

In the light of recent controversies within the orthodox camp, the by now classical disagreement between Rabbi S. R. Hirsch and Rabbi S. E. Bamberger concerning relationships towards non-orthodox groups is of considerable current interest and relevance. Professor Levi, the translator of these selections from Rabbi Hirsch's writings, teaches physics at the City University of New York and is the author of *Vistas from Mt. Moriah*.

THE RELATIONSHIP OF THE ORTHODOX TO HETERODOX ORGANIZATIONS

From A Halakbic Analysis by Rabbi S. R. Hirsch

Torah-Jewry faces today large Jewish communities — organized and unorganized — that have become estranged from Torah. Formulating an attitude and approach to these communities is one of the major problems confronting our spiritual leadership. Searching our tradition for guidance, we find the work of Rabbi S. R. Hirsch, who faced a similar situation a century ago. Although his situation differed from ours in some very important respects, his formulation is in such fundamental and general terms that it can provide important guidelines for us.

For instance, his distinction between *minut* and *minim* (heresy and heretics) provides important clues to understanding the reactions of past Torah-leaders to heterodox communities, which were ostracized on some occasions but not on others. Even more important, however, is the guidance this distinction can provide for our own splintered Torah-camp today.

We also find in his work a clear definition of *minut* as applied to Reform Judaism today and of the relationship between the *min*, the *mumar* (the apostate), and the idolator.*

* Rabbi Hirsch does not distinguish between *min* and *apikoros* (see footnote in Sect. 3, which is a parenthetical remark in the original letter). In the translation I have therefore omitted the terms *apikorsim* and *apikorsut* when they occur in conjunction with *minim* and *minut*, as they frequently do, and have not even indicated this omission by ellipses.

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Lastly we find there a formulation of the extent of separation demanded by Torah-law, based on Bible, Talmud and later *Poskim* (religious authorities).

These issues are often argued on the basis of either expediency or *Daat Torah* (non-halakhic opinions of Torah authorities). One side argues that we will make the return easier for our estranged brethren by offering compromises and glossing over differences. The other side feels that only their own lack of meaning and purpose can make our estranged brethren look to us, and that, consequently, only clarity of purpose and uncompromising conviction on our part can attract them.

These arguments have resulted in an unfortunate tendency to lose sight of the basic halakhic questions involved, which must override any of the above "strategic" considerations.

I am not aware of any other attempt, in the modern responsa literature, to treat these questions in terms of Halakhah and therefore felt that a presentation of this material might be an important public service.

The material was selected from two open letters¹ written by Rabbi Hirsch to substantiate his decision that Torah-law forbids association with any organization which denies in principle certain fundamentals of Judaism. Both were written in response to challenges by Rabbi S. B. Bamberger² whose basic arguments are briefly given below (at the end of the first passage in Section 3). Attention is drawn to the responsum of the *Chatam Sofer* quoted in Section 4.

I tried to keep the translation quite literal, with only occasional sacrifices to readability. Omissions are, as a rule, indicated by ellipses. When a Hebrew text is quoted in the original letters, I have translated it. Occasionally this has made the paraphrase following the quote superfluous; in such instances, I have omitted the paraphrase (without ellipses). "*Jüdisches Gesetz und Wahrheit*" has been rendered: "Torah and Mitzvah."

The Relation of the Orthodox to Heterodox Organizations

1. THE DISTINCTION BETWEEN THE INDIVIDUAL AND THE SYSTEM AS IT RELATES TO SHUNNING *MINUT*.

Rabbi Hirsch's central point here is that immunity due to ignorance applies also to *minim*, and that we must, therefore, remain in friendship with Jews who were raised as *minim*; that it does not, however, apply to *minut*, the principle and the system, and that we must therefore shun *minut*-organizations, even if their members are not culpable.

