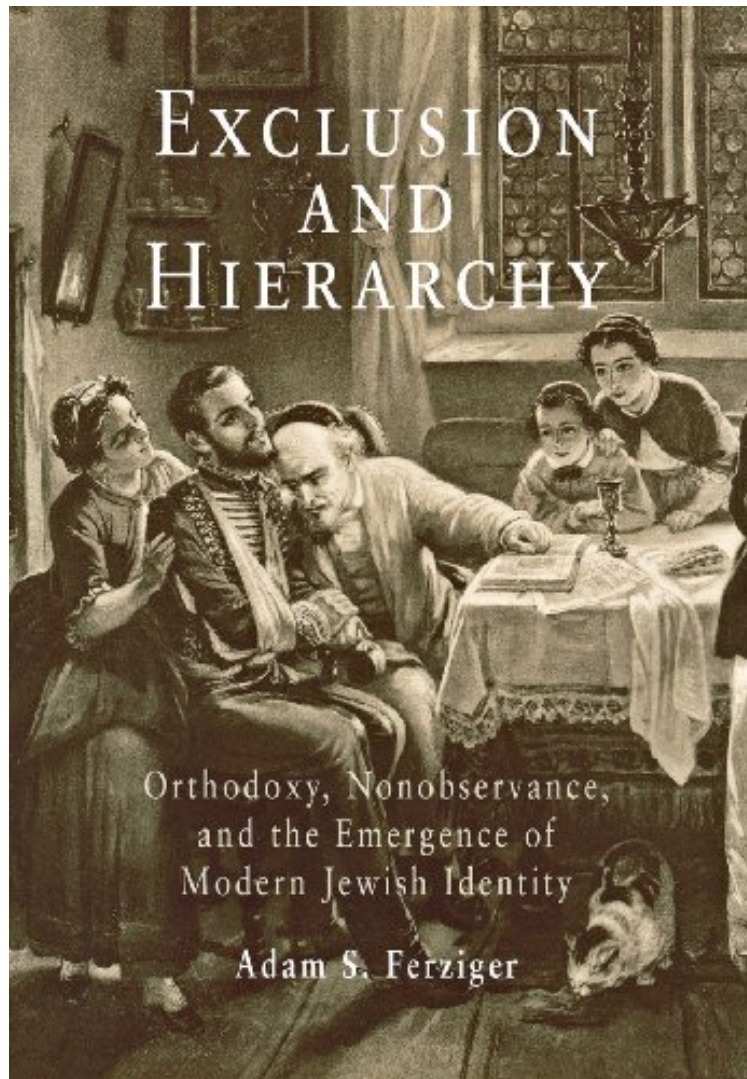


[Mobile book] Exclusion and Hierarchy: Orthodoxy, Nonobservance, and the Emergence of Modern Jewish Identity (Jewish Culture and Contexts)

Exclusion and Hierarchy: Orthodoxy, Nonobservance, and the Emergence of Modern Jewish Identity (Jewish Culture and Contexts)

Adam S. Ferziger

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Adam S. Ferziger : Exclusion and Hierarchy: Orthodoxy, Nonobservance, and the Emergence of Modern Jewish Identity (Jewish Culture and Contexts) before purchasing it in order to gage whether or not it would be worth my time, and all praised Exclusion and Hierarchy: Orthodoxy, Nonobservance, and the Emergence of Modern Jewish Identity (Jewish Culture and Contexts):

6 of 6 people found the following review helpful. Superb analysis of managing rifts in Jewish community
By Jill Gelber
Jewish unity faces constant challenges, most recently in the anguished debate over Israel's withdrawal from the Gaza Strip, which was split largely across religious lines. Dr. Ferziger performs an important service in this book by tracing the roots of conflict between observant and non-observant Jews in 18th- and 19th-Century Europe and focusing on how communities managed to work together. From Budapest to Berlin, Ferziger describes the pain and puzzlement of Orthodox Jews as they watched family and friends violate the Sabbath and flout other halakhic observances while seeking to connect with the outside world. Although the notions of hierarchy that evolved may seem patronizing, they served as important tools for those among the Orthodox who sought to create a big tent that would not exclude their wayward brethren. Ferziger writes with sensitivity and style, offering a superb analysis of how Jews worked hard to bridge significant rifts and find common ground.

Following the Jewish Enlightenment, many eighteenth-century Jews chose not to observe the religious laws and customs that had earlier marked them as culturally different from their Christian peers. As the Jewish population became increasingly assimilated, an ultraorthodox movement also emerged, creating a discrete identity for a group within the Jewish community that opted not to move toward the mainstream but instead to embrace the traditional laws. By tracing the evolution of the approach of the Orthodox to their nonpracticing brethren, Adam S. Ferziger sheds new light on the emergence of Orthodoxy as a specific movement within modern Jewish society. In the course of this process, German Orthodoxy in particular articulated a new hierarchical vision of Jewish identity and the structure of modern Jewish society. Viewing Orthodox Judaism as no less a nineteenth-century phenomenon than Reform Judaism or Zionism, Ferziger looks at the ways it defined itself by its relationship to the nonobservant Jewish population. Ferziger argues that as the Orthodox movement emerged, it rejected the stance that the assimilated and nonobservers were deviant outcasts. Instead, they were accepted as legitimate members of a Jewish community, in which Orthodox Jews occupied the pinnacle, as the guardians of its tradition. This book's contribution, however, moves beyond a historical study of Orthodox Judaism. The sociological methodology that Ferziger employs enables the reader to appreciate how other religious groups have sought to carve out their places within the mosaic of modern society.

