalities and worldviews presented many challenges to the founders of Agudath Israel. As Rosenheim exclaimed with great frustration: “How much longer will we allow national borders to separate us, how much longer will we hear among us expressions of reservations and distrust? Why can’t religious Jews from east and west extend a hand that transcends borders to form a fraternity? Are we not all children of the same Father? We are all brothers [...] in the [fulfillment of the] commandments [...] We should strive for the commandments to band us together in a single society [agudah]!” Rosenheim, therefore, needed much assistance in harmonizing these disparate personalities and views, and Halevy, the consummate politician, was the ideal person to bridge these gaps and try to forge a semblance of unity.

Halevy’s involvement with Agudath Israel continued until his death in 1914. As a leading member of the temporary council, he participated in all aspects of the organization, from the planning of a future World Congress to the placating and coordinating of the competing rabbinic factions that emerged in Bad Homburg and Kattowitz. After his death, the movement Halevy had envisioned continued to develop, becoming a steadfast defender of Orthodoxy. Although Agudath Israel’s activities were suspended during World War I, the organization resumed them with great vigor after the war. The First World Congress of Orthodox Jewry, originally planned for 1914, actually took place in Vienna in 1923 due to the outbreak of the war. To this day, the Agudah operates in both Israel and the Diaspora.

1.5 Death and legacy

Halevy suffered from heart ailments from 1905 onward, and his condition worsened with age. His busy schedule did not allow for the rest recommended by

253 Rosenheim, Zikhronot, 136.
254 On Halevy’s attempts to pacify the factions at Kattowitz, see also Reichel, Isaac Halevy: Spokesman and Historian, 119–120.
255 On the origin of Halevy’s heart ailments, see Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 85.

On the worsening of his condition, see Halevy, 199 (letter 148) and 207–208 (letter 161).
his doctors, and eventually Halevy suffered a heart attack. He died three weeks later on a Friday night, 15 May 1914 [20 Iyar 5764], in a Hamburg hospital. The following Sunday, in a rare honor, a large funeral procession accompanied him by foot all the way from the hospital to the Langenfelde Cemetery. Although Halevy had requested in his will that no eulogies be delivered at his funeral, Rosenheim delivered a short eulogy at the hospital. Perhaps the greatest eulogy Halevy received, however, did not take the form of a speech: his study table was used to make his coffin.

While Halevy’s belligerent style, bitter attacks against his opponents, and combative tone had drawn strong criticism and many enemies, his political acumen and communal activities, as well as his unyielding dedication to the cause, also had earned him numerous admirers and disciples, and his death was deeply felt. The sudden loss of Halevy had wide repercussions for the Orthodox establishment in Germany and especially for the rabbis involved with Agudath Israel. Rosenheim, describing the loss, wrote: “In the midst of the arrangements for the Knessio Gedaulo [sic; World Congress . . .] the nascent Agudas Jisroel [sic] was met with a difficult hit: the sudden passing of its real spiritual father, Rabbi Jizchok Eiszik [sic; Yitzhak Isaac] Halevy in Ijar [May] 1914. One can say about him: Chochom odif minowi (a sage is preferable to a prophet).”

Y.I. Halevy’s life had been colorful, varied, and filled with political and scholarly achievements. Raised in the east and educated in the renowned yeshiva of Volozhin, he became a talented Talmudist and a traditional talmid haham, writing his first book of commentaries at an early age. After his tea business failed, Halevy found new opportunities in the “west,” establishing himself in central Europe as a representative of the new Orthodox Wissenschaft and eventually producing Dorot harishonim. Rosenheim summed it up well when he called Halevy “the bridge between German and eastern orthodoxies.”

256 On Halevy’s difficulty with rest, given his schedule, see Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 199 (letter 148).
258 For a prime example of a sharp criticism of Halevy’s combative style, see Bezalel Rosenberg, Mahshevet Bezalel (Leeds, UK: Goldberg & Epstein, 1926), 28. Yet Halevy denied that he pursued this work for the sake of fame or glory. He said in a letter to H. Lewin, “everyone knows that I always recuse myself in order to avoid the limelight.” Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 207 (letter 181).
259 Rosenheim, Erinnerungen, 138.
260 Rosenheim, Erinnerungen, 110.
Halevy’s relationships with German Orthodox and eastern European traditionalist leaders, moreover, enabled the realization of the second part of his life’s project: the building of a Metivta Kolelet (General Academy) in his own time: Agudath Israel. As Wolf Jacobsohn wrote in the Jüdische Presse: “Rabbi Yitzchak Halevy, our great deceased, lives eternally through the memorial that he himself established through his Dorot harishonim and his Agudath Israel.” 261 A similar message, composed by none other than Rav Kook, is inscribed on Halevy’s tombstone: “He shined a new light onto Israel and its Torah with his book Dorot harishonim, which initiated the writing of Jewish history and the growth of Hokhmat Yisrael [. . .] He was also the architect of the noble idea of Agudath Israel, and until his last day he remained a faithful steward as one of its ranking leaders.” 262 These two projects for which Halevy is remembered seem at first glance to be completely different: one a global political movement, the other a seminal work of rabbinic scholarship. Halevy conceived of them, however, as one united project stemming from the same Weltanschauung – a project to which he dedicated a lifetime.

261 Wolf L. Jacobsohn, “Rabbiner Isaak Halevy ז"ע [May the Memory of a Righteous Person Be a Blessing],” supplement to the Jüdische Presse 23, no. 5 (5 June 1914), 237. See also Kook, Iggerot hare’iyah, 2:302–303 (letter 432).
262 Rav Kook discussed details of the text of the tombstone and his task of composing it in a letter to Halevy’s son, Shemuel, dated 19 Elul 5674 [10 September 1914]. See Kook, Iggerot hare’iyah, 2:303 (letter 702). For the full Hebrew text of the tombstone, see Reichel, Isaac Halevy: Spokesman and Historian, 159.
Chapter 2
Halevy and the Historiography of the Talmud

2.1 Introduction

The desire to write the history of the formation of the Babylonian Talmud (often referred to as the Bavli) gained impetus in the nineteenth century with the foundation of the modern discipline of historical scholarship, both in the German universities and in the Jewish scholarship of Wissenschaft des Judentums and Hokhmat Yisrael. Several Jewish historians published important works addressing the question of the formation of the Talmud, including Heinrich Graetz (Geschichte der Juden, 1853–1875) and Isaac Hirsch Weiss (Dor dor vedorshav, 1871–1891).¹ These works provided a general account of the process of the Talmud’s formation.² As historians, Graetz and Weiss relied on the scant “historical” evidence available: a few germane sources scattered in the Talmud; two early Jewish attempts to reconstruct the rabbinic period, Seder Tannaim ve’amoraim (STVA, ninth century) and the Epistle of Rav Sherira Gaon (tenth century); and a somewhat later one, Abraham ibn Daud’s Sefer ha-qabbalah (twelfth century).³ Where possible, Graetz and Weiss also looked to independent corroboration of major events from outside sources. Graetz, for instance, in his analysis of the development of the Talmud in the fourth and fifth centuries (at the time of Abbaye, Rava, and Rav Ashi), drew upon external events in his search for catalysts of the process. As he explained in his History of the Jews, “The period during which the Roman empire was approaching a state of dissolution marks an epoch of decay and regeneration, destruction and rejuvenescence, ruin and reconstruction, in the history of the world.”⁴ Graetz

² For a summary of their theories, see Julius Kaplan, The Redaction of the Babylonian Talmud (New York: Bloch, 1933), 3–5, 13–19; and Blumberg, “Heinrich Graetz and Ze’ev Jawitz.”
³ These sources, particularly STVA and the Epistle, will be discussed and analyzed further below.

