



The Sanctity of the Synagogue

The Sanctity of the Synagogue

the case for *mechitzah*—separation between men and women in the synagogue—based on Jewish law, history and philosophy, from sources old and new



edited by

BARUCH LITVIN

5719 NEW YORK 1959

published by
THE SPERO FOUNDATION
New York * Jerusalem * Cleveland

dedicated to the advancement of traditional Judaism
through the publication and distribution
of Jewish classics and educational literature,
and allied purposeful philanthropic activities

Copyright 1959 by Baruch Litvin
Library of Congress Catalog Card Number: 59-15959
Set in Linotype Times Roman, Ludlow Garamond, and Foundry Kennerley,
with Tory initials and pieces.

Composed and printed in the United States of America by
Shulsinger Brothers, 21 East 4th Street, New York 3

design:wengrov

FIRST EDITION

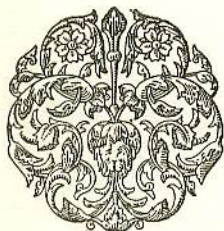




Interior view of the Touro Synagogue, Providence, Rhode Island

dedicated

to the sacred memory of millions of
Jewish martyrs יה"ד to whom the
practices and beliefs embodied in this
volume were the breath of life; and
to the thirteen thousand synagogues
destroyed by the Nazis ימ"ש



foreword



OD THE EXALTED knows I greatly feared to write of the matters I wished this work to contain. . . . But I rely on two precedents: first, in similar cases our Sages applied the verse, *It is time to work for the Lord: [for] they have made void Thy Torah (Psalms 119:126)*; secondly, they said, "*Let all your deeds be done for the sake of Heaven*" (*Aboth 2, 12*).

So wrote Judaism's towering luminary, R. Moshe b. Maimon (Rambam, Maimonides) toward the end of his introduction to the *Guide for the Perplexed*.¹ I can find no better opening for this volume, for it was these two precedents which I sought to follow, in my own way, in the long, often lonely struggle which has given rise to this volume. In moments of doubt and perplexity they gave direction and encouragement along a difficult path.

1. From the Hebrew translation of R. Judah al-Harizi, Warsaw, 1904.

In 1955 I was faced, as a member of my Jewish community, with a dismaying problem. In the synagogue where I had worshipped for many years, a majority of laymen suddenly decided to swerve it from its orthodox ways and to have men and women sitting together at worship. I knew I could not compromise on the religious principle at stake; only one alternative was left me: to fight this proposed desecration with whatever means might be at my disposal.

Would to Heaven all controversy regarding Torah and the faith of the Jew could be resolved in a *beth din*, a Jewish religious court. We are mindful of Maimonides' stringent words: "Whoever submits a suit for adjudication to non-Jewish judges in their courts, even if the judgment they [subsequently] render is in consonance with Jewish law, that person is a wicked man. It is as though he reviled, blasphemed and rebelled against the Torah of our Teacher Moses; for it is stated, *Now these are the ordinances which thou shalt set before them* (Exodus 21:6)—before *them* [the Jewish people] and not before non-Jews, or the unlettered" (*Mishneh Torah, Hilchoth Sanhedrin* 26, 7).

In the present case, as in several others, settlement by a *beth din* was, alas, not to be. The majority of Congregation Beth Tefilas Moses that wished to introduce mixed seating at services, refused to abide by any ruling which a *beth din* might render. A small group, the present writer included, was determined to prevent the sacrilegious change, and safeguard the purpose to which the edifice had been originally dedicated. At the very least, we wished to protect our property rights as members of the congregation, for were the change to take effect, we would have been compelled by religious principle to leave the synagogue permanently and worship elsewhere.

In the source cited above, Maimonides continues: "If

... a claimant is unable to recover what is due him through the *beth din*, he must first summon him [the defendant] to appear before Jewish judges; if his opponent refuses to appear, the plaintiff may then obtain permission from the *beth din* to recover his claim through the non-Jewish court."

Again and again I sought to bring the controversy before Halachic authorities. The refusal was absolute. Reluctantly, I received from the following the right to take the case to the civil courts: the Union of Orthodox Rabbis (*Agudath ha-Rabbanim*), Rabbinical Council of America, Rabbinical Alliance of America (*Iggud ha-Rabbanim*), and the Detroit *Va'ad ha-Rabbanim*.

The struggle has been long, tedious and costly. But in it I have learned a great deal, and perhaps grown a measure. At any rate, when the conflict began, I found it necessary to gather the background material bearing on the subject. For the benefit of the courts it was imperative to assemble authoritative testimony and relevant data from Jewish and secular sources. The material was plentiful; finding it, however, was a most difficult task, and the kindly and generous help of many groups was needed in this great undertaking. I have attempted to repay some small part of my debt of gratitude in the acknowledgments.