"This book enhances our understanding of an essential feature in modern Orthodoxy that has heretofore been underemphasized. Ferziger's sociological approach to rabbinic responsa is rare in the English-language literature, and his theoretical framework is well thought out, clearly presented, and very useful." Samuel Heilman
"This very nuanced and informed study charts Orthodox responses to concrete cases of nonobservance and deviant behavior in nineteenth-century central Europe and thereby traces the emergence of modern Orthodoxy." American Historical Association
"A very readable and intelligent study of Orthodoxy in modern times." Journal of the Association for Jewish Studies
About the Author
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Introduction
The Emergence of Parallel Phenomena: Orthodox Judaism and the Modern Nonobservant Jew
I. Orthodox Judaism as a Modern Phenomenon
The use of the term "Orthodoxy" by Jews in reference to "old-style" Judaism, was first adopted by German maskilim ("enlightened" Jews) toward the end of the eighteenth century. At the time, the traditional rabbinic and communal leadership took offense to its usage, as they correctly perceived its pejorative implication regarding a style of Judaism that in the minds of their adversaries was fast becoming obsolete. From the mid-nineteenth century onwards, however, the more conservative elements of Central European Jewish society wore the name "Orthodox" with pride, as they claimed that its adherents were the exclusive bearers of authentic Judaism, as it had been lived in premodern, traditional society. Their basic message was that while external social and political realities had changed dramatically, and many alternative forms of Judaism had begun to be expressed, only the Orthodox had succeeded in insulating the true Judaism from these powerful influences. Any evident outward changes were in appearance only, and were not to be interpreted as a dilution of, or deviation from the religious values and lifestyle of their forefathers.
Recent study of Orthodoxy has challenged these partisan Orthodox assumptions regarding its immunity to change. Focus has been placed on the ability to choose one's form of religious expression or the lack thereof, as a fundamental characteristic that distinguishes modern Jewish life from the "taken for grantedness" of traditional society. Within such a conceptual outlook, all religion practiced in modern society, including the seemingly "ultraconservative" approaches, are modern formulations, chosen by their adherents, rather than simply inherited. This choice may lead to some type of accommodation or compromise to new circumstances. Alternatively, it may engender dramatic efforts to reject the surrounding culture. Indeed, this process of choosing has led to various types of reformulation of Jewish identity in light of new realities. While the emphasis on the relative "newness" of Orthodoxy has not been without its critics, it has clearly established itself as the accepted approach among the leading scholars in the field. Thus, the last three decades have witnessed a proliferation of articles and monographs that have analyzed different aspects of Orthodoxy in light of its identification as a modern movement. Central to many discussions of Orthodoxy has been its relationship to Jewish groups that espoused ideologies appearing to represent a more radical departure from premodern tradition than Orthodoxy. This work explores a

related topic: the connection between the development of Orthodoxy as a modern movement and its approach to the individual Jew who had ceased to follow traditional Jewish law and practice.

II. The Orthodox Reaction to Other Modern Jewish Movements

From the mid-eighteenth century onwards, Central and Western European Jewry witnessed the rise of the Haskalah movement and various forms of Reform Judaism, while the latter part of the nineteenth century saw the emergence of radical enlightenment, Zionism and the Bund in Eastern Europe. These ideological movements attracted people searching for a Jewish identity that could respond to the needs of the times. For the most part, the reaction of the traditional rabbinic and communal leadership to these groups was total rejection. This was expressed in protests to the governments, strongly worded public declarations, as well as a vast collection of polemical literature. Notwithstanding, the various conservative elements ultimately recognized in their own way that they needed to create new structures and organizations to compete with their dynamic adversaries over the souls of the Jewish population. It is these efforts and their ideological foundations that have led many scholars to identify the emergence of Orthodoxy as a modern movement, primarily with its response to the modern ideological trends that challenged the authority of the more conservative minded rabbinical establishment. As Moshe Samet stated regarding the Hamburg Temple controversy of 1818-19: The Hamburg Temple debate, which has been described by historians as a milestone in the history of the Reform movement, also represents a turning point in the evolution of Orthodoxy: the latter made its first public appearance as an organized movement in response to the challenge posed by this revolutionary experiment.