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saw the world’s dominant civilization in flux in the fourth century, and these events, in which “barbarian” tribes brought about the fall of the Roman Empire, were catalysts for self-reflection by the Jewish community – and, ultimately, the redaction of the Talmud. In his words, “In this iron time, when no man could be certain of the next day, the leaders of Judaism in Palestine and Babylonia felt deeply the necessity of placing the treasure which had been confided to their hands in safety, so that it might not be imperiled by the accidents of the day. An epoch of collection commenced.”\(^5\) The main problem with these histories was that their nineteenth-century authors were not Talmudists and thus were unable to glean much material from a literary analysis of the talmudic text or from internal evidence. Due to the scarcity of material, their theories lacked sufficient textual evidence and did not withstand critical analysis.\(^6\) There was no direct evidence for Graetz’s imaginative theory of why the rabbis compiled the Talmud, nor, more generally, for the “deep” emotion of which he speaks. It is unclear to what extent the Jewish community in Babylonia was affected by the catastrophes besetting the Roman empire in the fourth century.

Despite the fact that Weiss, unlike Graetz, was a noted talmudic scholar, his internal textual evidence was sparse and weak. For instance, in his analysis of Abbaye, he wrote, based on one story in the Talmud: “This practice [of hairsplitting, interrogating, and retorting] was second nature to him, and he took it to the extreme in debating his colleague Rava. [. . .] In his enthusiasm for pilpul, he rushed to give answers when silence would have been better.”\(^7\) As discussed in chapter 1, Weiss was an accomplished Talmudist who had studied in prestigious yeshivot and authored important works on two midrashei-halakhah, but his historical work displays similar weakness to Graetz’s. Many of his historical assumptions amount to little more than conjecture. About Rava, he remarked, “Indeed, we do not have any clear knowledge about the oppression of Babylonian Jewry at that time, but we do know that Shapur II, who ruled at that time, was not kind to the Jews. Rava was extorted and oppressed by him (Hagigah 5b), so who can say how bitter and terrible was the fate of the Jews in that period [. . .] Furthermore, who knows if after Rava’s death their situation worsened?”\(^8\) Weiss based this conclusion on one story in b. Hagigah 5b, in which messengers from

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\(^7\) Weiss, *Dor dor vedorshav*, 3:176.

\(^8\) Weiss, *Dor dor vedorshav*, 3:179.
the house of Shapur II sent for Rava and imprisoned him in order to extort money from him. Weiss drew additional conclusions about the Jews’ general situation at the time of Rava based on his limited knowledge of the history of that era. Shapur II did engage in religious persecution, mostly of Christians, but also of Jews and Manicheans.9 Christian martyrologies portray the Jews as informers against Christians but also martyrs under Shapur II.10 The Jews’ situation, however, was far better than the Christians’ during his rule, since Jews paid their taxes at a time when Christians did not and further supported the government’s wars against Rome.11 In addition, there is nothing about persecutions in Jewish records until the fifth century.12 In The Formation of the Babylonian Talmud, Jacob Neusner describes the shortcomings of the historians of the period, saying that “the evidence they thought relevant was inadequate to answer the question they posed, and reliance on it led them inevitably to inadequate results.”13 On the other hand, although scholars of talmudic literature, who concentrated on precise study of the texts using modern critical methods, had made impressive progress in the analysis of the Bavli, their work also left many unanswered questions. Halevy discusses and criticizes one such scholar in particular: the prominent Wissenschaftler Zacharias Frankel, who was discussed in chapter 1.14 Frankel’s writings focused mainly on the Mishnah and the Palestinian Talmud.15 But in one of his

12 Wiesehöfer, Ancient Persia, 215.
13 Neusner, introduction to The Formation of the Babylonian Talmud, x.
14 Halevy, Dorot harishonim, 2:300.
few articles on the Babylonian Talmud, he admitted that he did not reconcile the differing accounts found in STVA and the Epistle before proposing a correction to Graetz’s periodization of the saboraic era. As an historical work, Halevy’s *Dorot harishonim* accomplished what Frankel, Graetz, and Weiss could not, combining its author’s deep knowledge of the talmudic text with his historical skills.

Though the gaps and shortcomings of the early sources on the history of the Talmud had begun to attract scholarly interest as Wissenschaft des Judentums emerged near the end of the first quarter of the nineteenth century, scholarship on the subject remained incomplete at the end of the century. Scholars at that time lacked a comprehensive theory that would bring together the various sources in a coherent narrative. Central Europe thus provided fertile ground for Halevy simultaneously to demonstrate his scholarly prowess and advance his agenda; he did so by inaugurating his Orthodox Wissenschaft enterprise with *Dorot harishonim*, a new history of the formation of the Bavli.

### 2.2 Background: The structure of the Talmud

The Babylonian Talmud documents the statements, arguments, and tales of a vast number of sages and serves as the foundational legal and ethical document of rabbinic Judaism. As was mentioned in chapter 1, Maimonides wrote in his introduction to the *Mishneh Torah* that the greatest sages of Israel were mentioned in the Talmud, and that the Talmud’s laws were obligatory for Jews to follow. The Bavli is commonly described as a commentary on the Mishnah, but its nature is more complex than the term “commentary” would imply. Although it takes the Mishnah as a starting point, the text evolves into an exploration of myriad

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subjects, incorporating discussions on a vast array of topics. It not only contains legal discussions and rulings of the Amoraim (the rabbis of Babylonia beginning in the third century) but also presents their worldview. It draws upon the totality of earlier rabbinic teachings and traditions, starting from the late-Second-Temple period in the second century BCE and extending to the teachings of the Tannaim (the rabbinic sages active from the first century CE until the completion of the Mishnah in the early third century CE). It further incorporates the contemporaneous teachings of the Amoraim of Palestine. The Bavli thus represents the culmination of the rabbinic enterprise of the talmudic period, which began in the early third century after the compilation of the Mishnah (compiled, according to the Talmud, by Rabbi Yehudah Hanasi). As a result, it has been assiduously studied, interpreted, and debated by the Jewish community up to the present day. In the words of Ephraim Urbach: “The process which fused the decisions, halakhot [legal rulings], and sevarot [logical deductions] of sages and scholars from generation to generation created a collective authority which can be seen as the sum total of the recognition enjoyed by those sages and scholars.” The collective nature of the Talmud and its gradual development over centuries gives the Talmud its supreme authority, as it represents the combined wisdom of all the rabbinic authorities cited therein.

The Bavli underwent a gradual process of formation across generations of sages. There is much debate regarding the periodization of this process, as will be discussed in more detail in chapters 3 and 4. It is generally agreed, however, that the tannaitic period (whose scholars are called “Tannaim,” from the Aramaic word “tanna,” meaning “scholar” or “teacher”) spanned the approximately 200 years before the codification of the Mishnah in Palestine in the early third century CE. The Tannaim were followed by the Amoraim (Hebrew and Aram., “interpreters” or “reciters”). Until about 500 CE, the Amoraim commented on the Mishnah and the contemporaneous but less canonical Tosefta (Aram., “addition”). They worked in Palestine, especially in Tiberias, Sepphoris, and Caesarea, and in Babylonia, especially in Nehardea, Sura, and Pumbedita. The Saboraim (Aram., “reasoners,” or “those who reflect”) were the Babylonian

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scholars who operated between the Amoraim and the Geonim. Very little is known about the saboraic period, which is one reason why Halevy devoted a significant part of his history to identifying the Saboraim and their contributions to the Talmud. From the seventh to the thirteenth centuries CE, with many disruptions due to the political situation in the Near East, the Geonim (sing., Gaon; Hebr., “excellencies”) headed the talmudic academies and developed talmudic law by interpreting the Talmud and settling disputes regarding its interpretation and application.

