

SOME HISTORICAL ASPECTS OF AUTHORITY IN JUDAISM

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I

This paper is a study of some historical aspects of authority in Judaism. I am not concerned with the normative, legal, juridical, and theoretical arguments that have been, and are being, advanced, in dealing with the question of authority in Judaism. Such aspects of authority must and should be dealt with by those in whose domain these problems fall. As an historian, I am interested in considering with you the effects of historical forces upon the forms that authority in Judaism has taken in the past. What were the historical conditions that now favored one form of authority, now another? Why did the forms of authority change? What were the practical consequences in real life of differing concepts of authority in Judaism? What, in a word, did authority mean in the context of historical development, and what, in a practical sense, does it mean for us today?

In seeking to answer these questions, a very sharp distinction must be drawn at the outset, between social structures in ancient and medieval times, and those which are characteristic of the modern world. One cannot speak meaningfully of authority in Judaism if one uses the term indiscriminately to apply, in the same sense, to both the world of our forefathers, and that of our own day. The realm in which the question of authority is vital in Judaism today is a restricted one in contrast to the all-embracing character of authority in Judaism in ancient and medieval times. In those epochs, Jews were faced with the problems of organising and regulating highly complex social structures; and they were perforce involved directly in dealing with matters that in our day are the concern of the state or are the private concern of the individual. This involvement could not be avoided, for in ancient and medieval times Jewish society was self-governing, and self-regulating, and consequently there was no choice but to assume the responsibilities of governing, commanding, compelling in all matters affecting Jews. This all-encompassing character of medieval and ancient Jewish authority stemmed from the very texture of society itself. All law was bound up with religious sanctions and

concepts; hence professing Jews, once tolerated, could not be made subject to Pagan, Moslem, or Christian law. Pagan emperors, Moslem caliphs, and Christian princes — all granted to the Jews virtually complete autonomy in their internal affairs, which included not only religious matters, but also those which, in our day, would be termed secular.

In a world, then, which looked upon all relationships as aspects of religion and which assumed that all systems of law were underwritten by divine command, it is not surprising that Jews too shared these views and insisted that all relationships were to be regulated by laws which ultimately went back to God himself. Problems involving inheritance were of no less religious significance than the laying of Tefillin or the proper order of prayer. Authority, therefore, was a crucial matter since it involved the regulation of individuals, groups, and classes, and since it reached into every nook and cranny of Jewish society. It was not something that could be dodged or avoided; for it was functional, vital, and inescapable.

The multiplicity of forms which authority took in ancient and medieval Jewish history can largely be accounted for by the fact that authority in Jewish life was all-inclusive and was by no means confined to the strictly religious sphere. Every clash of interest in Jewish society was bound to find expression in conflicting views over the question of authority. Thus, all struggles, no matter how secular in nature, involved religious ideologies, for all aspects of life were regulated by religiously sanctioned law.

The problem of authority in these epochs was most crucial when profound historical changes so altered the structure of society that large numbers of Jews challenged the very structure of authority then prevailing. For them, these institutions represented either obstacles in the way of their own needs and interests, or else the incarnation of these forces which were responsible for their own misery and degradation. Only the removal of the existing expressions of authority, and their replacement by other institutions more in keeping with the needs and aspirations of these groups, would satisfy them. They therefore counterposed new concepts of authority to the old.

Such a challenge is clearly seen in the Hellenist movement against the Theocracy which was based on the authority of the Pentateuch. The simple, agricultural life of the restored Judea was rudely transformed by the urbanization process which followed in the wake of Alexander's victories. Expanded trade and commerce created a new wealthy class among the Jews who saw in the Pentateuch an obstacle to their ambitions to become full-fledged Hellenistic citizens and they therefore were not only willing, but insisted

upon the suppression of the Pentateuch and its institutions. A system of authority which ran counter to the needs and interests of certain elements in the population was thus opposed.

The expansion of the Moslem world was accompanied by vast changes in the lives of the people who were brought under its sway. These tumultuous events were productive of radical changes in both the Gentile and Jewish worlds. New structures were imposed upon this population. The Jews in the Moslem world were ruled by the Exilarchs and the Geonim who derived their authority from the caliphs and from the Talmud. In addition to supervising religious life, the exilarchs and the geonim collected taxes, appointed judges, and decided cases affecting every phase of human life. Many Jews resented the authority of the Exilarchate and the Gaonate; they chafed under the heavy taxes; they disliked the close ties between the exilarchs, geonim, and the caliphate; they opposed the abandonment of messianic hopes they disapproved of the luxurious living of these dignitaries; they complained of having no voice in the governing bodies; they took exception to the oligarchic structure.