III. Reacting to New Ideologies and to New Jewish Lifestyles

Indeed, the ideological and political confrontations between Orthodoxy and its adversaries had a major effect on Jewish public life and led to the development of innovative tactics by each side. It is hard to conceive of a mid-nineteenth century German Jew who was oblivious to the conflict between the Orthodox rabbinate and the Reform. Similarly, the Hungarian Jewish Congress of 1868-9 and the communal split between the Orthodox and the Neologue that ensued, dominated the agenda in Jewish communities large and small throughout Hungary from the early 1870s. Further east, the yiddische gasse (Jewish street) was filled with discussion of the Zionist idea as well as the social and political cry of the Bund, while in their study halls, yeshivah heads raged against those modern movements. Thus, it is understandable why scholarship of Orthodoxy has focused its sights on these conflicts. Equally notable, though, was the Orthodox reaction to an issue that may, in many ways, be considered the dominant theme of modern Jewish existence. Arguably the most basic transition that has taken place in Judaism over the past three hundred years has been the gradual decline of halakhic practice as the defining factor of Jewish identity. As Peter Berger has pointed out, unlike Christianity, "observance," rather than "theory," has generally been the focal point in defining the degree to which an individual or group has moved away from normative Judaism. The transformation that took place in the modern era in the ways Jews expressed their identity, of course, was accompanied by powerful changes in communal and economic life. One cannot understand one phenomenon in isolation from the other. Yet changes in external circumstances do not necessarily lead to a complete revision in the way Jews conduct their religious life. Indeed, throughout history, due to political and economic upheavals, Jews were forced to make adjustments in their professional and residential situations in order to deal with the changes that had come about. This, however, did not engender a voluntary rejection of Jewish law. By contrast, the adjustment of a modern Jew to the new societal realities was often accompanied by abandonment of religious observance. Sometimes, this was a reflection of his or her identification with the new ideas that were being popularized in the modern world and the creation of systems like Reform that claimed legitimacy on the basis of original, nonhalakhic understandings of Judaism. Often, though, it simply showed that the individual was willing to neutralize aspects of his or her own particular religious identity in order to succeed within the broader society that had opened its welcoming doors. The sense that interaction with nonobservant individuals was a universal experience for modern Jews, is expressed succinctly by Monika Richarz in her description of the process of modernization in rural Germany. Despite the fact that throughout the nineteenth century numerous isolated Jewish communities continued their practices much along the same lines they had for the past hundreds of years, nevertheless none were immune to the new realities. Richarz highlights the fact that everyone shared the experience of a native son who went off to the army or the big city and came back a different person. Specifically, she presents a prototype of how even ostensibly observant families began to loosen their ties to traditional practice: While at home the mother often continues to maintain a kosher household, the husband opens the store on the Sabbath, sons write at school on Saturday, students at the university no longer eat kosher; adaptation to social norms is widespread. Starting from the eighteenth century, those European Jews who remained committed to traditional observance be they rabbinical figures, lay leaders or family members were confronted by various expressions of the phenomenon of nonobservant Jews. As time went on, the numbers of individuals, and consequently the regularity with which issues came up, increased dramatically. In the process, Orthodoxy began to articulate a new perception of such Jews. This view had ramifications for how Orthodoxy itself was evolving into a self-conscious religious group within modern Jewish society. Moreover, it led to a new understanding of the very concept of Jewish identity that took into account the new realities that had set in. The goal of this book, then, is to view the emergence of Orthodoxy as a modern phenomenon as reflected in the response of its leaders and adherents to their nonpracticing brethren. The focus is not, however, on the grand battles between the various emergent denominations and ideological trends. It is, rather, on the new day-to-day realities of

modern Jewish society, and the strategies that were developed by the Orthodox for dealing with their Jewish counterparts who no longer maintained halakhic observance. By no means, however, will the ideological battles that were waged throughout the period under discussion be ignored. It is, indeed, impossible to deal properly with this era in Jewish history without an appreciation for these conflicts. Yet, instead of raising them to the forefront of discussion, the ideological hostilities will serve as a backdrop to the concentration on the new dynamics that emerged within the spheres of interpersonal relations between different types of Jews and internal communal life. Expanding the focus within Orthodox historiography beyond ideological battles, to include Orthodox reactions to the behavior of the individual, is consistent with the approach suggested by Mary Douglas in her analysis of how religions evolve: The intellectual may succeed in creating the themes and slogans on which religious wars are fought, but these are not the same as religion. The place where religious forms take shape is in the minds of the individuals determined to cooperate, looking for compromise, or when that fails, trying to coerce one another into collective action by threatening divine sanctions. Arguing about practical implications of belief and dogma, inventing tests for demonstrating loyalty, looking for signs of disloyalty that can be used as accusations, this is how religions are clarified. As will become clear in this book, religious coercion ceased to be an option during the course of the period under consideration. The question, however, of how the Orthodox viewed those who were "disloyal" to tradition, and what this tells us about the nature of the religious form that became known as "Orthodox Judaism", will be a focus of discussion throughout.