As a result of the gradual nature of its formation, the Bavli consists of multiple literary strata. Its most characteristic literary form is the sugya (plural, sugyot). The sugya is a dynamic, free-flowing literary unit that usually contains material representing three layers. The discussion often begins with material from a tannaitic layer consisting of baraitot (sing., baraita, from the Aramaic bar, outside; tannaitic teachings not included in the Mishnah) or quotes from the Mishnah; an amoraic layer, consisting of meimrot (statements) and other amoraic traditions, which often comments and expands upon the tannaitic material; and, finally, a later, editorial layer of anonymous dialectical material known as setam hatalmud (henceforth, “the setam”), which frames and organizes the dialectical argument.

The sugya in b. Yevamot 62a is a good example of this literary unit in the Talmud:

[A] It is taught in a baraita: Rabbi Nathan says [that] Beit Shammai say: “[The mitzvah to be fruitful and multiply in Genesis 1:28 is fulfilled with] two males and two females,” and Beit Hillel say: “A male and a female.”

[B] Rav Huna said: “What is the reason of Rabbi Nathan, in accordance [with the opinion] of Beit Shammai? As it is written: ‘She then bore his brother [et ahiv]
Abel [et Hevel]’ (Gen. 4:2). The apparently superfluous et indicates that she gave birth to Abel and his sister in addition to Cain and his sister. And it states, ‘God has provided me with another offspring in place of Abel’” (Gen. 4:25).

[C] And the rabbis [Beit Hillel] – [how do they understand this verse? In their opinion, Eve] was [just] thanking God [for granting her another child, but not implying an obligation to have two additional children].

Section [A], the tannaitic layer, starts with, “It is taught” and quotes a baraita (in this case, regarding the biblical verse, “Be fruitful and multiply”). Section [B] quotes a meimra, a statement of the Amora Rav Huna explaining the baraita and its reasoning (in this case, the reasoning of Beit Shammai). Section [C] is the setam, the editorial layer of anonymous material, which completes the dialectical argument by explaining the opposing view (in this case, Beit Hillel’s, regarding the meaning of the verse, “Be fruitful and multiply”). The anonymous stratum constitutes most of the talmudic material and also creates the framework of the sugya into which the attributed amoraic statements are inserted.

The basic structure of the Talmud is, therefore, essentially anonymous, which is rather ironic, since the Talmud usually extols attribution. The statement in b. Megillah 15a – “whoever reports [a ruling] in the name of its origi- nator brings deliverance into the world, as it says ‘and Esther told the king in the name of Mordechai’” [Esther 2:22] – is indicative of this tradition. In addition, according to the eminent Talmudist and scholar David Weiss Halivni, the authority of any given statement is connected to “the individual Amora” who said it; the Talmud’s teaching “bears no collective authority.”

The amoraic layer and the setam are the main components of most talmudic sugyot, and they thus have been the subject of much study since Halevy’s time. The critical study of the Bavli has greatly developed in the last century. Talmudic scholars such as Halivni and Shamma Friedman have developed theories about the nature and the unique genre of the setam, and the distinction between these two primary literary strata has become the cornerstone of the

25 All translations of the Tanakh follow the 1985 New Jewish Publication Society (NJPS) translation.
26 My translation, based on Ms. Vatican 110.
27 The Talmud’s praise of attribution is reflected in other passages in the Bavli as well. See examples in m. Avot 6:1, b. Hullin 104b, and b. Niddah 19b. See also David Weiss Halivni, Megorot umesorot leseder Mo’ed from Yoma until Hagiga (Jerusalem: Jewish Theological Seminary, 1975), 5.
academic study of the Talmud. The primary challenge for the reader is to differentiate between the attributed statements of the Amoraim and the anonymous setam discussion surrounding the amoraic dicta.\textsuperscript{29} As Halivni notes, this distinction is of utmost significance, since in many instances the two strata have different degrees of authority or veracity. The attributed statements of the Amoraim have perhaps more authority and are more reliable than the setam. Halivni’s view, therefore, is that in any instance in which the setam’s explanation is clearly incorrect or forced, an alternative interpretation can be found; the attributed amoraic statements, on the other hand, are not subject to debate.\textsuperscript{30} Although Halivni’s view about the lower authority and veracity of the setam differs from those of Halevy and others, as will be discussed in chapter 4, the distinction between these two layers is significant, as the setam clearly represents a diverse genre and has a different level of authority than the attributed amoraic statements. In his introduction to Halivni’s \textit{The Formation of the Babylonian Talmud}, Jeffrey L. Rubenstein provides some guidance in differentiating the two layers: “These strata differ in form and style: Amoraic dicta (\textit{meimrot}) are brief and ‘apodictic’ – a term Halivni borrows from biblical studies, and by which he means both terse and categorical. These typically consist of pronouncements of legal rulings or succinct explanations of an earlier source. The anonymous Talmud, by contrast, is verbose, expansive, and contains the Talmud’s intricate and complex dialectical argumentation. It may include [sic] series of objections, solutions, rhetorical questions, and contrived and spurious propositions, sometimes extending over a full folio or more.”\textsuperscript{31} Rubenstein goes on to explain that although these two strata differ in form and style, it is still not always easy for the reader to differentiate between material from the Amoraim and material that we would attribute to the setam. Although it is useful to notice that the apodictic material of the Amoraim is often written in Hebrew, while the anonymous stratum is primarily in Aramaic, these distinctions are not absolute. Scholars have, in fact, come to different conclusions on

\textsuperscript{29} Halivni notes that these terms (\textit{setamma degemara} and \textit{setamma detalmuda}) are not found in the writings of the Geonim but are commonly used by the twelfth-century Ashkenazic (western European) commentators, such as Tosaft and Rabbi Asher ben Jehiel (ca. 1250–1327). See David Weiss Halivni, \textit{Mevo’ot lemeqorot umesorot: Iyyunim behithavut hatalmud} (Jerusalem: Magnes Press, 2012), 42.


At times the *setam* is short (as in the above sugya), just expanding and concluding amoraic statements to include opposing views. At other times, the *setam* is long, extending over at least one folio, posing challenges and proposing solutions, setting up the Talmud’s dialectical argumentation by bringing the various decisions into conversation and debate. The differing histories of these two strata, in addition to their distinct natures, have provided a key element in the understanding of the structure of the Talmud, but the correct interpretation of these differences is far from a settled matter and has been the subject of fierce debate over the past two centuries. Halevy was literarily perceptive and sensitive to the nuances of the talmudic text, and thus his historiography aimed to address precisely how these diverse components developed.

### 2.3 The sources available to Halevy

Despite the Bavli’s central role in rabbinic Judaism, the history of its formation is elusive and remains subject to scholarly debate. Very little direct evidence can be found to answer the major questions concerning the Talmud’s textual development and redaction, and even indirect evidence is scarce. Although the Mishnah does not discuss its editing process, either, it is clear that Rabbi Yehudah Hanasi (the Prince) played a leading role; several talmudic passages refer to him as the editor of the Mishnah. No such information is available for the Babylonian Talmud’s redaction and editing, with the exception of a brief statement found in b. Bava Metzi’a 86a: “Rav Ashi and Ravina – the end of *hora’ah*.” This ambiguous dictum – and the meaning of the term “hora’ah,” which comes from a root meaning “teach/instruct” – does not describe or explain a redaction or editing process, as will be discussed in more detail in chapters 3 and 4.

