Hurwitz’s is a forgotten name among the pioneering Jewish educators in the United States. He lacked the longevity of Joel Braverman. He did not cultivate pupils like Samson Benderly. He did not develop institutions like Alexander Dushkin. He didn’t have children, nor did he ever marry. But Hurwitz’s legacy is very much worth remembering. “The short life of the late Dr. Solomon T.H. Hurwitz,” memorialized Revel, “demonstrated how much can be accomplished by a man who is faithfully devoted to the ideals and traditions of Israel.”

Hurwitz furnished a modern language for Orthodox education in the United States. In a number of short essays published in the 1910s, Hurwitz addressed the “preservation of harmony between [the student’s] Jewishness and his Americanism.” He aimed to cultivate a curriculum, as he put it, to “bring complete harmony into the life of the child by a proper correlation of the intellectual, spiritual and aesthetic impulses to which he is subject.” All this before Revel spoke of “harmonious blending” throughout the 1920s. Solomon Hurwitz helped lay the foundation for the synthesis-touting champions of Torah u-Madda who received better fanfare during the balance of the twentieth century.

This was an acquired cultural orientation. In 1894, nine-year-old Solomon emigrated with his family from Europe to New York. Like so many immigrant parents, Rabbi Nathan Hurwitz—a “short, stocky, white-bearded, old-world scholar, who knew no English”—enrolled Solomon in public school, where “he always managed to keep at the head of the class.” Save for an occasional afternoon of swimming or basketball, each day after the final school bell rang, Hurwitz “devoted most of his time to the study of the Talmud and the Hebrew commentaries to the Bible,” wrote his friend, Isaac Rosengarten, in a moving obituary.

Hurwitz completed his undergraduate degree at NYU and received a doctorate in Oriental Philology from Columbia University in 1912. He concomitantly supported himself by heading a Hebrew school, working as a librarian in the Department of Jewish Literature at the New York Public Library, running a small synagogue in Long Island and serving as an instructor of Semitic languages at Columbia College.
Hurwitz’s wasn’t just a life of the mind. He got involved in communal affairs, focusing on the promotion of Jewish day schools. Parochial schools—as they were dubbed then, to compare with the Catholic model and its constituents who sidestepped public schooling—were none too popular in the Jewish sphere. In 1914, nearly 40 percent of students attending New York’s public schools were children of immigrant Jews. The only Jewish group that sent significant numbers of youngsters to day schools—like the Rabbi Jacob Joseph School on Manhattan’s Lower East Side—was the Orthodox. Alexander Dushkin opined that the Jewish day school was a “danger for America and for the American Jew.” The amalgam of the public school—those so-called temples of liberty—combined with an afterschool Jewish supplement was in vogue. Jews viewed the former as the best agent of Americanization. “As the public schools system is the rock bottom upon which this country is rearing its institutions,” stated leading Jewish pedagogue Samson Benderly, “so we Jews must evolve here a system of Jewish education that shall be complementary to and harmonious with the public system.”

Hurwitz wouldn’t have any of that. He feared that the “worldliness” offered in these schools was out-of-date, providing a kind of “medievalism.” Teachers prepared lessons on the ancients and Greek philosophy and ignored the modern thinking of Kant’s other moderns who fostered the so-called Enlightenment. He lamented that the afternoon Jewish programs were none too intensive. He was therefore glad to learn in July 1915 that the Rabbi Isaac Elchanan Theological Seminary (RIETS) had just hired Bernard Revel and committed to forming a boys’ high school:

It was a still pleasant surprise to learn that the Rabbi Isaac Elchanan [sic] Yeshibah, which is now, with its newly erected buildings, entering upon a new period in its history, has elected as its chief the great Jewish scholar, Dr. B. Revel, of Philadelphia, a man whose past is a golden augury of the future progress of the institution. Himself a “Yeshibah Bochur” of the Old World, saturated through and through with Jewish learning (perhaps, with exaggeration, one of the foremost authorities on the Halacha in the whole world), thoroughly imbued with Jewish idealism, well informed of the news of American Judaism—in short, one who is both a rabbi and a Ph.D. at one and the same time—with his work a new period in the history of Jewish education in America is sure to be inaugurated.