Finding their needs, interests, and aspirations thwarted by the existing structure of authority, these elements flocked to the banner of Anan ben David and organized the Karaitic movement. Since the institutions which they opposed were based on the Talmud, the Karaites turned to the Bible as the source of authority and denounced the authority of the exilarchs and geonim as a subversion of the meaning and import of biblical writ. Divine biblical law was counterposed to divine rabbinic law.

That the Karaitic movement was basically an attempt to undermine the entire structure of rabbinic authority is indicated by the fact that it was not a return to the Bible pure and simple. Karaism in practice was as far removed from the literal commands of the Pentateuch as talmudic legislation. The return to the Bible was necessary, so as to have a divine sanction for breaking with that which they opposed. The austerity, the longing for Zion, the asceticism, the rejection of offices and titles, the strict laws of consanguinity -- all testify to the fact that Karaism was appealing to the needs, interests, and aspirations of those Jews in the Moslem world who were dissatisfied with the way the implementation of rabbinic authority affected them.

This appeal of Karaism cannot be minimized, for it did attract thousands of Jews, despite the fact that it involved, not less, but more restriction in the religious realm and offered only harsh persecution in the secular. The movement and the enthusiasm that

it evoked can thus be understood only as the expression of basic conflicts which could not be resolved within the existing pattern of authority.

Another illuminating example of a challenge to the entire structure of authority is to be seen in the rise of Hassidism in the 16th century. Vast changes had transformed Eastern Europe from the haven of refuge that it had once been to an area of persecution, and the once flourishing center of learning had undergone serious decline. The 17th century witnessed the agonizing collapse of Poland and, along with it, the even more agonizing collapse of the very foundations which had made for a rich and creative spiritual life among the Jews. The Kahal structure became more and more oligarchic, and its control became more and more centered in the hands of small cliques which usurped for themselves all authority. Even rabbis were chosen not so much for their learning as for their family connections and the decline in the integrity of the rabbinate became scandalous.

This sad state of affairs was accompanied by the growing poverty of the masses of people not only in the material sense, but in the spiritual sense as well. This disastrous situation made for disillusionment, pessimism, and despair; and once again messianic dreams were the substitute for coming to grips, or at least, coming to understand, the forces which were responsible for the degradation. Betrayed in these dreams by Sabbatei Zevi, many Jews were so sunk in despair that they abandoned themselves to such bizarre sects as the Frankists. For most Jews, however, such a solution was impossible, even though the causes for their unhappiness were as much in evidence as before.

The structure of authority as it existed at this time in Poland not only made no effort to cope with this deterioration but even contributed to its continuance. Nevertheless, authority was vested in the Kahal system, and this authority was recognized and protected by whatever powers happened to be ruling in Poland. Furthermore, this authority was given religious sanction and was underwritten by rabbinical law. Any attempt to question the legitimacy of this structure was denounced as heretical.

The Hassidic movement, which arose in response to the spiritual needs and yearnings of the masses of people who daily experienced despair, and who had little hope that their situation would change, was thus basically a challenge to the existing Kahal structure, and an attack against its concepts of legitimate authority. Implicit in its early teachings was the rejection of the concept that learning alone was deserving of special privilege in both this world and the world to come. God as the loving father who cared for the poor

and ignorant, but pious, soul was emphasized. The rich and the arrogant, though learned rulers of the Kahal were contrasted to the kindly, saintly, warm-hearted Zaddik, who felt and commiserated with the poor victims of the cruel age.

In place of the Kahal structure of authority, the Hassidim established the absolute rule of the Zaddik. Secular and religious authority within the Hassidic communities was concentrated in his hands and the power and influence of the older families were eliminated. An effective change was introduced and new concepts of authority replaced the old.