In writing his history of the formation of the Babylonian Talmud in *Dorot ha-rishonim*, therefore, Halevy had few previous historical works on which to rely. The primary genre of scholarship produced by Jewish writers from the geonic

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32 Hyman Klein argued that the anonymous dialectical material is exclusively written in Aramaic, with the exception of technical Hebrew expressions. See Hyman Klein, “Gemara and Sebara,” *Jewish Quarterly Review* 38, no. 1 (July 1947): 75–76 and 91. Initially, Shamma Friedman’s position on the subject was similar to Klein’s, but it has evolved over time. See Shamma Friedman, “Wonder Not at a Gloss in Which the Name of an Amora is Mentioned”: The Amoraic Statements and the Anonymous Material in the Sugyot of the Bavli Revisited” [in Hebrew], in *Melekhet Makshevet*, ed. Aharon Shemesh and Aaron Amit. See also Friedman, “A Critical Study of Yevamot X” [in Hebrew], 301–302 and 301n60.

period to the sixteenth century is called *shalshelet haqabbalah* ("the chain of tradition" of the Oral Law). Works in this genre detail the chronology of the sages who transmitted the Oral Law [*Torah sheba’al peh*]. As Yosef Hayim Yerushalmi notes in *Zakhor*, his influential work on Jews’ relationship to the practice of history in the Middle Ages, *shalshelet haqabbalah* literature’s "purpose was to establish and demonstrate an unbroken succession of teaching and authority from the Bible, through the Talmud, and often up to the time of the author himself."

Its writers’ interest was focused almost entirely on the relationship of talmudic literature to earlier rabbinic law. They were not historians because Rabbinic Judaism throughout the ages generally had very little interest in historiography: "the many compositions of this type [*shalshelet haqabbalah*] did not come into being out of a desire to write or interpret the history of the Jewish people. Their chief impulses lay elsewhere – in the need to refute those heretics from within and adversaries from without who denied the validity of the Oral Law, in the practical need to determine points of jurisprudence according to earlier or later authorities, and perhaps also in a natural curiosity about the progress of rabbinic scholarship." There are thus few biographical details about the sages, and when historical events appear, they often seem to be mentioned for no particular reason. Yerushalmi argued that, for the rabbis, what counted was the meaning of the Jewish people’s history. This was an ideological position; as Yerushalmi writes, "far from indicating a gap in their civilization, it may well reflect a self-sufficiency that ours no longer possesses."

As a result of this attitude, their account of the process of the formation of the Talmud is neither comprehensive nor fully developed.

Despite the obvious shortcomings of *shalshelet haqabbalah* literature, this chapter will introduce its main texts because Halevy read and considered them in the process of his own historical analysis – as did many of his contemporaries, and as some talmudic scholars still do today. In his seminal work *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (1998), Robert Brody also extensively employed these accounts to reconstruct the era. In his words, "The works were also the mainstay – and practically the only trustworthy sources – of Jewish scholars of the nineteenth century, who attempted for the first time to describe the history of the Geonic period in accordance with modern historical methods and standards." He further remarked, "We need not agree with all of

37 Yerushalmi, *Zakhor*, 34.
Sherira [Gaon]’s evaluations and preferences, but the data he provides are invaluable. It is not surprising that Halevy, writing at the end of the nineteenth century and into the twentieth, also relied on these accounts to describe the saboraic and geonic eras.

Other more recent scholars have defended Rav Sherira’s methods, or those like his, as well. Isaiah Gafni (b. 1944) has remarked that within Rav Sherira’s chronology, there are many novel historical narratives, including about the talmudic period, and these narratives tell a vital story. As he explains, “the talmudical historical narrative of Rav Sherira is the work of an historian who seeks to logically connect data that survived independently. One modern scholar of historical narrative asserted that ‘histories . . . are not only about events but also about the possible sets of relationships that those events can be demonstrated to figure.’”

His view is based on Hayden V. White’s theory about the importance of narrative in historiography: “Histories [. . .] are not only about events but also about the possible sets of relationships that those events can be demonstrated to figure. These sets of relationships are not, however, immanent in the events themselves; they exist only in the mind of the historian reflecting on them.” Shalshelet haqabbalah literature fits that description extremely well, and thus its relevance as historiography should not be underestimated. Although narrative is not always explicit in chronicles, their chains of events are valuable descriptions of historical realities. As White further explained, “I treat annals and chronicle forms of historical representation, not as [sic] imperfect histories they are conventionally conceived to be, but rather as particular products of possible conceptions of historical reality, conceptions that are alternatives to, rather than failed anticipations of, the fully realized historical discourse that the modern history form is supposed to embody.”

Rav Sherira’s Epistle is important both because it reflects his “conceptions of historical reality” and because the work influenced many others’ conceptions of the amoraic, saboraic, and geonic periods, from Rashi to Halevy to Gafni and beyond.

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In the remainder of the chapter, for the sake of clarity, some more recent scholarship on these works will be included even though Halevy did not have access to it. The chapter will conclude with a brief summary of Halevy’s views of these texts.

2.3.1 Seder Tannaim ve’amoraim (STVA)

The earliest-known account of the history of the Bavli’s formation is found in Seder Tannaim ve’amoraim (Order of the Tannaim and Amoraim), which was composed ca. 886 CE, during the geonic period. At that time, Hayya ben Nahshon was Gaon (head of the academy) of Sura, and Tsemah ben Paltoy was Gaon of Pumbedita. Sura and Pumbedita were the best-known of the formally organized talmudic learning academies, named after neighboring towns near the site of ancient Babylon. By the end of the ninth century, both had moved to Baghdad but continued to be called by the names of the towns where they had been founded. These academies were well-established hierarchical institutions. The Geonim, as the heads of these academies, fulfilled many communal roles and exerted tremendous influence over the entire Jewish world. They had administrative jurisdiction over many territories, and their moral authority extended throughout the Jewish communities outside Palestine. Their influence over those communities stemmed mainly from their writing of responsa, which addressed either questions of practical halakhah or academic queries concerning the interpretation and correct version of talmudic texts. In geonic times, unlike during talmudic times, these responsa became a central tenet of rabbinic activity. After the Muslim conquests of the seventh century, most of the Jews in the world were ruled by a single cultural and political entity for the first time in over 1,000 years. Geonic responsa writing became even more active during the

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Abbasid dynasty, when Babylonia became the center of the Islamic empire.\textsuperscript{47} The Geonim were virtually the only ones authoring these responsa, although they responded in the name of all the scholars of the academy.\textsuperscript{48} The Gaon was thus the ultimate spokesman of the great academies of Babylonia and came to represent their decisive influence over all Jewish communities outside Palestine. The queries addressed to them also provide valuable historical information about the geonic era, as the questioners described their problems as fully as possible, although many of the legally irrelevant details were later omitted by scribes and other users.\textsuperscript{49}

The identity of STVA’s author is unknown, and scholars still debate its attribution. The rabbinic scholar Shraga Abramson (1914–1996) of Hebrew University believed the work to be of Suran origin.\textsuperscript{50} Halevy was of the same view.\textsuperscript{51} More recently, however, Robert Brody has seen no logical reason for this conclusion.\textsuperscript{52} STVA is divided into two parts: a historical section and a methodological section. The historical section describes the chain of transmission of rabbinic tradition, i.e., shalshelet haqabbalah, from the biblical patriarchs, who were assumed to have observed some rabbinic laws, through the middle of the third century CE. It then shifts its focus to the chain of transmission in Babylonia during the next three centuries, starting with the departure of Rav, the first Amora, from Palestine to Babylonia. Its chronology then includes a list of the dates of death of the prominent Babylonian Amoraim and Saboraim, after which it uses a formula to calculate the date of the work from the time of creation, yielding a date in the 880s CE. Then there is a list of the Tannaim and the scholars who came before them, starting with Simeon the Righteous of the Great Assembly. Finally, in a concluding section, the author adds a third historical passage, which lists both Tannaim and Amoraim by generation, from the time of Hillel and Shammai (first century BCE) to the time of Rav Ashi and Ravina (fifth century CE).\textsuperscript{53} The chronology extends beyond that date, although the text relating to the sages beyond the fifth century may have been added by a different author, possibly at a later point than the rest of the text.\textsuperscript{54} The methodological section contains some remarks on the chronology of

\begin{enumerate}
\item[47] Brody, \textit{The Geonim of Babylonia}, 185.
\item[49] Brody, \textit{The Geonim of Babylonia}, 189. For further details on the contents and style of the questions and responsa, or she’elot uteshuvot, see Brody, 190–193.
\item[50] Abramson, “The Textual History of Seder Tannaim ve’amoraim” [in Hebrew], 217.
\item[54] Brody, \textit{The Geonim of Babylonia}, 275n30.
\end{enumerate}
the Amoraim and the identities of rabbis who are frequently quoted in an abbreviated or indeterminate form, i.e., in anonymous statements in the Mishnah, baraitot, and other tannaitic writings. The section also discusses how to determine the identities of sages when several share the same name (such as Rabban Gamliel), or when sages are called by their monikers. The sages' identities are followed by observations concerning the time and place in which they were active. STVA then lists rules for deciding the correct halakah in various cases of disputes between the sages.\textsuperscript{55} Adding to the confusion, there are two distinct chronologies, and, in the second one, the chronological order is maintained for the Tannaim but not for the Amoraim.\textsuperscript{56}