[p. 339-340] "The issue is not at all the separation between individuals, a withdrawal from friendly intercourse with brethren of differing religious convictions. . . . The issue is secession from all ties with *minut*, from all ties with acknowledgment of opposition-in-principle to Torah and Mitzvah, — not the secession from social ties with *minim*, with individuals who acknowledge such opposition-in-principle. Thank God, there are in our days no more *minim* in the sense of our codices, concerning whom they teach us to avoid even mere contact. We are taught that gentiles outside *Eretz Yisrael* are not to be considered idolators and that there are no *minim* among the nations³ and that, therefore, what we are commanded concerning the avoidance of contact with pagans does not apply to such gentiles because *minhag avoteyhem bi-y'dehyem* — their religious views and ways are habits acquired through parental influence. The same applies to our Jewish contemporaries who have adopted *minut* in attitude and practice. They too are already the second and third generation of those who first thought up the defection and then executed it by means of propaganda. To them applies perfectly what Maimonides teaches concerning the *apikorsim* and Karaites of his time:⁴

But the children of those who strayed, and their grandchildren who were misled by their parents, who were born among the Karaites and raised according to their opinions, he is like a small child who was captured among them and raised by them; and he is not eager to adopt the ways of the Mitzvot; he is as one coerced. And although he heard afterwards that he is a Jew and saw the Jews and their religion, he is as one coerced because they raised him in their error; similarly those that we mentioned who follow the paths of their Karaite fathers. Therefore we should bring them back in repentance and draw them with words of peace until they return to the strength of the Torah.

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“But, the more we must remain in peaceful and friendly intercourse with our contemporaries who grew up in the ideas and ways of *minut* — the more demanding for us the necessity to remain distant from the *minut*-system [i.e., *minut*-organizations] in whose confession they were raised. . . . Otherwise this intercourse could have exactly the opposite effect on us and our children. That *minut* is more seductive than idolatry, that *minut mashkha*, as our sages put it, we have, unfortunately been shown by the . . . experience of our time.”

2. THE REQUIREMENT TO SHUN *MINUT*

[pp. 336-337] “Our codices obligate us to far greater separation from *minut* than even from *avodah zarah*; from opposition-in-principle to Torah and Mitzvah, than from idolatrous heathenism. Of *minut* it is taught⁵ ‘Remove far from her your way,’ and only of *minut*⁶ ‘Of those who come to her, none shall return.’ I recall R. Tarphon’s statement⁷ ‘Even if a man chases after him to kill him, a snake to bite him, he may enter a house of idolatry, but not the house [of *minim*], for they know and yet deny, while the former deny out of ignorance.’ Or R. Yishma’el⁸ who permitted his nephew to die rather than be cured by a *min*, although a cure by an idolator would have been permitted, the principle being here: ‘*Minut* is different, for it allures; he might be drawn after it.’ Hence, beyond all doubt, anything forbidden concerning idolatry is forbidden to an even greater degree in connection with *minut*.

“Now, I must avoid all appearance of belonging to idolatry, as if I approved of it or praised it; even one who participates in the banquet of an idolator, even if he eats kosher food and is served by his own people, transgresses the prohibition⁹ ‘You shall not make a covenant . . . and he would call you and you would eat from his sacrifice.’ Even to save my life I may not say I were an idolator and only to save my life may I give the impression I were an idolator¹⁰, etc. — and then an Orthodox Jew should be permitted to join, without coercion, a *minut*-community, remain a member of a *minut*-community — *minut* from which we must separate ourselves even more than from idolatry?”

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Could there be a greater *Chillul Hashem* and 'strengthening of *minim*' than this?"

[pp. 338-339] "Concerning the Karaites it was found obligatory to introduce complete separation, lasting to this day, although the contrast between the 'Rabbanites' and the defection of the Karaites from Torah-Judaism was by far not as great and incisive as the contrast between today's Reform and Torah-Judaism. The Karaites deny only the Oral Torah. However, they confess truly and firmly the eternally binding obligation of the divine commandments, and disregard none of the other fundamentals of our faith. On the other hand, today's Reform denies altogether the eternally binding obligation of the divine commandments, and in its liturgy disassociates itself from truths carried by God's word in Bible and Prophets and belonging to the fundamental truths of Jewish conviction."

