

The Jewish Community

AN HISTORICAL CRITIQUE OF THE JEWISH COMMUNITY

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Discussion of Jewish autonomy has been characterized by extreme partisan bias and precipitate conclusion on the basis of patently inadequate information. The term "autonomy" itself unfortunately lends a predominantly political note to largely non-political developments. Moreover, the enormous variety of phenomena accompanying Jewish communal life throughout the ages and the social factors determining them in and outside the community have not yet been fully investigated. The fascinating, and for purposes of modern application most significant, story of its origin and early developments in the Assyro-Babylonian exile under Achaemenide Persia and in the hellenistic empires is still shrouded in darkness. The truly fundamental evolution of the talmudic age under the domination of Sassanian Persia has thus far been treated with little reference to the social stratification and the governmental system of that powerful Empire. Even the medieval and early modern communities which have left behind literally thousands of scattered records in the form of *takkanot*, minute books, etc., have been analyzed only on the basis of chance sources which happened to have come to light and only in certain countries whose modern Jewries evinced a particular interest in their own communal history. The vast settlements in Western Asia and North Africa since the thirteenth century, and even considerable groups in Europe, have thus far escaped an examination by experts.

Pending the compilation of a real *corpus* or communal records a few preliminary observations are warranted.

There is widely current the belief that the Jewish community in medieval and early modern times was for the most part "democratic." Disregarding the difficulty inherent in applying such a modern political term to the different organizational conditions of an ethnic-religious group, one must bear in mind that a very large sector of Jewry has lived under the domination of Islam, where the community had many decidedly "monarchical" and "oligarchic" features. Under an hereditary exilarchate and gaonate and under the *negidim* of Egypt and Spain and the *hahambashis* of the Ottoman Empire the rights of the electorate were very limited. For a long time even the local communal chiefs were appointed by a central administrator. In Christian Europe democracy even in the external sense of general participation of all classes in the active management of communal affairs was seldom realized. Only the numerous tiny communities, which often resembled families at large, possessed a certain measure of equality. In the larger settlements frequently one powerful individual or a small clique exercised an overwhelming influence for reasons of wealth, political connections with the sovereign rulers and other factors irrelevant to the internal life of the Jews themselves. In eleven of the seventeen communities in England before the expulsion of 1290, comprising about

sixteen thousand Jews, wholly two-thirds of the wealth was concentrated in the hands of eighty-two persons belonging to eighteen families. In Oxford one family owned one-half, in Norwich another family two-thirds of the entire capital controlled by the Jews of those cities. Predominant communal influence inevitably followed such financial preeminence. In the fifteenth century Italy most northern communities were reestablished by a few Jewish individuals who concluded with the various republics and principalities special treaties (so-called *condottas*) which allowed them and their associates to settle and engage in money lending under specified conditions and for a specified period of time. Since the admission and continued toleration of the Jewish community depended wholly on the fiscal and financial interest of the various governments in these individuals, communal affairs were largely determined by their often whimsical wishes. Similar conditions prevailed in such modern Austro-German communities as Vienna, where the right to settle was derived from specific privileges granted to individual court-Jews, the remainder of the community usually being admitted only as their relatives, business associates or ecclesiastical employees.

Broader self-determination can be found only in the large European communities of medieval Spain, in Poland, Lithuania and, to a lesser extent, in Holland and the centers of Italian Jewish life: Rome, Venice and Leghorn. It is due to the better known history of these communities that the notion concerning the prevalent democratic structure of the Jewish community could be seriously entertained. In some of these communities, indeed, many constitutional safeguards protected the rights of the electorate

against the powerful leaders. There are even instances of extreme democracy, as when the community of Leghorn introduced in the eighteenth century a system of electing its officials by lot. As a rule, however, indirect methods of voting for electors who, in turn, elected the responsible officers, helped solidify the influence of the wealthy and the educated classes. In the majority of communities, moreover, only tax-paying members were entitled to vote. This principle was often justified on the ground that those who did not pay taxes were largely dependent on communal charity and might abuse their electoral rights to obtain undue advantage from the communal chest; but it was frequently carried to an extreme, so that in seventeenth century Venice, for example, only one-sixth of the adult male population was eligible for voting. In many other communities the right to hold office was restricted to persons of a certain age who were able to meet high fiscal or educational requirements. Women were, of course, completely ruled out from participation in the public affairs of the community; and even presentday Jewish orthodoxy throughout the world, invoking the tradition of two millennia, staunchly resists the extension of the communal franchise to its female members. Even more significantly, in periods of economic decay, such as were witnessed in both Poland and Holland in the eighteenth century, the increasing burdens of the community and its growing indebtedness played into the hands of a few powerful leaders and often led to the establishment of a sort of dictatorship of a small plutocracy, members of one family often holding all positions of trust and confidence over a period of generations.

The Jewish community is also depicted as the creation of a mystic inner urge.