Given these chronological issues, it is highly doubtful that STVA was the work of only one author.\textsuperscript{57} Brody writes that because of the confusing nature of the work, it is not clear that the date in the 880s CE for the work’s composition refers to the entire work we now have.\textsuperscript{58} Therefore, STVA is of doubtful attribution and accuracy. Its account is confusing and, in many instances, unintelligible, though Brody argues that Abramson overemphasized the incoherence of the text.\textsuperscript{59} There is a critical edition of STVA from the 1930s, but a fully annotated modern critical edition has yet to be produced.\textsuperscript{60}

2.3.2 The Epistle of Rav Sherira Gaon (Iggeret Rav Sherira Gaon)

The second-oldest, and by far the most accurate and extensive, account of the talmudic and geonic period is the Epistle of Rav Sherira Gaon (“the Epistle”).\textsuperscript{61} Rav Sherira, Gaon of Pumbedita (906–1006), wrote it in 986 CE (1298 of the Seleucid Era, according to the calendar employed in geonic times) in response to a series of questions addressed to him by the community of Qayrawan (present-
The last question concerns the saboraic rabbis: “How were they ordered after Ravina, and which heads of the academies reigned after them, and for how many years did they reign, from then until now?” In his response, Rav Sherira expanded the scope of the question and included information concerning the history of the amoraic era. Brody notes, “Although Sherira does not say so, he may also have seen this as an excellent opportunity to stress the great antiquity and glorious heritage of the Babylonian academies, and particularly his own academy of Pumbedita.” He also addressed the formation of the Talmud and discussed the Saboraim twice in his response: once in the context of literary history, regarding their contribution to the process of the formation of the Talmud, and once in the context of institutional history, regarding their status as contemporaries of the early Geonim. Rav Sherira further noted the existence of misinformation regarding the talmudic period. (Jewish scholars of the nineteenth and much of the twentieth century thought that Rav Sherira wrote the Epistle at least in part in defense of rabbinic tradition against Karaite criticism, as Benjamin M. Lewin discussed in the introduction to his critical edition of the Epistle. Now, however, there is a scholarly consensus that the questions by the community of Qayrawan that Rav Sherira attempted to answer in the Epistle were typical of the inquiries that interested the rabbanite intellectuals of Qayrawan.) Brody argues that it is possible that Rav Sherira composed the Epistle because the questioners from Qayrawan believed that STVA provided sufficient sources on the amoraic period, and Rav Sherira felt it necessary to counter that work, even indirectly.

Due to the fact that Rav Sherira was the Gaon of the academy of Pumbedita, some scholars have suggested that the Epistle presents the Pumbeditan view of

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62 This information is contained in the heading of the Epistle in various manuscripts. See Brody, The Geonim of Babylonia, 20n4; and Benjamin Manasseh Lewin, ed., Iggeret Rav Sherira Gaon: Mesuderet bishnei nusahot. Nusah Sefarad venusah Tsarfat im hilufei girsa’ot mikol kitvei hayad vekitvei hagenizah sheba’olam (Haifa: G. Itzkowsky, 1921), 2–4. On the Seleucid calendar as the preferred method of chronology during the geonic period, see Brody, 7n17.

63 Lewin, ed., Iggeret Rav Sherira Gaon, 6. See also Brody, The Geonim of Babylonia, 10.


66 For Lewin’s account, see his introduction to his edited Iggeret Rav Sherira Gaon, v–xvii. On the current consensus, see Brody, The Geonim of Babylonia, 20n5.

Babylonian Jewish history. This perspective would explain Rav Sherira’s failure to provide a specific account of the activities of the academy of Sura in the early sixth century, as well as for his dating of the end of the saboraic period. It is evident from the Epistle that Rav Sherira dates the beginning of the geonic period to no later than 588–589 CE (900 on the Seleucid calendar). Thus, the saboraic period would have ceased several years earlier, with the two periods separated by a time of persecutions. In the nineteenth century, Abraham Epstein suggested that perhaps this dating was the Pumbeditan version of the transition, while the Suran version would date it a century or more later, to after the rise of Islam. He draws this conclusion from a mention in STVA that dates the chronology of the last of the Saboraim to after the rise of Muhammad. Both Brody and Gerson Cohen, however, have challenged his assertion. Furthermore, Brody notes that the passage in STVA is problematic, as it dates the rise of Muhammad to the year 516–517 CE, almost a century earlier than when it occurred. Moreover, as will be discussed in chapter 4, the transition from the saboraic era to the geonic era was not a single unique event but, rather, a process that spanned a long term, as evidenced by the fact that some sages even in the later geonic era had the title of Sabora. In various instances, moreover, enactments of the Geonim were referred to as saboraic. Thus the various dates of the transition do not reflect different academies or traditions as the source, but, rather, various stages in the process. Brody has argued, therefore, that there is no good reason to question the accuracy of Rav Sherira’s account of the events and chronology of the sixth

71 Kahana, ed., Seder Tannaim weAmoraim, 7.
73 Brody, The Geonim of Babylonia, 10.
74 For such an instance, see Binyamin M. Lewin, ed., Otsar hageonim: Teshuvot Geonei Bavel uperushehem al-pi seder hatalmud, vol. 12, Bava Qamma (Jerusalem: Mossad Harav Kook, 1940), 57 (section 186).
75 Two examples are the famous enactment of the rebellious wife [moredet], described by Suran Gaon Rav Natronai b. Hilai as saboraic, and the first sugya in b. Qiddushin, described by Rav Sherira as authored by Saboraim. This phenomenon will be discussed in chapter 4. See also Brody, The Geonim of Babylonia, 9–10.
century. It is very unlikely that the two academies had developed different conceptions of post-talmudic history.\textsuperscript{76}

Rav Sherira relies on a variety of sources, and scholars debate whether the Epistle should be considered an independent chronological source, or whether Rav Sherira used STVA as a source.\textsuperscript{77} Brody argues that the chronology of the Epistle is in some cases similar to that given in STVA, while in others it varies considerably.\textsuperscript{78} He thus proposes that STVA and the Epistle shared a common third source. According to this model, Rav Sherira and the author of STVA each completed their chronology based on this third source, which has since been lost.\textsuperscript{79} In Brody’s opinion, the lost source was of Suran origin and included a chronicle of the Amoraim until the death of Rav Ashi (fifth century CE) and perhaps beyond. This source may even have been the origin of the Epistle’s chronology of the academy of Sura during the early saboraic era.\textsuperscript{80} Brody believes that such a chronicle, spanning a period of over 200 years, is not the product of an individual but, rather, of an established institution, perhaps the exilarchate.\textsuperscript{81}

Brody’s theory, if correct, enhances the Epistle’s credibility in its account of the amoraic period. Before Brody presented his ideas, it was assumed that Rav Sherira’s knowledge of that period and of the general evolution of talmudic literature stemmed principally from his interpretation of talmudic sources, and scholars debated whether Rav Sherira had had access to reliable non-talmudic sources. The Epistle frequently cites talmudic sources but hardly mentions other sources on the period. Brody writes that it is unclear whether Rav Sherira failed to cite other sources because his most important sources were talmudic, or because his readers only had access to talmudic, and not extra-talmudic,