Hurwitz’s description of Revel as a broad scholar of multiple wisdoms caught on for others, including Revel, who desired to describe Yeshiva’s new movement. Soon after, Revel hired Hurwitz to steward the Talmudical Academy. The high school opened its doors at 156 Henry Street in Manhattan on September 3, 1916. TA started with about twenty freshmen boys. The students studied Talmud along with the older RIETS students until 3 p.m. The afternoon classes resembled “regular high school studies as prescribed by the Board of Education of the City of New York for the city high schools.”

Hurwitz understood that his was an uphill battle. Many Jewish parents viewed the proposition of sending their sons to a day school patently un-American. In response, Hurwitz argued that his school’s dual curriculum more effectively “smoothes out the path of readjustment to American conditions, for the immigrant child, and, at the same time, preserves a harmony between his Jewishness and his Americanism.” The holistic program could nurture and stretch to the needs of each pupil, adjusting him to his religious and social surroundings.

Naysayers countered that the Catholic analogue—this period was a challenging one for Catholic acceptance in America—was meant to maintain a child’s link to the Old World. Hurwitz concurred, stating that the Catholic parochial school possessed a “purely preservative function” as its teachers attempted to keep the “mind of the Catholic child free from certain pernicious influences which would be likely to pervert his beliefs.” Yet, Hurwitz contended, the Jewish day school has no such “narrowing influences.” Rather, at TA the “life of the Jewish child is made richer and fuller by a systematic and thorough study of Judaism in addition to the regular routine demanded by the public school curriculum.” This way, the “Jewish child emerges from the parochial school with a complete Jewish Weltanschauung.”

Finally, Hurwitz warned that there were a few drawbacks to Americanization, and that some religious values were not compatible with the New World. He worried about materialism, and the forces that incubated this culture in the public schools. To combat this, Hurwitz suggested that traditional Talmud learning and other intensive Jewish-related classes would provide the “proper correlation of the intellectual, spiritual and aesthetic impulses to which he is subject.” The high school’s finest chronicler, Seth Taylor, has pointed out that the TA faculty concurred with Hurwitz and noted that the first crop of students moved in step with his educational vision. The non-Jewish head of Hurwitz’s English department observed that TA students were interested in developing into “noble men” for whom “big business deals are less important than spiritual ideals.”

The plan worked. Parents “began to send their children to the Academy in increasing numbers.” Families from all sectors of New York’s Jewish community enrolled their children in Hurwitz’s school. “So popular did the high school become,” recalled one teacher from that time, “that students from more than a dozen states in the Union were presently enrolled in it.” By 1925, after Hurwitz had died, the Talmudical Academy boasted a register of 350 pupils.

Solomon Hurwitz served as principal for three and a half years. The Spanish Flu killed more than 600,000 women and men in the United States. Hurwitz perished in one of the final waves of the contagion. His peers mourned the pioneering educator. One Jewish journalist described Hurwitz’s death as a “cruel loss to Judaism in America.”

Hurwitz’s impact was apparent years after his demise. Without Hurwitz, it was up to Revel to extol the virtues of the high school, and then become the leading evangelist of the nascent day school movement. “Out of such schools will come a Jewish youth, with an active and abiding interest in, and a spirit of service to, the cause of Israel, who will help create in this land a Jewish life in harmony with all that is vital in modern civilization,” wrote Revel, echoing Hurwitz. “Such schools, properly conducted, will teach their disciples true
Americanism—that of the Declaration of Independence, upon which our country was founded.”

The Talmudical Academy flourished operating with Hurwitz’s blueprint. Standing firm on the infrastructure Hurwitz had designed, 95 percent of the first half-dozen graduating classes passed the New York Regents examinations. By 1928, the school had graduated 387 students, and a large percentage continued to higher education, most often at the City College of New York and later, when it opened its doors in 1928, at Yeshiva College.

More important still, Hurwitz’s day school model was soon after replicated in Baltimore, Brooklyn, Chicago, Cleveland, Long Island, and Los Angeles. These and the many other institutions that preached thoughtful coalescence of traditional Judaism and American life were in some way in Hurwitz’s debt. His legacy overcame the pandemic that halted his life, and a critical reminder of what is at stake and possible as we persevere past our own plague.

When Synagogues Reopen, May the Congregation Permit a Bar Mitzvah Boy to Make Up His Torah Reading?

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The Modern Orthodox community heaved a sigh of relief when R. Hershel Schachter recently ruled that there would be no requirement to make up missed Torah readings due to the coronavirus pandemic once it is safe to return to synagogue.¹

In a situation where the COVID-19 pandemic has prevented a bar mitzvah boy from reading the parashah he had prepared in advance, R. Schachter writes in his responsum that the congregation may allow the boy to read his portion from a second Torah scroll. However, he permits this on the condition that the congregation is willing to forgo the consequent tirha de-tizbura (imposition on the congregation’s time).