Out of the litigation in the courts, out of the array of expert opinion, historical sources, and contemporary Halachic decisions gathered to buttress my case, this volume has grown.

It is my earnest hope that by gathering and presenting this material in one volume, I may contribute significantly to the literature on the subject, and offer essential information to those who seek its knowledge. Even more has it been my wish to provide perspective and encouragement

for those who hold dear the sanctity of the synagogue—and especially for those who may be called upon some day to defend ancestral religious practice against innovation and dissension. It may also serve, I earnestly trust, to give the general reader a depth of understanding in shaping his attitude to community and synagogue.

But above all else, I have wanted this volume to make starkly clear how far-reaching are the breaches and ravages in our religious community life, and in our continuing historical development, when wittingly or unwittingly matters of Halachah are wrested from the hands of the proper, ordained authorities, and decided by the ephemeral, evanescent whim of the uninformed and unlettered majority. Such action may well be the gateway to the disappearance of the Jewish identity.

If this volume will help in some measure to restore loving respect for the Sages of our Torah, I will feel my efforts amply rewarded.

As I opened with a quotation, so let me close with one. Speaking for the eternity of our people's endurance, the prophet Zephaniah said with simple certainty, *The remnant of Israel shall not do iniquity, nor speak lies; neither shall a deceitful tongue be found in their mouths* (Zephaniah 3:13). The Hebrew language knows of one tense, one verb form, to command and to prophesy. The future tense in which the Bible commands, also implies the abiding confidence of Zephaniah, that the people of Israel *will* heed and *will* observe. It is with this confidence that I issue this book: in the trust that it will reach the abiding core, the spirit of eternal verities, in America's Jewry, which will ever listen and respond to God's truth, as our Sages teach it.

acknowledgments

It is a most pleasant duty for me to acknowledge my indebtedness to the countless individuals and organizations whose fulsome cooperation, each in their own way, alone made this undertaking possible. To all my thanks.

Regretfully, I can single out but a few for mention here.

My gratitude goes first to Rabbi Joseph Elias, principal of Yeshivath Beth Yehudah, Detroit; he was the architect of the original brochure which was later expanded into this volume.

I was equally blessed with the unstinted assistance of Mr. Saul Bernstein, the editor of *Jewish Life*, and Rabbi Dr. Samson R. Weiss, executive vice-president of the UOJCA. My full thanks also to Rabbi David B. Hollander and to Mr. Samuel L. Brennglass, the "legal brain trust" of the UOJCA; each gave generously of his time and effort.

There is a unique measure of gratitude, which words can barely express, that I owe my dear wife and beloved children: but for their inspiration, abiding cheer, and unflinching encouragement, the task would have been beyond me.

To Miss Ruth Goebel go my thanks and my admiration for her years of patience in typing and retyping correspondence and material, until this volume took form. Likewise, to Shulsinger Brothers, and to Mr. Irving Hunger of their staff, go my thanks for meticulous care and attention to the myriad technical details involved in the printing of such a work. Lastly, I am grateful to Rabbi Elhanan Wengrov for his prodigious labor to prepare the work in final form for publication, including additional research and major counsel regarding both the form and the content of the volume.

May the Almighty reward all as they richly deserve.

B. L.

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We gratefully acknowledge the permission of Hutchinson & Co., London, to quote from Cecil Roth's introduction to George K. Loukomski, *Jewish Art in European Synagogues*.

The passage* in Chapter III, source 1, A§1, was suggested by Prof. Saul Lieberman. In source 4, §§2-4 are derived from R. Menahem M. Kasher, *Torah Shelemah*. It was he, too, who suggested source 4, § 4. To both our thanks.

The photograph of the Touro Synagogue is by Richard C. Wood, and is reprinted by courtesy of Time, Inc.

The picture of the Ark of the Ponevez Yeshiva is reprinted by courtesy of the American Friends of the Penevez Yeshiva.

The photograph of the Fifth Avenue Synagogue is by Mike Zwerling; that of the architect's drawing of the New Marble Arch Synagogue, London, is by E. H. Emanuel.

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The Contributors

I. From the Past

A. SAGES AND RABBINIC AUTHORITIES

R. Isaac Ar'ama (c. 1420-1494): a Sephardic scholar who served as rabbi in various Spanish communities until the expulsion of 1492, when he settled in Naples. The excerpt included here (pp. 187-189) is from his popular work *Akedath Yitzhak*, a philosophical-homiletical commentary on the Pentateuch.

R. Eliyahu Guttmacher (1796-1874): a disciple of R. Akiba Eger who served as rabbi in Plesch (Posen) and, for the most part, in Graetz (Grodzisk, Greiditz), Polish Prussia. A noted Talmudist and kabbalist, he left many writings in print and manuscript. The responsum reprinted in this volume (pp. 198-202) was published in *Zichron Shelomoh* by R. Shelomoh Bigeleisen, Lublin, 1933 (pp. 70-72).