3. DEFINITION OF *MINUT* AND ITS RELATIONSHIP TO THE CONCEPT OF IDOLATRY.

Rabbi Hirsch defines *minut* as defection from Judaism in principle, which, in turn, is defined in the following passages. The second passage also clarifies the concept of *mumar*.

[p. 398-399]. "[what is defection from Judaism?] This does not require the denial of the divine origin of the whole Torah. Explicitly we find¹¹ ' . . . for the word of God he has despised', that is, he who says the Torah is not from heaven; even if he says the whole Torah is from heaven, except one verse which was not spoken by God, but Moses spoke it on his own; and even if he says the whole Torah is from heaven except this one deduction . . . that is the one [of whom Scripture says] 'for the word of God he has despised'." Hence, one who denies the divine origin of but one sentence, of but one phrase, is equal to the one who denies the divinity of the whole Torah.¹² Similarly, regarding practice, one who transgresses but one prohibition in spite, or out of a denial of its divine sanction, is a *mumar* and *min* to the whole Torah, is a non-Jew before the law.¹³ It is even possible for a man to believe in the divinity of the whole Torah, and to lose his character of being a Jew before

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the Law; explicitly it is taught:¹⁴ "They made a distinction between licentious and spiteful transgressions only as regards other Mitzvot, but idolatry . . . and one who publicly desecrates Shabbat, they are like non-Jews, as we learn in the first chapter of *Chulin*.'" "

Concerning the Halakhah involved in association with Reform in general. Rabbi Bamberger disagrees on only one point. He questions the applicability to the modern Reform of the term *minut*, as used in the Talmudic passages quoted (7 and 8, above). This challenge is based on the contention that these *minim* were no longer Jews and had, in fact, converted to idolatry.* To this, Rabbi Hirsch replies that neither conversion nor idolatry are necessary for *minut*, and that, indeed, all acts signifying *minut* constitute, in themselves, defection from Judaism, so that there is no "*minut* within Judaism." To prove his contention he cites the following passages from Maimonides:

[pp. 387-388] "A *mumar* with respect to idolatry is a *mumar* with respect to the whole Torah and, similarly, Jewish *apikorsim* are [legally] not Jewish in any respect.**¹⁵ Anyone who denies the Oral Torah . . . is in the category of *apikorsim* . . . and he is like all the other *apikorsim*, like those who deny the divine origin of the Torah and like informers, all of which are not included in Israel.¹⁶

"Similarly, on the ground of Torah-law there is no distinction at all between a *mumar* with respect to idolatry and a *mumar* with respect to Shabbat desecration in public, even out of mere licentiousness — even if we observe him to keep other laws; between a *mumar* with respect to the whole Torah . . . or a

*"You assume that the *minim* of whom R. Tarphon speaks were still Jews and adopted *minut* only within Judaism, so that of course you had to conclude that the separation demanded by R. Tarphon for the *minim*-Jews of his time should be analogously applied in our time. However, all this is not so. The *minim* of whom R. Tarphon speaks were no longer Jews; they had, in fact, already converted to idolatry." [Reference 2, pp. 559-560]

Rabbis Bamberger and Hirsch also disagree on the question: Does the particular form of association considered at the time make the Orthodox appear as endorsing the Reform? However, this dispute is only secondary to the fundamental question treated here: Is such an association permitted?

***Eynan k'yisrael l'davar min ha-d'varim*.

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mumar with respect to but one law out of spite, all these are *mumarim* with respect to the whole Torah, all these must be considered as defectors from all of Torah.¹³

“But *min* is only a higher degree of *mumar** — *min* is the devotee, he is not only dedicated *in practice* to matters contrary to Judaism (which would make him a *mumar*), but he is also devoted in thought and opinion to [such matters]. For this reason we explained *minut* as ‘Jewish opposition-in-principle to Torah and Mitzvah.’