We will explore two ideas: First, R. Schachter’s premise is that a tizburr (congregation) is granted the halakhic prerogative to “be mohel”—that is, to forgo or waive a breach of tirha de-tizbura. We will first present a contrary school of thought, which argues that the congregation does not have the ability to waive tirha de-tizbura. We will subsequently argue that this stringent position can be reconciled with R. Schachter’s lenient premise permitting mehilah (the act of waiving the breach). Second, after proving that a tizburr has the prerogative to waive a perceived tirha de-tizbura, we will briefly explore whether the congregation ought to waive the tirha de-tizbura of allowing a bar mitzvah boy to make up his parashah upon returning to the synagogue.

The mishnah in Yoma (68b) states that on Yom Kippur, upon completing the readings from Leviticus, the High Priest would read the passages from Numbers by heart before the congregation gathered at the Temple. The gemara in Yoma (70a) explains that this was to keep the people from waiting idly while the Torah was being rolled, which would constitute a violation of kevod ha-tizburr, the dignity of the congregation. The assumption of Ritva (70a s.v. lefi) as well as Rambam (Laws of Prayer 12:23) is that the term kevod ha-tizburr is the positive formulation of tirha de-tizbura; thus, the two are interchangeable.

The difficulty with this gemara is that normative Halakhah requires that a congregation wait for the Torah scroll to be rolled even at the expense of their own time (Shulhan Arukh, Orah Hayyim 144:3). At first blush, it seems absurd that while a typical congregation is required to wait for the Torah scroll to be rolled to its place, the High Priest in the Temple on Yom Kippur is subject to the concern of tirha de-tizbura!

There are a number of answers to this quandary,² but the approach that concerns us is that of Magen Avraham (Orad Hayyim 144:7), who asserts that in principle there is no distinction between the nature of the Torah reading in the Temple and the Torah reading in a typical

¹ R. Schachter cites Sha’arei Ephraim (7:9). See also the responsum Tashlumin be-Kriot ha-Torah, recently published by R. Asher Weiss, where he provides additional source material regarding whether a congregation is required to make up for missed Torah readings.

² Cf. Hiddushei ha-Ritva (Yoma 70a) and Responsa Avnei Nezer (C.M. Responsum no. 152), respectively.
While Magen Avraham would form the basis of R. Schachter’s premise that a congregation may waive a violation of *tirha de-tzibbur* (prayer leader), however, if the child does not show obvious signs of physical maturation it would constitute a breach of *kevod ha-tzibbur* for him to lead the prayer. 

Beit Yosef (Orah Hayyim 53) addresses a case where a child is already bar mitzvah and technically permitted to serve as a *shaliach tzibbur* (prayer leader). However, if the child does not show obvious signs of physical maturation it would constitute a breach of *kevod ha-tzibbur* for him to lead the prayer. Beit Yosef cites Rambam, whom he interprets as permitting the congregation to forgo its dignity by allowing the child to become the *shaliach tzibbur*. However, this characterization of Rambam is rejected by numerous authorities such as Bach (Orah Hayyim 53:2), who offers a scathing repudiation of any suggestion of *mehilah* in this case:

> In my humble opinion, even according to Rambam and Rashba, the *tzibbur* would not be able to forgo [their *kevod ha-tzibbur*]. For the reasoning behind *kevod ha-tzibbur* is not that there is an affront to the community’s dignity before their fellow men — in which case *mehilah* would be effective. Rather, their explanation is that it is not becoming of the congregation to appoint someone who has not yet grown his beard before Him [God] may He be Blessed. For if we would not send him to advocate before a king of flesh and blood, [even if he was a wise and great person but is lacking the stature and appearance of one with a filled beard] then certainly before the King of kings Blessed be His Name *mehilah* would not avail the congregation to appoint him [as their prayer leader]!

It would seem that we have a major dispute between Magen Avraham and Bach. If we follow Magen Avraham, the congregation would have the prerogative of waiving the *tirha de-tzibbur* of a child reading his bar mitzvah *parashah* in addition to the reading of the current week. However, if we were to adhere to the reasoning of Bach, the same way the congregation may not waive their *kevod ha-tzibbur* to appoint a bar-mitzvah-aged boy as their established *shaliach tzibbur*, they also do not have the prerogative to allow a boy who missed his bar mitzvah to impose on the time of the congregation to make up for his missed *parashah*.