IV. From Deviance to Normative Nonobservance

The existence of Jews who deviated from normative halakhic practice is not, in and of itself, an exclusive reality of modern society. Rabbinic literature is replete with examples that show that like any society, there were always individual Jews who succeeded in living on the periphery. But be it individuals or groups, in traditional Jewish society there was no question regarding the fact that normative Judaism was defined by allegiance to the halakhah. Certainly those who succeeded in diverging from this norm knew they had greatly weakened their connection to the Jewish community, if not having severed it completely. The autonomous Jewish community had the power to excommunicate such deviants, although this measure was probably rarely used against individuals as the alternative was losing them to the open arms of the church. But the threat itself of herem (excommunication) was often enough to prevent most potential deserters from taking drastic action. Regarding those groups who staked claims to clearer understandings of God's word, such as the Karaites, and the Sabbateans, the Jewish community was generally less obliging. The weight of the entire population was thrown against them with the intention of destroying them as a collective body. When that was no longer possible, harsh measures were passed to reinforce any established boundaries between the followers of the deviant approach and those loyal to the predominant halakhic tradition. Thus, it can safely be said that although one must understand the nature of deviance in premodern Jewish life to appreciate Jewish existence in those times, there is no question that these groups never posed a real challenge to the hegemony of the halakhah as the authentic form of behavior for those who were considered normative Jews. Not so in the modern world. The initial sign that changes had begun to take place in the makeup of Jewish society in the eighteenth century was the increase in the number of individuals who chose not to observe basic Jewish laws, such as Sabbath and dietary restrictions. This was, at first, a small group that deviated from accepted Jewish norms primarily due to the economic and political opportunities that came along with an increasingly accepting social environment. As the doors of society swung open wider for the Jews, the numbers increased to the point where there seemed to be little possibility of reversing this phenomenon. Moreover, by the mid-nineteenth century, nonobservant Jews made up the majority of many large communities in Germany, while the numbers continued to increase steadily in rural areas and throughout most of Hungary. Similarly, in Eastern Europe, despite the many strongholds of Hasidism and traditional life, the last decades of the nineteenth century certainly saw nonobservance become a regular fixture if by no means the norm in most Jewish locales. The changes in accepted Jewish religious behavior that took place over the course of the eighteenth and nineteenth centuries altered the nature of Jewish society. R. J. Z. Werblowsky has suggested the following dichotomy between the place of religion as normative behavior in modern as opposed to traditional societies: No doubt there were heretics, atheists, materialists and plain cynics in matters of religion everywhere and at all times... But we are not talking of individuals now but of dominant cultural styles and trends, and of major transformations in our "collective plausibility structures." These insights are, indeed, applicable to the Jewish context. The gradual way by which nonobservance became a legitimate form of Jewish identity for many Jews, can be described as the "normativization of deviance." That is, the acts that were previously considered to be the antithesis of Jewish lifestyle, became accepted and even preferred options for vast numbers of fully identifying Jews. In the course of these events, the very concept of religious deviance became an oxymoron. A completely new "collective plausibility structure" had emerged; for in a society whose members had the freedom to choose (at least as far as religious matters were concerned), one can question whether any religious orientation could lay claim to being the normative way. This new reality was bound to have its effects on Jews who maintained their allegiance to traditional practice. For families, the rejection by its members of the values of the home could be devastating, and at the very least, certainly raised questions as to how to adjust to such a situation. In addition, Jewish communal solidarity as well as public religious life had always been predicated on the uniformity of practice by its members. The traditional rabbinical and communal leadership responded to modern deviants as the

phenomenon developed. At the start, the only tools at their disposal were those that had been accepted as the time-honored ways to punish sinners. As deviance spread, however, and the realization that this was not just a passing fad was acknowledged, the responses too evolved. Were the halakhic and social categories as well as the disciplinary tools that had served previous generations still applicable in these novel times? Could new approaches be formulated that would take into account the current environment while ensuring allegiance to traditional Jewish values? These were the questions that stood at the core of the communal efforts to deal with this issue and the literature that documents these activities. Hovering above the various responses to this question, an overarching issue was being confronted by the representatives of Orthodoxy: what was the meaning of Jewish identity in a modern, heterogeneous Jewish world?

V. The Role of Deviance in the Development of Orthodoxy: Sociological Paradigms

The methodological foundation utilized here for assessing the attitudes towards nonobservant Jews as a means for understanding the emergence of Orthodoxy is located within the study of the sociology of deviance. Among the pioneering efforts of the French sociologist Emile Durkheim, was his description of the "functional" role played by deviance in societal development. In 1892, Durkheim wrote: The deviant act then, creates a sense of mutuality among the people of a community by supplying a focus for group feeling. Like a war, a flood, or some other emergency, deviance makes people more alert to the interests they share in common and draws attention to those values which constitute the "collective conscience" of the community. Unless the rhythm of group life is punctuated by occasional moments of deviant behavior, presumably, social organization would be impossible.

Two ideas are proposed in this paragraph. First, that the appearance of deviance causes those who reject it to solidify their connections with each other by emphasizing what they share in common. Second, rather than viewing deviance as an aberration, Durkheim sees it as a necessary tool for maintaining a functional society. Thus, deviance is bound to arise from time to time in order to facilitate the ongoing evolution of collective life.

How, more precisely, does deviance perform these tasks? Who defines what acts constitute deviant behavior and how does this process work? Do historical and anthropological case studies support Durkheim's thesis? These are some of the questions that have been raised by those who have operated within this sociological framework. Indeed, deviance can be reflected in a multitude of forms: criminal, psychological, physical and habitual for example. The primary focus of the discussion here, however, is on studies that relate more directly to the reaction of traditional societies to religious deviance and the nature of such phenomena in a modern context.