Thus in the rise of Hassidism is seen the crystallization of those forces in Jewish society which sought new forms of authority because the old forms were found to be burdensome, restrictive, and oppressive. Precisely because Hassidism undermined the very basis of the existing structure within the Jewish world was it opposed so bitterly. Every effort was made to crush the movement. Its followers were banned as heretics, intermarriages between mitnagdim and hassidim were forbidden, hassidic adherents were even deprived of their homes and property, and the government itself was called in to help in its suppression. Such burning hatred is conceivable only when a life and death struggle between opposing systems is involved. The concept of authority of Rabbinism was incompatible with the concept of authority of Hassidism, because the needs and interests of diverse groups could not be resolved within the existing structure.

One set of forces making for decline and decay had set off a series of struggles over authority in Eastern Europe; another set of forces which were creating the modern world was at the very same time undermining the entire medieval structure of authority in Judaism. First in Western Europe, then gradually in Central Europe, new ideas and concepts were capturing the imagination of men. Science, rationalism, freedom of thought, representative government were the intellectual weapons that were being used to overthrow the basic ideas and concepts of the Middle Ages.

Not the least significant of these new ideas was that which insisted on the separation between Church and State and which sought to eliminate all autonomous structures. The right of a man to choose his religious affiliations was a revolutionary doctrine which gained ever more currency in the 18th and 19th centuries.

Jews were no less affected by these new changes than their Gentile neighbors, and attempts were made as early as the 17th century to apply such ideas in the Jewish world. In doing so however, the fundamental presuppositions of authority current within Jewish

communities, such as Italy and Holland, were brought under attack. Uriel da Costa and others lashed out against rabbinical law, asserting that it had been created so as to give rabbis authority to rule the people for their own selfish ends. Da Costa called first for a return to the Bible as the only genuine divine authority, and later he claimed that the only revelation of God is to be found in Nature and in man's reason.

The first glimmerings of new concepts were opposed by the leaders of the Jewish communities and every attempt was made to suppress such heretical thoughts. Clearly these ideas, if accepted, would eliminate completely the entire communal structure. Indeed, wherever the banner of reason was raised, it met with intolerant opposition. Mendelssohn's scrupulous adherence to rabbinical law did not permit him to escape the heretic's label, nor did it protect his works from the attacks of the Orthodox. The mild rationalism of a Rappaport and of a Krochmal met with a storm of protest from the Hassidim of Galicia who saw in such thinking the overthrow of their whole structure of authority. The history of the Haskalah and Re-form movement is really nothing more than that of a clash between incompatible concepts of authority, and for this reason the struggle was so acrimonious and so long-lived. Once more profound changes in society affected some groups among Jews in such a way as to make them impatient of prevailing structures of authority which hampered their development. The transition from medieval to modern concepts of authority in religion was a slow and painful one.

II

The ancient and medieval worlds witnessed not only such major conflicts over authority in Judaism as described above, but also differences in the structure of authority which stemmed from the widespread character of the Diaspora and from the contacts with diverse civilizations. These differences were no less real than those which tore communities asunder, but since these communities were usually composed of Jews who were geographically separated from their fellow-Jews, and since in the main they accepted the same religious sources of authority, the Written and the Oral Laws, head-on collisions were generally avoided.

The extent, however, to which geographical dispersion and contact with different civilizations affected the structure of authority was considerable. Although both Palestinian and Baby-Ionian Jews accepted the Mishnah as legally binding, the Mishnah

itself came to be understood quite differently in these two countries. Professor Louis Ginzberg, in his monumental commentary on the Palestinian Talmud, points to any number of important differences in the interpretation of and the development of the Halakah, which stem from the contrasting environments of Palestine and Baby-lonia. In the doctrinal realm too, there was much that divided the two regions, and it is therefore not surprising that the Babylonian and Palestinian Talmuds reflect these differences. Indeed, the struggle of the geonim against the authority of the Palestinian Talmud proves conclusively, if such proof were even necessary, that mere agreement on the sanctity of the Oral and Written Laws did not assure unanimity in interpretation.

Friction of this sort involving the claims to ultimate authority between Babylonia and Palestine has had a long history. The attempts of Babylonian Jewry to gain control of calendation were defeated in the second century because the Palestinian authorities were still exerting too much influence to permit the usurpation of their prerogatives. The decline of Palestinian hegemony, however, soon brought with it the loss of control over the calendar which was tantamount to the loss of authority over the vast majority of Jews. Ben Meir's attempt to regain this authority for Palestine in the tenth century was met with a storm of opposition and the threat to Babylonian authority implicit in his action was so great that, for a moment at least, the geonim and exilarchs composed their differences.