However, it may be suggested that R. Schachter’s case is not analogous to the case addressed by Bach, and thus even he would concede that the congregation may permit a bar mitzvah boy to append his prepared *parashah* to that of the current week.

Until this point, we assumed that the terms *tirha de-tzibbur* and *kevod ha-tzibbur* are two sides of the same coin. While many of the commentaries do in fact use them interchangeably, it is clear that not all cases of *kevod ha-tzibbur* are linked to *tirha de-tzibbur*. Taz (Orah Hayyim 53:2) gives a similar formulation to Bach with a subtle addition: “In this case *kevod ha-tzibbur* is synonymous with *Kavod Shamayim* (the respect owed to God).” In other words, sometimes *kevod ha-tzibbur* is interchangeable with *tirha de-tzibbur*, while in other instances it is a proxy for *Kavod Shamayim*. Therefore, only in instances where *kevod ha-tzibbur* is referring to *Kavod Shamayim* would Bach disagree with Magen Avraham, since nobody has the right to waive God’s honor but God Himself! In contrast, when there is only *tirha de-tzibbur* at stake, of course it is the congregation’s prerogative to choose how they spend their time.

We can conclude that it is debatable whether a congregation is permitted to appoint a child who lacks physical maturation as their *shaliach tzibbur*, as it may constitute a breach of *Kavod Shamayim*. However, in the case of a bar mitzvah boy who wishes to add his *parashah* to the current week upon returning to synagogue, even Bach would agree with Magen Avraham that the congregation may opt to allow it, as the only concern is that of *tirha de-tzibbur*.

It should be emphasized that while the congregation may permit the bar mitzvah boy to add his *parashah* to the current week, R. Schachter does not weigh in on whether the congregation ought to do so.

Perhaps some of the literature on the parameters of *tirha de-tzibbur* can offer us direction: Peri Hadash (Orah Hayyim 112) castigates those who “act more zealously than the Sages of the Talmud” by adding *piyyutim* (non-obligatory liturgy) to the already lengthy Shabbat morning service. R. Yaakov Emden in his Responsa She’eliat Ya’avetz (1:64) offers a similar condemnation against the addition of *mi shebeirakh* petitions during Torah reading. One may be tempted to scoff, as an additional *mi shebeirakh* only takes a minute of the congregation’s time. However, Grа, commenting on Shulhan Arukh (Orah Hayyim 139:4), explains that in order to prevent *tirha de-tzibbur*, a man who is called up to the Torah should leave the Torah scroll open instead of closing and re-opening it when he is ready to read. It is evident from this position that *Halakha* is concerned for even the few seconds of time that it would take to open and close a Torah scroll!

Additionally, Rashba addresses a case in his Responsa (1:115) where the congregation is up to Torah reading (which requires the participation of a *kohen* if one is present), but the only *kohen* present is in the middle of a prayer that may not be interrupted. Rashba rules that the congregation should give the *kohen*’s reading slot to someone else, because the honor of this one individual—even if he is of priestly descent—may not infringe on the time of the congregation.

Based on these sources, there is certainly a basis for the *tzibbur* to refrain from permitting a bar mitzvah boy to add an extra fifteen to twenty minutes of synagogue services, as his needs do not supersede the needs of the rest of the congregation. While this logic could in

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3 Cf. Responsa Beit Yehuda (Orah Hayyim Responsum no. 22) and Responsa Beit Dino Shel Shlomo cited in Yikra de-Tzibbuра (Ch. 1, p. 7).

4 E.g. *Megillah* (23a) with the analysis of *Ratz ko-Tzvi* (Vol. 3, Essay on *kevod ha-tzibbur* and *tirha de-tzibbur*).
theory be extended to prevent a bar mitzvah boy from reading on his actual Shabbat, it would seem that there is a concept of implied custom within each synagogue, and the accepted standard within a typical community is to waive the tirha de-teibura caused by the additional pomp and circumstance of a life-cycle celebration.

Practically speaking, every synagogue must find a balanced solution whereby they recognize the families who unfortunately could not celebrate their important milestones while at the same time giving due deference to the dignity and time of the congregation as a whole.