The *Hafetz Hayyim* (R. Israel Me'ir ha-Kohen, 1839-1933): perhaps the most pious and saintly rabbi of his time. His commentary, *Mishnah Berurah*, on *Shulhan Aruch Orah Hayyim* (an excerpt is given on pp. 186-187) is generally regarded as definitive in Jewish law.

R. Hayyim Halberstam (1793-1876): a rabbinical scholar who turned to Hassidism and founded the dynasty of Sanz (Galicia) where he served as rabbi from 1830 on. His essay in this volume (pp. 203-206) is from his collected responsa, *Dibre Hayyim, Orah Hayyim* no. 18.

R. Abraham Isaac Kook (1865-1935): the illustrious chief rabbi of Palestine under the British mandate. His essay on the synagogue in this volume (pp. 96-101) appeared in Jerusalem, 1923.

R. Menahem Mendel Hayyim Landa was an outstanding and key figure in Polish Jewry of a generation ago, a scholar of note who served in various communities. His responsum (pp. 183-186) was printed from manuscript in *ha-Pardes*, vol. 25, no. 10.

R. Hillel Lichtenstein (1815-1891): served as rabbi in various communities of his native Hungary, and from 1867 on, in Kolomea, Galicia. The essay in this volume (pp. 196-197) is from his collected responsa, *Teshuboth Beth Hillel*, Satmar 1908, no. 104.

Maimonides (R. Moses b. Maimon, 1135-1204): philosopher, codifier and medical writer. Considered second only to the first Moses himself, he is best known for his *Mishneh Torah* or *Yad ha-Hazakah*, a Hebrew compendium of the entire Halachah; the philosophical *Guide for the Perplexed*; and his *Commentary on the Mishnah*, an excerpt of which is here included (pp. 182-183).

Maharam (R. Moses) Schick (1807-1879): a disciple of the *Hatham Sofer*, who served as an outstanding rabbi in Hungary, last in Hust (where he was buried); he remained to the end a staunch and valiant battler of Reform Judaism. Included in this volume is one of his collected Responsa, *Orah Hayyim* no. 77 (pp. 193-196).

B. OTHERS

Dr. Joseph H. Hertz (1872-1946): born in Slovakia and educated in New York, he was appointed in 1913 chief rabbi of the British Empire, in which position he spent the remainder of his distinguished life. One of his major works is his *Commentary on the Pentateuch*, where the essay reprinted here (pp. 266-269) appeared as an Additional Note to Deuteronomy.

Nahida Remy (Ruth Lazarus, 1849-1928): born into a Christian family of Prussian officers, she was attracted to Judaism, and in 1893 wrote *The Jewish Woman*, of which two chapters are here excerpted (pp. 278-287). In 1895 she converted, and married her tutor, Moritz Lazarus.

Solomon Schechter (1850-1915): scholar and founder of the Conservative movement; 1890-1901, lecturer in Talmud at Cambridge; thereafter president of the Jewish Theological Seminary of America. Included in this volume (pp. 269-277) is an abridged essay from his *Studies in Judaism*, volume I, London 1896.

II. From the Present

A. RABBIS

Dr. Samuel Belkin (born 1911): president of Yeshiva University, one of the foremost Jewish thinkers of our time. Ordained at 17 in Radin, he holds a Ph.D. degree, and is an authority on Rabbinic and Hellenistic literature.

R. Israel Brodie (born 1895): chief rabbi of the United Hebrew Congregations of the British Commonwealth, since 1948. His official

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letter (pp. 93-94) was written in connection with the Mount Clemens controversy.

R. Moshe Feinstein was rabbi in Luban, Lithuania before coming to America in 1938. He ultimately became *rosh yeshibah* in Mesivta Tifereth Jerusalem in New York City, of which he is the present head. Considered by many the final living authority in Jewish law, he daily answers legal inquiries from every part of the world. His responsum (pp. 118-125) appeared first in *Talpioth*, New York 1949.

R. Samuel Gerstenfeld (1873-1958): professor emeritus of Talmud at the Rabbi Isaac Elchanan Theological Seminary, a devoted teacher and Talmudic scholar. Born in Austria-Hungary and ordained at the Yeshiva of Klausenberg, he had served as aide to the Chief Rabbi of Britain. His essay reprinted here (pp. 159-169) appeared in *Eidenu*, a memorial volume for Dr. Bernard Revel, New York 1942.

R. Ezekiel ha-Levi Grubner is the spiritual leader of Congregation Dovid ben Nochim in Detroit, Michigan. His essay (pp. 208-220) was written especially for this volume.