\textsuperscript{76} Brody, \textit{The Geonim of Babylonia}, 9–10.
\textsuperscript{77} Heinrich Graetz believed that Rav Sherira had relied upon the confused chronology of STVA. See Halevy, \textit{Dorot harishonim}, 2:441–447; and Brody, “On the Sources for the Chronology of the Talmudic Period” [in Hebrew], 72. Many other scholars, including Jacob Efrati, Daniel Sperber, and Moshe Baer, have addressed this topic. For a summary of their views, see Brody, 77.
\textsuperscript{78} For instance, STVA and the Epistle have strikingly similar chronologies of events in the amoraic era. See Brody, “On the Sources for the Chronology of the Talmudic Period” [in Hebrew], 82–83. Yet STVA’s descriptions of events during the amoraic era vary significantly from the Epistle’s. See Brody, “On the Sources for the Chronology of the Talmudic Period” [in Hebrew], 82–83. For more significant differences, see Brody, 77–81; Goodblatt, \textit{Rabbinic Instruction in Sasanian Babylonia}, 36–37; and Gafni, \textit{The Jews of Babylonia in the Talmudic Era} [in Hebrew], 246.
\textsuperscript{81} See Brody, “On the Sources for the Chronology of the Talmudic Period” [in Hebrew], 92–95.
material.\textsuperscript{82} Isaiah Gafni argues that even for the amoraic period, an era far removed from the geonic, Rav Sherira drew information from a variety of chronological lists similar to those provided in \textit{STVA}, making his broad chronological framework sound and free of major flaws.\textsuperscript{83} Gafni added, however, that the \textit{Epistle}’s historical narrative of the talmudic period did not draw on such outside sources, and Rav Sherira played a far more active and creative role in composing that account.\textsuperscript{84} David Goodblatt has disagreed with Gafni, arguing that the long span of time between the talmudic period and the \textit{Epistle} highly decreases the likelihood that Rav Sherira had access to reliable chronological sources.\textsuperscript{85} Brody, too, is skeptical about Rav Sherira’s accuracy regarding events of the talmudic era, as it is difficult to assess whether there were reliable extra-talmudic sources available to him; his dating for the various events of the period, however, does not seem entirely false. Despite this ongoing scholarly controversy about the \textit{Epistle}’s accuracy concerning talmudic times, there is a general consensus that Rav Sherira provides extremely useful information on the post-talmudic era.\textsuperscript{86}

For the late-amoraic (post-Rav-Ashi) and post-amoraic (saboraic and geonic) periods, Rav Sherira’s historical account is based, to a large extent, on the records of the central Babylonian academies whose history it relates, as well as other outside sources, and it is often supported by independent evidence.\textsuperscript{87} For example, the \textit{Epistle} mentions persecutions during the rule of Yazdgird II in the mid-fifth century CE, in the post-Rav-Ashi era.\textsuperscript{88} These persecutions and impositions also affected the Christians (other than Armenians), and several of the Syriac Acts of Martyrs also mention them and their impact on the Jews.\textsuperscript{89} Scholars have agreed that the \textit{Epistle}’s post-talmudic account draws on written records of the two

\begin{itemize}
\item \textsuperscript{82} Brody, \textit{The Geonim of Babylonia}, 23.
\item \textsuperscript{83} See Isaiah Gafni, “On the Talmudic Chronology in Iggeret Rav Sherira Gaon” [in Hebrew], \textit{Zion} 52, no. 1 (1987).
\item \textsuperscript{84} Gafni, “On Talmudic Historiography in the Epistle” [in Hebrew], 293–296.
\item \textsuperscript{85} See Goodblatt, \textit{Rabbinic Instruction in Sasanian Babylonia}, 35–40.
\item \textsuperscript{86} For further details on the controversy, see Brody, \textit{The Geonim of Babylonia}, 23, and, especially, 23n17.
\item \textsuperscript{88} Lewin, ed., \textit{Iggeret Rav Sherira Gaon}, 94–96.
\item \textsuperscript{89} On the persecutions in the Syrian Acts of Martyrs, see Richard N. Frye, “The Political History of Iran,” in \textit{The Cambridge History of Iran}, vol. 3(1), ed. Ehsan Yarshater, 147; and Jacob Neusner, “Jews in Iran,” 915–916. See also Gafni, “On the Talmudic Chronology in Iggeret Rav Sherira Gaon” [in Hebrew], 11–13, for further corroboration of these persecutions.
\end{itemize}
academies and on the oral traditions then current in Rav Sherira’s circles. Given his position as Gaon of Pumbedita, it seems clear that Rav Sherira’s knowledge of events in Pumbedita was more detailed, and perhaps more accurate, than was his information on Sura. The core of his account is a description of the saboraic activities and a list of Saboraim with some details about them, followed by his account of the geonic period with a list of the Geonim, including in most instances the lengths of their terms. He also includes the dates on which most of the Pumbeditan Geonim assumed their positions. The Epistle’s account of events is structured chronologically and divided into centuries according to the Seleucid system. The recounting of events alternates between those at Pumbedita and those at Sura.

There exist two recensions of the Epistle. Since it does not appear that Rav Sherira ever produced a second edition of his work, and there is no evidence of his revisions in either recension, Brody argues that these are “two versions of the same work.” The two versions differ in grammar, wording, and some substantial points of content. The most famous difference between the two versions regards Rav Sherira’s response to the question of whether the Mishnah and Talmud were redacted in writing or orally. As Brody points out, the question posed to Rav Sherira assumed a written model, asking, “how was the Mishnah written? [. . .] And how was the Talmud written?” The two recensions have different responses. The “Spanish recension” adopts the questioner’s language in reference to writing, while the “French recension” avoids any mention of writing. It instead uses the terms “redaction (tykken)” and “formulation (lehiburey).”

The misleading terms “Spanish recension” and “French recension” originate in nineteenth-century scholarship on the Epistle. They stem from the fact that medieval Spanish Jewish authorities, including Maimonides and Rabbi Shemuel Hanagid (993–1056), understood the Mishnah and Talmud to have been written down soon after the oral redaction process was completed. Scholars therefore dubbed as “Spanish” versions of the Epistle that used the term katav (Hebr., “wrote”). Versions that did not support the written model were termed “French”

90 For a discussion of whether these were familial or institutional oral traditions, see Brody, The Geonim of Babylonia, 22–23.
95 For “redaction,” see Lewin, ed., Iggeret Rav Sherira Gaon, 36; for “formulation,” see Lewin, ed., 31.
because they aligned with the opinion of French Jewish authorities, such as Rashi (1040–1105) and Rabbi Moses ben Jacob of Coucy (1200–1260), the author of the Sefer mitzvot gadol (The Great Book of Commandments, on the 613 commandments). In his edited Epistle, Lewin grouped the manuscripts into two parallel columns on the basis of this distinction. Lewin argued that the Spanish recension was for the most part the original version, believing that Spanish scholars were in closer contact with the Geonim and the Babylonian academies. Thus the French recension was, in his opinion, secondary.

Halevy was a guiding force in Lewin’s research. In his introduction to the Epistle, Lewin writes: “In particular I have expended much effort on making accessible, through brief notes, the gist of the research of the monumental Dorot harishonim as it pertains to the Epistle, so as to elucidate and clarify the words of Rav Sherira Gaon, and because this wondrous book is a great and wide sea that not everyone can navigate.” Lewin was a follower of Halevy, despite the latter’s many detractors among the practitioners of Hokhmat Yisrael. As discussed in the previous chapter, Lewin published volume 6 of Dorot harishonim in Jerusalem in 1939. In his Rabbanan Savora’ei vetalmudam (1937), Lewin presents a number of Halevy’s theories and always praises his contribution to scholarship. Halevy, on the other hand, was not as complimentary of Lewin and his critical approach. As described later in this chapter, Halevy did not approve of Lewin’s reliance on manuscripts and did not utilize them in his own research.