Undoubtedly the sheer persistence of the Jews living in an alien and often hostile world led to the creation of certain organizational forms into which their distinct mode of existence was channelized. However, the acids of separation and disintegration would have dissolved the communal ties time and again, had not a measure of legal compulsion reinforced them in critical moments. Such enforcements were partly derived from its own religious law, enjoining obedience to and reverence for the expounders of the Torah, demanding submission to the Jewish court of justice, fostering public education and social work and imposing severe secular as well as religious sanctions for the violation of these injunctions. In part, however, it was also based upon the support of external powers, such as state and municipality. Since the interests of state and community often coincided and the state frequently used the communal organs as a fiscal agency to collect taxes and dues from the Jewish subjects (which incidentally constituted their primary contribution to the public functions of the country), the sovereign powers in the East as well as in the West were quite willing to extend to the community such privileges as would enable it to be of most effective service. These governmental privileges were especially appropriate in the feudal or semi-feudal societies of medieval and early modern Europe, in which every corporate body enjoyed a legal status of its own under the general regulation and supervision of public law and custom. Frequently the governments evinced greater interest in efficiently organizing their Jewries than did the Jews themselves. Such was the case, for example, in the Holy Roman Empire which on three or four successive occasions attempted to establish a

chief rabbinate for all German Jewry. The Council of Four Lands, the finest product of Jewish autonomy in modern times, originated as a compromise solution between governmental insistence upon appointive chief rabbis (and tax collectors) for Poland and Lithuania and Jewish preference for agencies subjected to less governmental control.

It may readily be admitted, on the other hand, that the medieval Jewish community, like most other corporate bodies of the time, was a true community of destiny and culture. Persistent and inescapable realities of segregation from the outside world, special disabilities, increasingly foregoing solidarity of economic interest, the unique compound of an ethnic-religious culture and the then overwhelming power of an established religion all contributed to make of the Jewish communal organism a singular living entity. The communal institutions, the synagogue and school, the court of justice and a far-flung net of social work met such definite, urgent needs of the constituency that some sort of organization would have been invented in any case. Combined, however, with state compulsion and the force of millennial tradition these realities brought forth that unique evolution of the pre-emancipation community which exercised a greater influence over the lives and destinies of its members than did many an absolute state.

Coming largely in the wake of profound structural transformations in Western society, the emancipation spelled extinction of all corporate bodies. In extreme cases, such as America and modern France, the separation of State and Church totally removed the element of governmental enforcement. In most other countries the process of amalgamation of Jewry with Western society reduced the

legally established community to a shadow of its former self, Judaism being treated in public law merely as a denomination, entitled to denominational, but not ethnic-cultural self-government. In several countries the government began employing the community itself as a denationalizing agency to accelerate the pace of assimilation. In France and several other western states the method chosen was that of governmentally controlled "consistorial" systems which enabled the central governments to direct even the religious life of the Jews into the channels of French or other local patriotism and nationalism. In the Russia of Nicholas I, on the contrary, the *Kahal* was abolished and, as far as the Jews were concerned, highly unsatisfactory substitutes evolved in order to help propagandize even more complete assimilation, that is Christianization of the Jewish masses. The community and its substitutes were gradually transformed into agencies of governmental oppression whose primary task was to put into operation the Czar's severe fiscal, military and cultural regulations permeated with an obvious anti-Jewish animus. These measures led to constant enforced abuses of the communal power on the part of the leading members who tried to shift the fiscal and military burdens (in the so-called *rekрутчина*) upon the lower classes and greatly intensified the class struggle in the Jewish street. The deep animosity toward the traditional community, thus generated, helps explain the opposition of the majority of modern Russian Jewish socialists and communists to traditional Jewish culture. Many Soviet policies directed against Hebrew, Zionism, etc., may be attributed to this untoward concatenation of inner and outward pressure.

In those countries in which the community survived as an institution recognized and enforced by public law its functions, now primarily religious, became definitely circumscribed and rigidly supervised. It generally retained the power of taxation. In pre-Nazi Prussia, for example, the government itself readily collected the Jewish communal taxes. In other countries the state's administrative organs steadily assisted the communal tax collectors, investing them with an authority similar to that of the public revenue officials. Having thus secured considerable funds, some of these European communities succeeded in adapting the age-old tradition to modern life and in maintaining numerous institutions devoted not only to strictly religious work, but also to charity in the widest sense and to the promotion of Jewish education and culture. These indisputable advantages of that residuum of governmental privilege that had been salvaged into the emancipation era also had serious drawbacks. With the simultaneously growing urbanization and metropolitanization of the Jewish people many of the contributors to the communal chest, particularly in the large cities, became only semi-voluntary taxpayers with little interest in communal affairs. Some Jews abandoned the Jewish community altogether, for no other reason than to save the expense of Jewish taxation. Nevertheless, even such a strongly curtailed "community" was frequently more beneficial to the furtherance of Jewish life in all its creative phases than the chaotic, because totally unorganized, American "congregation."