Two sociologists have written major empirical studies that test the "functional" approach to deviance, and make points that are particularly relevant to the discussion of Orthodoxy. In light of their findings, Durkheim's initial ideas have been explained in greater detail and expanded upon.

A. Kai Erikson

In 1966, Kai Erikson published *Wayward Puritans*, an analysis of 17th century New England Puritan society. Erikson portrays three distinct controversies that he terms "boundary crises," that shook the Puritan community during the course of the century; the antinomian heresy, the Quaker rebellion and the witchcraft scare. He shows that in each instance a particular internal subgroup had been accused of holding beliefs or performing acts that crossed the boundary into the unacceptable. As such, they had been declared to be deviants and after arrests and public trials, had been either banished, incarcerated or even hanged in the town square.

Through his analysis of these events, Erikson seeks to prove that each case had occurred at a point when conditions made it necessary for the Puritans to coalesce into a more homogeneous group. Thus, beyond punishing the criminals, each crisis was essentially a procedure by which group identity was galvanized: The deviant is a person whose activities have moved outside the margins of the group, and when the community calls him to account for that vagrancy it is making a statement about the nature and placement of its boundaries. It is declaring how much variability and diversity can be tolerated within the group before it begins to lose its distinctive shape, its unique identity.

If Durkheim calls attention to the usefulness of deviance in group building and the need for it to make regular appearances, Erikson comes closer to saying that societies often actually look for opportunities to utilize deviance in this manner. Both their works suggest that it is simply easier to define what one is not, than to articulate an identity in clear, positive terms. By labeling certain people as "outsiders", the rest understand who belongs to the group.

This study of Orthodoxy's approaches towards nonobservant Jews is predicated on this basic premise of Erikson: Orthodoxy's efforts to define the halakhic and social status of its nonobservant brethren, to a great degree, was a means by which it sought to come to grips with its own identity. How the Orthodox made those distinctions will be demonstrated throughout this book.

As part of his thesis, Erikson suggests a number of additional aspects of "boundary crises" and of the "definition of deviance" that deserve consideration in the context of Orthodoxy. First, deviance is a relative term. Often acts that were performed over long periods of time without causing a great degree of alarm or response, suddenly become the focal points of a "boundary crisis." Similarly, at different junctures in a community's history, the focus of the boundary regulations may change from one type of issue to another. While there may be codified laws, the degree to which specific ones are enforced or emphasized may change over time.

In the context of the development of Orthodoxy, Erikson's comments point out the necessity of clarifying how its boundaries differ from those of premodern Judaism. On an a priori level, one might assume that since both traditional Judaism and Orthodoxy profess absolute allegiance to the halakhah, there would be little difference between the ways that each related to those who had transgressed the laws other than the inability of the moderns to mete out formal punishment. In reality, Orthodoxy formulated new approaches to the nonobservant that have little

precedent in premodern Judaism. It will become amply clear that new historical circumstances engendered adjustments in the definitions of deviance on the part of the Orthodox, or at least led to changes in emphasis. Moreover, within the course of the nineteenth century itself, Orthodoxy, like the seventeenth century Puritans, did not maintain uniform focus on a single type of deviance. Additionally, the many subgroups that make up the broad rubric of Orthodoxy, have themselves differed dramatically on where they placed their boundaries. For this reason, clarification of the various responses to deviance within Orthodoxy helps to secure a closer sense of the common identity that they shared and yet, also on what issues Orthodox factions parted ways from one another.