R. Isaac Halevy Herzog (1888-1959): from 1936 until his passing, the Ashkenaz chief rabbi in Israel, and as such a noted and impassioned spokesman for orthodox causes and principles, e.g. the *mechitzah* (pp. 86, 94-96).

R. David B. Hollander: past president of the Rabbinical Council of America, and spiritual leader of the Mount Eden Jewish Center, Bronx, New York; one of the younger generation's dynamic spokesmen for orthodoxy.

Dr. Leo Jung (born 1892): since 1922, rabbi of the Jewish Center, New York; author and editor of many books. Born in Moravia and ordained by R. David Hoffmann, he holds degrees from the Universities of London (Hon. B.A., Ph.D.) and Cambridge (M.A.), Yeshiva University (D.D.) and New York University (Hon. Dr. of Humane Letters). His article (pp. 292-298) appeared originally in *Jewish Heritage*, vol. 2, no. 1, Washington, Spring 1959.

Dr. Menahem M. Kasher: world-renowned scholar and recognized authority of the present generation in Rabbinic literature. He has devoted over 35 years to his life-work, *Torah Shelemah*, the Hebrew biblical encyclopedia, of which 19 volumes are in print. His

essay (pp. 250-264) appeared originally in *ha-Darom*, New York 1951.

R. Aaron Kotler was dean of the renowned Yeshiva of Kletzk (Lithuania) until his arrival here in 1941, when he became dean of the Beth Medrash Govoha, Lakewood, New Jersey, perhaps the country's leading graduate school in rabbinics. He is recognized as a principal Torah authority in our generation.

R. Norman Lamm (born 1927): since 1958, associate rabbi of the Jewish Center, New York. Educated at the Torah Vodaath Schools and Yeshiva University (where he was ordained), he is an instructor at the latter's Teachers Institute, and editor of *Tradition: a journal of orthodox Jewish thought*, where his essay in this volume (pp. 311-338) first appeared.

R. Morris Max was educated at Yeshiva University, and is the present spiritual leader of the Queens Jewish Center in Forest Hills, New York. His essay (pp. 299-311) was originally published as a pamphlet by the Union of Orthodox Congregations of America.

R. Dr. David Ochs is senior rabbi in Toronto, Canada, where he is the spiritual leader of the Torath Emeth Congregation, dean of the M'ril Graubart Yeshivah, and supervisor of the Eitz Chaim Schools. His essay (pp. 179-182) was written as a personal communication to the editor.

R. David Regensberg is the present dean of the Hebrew Theological College, Chicago, Illinois. His letter (p. 207) was written to the editor in connection with the controversy in Mount Clemens.

R. Harold P. Smith is the spiritual leader of Congregation Agudath Achim of South Shore, Chicago, Illinois; his article (pp. 243-250) was originally given as a sermon there, and was subsequently printed in a local publication.

Dr. Joseph B. Soloveitchik (born 1904): the scion of a renowned family of Lithuanian rabbis, spiritual leader of congregations in Boston and New York, instructor in Talmud and Philosophy at Yeshiva University. He is regarded by many as orthodoxy's leading thinker and spokesman. Reprinted in this volume are a message to a convention of the Rabbinical Council of America (pp. 109-114), an open letter which appeared in *Conservative Judaism*, Fall 1956 (pp. 139-141), and an article which

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appeared in the *Jewish Day-Morning Journal*, November 22, 1954 (pp. 114-118).

Dr. Samson R. Weiss: author and educator, formerly dean of Yeshivath Beth Yehudah, Detroit, and National Director of Young Israel, where he founded the Young Israel Institute of Jewish Studies. He is presently the executive vice-president of the Union of Orthodox Jewish congregations of America. His essay (pp. 22-37) was written especially for this volume.

B. OTHERS

Dr. Nina H. Adlerblum was born in Jerusalem, and studied at Columbia and Paris Universities; she holds the degree Ph.D. from the former. A lecturer and member of philosophic organizations, she has written extensively on Jewish philosophy and ethics. Her essay (pp. 287-292) appeared originally in *The Jewish Library*, third series, edited by Dr. Leo Jung. Their permission to reprint it is gratefully acknowledged.

Saul Bernstein was born and educated in England, and is at present the editor of *Jewish Life* and administrator of the Union of Orthodox Jewish Congregations of America. Included in this volume are two chapters from a forthcoming book (pp. 38-46).

Samuel Lawrence Brennglass: appellate counsel, formerly law secretary to the late Chief Judge Irving Lehman of the New York Court of Appeals. He is vice-president of the UOJCA. Included in this volume are his *Brief Amici Curiae* prepared for the Mount Clemens Case (pp. 386-405) and his analysis of the implications of the final decision in the case (pp. 431-434).



The Fifth Avenue Synagogue, New York, during inaugural services