Both the division of the text of the Epistle into a Spanish and a French recension and the preference for the Spanish version have been challenged in recent scholarship. The nineteenth-century division was predicated not upon any solid evidence but, rather, upon the assumption that medieval scholars had superimposed their own views on the Babylonian Geonim and had altered the work to fit their preconceived ideas. In addition, the notion that the French recension was developed by French scholars is quite problematic, given the evidence found in the Cairo Genizah. Brody has pointed out that it is

96 See Lewin, introduction to Iggeret Rav Sherira Gaon, ed. Lewin, xlvi and lvii–Ix.
97 See Lewin, introduction to Iggeret Rav Sherira Gaon, ed. Lewin, lvii–I.
99 For more details, see Asaf Yedidya, “Benjamin Menashe Lewin” [in Hebrew], 140–141.
100 For notable examples, see Binyamin M. Lewin, Rabbanan Savora’ei vetalmudam (Jerusalem: Ahi’ever, 1937), 3, 7, and 54.
“particularly striking and significant [. . .] that all the fragments of the Epistle found in the Cairo Genizah belong to the so-called French recension!”\textsuperscript{102} Brody concludes that textual analysis shows that the French recension is the original. Its Aramaic has more features in common with geonic Aramaic, and it preserves the original text. Difficult readings, often interpreted and explained away in the Spanish version, are left in place in the French version, suggesting that, according to the principle of \textit{lectio difficilior potior} (the more difficult reading is [the] better [one]), the French recension is the one closer to the original.\textsuperscript{103} Moreover, Yaakov Nahum Halevi (J. N.) Epstein (1878–1952) noted that, while the underlying text takes for granted an oral redaction, the conception of a written redaction has clearly been superimposed on it.\textsuperscript{104} Both recensions have this same critical passage, demonstrating that Rav Sherira assumed an oral model: “And as for what you wrote: ‘How were the Mishnah and the Talmud written?’ The Talmud and the Mishnah were not written, but redacted, and the rabbis are careful to recite them orally.” The Spanish recension even adds, “and not from written copies.”\textsuperscript{105} It is thus evident that any allusions to a written redaction are later additions, and so the French edition, which maintains the oral redaction model throughout the text, appears to be more reliable in maintaining the most accurate possible version of the Epistle.

2.3.3 The \textit{Sefer haqabbalah} of Abraham Ibn Daud

\textit{Sefer haqabbalah} (The Book of Tradition) of Abraham Ibn Daud (ca. 1110–1180), completed in Toledo in 1161, provides another major contribution to the chronology of the talmudic period.\textsuperscript{106} \textit{Sefer haqabbalah} includes much of the same material as the Epistle, but the two works nonetheless differ significantly. The texts disagree on the date of death of Ravina bar Huna and, therefore, on the date of the redaction of the Talmud. While the Epistle has the date of Ravina bar Huna’s death and the concurrent closing of hora’ah in 500/501, \textit{Sefer haqabbalah} has it

\begin{itemize}
  \item \textsuperscript{102} Brody, \textit{The Geonim of Babylonia}, 22.
  \item \textsuperscript{103} In a few instances, however, there are original readings in the Spanish recension. See examples in Epstein, \textit{Introduction to Amoraic Literature} [in Hebrew], 614–615, cited in Brody, \textit{The Geonim of Babylonia}, 22. See also Halivni, \textit{The Formation of the Babylonian Talmud}, 25n71.
  \item \textsuperscript{104} See Epstein, \textit{Introduction to Amoraic Literature} [in Hebrew], 610–615, cited in Brody, \textit{The Geonim of Babylonia}, 22.
  \item \textsuperscript{105} Brody, \textit{The Geonim of Babylonia}, 22; Lewin, ed., \textit{Iggeret Rav Sherira Gaon}, 71, which Brody cites there.
  \item \textsuperscript{106} The date of the composition of the work is noted by Ibn Daud himself. See Ibn Daud, \textit{The Book of Tradition}, ed. Cohen, 43.
\end{itemize}
as 474/475. Ibn Daud’s survey of the geonic period also departs from the Epistle’s account, and modern research has shown it to be replete with problems and inaccuracies. His list of the first three generations of Geonim is indicative of Ibn Daud’s problems: he placed the Geonim of Sura in Pumbedita and vice versa. Gerson Cohen has said that modern scholarship on geonic history has largely supported Rav Sherira but not Ibn Daud, and thus one cannot count on “the credibility of Ibn Daud whenever he makes an otherwise unattested statement.” Cohen argues that Ibn Daud was informed by one post-talmudic work, which was similar to the Epistle, and that he also incorporated material from other works and rearranged the Epistle’s material to create his own chronology.

2.3.4 The Seder haqabbalah of Rabbi Menahem Meiri

Another chronological work that should be mentioned in this context is Seder haqabbalah, by the Provençal scholar Rabbi Menahem Meiri (1249–1316). Meiri was unique among the high-medieval rabbinic scholars [Rishonim] in offering a historiographical work dedicated to a comprehensive, cohesive chronology of the redaction process; the others included their theories about the redaction of the Talmud in their commentaries on the Talmud or as introductions to their halakhic works. (See, for example, Maimonides’s summary of the issue in the introduction to his Mishneh Torah and to his commentary on the Mishnah. See also Rashi to b. Bava Metzi’a 86a, s.v. sof.) Although Meiri’s work was also published as an introduction to his commentary to m. Avot (Ethics of the Fathers), it is unique in that it is an historiographical work in the genre of shalshelet haqabbalah. Unlike the introductions of the other Rishonim, Seder haqabbalah is actually an independent work appended to m. Avot rather than just an introduction. It precisely lays out the chain of tradition from Adam until

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112 On his introduction to the Mishnah, see Maimonides, Mishnah: Im pirush Moshe ben Maimon, ed. and trans. Josef David Kapach; see also Maimonides, introduction to the Mishneh Torah, Shabtai Frankel ed., 1:1–4.
Meiri’s own lifetime, with details about the people as well a thorough analysis of their works. Meiri also includes a brief summary of Jewish history from the creation of the world until his own days: “In [my commentary on] this Mishnah, I will elaborate upon the entire chain of tradition, from the day God created man until today.”

His work expands beyond a pure historiographical account into historiosophy – the analysis of events and of the sages’ character. Meiri’s sources for the historiography of the talmudic period come primarily from rabbinic literature; Ibn Daud’s \textit{Sefer haqabbalah} serves as his main source for the chronology of the post-talmudic period, although it is possible that he also sometimes relied on a Book of Tradition authored by Rabbi Nissim ben Jacob, also known as Rabbi Nissim Gaon (990–1062). This work is known to have existed, but no extant copies of it have been discovered. Though Meiri’s account of the formation of the Talmud did not add any significantly reliable original perspectives to the literature on the subject, his analysis of the process does add some important ideas. For instance, when describing the era of the Saboraim, he notes, “For all the days of Rabbanan Savora’ei, regal honor was accorded the heads of the academy. They would still teach the Talmud orally, since no composition of the Talmud had been widely disseminated yet.”

His view is consistent with Halevy’s opinion, to be discussed later, that the Talmud continued to be transmitted orally during saboraic times, even after a written text was available.

### 2.4 Halevy’s assessment of the sources

Halevy did not view any of the shalshelet haqabbalah literature in a particularly positive light. He characterized the text of STVA as corrupt and its material as disjointed. He thought that it was a compilation of several chronologies and not the work of one author. Unlike Graetz, Halevy did not believe that the Epistle used STVA as a source. He preferred the Epistle, and he used it as the basis of his own chronology in \textit{Dorot harishonim}, writing: “In all matters related

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116 On the lack of significant originality, see Havlin, introduction to \textit{Seder haqabbalah}, ed. Havlin, xlvi.
to Babylonia, Rav Sherira Gaon’s words are reasoned and verified.”