B. Nachman Ben-Yehuda

Nachman Ben-Yehuda has also tested Durkheim's functional approach to deviance within the context of specific historical events. His initial case studies dealt with the European witch craze of the Renaissance period. The witches, who had always been an outcast group, became the focus of a concerted campaign whose open aim was to depollute society. Its ultimate goal, argues Ben-Yehuda, was to raise a collective front that could hold together in the face of the new fluidity characterizing European life. While Ben-Yehuda accepts Erikson's basic premise that deviance is utilized in order to maintain boundaries and strengthen group identity, his conclusion is that this tactic is generally unsuccessful. This is due to the fact that when such drastic measures as those taken by the late medieval church or the New England Puritans are used, it usually signifies that the process of social change has progressed to a degree where there is no longer any possibility of returning to the original social order. Thus, excessive efforts to control deviance, rather than slowing the wheels of change, actually are a good indicator that society is in the process of an irreversible transitional period. In applying his ideas to modern, heterogeneous society, Ben-Yehuda moves even further towards an understanding of how deviance affects the identity of the (formally) normative group. He argues that it is through deviance that society itself changes. Adopting the concept of "creative deviance" coined by Jack Douglas, he suggests that inasmuch as deviance reflects out of the ordinary forms of behavior, it is also the main vehicle for forcing general society to re-examine itself: "Deviance is the mutation that is generally destructive of society, but it is also the only major source of creative adaptations of rules to new life situations." By confronting the deviant individual or group, any given society must clarify for itself what values and norms it cherishes. In the course of such collective introspection, changes take place within its own "symbolic moral universe." This is the process by which deviance always affects society even in a premodern framework. In a premodern setting, however, where there was a relatively clear-cut, normative group that had tight control over the social order, the changes developed gradually as the society came to grips with its new realities. By contrast, in a modern, complex environment, there are multiple accepted "symbolic moral universes" operating at the same time within society. The result is that rather than being a slow and gradual process, individuals and groups are constantly creating boundaries in the modern world, and, as such, are always in a state of flux. Ben-Yehuda suggests that while the "creative" role of deviance always leads to self or group definition, this can lead to more strict boundaries (as it did in the witchcraze example) or alternatively result in a broader outlook. Ben-Yehuda's ideas expand upon the appreciation for the use of deviance in understanding Orthodoxy in three ways. First, the emphasis on the role of deviance in orchestrating changes and new developments in society—rather than simply strengthening old norms—buttresses the basic assumption of this work. Namely, the emergence of Orthodoxy as a new, modern movement should be examined through the lens of its attitudes towards those who deviated from premodern normative Jewish practice. Second, he shows that boundary maintenance is a constant occupation in a modern, complex society and not limited to isolated "moral panics" or "boundary crises." This too is consistent with what will be illustrated further on in this study. While one can certainly identify specific events or periods when a crisis exploded or could first be observed, the more significant characteristic of Orthodoxy has been its perpetual involvement in boundary maintenance. This will come across in discussions of Orthodox rabbinic responsa regarding nonobservant Jews and especially in descriptions of the socialization process that took place within Orthodox communal institutions. Finally, the various reactions of Orthodoxy to nonobservance bear out the claim that while deviance can certainly result in greater rigidity by the "normative" group, it can also function as a seed for the evolution of increased flexibility and openness on the part of the mainstream (or former mainstream).

VI. Hierarchies and Enclaves

The concept of self-definition through looking at the "other" is the theoretical foundation upon which this book is based. With this method the development of Orthodoxy can be charted from the earliest expressions of Judaism's entrance into modern society through the various stages that it followed in the nineteenth and early twentieth centuries. Beyond this task, however, the goal of this study is to use the attitudes towards nonobservant Jews as a means to understand what unites and divides the various groups that are defined as Orthodox. Through such distinctions it will be possible to gain a stronger grasp of what visions of Jewish identity in the modern world have resulted from the emergence of the new movement known as Orthodoxy. To these ends, it is useful to adopt a dichotomy that enables one to more accurately articulate and categorize the examples of relationships to nonobservant Jews that are encountered in the sources that are examined. Dichotomies are, of course, intellectual constructs that help to illuminate empirical data. No real example can be found that fits exactly into the confines of a particular category or typology. If these "ideal types" are employed properly, however, they can provide a great deal of insight regarding recurring or similar phenomena. In the case at hand, one might suggest that the most fruitful models available emanate from the study of sectarianism and the various subheadings that have been defined in this field. In fact, studies have