The relationship of geographical dispersion to problems of authority is vividly illustrated by the decline of the power of the geonim over the Jews throughout the Moslem world. The close alliance between the Jews of Spain with the Ummayyad house led to a break with the Babylonian leadership at the very moment when Abdul al-Rahman III declared himself independent, even in religious matters, of the Abassid Caliph. Authority in Spain was now con-centrated in the hands of a court favorite, Hasdai ibn Shaprut, who appointed not only the judges throughout the Cordovan caliphate, but also the head of the academy. The structure of authority in Spain was therefore quite different from that which prevailed in Babylonia. In the latter country the Exilarch claimed to be of Davidic descent, and exercised full control over the areas allotted to his rule. The geonim of Sura and Pumbeditha also exercised similar centralized authority in the territories under their control. Both the Exilarohate and the Geonate derived revenues from the people.

In Spain, on the other hand, Hasdai did not claim Davidic descent; he received no emoluments from the people; he was responsible to the Caliph alone; he kept the academies under his control.

This pattern was duplicated in the ensuing period of the emirates. In each territory, such as Granada and Saragossa, a Jewish court favorite was invested with authority by the ruler and he was re-sponsible for directing all aspects of Jewish life within the territory. An especially noteworthy characteristic of the structure of authority in Moslem Spain was the subordinate role played by the scholars.

The structure of Jewish authority in Christian France and Germany of this period stands in sharp contrast to that of Babylonia and of Spain. Feudal decentralization precluded the centralized type of authority that existed in Spain and Babylonia. Each community came to be quite independent of every other, and care-fully guarded its sovereignty. Since there was no effective centralized state apparatus, the grant of authority to a single Jew was quite out of the question. From time to time synods would be convoked to deal with problems affecting all the communities, but these synods represented independent communities and their enact-ments were limited to those measures which secured general approval. Leadership within the communities arose from the communities themselves and was not imposed from without; and from an early date, the rabbis enjoyed many prerogatives and privileges and had an important voice in the councils of the communities.

Such differences in structure — reflecting as they did the contrasting cultural milieus — naturally involved contrasting at-titudes with respect to authority. As long as geographical sepa-ration kept these disparate groups from merging, the differences were academic. When, however, as a consequence of emigrations, Jews from different areas — with different concepts of Judaism and authority — came together, sharp and often extremely bitter conflicts arose. The Maimunist-anti-Maimunist controversies, with their bans and counter-bans, with their resort to physical violence, with the burning of books, with their denunciation of heresy are surely to be explained, in part, at least, by the fact that Jews tutored in very different cultural climes had difficulty in peacefully compromising on issues of authority which they considered so vital.

Examples of this sort, although less vivid, are sprinkled throughout the pages of Jewish history. Italo-German and Spanish Jews were at odds in Italy; German and Polish

Jews had their troubles with Iberian Jews in Holland; Spanish and native Jews clashed in Salonica — indeed, wherever one turns, the fruit of dispersion was controversy.

III

Still one other historical aspect of authority in Jewish history remains to be considered, namely that of differences with respect to authority which manifested themselves within the self-same structures. Here the fundamental principles are not in question, but only their implementation. The problem is a jurisdictional one which concerns itself with the division of authority and not its validity.

Examples of such jurisdictional disputes fill the pages of Jewish history. Both the exilarchs and the geonim accepted the Talmud as the basic source of authority and both fought the Karaite schism tenaciously. Yet the struggles between the geonim and exilarchs for supreme authority were characteristic phenomena of this period. And not only did exilarohs and geonim clash, but the geonim themselves were constantly at odds with one another, each insisting that his academy be recognized as supreme.

Differences such as these are met with wherever we turn in Jewish history. Maimonides was an ardent supporter of the rights of the exilarchs to supreme authority in the Diaspora, and he insisted that the exilarch must be obeyed whether his decrees were pleasing or not. Indeed, Maimonides was most active in aiding the Exilarch against the claims of Samuel ben All of Baghdad who asserted that the religious spokesman is to have the final say on all matters touching on authority. In Venice, the rabbis at the turn of the 17th century fought long and hard to maintain their former prerogatives and privileges against the encroachments of lay control. The Oral Law was not in question, but merely its proper implementation; yet so severe was the struggle that the rabbis, at one point, banded together and swore to act in unison against the claims of the laity.