“Beyond any doubt, therefore, just as the *mumar* to Shabbat desecration in public, and the other above-mentioned *mumarim* from the whole Torah, just as they are equivalent to a *mumar* to idolatry, so also a *min* in respect to public Shabbat desecration, and *minim* to the other above-mentioned transgressions, are fully equivalent to a *min* to idolatry. Regarding the present question of belonging to Judaism, it is totally indifferent, on the ground of Torah law, whether the *mumar* or *min* converted to another non-Jewish religious community. On the ground of Torah-law, even the Jew who accepted baptism is just as much Jew or non-Jew as the *mumar* or *min* who publicly desecrates Shabbat, and the other *mumarim* and *minim* who defected from the whole Torah and remain in external connection with Jewry by not having converted to another religious community. A converted *mumar* differs from a non-converted one essentially only in that concerning the latter I must establish his complete defection by observing his way of life, while concerning the former I may presuppose his defection immediately upon the act of conversion. (In this connection compare, in addition to the above quoted sources, also Refs. 17-21.)”

4. THE RESPONSUM OF THE *CHATAM SOFER*.

In support of his position, Rabbi Hirsch then cites a just-published responsum of the *Chatam Sofer* (Rabbi Moshe Sofer) —

* A precise distinction between *min* and *apikoros* is very difficult, because the use of these terms varies. See *Lechem Mishneh to Hil. T'shuwah* 3, 7. The distinction is, however, of only academic interest and has no bearing on our question.

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universally recognized as one of the greatest decisors of his time — who wrote concerning the reformers:²² [p. 421]

If their judgment were in our hands, it would be my opinion to separate them from our domain, not to give our daughters to their sons [or to take their daughters for our sons] so that we should not come to be drawn after them, so that their congregation should be like the congregation of Tzadok and Beytos, Anan and Shaul, they for themselves and we for ourselves. All this appears to me as Halakhah, but not in practice in the absence of permission and authorization of the government — without this [permission] my words should be void and accounted as non-existing.

“This governmental permission and authorization is now given, and thus this decision, which the *Chatam Sofer* could state only as theoretical, becomes fully valid in practice.”

NOTES

1. R. Samson Raphael Hirsch, *Gesammelte Schriften* IV, Sanger & Friedberg, Frankfurt a.M. (1922), pp. 331-360, 361-426.
2. *Ibid.*, pp. 539-567
3. *Babylonian Talmud, Chulin* 13b.
4. Maimonides, *Mishneh Torah, Hil. Mumarim* 3, 3.
5. *B. T.*, *'Avodah Zarah* 17a, on Proverbs 5, 8.
6. *Ibid.*, on Proverbs 2, 19.
7. *B. T.*, *Shabbath* 116a.
8. *B. T.*, *Avodah Zarah* 27b.
9. *B. T.*, *Avodah Zarah* 8a, on Exodus 34, 15.
10. *Shulchan Arukh, Yoreh De'ah* 2, 13.
11. *B. T.*, *Sanhedrin* 99a, on Numbers 15, 31.
12. See Maimonides, *M. T.*, *H. Teshuvah* 3, 8.
13. R. Ephraim Zalman Shor, *Tevuath Shor, Yoreh De'ah* 2, 13.
14. R. Yosef Karo, *Beth Yosef, Tur Yoreh De'ah*, end of Section 268.
15. Maimonides, *M. T.*, *H. Avodah Zarah* 2, 5.
16. *Ibid.*, *H. Mumarim* 3, 1 & 2.
17. *Ibid.*: a. *H. Teshuvah* 3, 8; b. *H. Shechitah* 4, 14; c. *H. Gezeleh* 11, 2; d. *H. Rotze'ach* 4, 10; e. *H. Eduth* 11, 10.
18. R. Yosef Karo, *Beth Yosef, Tur Yoreh De'ah* 119, in connection with their wine.
19. R. Yosef T'umim, *P'ri M'gadim, Yoreh De'ah* 112, *Sifthey Da'ath* 2, in connection with their bread and daughters.
20. R. Chizkiah di Silva, *Peri Chadash, Yoreh De'ah* 112, 2.
21. R. Shabthay Hakohen, *Siftey Kohen, Yoreh De'ah* 159, 4.
22. R. Mosheh Sofer (Schreiber), *Responsa* VI, end of No. 89.