been published that argue that "sect" is the term that most accurately describes at least some variations of Orthodoxy that have developed. Sects are generally defined as insular groups who make strict ideological and behavioral demands on their members, and leave no room for nonmembers within their communal space. The findings of this book imply that, despite its emphasis on boundary definition, many groups within Orthodoxy did not simply seek to exclude all other Jews. It is necessary, therefore, to work with a model that allows for seemingly opposite results to be at the basis of the same actions. It must assume a sense of collective connection among all Jews, yet at the same time, entail a constant process of setting boundaries between members of this collective. This construct must allow for the inclusion of a broad range of expressions among them some that come close to a classically sectarian stance but that do not perceive "inside and outside" as the only means of defining the status of an individual vis-a-vis a group. To understand this aspect of Orthodoxy properly, then, room must be made for a certain type of ambiguity to be a feature of its actions—for a sense that negotiation of gray areas is the dominant feature of the majority of Orthodox responses to nonobservant Jews. With these parameters in mind, the dichotomy that appears best suited to the findings of the current study is that elucidated by British anthropologist Mary Douglas, that differentiates between "enclavist" and "hierarchical" cultures. Douglas develops a "cultural grid" that splits into four parts: isolates, individualist, hierarchist and enclavist: Isolates Hierarchist Individualist Enclavist It is the latter two that focus directly on the relationship between individuals and the particular culture: Hierarchy is essentially based on grading, so it must tolerate the idea of a recognized bottom level and make provision for it... Enclavists have reasons to avoid grading their members altogether: their habit is outcasting rather than downgrading; their exclusions all work on the outer boundary, the difference between belonging and not belonging. Their virulent hatred of the outsider is shocking to the other cultures [my emphasis]. Enclaves are closely related to sects in that they work primarily on the boundary between in and out. They try to limit the differences between those who are loyal to the group, while focusing on that which unites them in opposition to the outsiders. To a certain degree the terms may be interchangeable, but in the context of this discussion of Orthodoxy, sect seems to imply a certain rigid separateness of a particularly denominational quality that is not always consistent with the reality. The expression "enclavist tendency" is the term that will more often be used here. As Douglas herself writes in explaining her choice of terminology: The word sect has a pejorative sense in the politics of European and American denominations. Faction will not quite do as an alternative, for it has preeminently political associations. The word enclave covers both sect and faction, meaning any kind of community whose main problem is defecting membership and which tries to solve that problem in the sectarian way. Enclavist, in the context set out in this study, is directed primarily towards the tactic used to ensure communal continuity and integrity. This involves the use of "sectarian" type approaches, while not necessarily attaining the levels of separateness generally associated with sects. There were certain groups within Orthodoxy who could be fully considered "sects". It is the contention here, however, that these are extreme examples that demonstrate the potential length to which groups could go in the quest for survival in what most saw as an virulently hostile environment. The implication of Douglas's "grid," as diagrammed above, is that inasmuch as there exist four categories, there is a range within each label that relates directly to the others. That is, "Enclavists," who sit between "Hierarchists" and "Individualists" can gravitate closer to one or the other of these borders. In other words, the grid modifies the categories by setting them in juxtaposition to their neighboring positions. Most German Orthodox groups cultivated attitudes more closely situated within a hierarchical approach. That is, simultaneously their relationship to the non-observant expressed two seemingly opposite intentions. They were at once constantly creating boundaries in order to preserve their own unique identity and sense of group solidarity, while at the same time finding ways to allow for the "deviants" to remain within the fold. A perception evolved within Orthodoxy that accepted the idea that all Jews were part of a greater whole, yet by contrast to the "egalitarian" nature of the enclave, an internal distinction was forged between those who behaved properly and professed traditional beliefs and those who deviated from these tenets. This description, that allows for even those seemingly antithetical to the ideal way to remain inside the larger group, fits the mold of a hierarchy, as portrayed by Louis Dumont in his classic discussion of the Indian caste system, *Homo Hierarchicus*: Hierarchy is... a relation that can succinctly be called 'the encompassing of the contrary'. . . This hierarchical relation is, very generally, that between a whole (or set): the element belongs to the set and is in this sense co-substantial or identical with it; at the same time, the element is distinct from the set or stands in opposition to it. The result of the evolution of this process within Orthodoxy was that a certain type of labeling came into being, not one between those of equal footing who were "insiders" as opposed to those outside. Rather, one can speak of gradations within a shared system. There were "grade A" Jews, and "grade B" Jews and possibly even "grade C" Jews. As Mary Douglas puts it: "Whereas in an enclave, tension is explicitly on the relation inside and outside, in hierarchy it is on the up-down dimension of authority." Within the realities of the modern world there were clear advantages for the Orthodox in adopting such a multitier construction of Jewish society. On a practical level it served two needs. It enabled the Orthodox to protest and deride the views and lifestyles that were becoming prevalent among the majority of the Jews, and to which they were absolutely opposed. This, in turn, engendered a process of strengthened group identity among themselves. But it also derived from a realistic appraisal of how modern Jewish society differed from its traditional predecessors. It represented a realization that in a world in which deviance had become normative, an absolutely exclusionary

approach was untenable. Room had to be made for those who identified as Jews despite having abandoned traditional Jewish practice, without legitimizing their actions. The hierarchical stance was also advantageous from an ideological perspective. If Orthodoxy was to abandon all the halakhic and communally accepted precedents from previous generations regarding sanctions against deviants, its claim to be the direct link to traditional Judaism of the past could have been called into question. On the other hand, traditional Judaism had also nurtured the concept of Jewish solidarity as one of its foundations. While the public Sabbath desecrator could be classified in the same category as an idolater, the theme of "An Israelite, even if he has sinned, remains an Israelite" was also an accepted principle. Indeed, the realities of modern society made differentiation between "good" and "bad" Jews more necessary for Orthodox group cohesion, but they also proved that it was a less accurate a barometer of Jewish identity. Thus, the tensions between the exclusivist and inclusivist trends within Judaism, became a focal point of Orthodox discussion. By expressing a view that saw the Jewish people both as a whole and as individual parts with a clear perception of who stood at the top of the pyramid, the hierarchical approach enabled Orthodoxy to remain loyal to Judaism's exclusionary tradition without ignoring its inclusionary one. Of course a multitude of opinions were put forth by assorted factions within Orthodoxy. Some placed greater emphasis on maintaining the gradations, while others invested their efforts in trying to be as inclusive as possible. The former, then, can often be identified as veering closer to the enclavist border of the grid, even as few plunged full-force into such an existence. By the same token, despite the concerted efforts of certain authorities and ideological groups to judge the nonobservant generously, there are no examples, at least in the period and geographical area discussed here, in which Orthodoxy expressed anything that can be interpreted as pluralism. Therefore, the relative rigidity or laxity in maintaining the distance between the different levels within the hierarchy serves here as a barometer for analyzing the internal struggles that developed within Orthodoxy itself. In the course of this study, the hierarchical model is contrasted to premodern approaches, as well as to formulations that were expressed at early stages in the development of Orthodoxy. In this way, it is utilized as a tool to illustrate the evolution of Orthodoxy from its traditional roots into a modern movement. Furthermore, it is demonstrated that most German-Orthodox groups adopted some degree of hierarchical outlook in their relationships to nonobservant Jews. Finally, the dichotomy between hierarchy and enclave functions as a mechanism for distinguishing between the various forms that Orthodoxy has taken, as well as for analyzing internal Orthodox battles that took place during the nineteenth and early twentieth centuries. The cumulative effect, is to attain a more precise perception of how Orthodox Judaism formulated a new concept of Jewish identity an Andersonian "imagined community" if one likethat made sense (at least for its constituents) and was workable within the realities of Jewish life in modern times. Rather than simply exclude, Orthodoxy's hierarchical stance allowed it to view differentiation between the various components of the Jewish whole as a natural reflection of modern society.