Of some interest too is the 16th century attempt to re-store the process of ordination. Jacob Berab's assertion of authority for himself and the scholars of Safed, met with the heated opposition of Levi ibn Habib in Jerusalem, not only on legal grounds, but also because it would subordinate Jerusalem to Safed. Both Berab and Ibn Habib turn to the same sources for their arguments, yet they disagree sharply over the issues.

Struggles, such as these, involving the implementation of authority, should occasion no surprise. As long as Jewish law regulated the lives of Jews in all their activities,

conflicts between disparate interests were inevitable and differing interpretations of authority were bound to emerge. A glance at the Responsa literature should convince even the most skeptical student of the complex economic, social, and political problems that the rabbis grappled with; they could no more be unanimous in their opinions than our own justices of the Supreme Court.

One final point must be made before concluding this analysis of authority in ancient and medieval times. Authority, once officially recognized, could appeal to force and compulsion to maintain its position. This could not be otherwise as long as religiously-sanctioned law regulated relationships between individuals, groups, and classes with diverse and often conflicting interests. Force and the threat of punishment had to be resorted to in order to make certain that the law was effectively obeyed. The whole problem of religious authority thus became so enmeshed in the social complexities of the day that frequently the religious message was lost in the constant bickerings between contending interests. The ability to use compulsion inevitably led to forceful repression of all those who questioned authority, no matter how justified their complaints.

IV

The vast changes that have transformed the medieval into the modern world necessitate an entirely different approach to the practical aspects of authority in Judaism. The separation of church and state, the recognition of the dignity of the individual, representative forms of government, freedom of speech and thought, have been achieved with too much hardship and sacrifice, and are too threatened by totalitarian systems today, that we should long for those aspects of authority in Judaism which served the Jews in a qualitatively different world. Every individual, and every group must be free to choose his religious or irreligious affiliations. Liberal Judaism's interpretation of authority cannot involve the imposition, by compulsion, upon others of its doctrines and its beliefs. Surely, Reform rabbis are not interested in having religious institutions regulate such matters as business competition, prices, rents, and wages — matters which in the past were as much the function of religious leaders and of religious authority as the ordering of the prayers or the regulation of ritual. No Reform Jewish leader is interested in having the state burn the writings of Jewish heretics, nor are they desirous of compelling Orthodox or Conservative Jews to install organs in their synagogues, or to

abolish the tallit. When we speak of authority in Judaism, we do not think of physical sanctions and compulsion. Our concern is not with forcing Jews to go our way, but to give enlightened guidance to those who have accepted our leadership. We can establish norms, we can give direction, we can urge, persuade and dissuade, but we cannot compel.

Indeed, in view of the strength of ecclesiastical parties in Israel today, and the possibility of their utilization of the state apparatus to force other Jews to bend to their conception of authority in Judaism, Reform must, more strongly than ever, break with those aspects of authority in Judaism which belong to the ancient and medieval worlds, and must insist on the right of all religiously-minded Jews to choose whatever brand of Judaism is in keeping with their spiritual needs.

Ultimately, history has shown, the test of a system of religion is its ability to evoke voluntary loyalty and sacrifice on the part of its adherents. The generation of enthusiasm is never attained by force or compulsion. The various movements in Jewish history, such as Pharisaism, Hassidism, Reform, even Karaism, won adherents by virtue of their program, their message, their dynamic answers to the problems besetting the Jews of their time.

Only when the original elan was lost did compulsion take the place of persuasion. Surely, if the changing needs and interests of the Jews in the past were responsible, time and time again, for revolts against authority, armed though the latter was with very real power, we today stand very little chance of legislating for those who are to follow. Plastic, supple, intelligent guidance is the only approach that gives promise of long life. The very fact that we are unable to compel and coerce must impress upon us the need to persuade, to convince, and to frame such programs that will serve the spiritual needs of our people. A delicate sensi-tivity to the changing problems of our day is the only real assurance that our message will be heard and that our leadership and guidance will be sound.