When contrasting it to STVA, Halevy remarked, in his unique style, “If we compare the clear and organized words of Rav Sherira Gaon to a human being, can the words of [STVA] even be considered simian?”

Halevy used various editions of the Epistle: the first edition, published by Rabbi Samuel Shalom in Constantinople in 1566 as part of Abraham Zacuto’s Sefer hayuhasin; Baer Goldberg’s Hefets matmonim edition of 1845, based on Ms. Berlin; and Adolf Neubauer’s 1888 Seder hahakhamim edition. These were not critical editions, and all had many errors and misprints, which Halevy corrected throughout. As he was very skeptical of recent editions relying on newly found manuscripts, Halevy thought that Shalom’s edition of 1566 was the most accurate. In his view, Shalom was very knowledgeable and had had many manuscripts available to him. Although Halevy acknowledged the myriad mistakes and misprints in Shalom’s edition, he believed that the other editions were based on later manuscripts with which later scribes had tampered, making them less reliable. As with talmudic manuscripts, moreover, Halevy rejected the utilization of manuscripts of the Epistle in the publication of a critical edition. In a letter to his son Shemuel, he expressed his preference for the printed editions of the Epistle: “Your honorable friend Mr. Lewin is afflicted with the same disease as all those who think that manuscripts are sacred, having been written by angels, and contain no scribal errors. [. . .] In truth, manuscripts are more susceptible to errors than the printed editions of a publishing house, which has dedicated editors.” Halevy always preferred correcting the printed text himself when he believed the extant version posed difficulties. Such an approach to emendation also gave him latitude to correct any text that did not fit his theories. In keeping with his determined apologetic approach,

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120 Halevy, Dorot harishonim, 2:163.
121 Halevy, Dorot harishonim, 2:442.
125 Halevy, Iggerot Rabbi Yitzhak Isaac Halevy, 147 (letter 76).
his creative emendations, which can be significant, at times contradict all textual witnesses and the view of early rabbinic authorities. These numerous emendations to the Talmud are dispersed throughout his work.\footnote{126} One of Halevy’s greatest points of agreement with Rav Sherira concerned the Epistle’s account of the leading role of the academy of Sura at the time of the end of hora’ah.\footnote{127} But Halevy disagreed with the Epistle’s dating on a number of significant points, including regarding the periodization of the saboraic era – and, in fact, whether there even was a saboraic era clearly distinct from the geonic era, since the Epistle seems to imply in several instances that there was not a clean break between them.\footnote{128} In several cases, Halevy contradicted Rav Sherira, often using dating matching Ibn Daud’s in Sefer haqabbalah. Regarding the death of Ravina bar Huna and the ensuing end of hora’ah, Halevy went so far as to emend the text of the Epistle, antedating the death by 25 years. Halevy’s critics, and even his own son, harshly criticized him for this action, as will be discussed in chapter 4.\footnote{129}

Halevy’s use of some dates from Ibn Daud in his own chronology should not be seen as an indication that he usually considered Sefer haqabbalah to be a more reliable source than the Epistle, though he occasionally thought that.\footnote{130} Halevy acknowledged Sefer haqabbalah’s weaknesses, especially for one time period: “It is difficult to rely on what Ibn Daud says about the amoraic era, since nothing he says is precise.”\footnote{131} In his view, the errors in the text of Sefer haqabbalah were due to faulty sources.\footnote{132} For the late- and post-amoraic era, however, Halevy thought that Sefer haqabbalah provided valuable independent information, since it recorded Suran traditions, while Rav Sherira presented Pumbeditan traditions.\footnote{133} For ideological reasons, it was imperative for Halevy that Ibn Daud had not seen the Epistle, since that meant that Sefer haqabbalah represented a totally independent source, from which Halevy could adduce independent evidence to support his views, and, at times, even to emend the text of the Epistle.\footnote{134} Halevy employed this strategy to amend the date of Ravina’s death (as will be discussed in chapter 4), to identify members of his \textit{beit
had, to create his timeline of Saboraim, and to date the transition between their era and that of the Geonim, which, according to Halevy, varied depending on whether one was in Sura or Pumbedita.  

Halevy does not quote Meiri’s *Seder haqabbalah*. Although the work had been published in 1821 in Salonika by Rabbi Hayyim Palagi (1788–1868), almost the entire edition was burned, leaving only a few remaining copies, which meant it was unknown to many rabbinic scholars. Although Halevy generally had a negative view of the historical acumen of the Rishonim, since they did not write dedicated works of history, *Seder haqabbalah* is quite different from the others, since, as discussed above, it presents a complete shalshelet haqabbalah. Yet it is not surprising that Halevy did not quote it, due to its scarcity, though it had been reprinted in Vienna in 1854. It is quite unfortunate that Halevy did not have access to it, since it is precisely the type of historiography that he remarked was missing from the works of other medieval scholars, and, on several occasions, his ideas matched Meiri’s. For instance, both Meiri and Halevy thought that the Talmud was taught orally throughout the saboraic period, even when written exemplars were already available, as will be discussed further in chapter 4. One further instance of agreement was the identification of Rav Ahai, who is mentioned in b. Ketubbot 2b and b. Zevahim 102b. Both Meiri and Halevy identified him as Rav Ahai son of Rav Huna, who was mentioned in the Epistle among the sages of the first generation of Saboraim. Their shared view contrasted with that of Tosafot, who claimed that Rashi’s grandson, Rabbi Shemuel ben Meir (RaSHBaM, ca. 1080–85–ca. 1174) assumed that Rav Ahai was the eighth-century Gaon Rav Ahai of Sabha, as will be discussed in chapter 4.

Halevy’s criticism of the shalshelet haqabbalah literature arose from two primary factors: historiography and ideology. As discussed in chapter 1, Halevy

saw himself as a scholar in the tradition of Hokhmat Yisrael, a man who prized objectivity and the careful reading of primary sources. On the Epistle, he said: “We have already noted the obvious fact that in regard to the era of Tannaim and Amoraim, it is imperative to return to the sources and clarify everything through the words of the Talmud using clear evidence, irrespective of the accuracy of the Epistle’s text.”

Despite Halevy’s call for, and use of, modern scholarly practices, and his commitment to using the Talmud, the Epistle, and Sefer haqabbalah to construct his chronology, his agenda – proving certain points that supported his political ideology – often interfered with his implementing those practices in his own work. The emendation of the Epistle regarding the date of the closing of the Talmud is only the most serious example of Halevy’s willingness to bend the sources in order to reach a predetermined conclusion.

2.5 Conclusion

In Halevy’s time, as is mostly still true today, the shalshelet haqabbalah literature described in this chapter, along with minimal internal evidence from the Talmud, were the only pre-modern sources on which a scholar could rely in attempting to reconstruct the process of the formation of the Talmud. Current scholars, including Robert Brody, Isaiah Gafni, and David Weiss Halivni, continue to draw on these works. As Halevy and some of his contemporaries realized, these works lack historical sophistication. Their authors were not historians and thus did not prioritize getting to the historical truth of the Talmud’s formation. Halevy saw the weaknesses of STVA, the Epistle, and Sefer haqabbalah, and he claimed that he would improve them in his own chronology as set out in Dorot harishonim. Yet, though he professed interest in objectivity and the thorough investigation of primary sources, and though he did make some valuable contributions to the history of the formation of the Bavli, his determination to make certain political and apologetic points about the early rabbinic world often interfered with his willingness to use modern historical methods, as will be discussed in the next two chapters.

141 Halevy, Dorot harishonim, 2:215n17.