VI. Geographical Concentration

This book maintains that there are common traits that unite all those groups and individuals who can be characterized as Orthodox. The most basic one is their insistence that halakhic observance be the normative form of Jewish life in a society where numerous alternatives exist. Yet Orthodoxy has not produced a united voice to confront the most pressing issues in modern society. Geographical differences and the various social, political and educational situations that ensued influenced the paths of the various "Orthodoxies". In addition, certain charismatic leaders played dominant roles in setting the trends within their respective spheres of influence. As such, the issue of the status of nonobservant Jews has also received divergent responses from the various leaders, ideological camps and individual communities that can be broadly identified as Orthodox. Central Europe, and particularly Germany, is the geographical focus of this study. Throughout the work, though, comparisons will be made between the German material and parallel sources in other parts of Europe. The concentration on the German-speaking region stems from methodological considerations. First, German Jews were clearly among the first European Jews to adopt the norms of general society in large numbers in the eighteenth century, and to abandon tradition on a massive scale in the nineteenth century. Moreover, as opposed to other countries in which secularization became predominant and the traditionalists had little input in Jewish life, in Germany, a vibrant and multifaceted Orthodoxy came into being. To a great extent, due to the emergence of a number of charismatic leaders who sensed a need to meet the changes that had taken place in Jewish life, German Orthodoxy developed well-articulated worldviews with regard to modern culture and society. While various German Orthodox opinions bore certain common traits, they were by no means monolithic. Rather, a number of variations in approaches to the nature of Jewish life can be discerned, and particularly with regard to nonobservant Jews. By comparing the strategies that evolved among the various German Orthodox factions it will be possible to gain an appreciation both for the common new perception of Jewish identity that emerged within Orthodoxy, as well as the distinctive elements within the various subgroups. As such, German Orthodoxy functions within this work as a case study for exploring how Orthodoxy developed various approaches to nonobservant Jews. The models that are proposed can then be utilized as tools of comparison for future analyses of versions of Orthodoxy that developed in other regions within Europe and beyond. There is, however, one major exception to the German geographic concentration. In chapter three, the position of Rabbi Moses Sofer (known as the Hatam Sofer), the German born leader of Hungarian Orthodoxy, is analyzed. Due to his stature as a central figure in the transition from "tradition" to Orthodoxy, as well as to his continued contacts and authority within German Orthodoxy, it is necessary to appreciate his fresh approach in order to

gain a fuller understanding of the development of Orthodoxy in general. VII. Conclusion As pointed out above, this is the first full-length historical examination of the development of Orthodox attitudes towards nonobservant Jews. A number of previous explorations of the topic, however, have informed the present one. Particularly noteworthy, are the works of David Ellenson, Judith Bleich and Zvi Zohar and Avi Sagi. Beyond the insights that are specific to the various episodes and personalities discussed below, there are three areas in which it is hoped that this book will contribute to historical scholarship of Orthodoxy, as well as to the understanding of modern Judaism in general. First, tracing Orthodoxy from its earliest nascence in the eighteenth century through its maturity in late nineteenth century Germany provides an alternative narrative for the history of Orthodoxy in general. That is, this work maintains that the different stages in the emergence of Orthodoxy can be defined through the specific evolution of traditionalist attitudes towards nonobservant Jews. Moreover, in the last section of the work, it is proposed that German Orthodoxy developed a new approach to Jewish identity and the structure of modern Jewish society that adopted the strategy of placing nonobservant Jews beyond the boundaries of proper Judaism without completely rejecting the concept of Jewish solidarity. In doing so, the Orthodox articulated original self-perceptions, as well as new understandings of those who differed from them. Finally, by providing historical background and utilizing it in the analysis of various rabbinic legal discussions that were recorded, this study will enrich appreciation and understanding of the history of halakhah in the modern period. This book concentrates on the development of Orthodoxy. Its contribution toward understanding modern Judaism, however, moves beyond this field. It offers insight into the roots of the conflicts between various sectors of Jewish society that continue to flare to this day. Moreover, the sociological methodology that is employed enables the reader to gain an appreciation for the way in which specific groups seek to carve out their places within the mosaic of modern Jewish society. Through the process of solidifying its own membership, one such group articulated a completely new perception of the nature of the Jewish collective.