Certain communal systems became truly hierarchic, starting from the local unit and proceeding through district and provincial bodies to a central organ which guided the destinies of all organized Jewry. Such

centralization has existed in France and Belgium in the form of central consistories, in Holland as a Commission for the Affairs of the Israelites, in post-War Prussia and Bavaria as the *Preussischer und Bayerischer Landesverband*, and to a certain extent also in England. Wherever governmental regulation was lacking, such centralization could be achieved only through voluntary associations of communities which naturally wielded only so much power as was granted to them by their constituent members. Obviously, too, they could not be very comprehensive in scope. In the United States, for instance, the total membership of the three or four national associations of the orthodox, conservative and Reform congregations is estimated today at but one-fifth of the congregations actually functioning. However, it must be stated that, while for purposes of unification and effective guidance the compulsory central organ was naturally more effective than the voluntary association, the latter frequently had the advantage of keeping the interest of its members much more alive.

The post-emancipation community had other severe handicaps. The forces of emancipation itself, operating in the economic, social and political domains, also had direct influence upon Jewish religious life. Apart from widespread religious agnosticism due to the general crisis of religion in the modern world, a serious cleavage arose within the body of religious Jews by the rise of the Reform movement. In its wake came the more modern trends of Conservative Judaism, Neo-Orthodoxy, etc., which contributed their share to organizational difficulties. Not only were many persons thus alienated from a community dominated by an opposing faction, but many communities

were actually broken up into separate bodies, frequently in warfare with one another. In Germany and Hungary public law eventually recognized the independent community character of these groups. It mattered little that the driving force behind that separation was the so-called *Trennungsorthodoxie* of the group which otherwise was the staunchest champion of extensive communal activity. The Reformers, on the other hand, although preferring a united community, frequently wished to transform its character in accordance with their doctrines into a pale, denominational organization providing for a minimum of religious needs. Finally, with the rise of Jewish nationalism, vigorous demands have been made to transform the religious community, at least in countries of Jewish mass settlement, into a secular *Volksgemeinde* serving all ethnically conscious Jews, regardless of their particular religious or anti-religious orientation. Although theoretically winning great victories through the international safeguards for Jewish national "minority rights," this movement has thus far caused few structural changes in the communities outside the Soviet Union. However, every consideration of the practical problems of communal organization will have to take into account these diverse attitudes and the serious difficulties of their reconciliation.

In Palestine a new type of Jewish community and communal organization has been established, which may have far-reaching influence upon all future attempts at organizing diaspora Jewry. With the concurrence of the government a communal system was evolved which, topped by the National Council and the Chief Rabbinate, exercises functions extending far beyond the domain of "religion" and increasingly focalize in it-

self all the public life of Palestine Jewry. Italy and Yugoslavia have issued in recent years extensive ordinances regulating Jewish communal life which put an end to the prevalent anarchy. Notwithstanding the small number of Jews in these two countries the new regulations hold out good promise for sound communal life. Poland, too, has issued a new community ordinance which, although eliciting much adverse criticism because of the overemphasis upon religious orthodoxy, has helped establish a new organizational unity of Jewries living under three different systems in the three empires of Russia, Germany and Austria. Less constructive have been the Roumanian endeavors to regularize the communal life of the diverse groups, previously living under Austria-Hungary, Russia and the old Kingdom.

The pre-emancipation community is gone. Not restoration, but creation of a new and unprecedented Jewish community is really the task of coming generations. For this purpose a careful study of the beginnings of the diaspora community may prove even more helpful than that of the more recent past. The Jewish people are now going through a crisis which has never been rivaled since the days of the first Exile. A clearer understanding of the methods employed by the early leaders in Babylonia, Persia and the hellenistic diaspora, when they proceeded to organize the life of an ethnic religious minority in the midst of overpowering alien majorities, and a full recognition of the great divergences between the present and those ancient times may yield valuable clues and furnish really constructive elements to the program of erecting the new type of community which would as effectively meet the crisis of emancipation as the former had met the crisis of

the classical days of the Exile.

Furthermore only a minimum of communal life may be expected, especially under the centrifugal forces of the modern age, without some sort of state enforcement or vigorous religious sanctions. The anarchist dream of a harmonious unenforced social coexistence has thus far never been realized over a long period of time in any strong social organization. It was never achieved during the highlights of Jewish communal history. With the breakdown of the religious law and the removal of state privileges some new element of compulsion must be devised to ensure the supremacy of the social will over the individualistic whimsies of its members.

There is danger, too, in making a fetish of "democratic" self-determination. With all its shortcomings the pre-emancipation Jewish community was one of the most successful and most enduring social experiments in history, perhaps primarily because it so well blended the principle of authority with that of freedom. In its essentially the Jewish community in Exile has always been the organizational counterpart to a basically non-political religion and culture. One must, therefore, carefully guard against the intrusion of strictly political ideologies and against mechanical applications of extraneous methods, no matter how correct in other phases of social life, to such a distinct and unique entity as the non-political ethnic-religious Jewish community. If a new vigorous community is to emerge from the confusion of the present era, it will once more have to be a novel creation of the Jewish mind, acting under the impulses of new social and cultural needs, new and unprecedented not only in its ultimate goal, but also in methods employed for its achievement.