Christians, the Talmud, and American Politics

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People participating in Daf Yomi—the daily study by Jews across the world of a new page from the Babylonian Talmud—recently encountered censorship of one of the Talmud’s pejorative references to Jesus. This act of whitewashing was deeply influenced by the history of Christian thought about both Judaism and the wider world.

But the censors were not Christians. They were Jews.

The story begins with the seventeenth page of Tractate Avodah Zarah, which contains one of several talmudic passages that refer to Jesus. Throughout the ages, these references were often erased or altered by Christian censors (although we still possess manuscripts that escaped this fate). This phenomenon was the subject of a recent entry in Talmud Yisraeli’s recent discussion of the passage in Avodah Zarah. Talmud Yisraeli is an Israel-based, weekly educational pamphlet for children containing brief synopses of material from the previous week’s Daf Yomi. It comes out in both a Hebrew version and an English version. As my Lehrhaus colleague, Elli Fischer, pointed out, whereas the Hebrew version (primarily addressed to the Israeli public) described the censorship of material in the Talmud “about Jesus,” the English translation dispensed with this reference to Jesus. Instead, this version mentioned censorship of material “about Christianity.” As Fischer noted, the irony is that the very same Jews excoriating Christians for censoring talmudic references to Jesus are themselves doing just that.

But the problem here is larger than just censorship. A worldview that demands the replacement of “Jesus” with “Christianity” itself reflects fundamental assumptions about both Judaism and broader society that are deeply shaped by the history of Christianity.

To begin, there’s the claim that is implicit in this act of censorship, namely, that the Talmud has something to say explicitly about Christianity.

It does not.

The Talmud never speaks about Christianity as a whole, nor, with one possible exception, does it mention Christians as a group. The Talmud’s interest is in Jesus, the individual. It conceives his followers as students (idolatrous ones, to be sure, at least for the Babylonian Talmud), not worshippers. It refuses to treat them as a full-fledged community. The only possible exception comes in the form of the two references to Sunday observance in tractates Avodah Zarah (6a, 7b) and Ta’anit (27b). But even in those cases most manuscripts—at least in the Avodah Zarah versions—refer to “the Nazarene” (in the singular, i.e., Jesus), not “the Nazarenes” (in the plural, i.e., Christians).

Why is this important? For two reasons, one relating to the relationship between Judaism and Christianity, and one with broader implications for American society.

First, contrary to popular wisdom, Judaism and Christianity—certainly in the first century CE, but even later, as well—were not immediately recognizable, either to insiders or outside observers, as distinct religious communities. In fact, it took a great deal of time for the idea of “Judaism” and “Christianity” as mutually exclusive groups or religions to crystallize. People in antiquity continued not to think in these terms for centuries. The traditions in the Babylonian Talmud referring to Sunday as an idolatrous holiday do appear to assume that its observers are idol worshippers but we still must be careful not to interchangeably use “Jesus” and “Christianity,” as if one implies the other. After all, the assumption that the former inevitably and as a matter of course birthed the latter has been a core tenet of Christian supersessionism and antisemitism for almost two millennia.

But the significance of replacing “Jesus” with “Christianity” extend far beyond the Judaism, and its relationship with Christianity. It possesses implications, as well, for contemporary American political discourse.

For example, one distinguishing feature of rabbinic literature in late antiquity is that it never really developed a genre historians call “heresiology.” Heresiology is the “science,” as it were, of heresy, and it became a staple of the literature produced by early Christians beginning in the second century CE. Heresiologists emphasized the importance of creating (they would say “describing”) boundaries for their community, and thought the best way to do so was by relentlessly calling out all those whom they felt deviated from right belief or practice.

To this end, the heresiologists compiled exhaustive catalogues of “heretical” groups, and meticulously—if not accurately—detailed all the ways in which they were dangerously wrong. A quick glance at the heresiological work Against Heresies by Irenaeus, the second century bishop of Lyon, reveals colorful entries on the deviant followers of Valentinus, Ptolemy, Marcos, Carcoprates, Marcion, the Ebionites, and many more. The Panarion by the fourth century writer Epiphanius of Salamis, contains entries on no less than eighty different types of heresy.

Rabbinic literature has none of this.

That is not to say that the Talmud’s rabbis were not interested in drawing the boundaries of their own community, or maintaining normative standards on everything from belief to practice. They certainly were. What they were not interested in was relating to wrongdoers systematically as a community—let alone as multiple communities—the details of which could then be described and catalogued in intimate detail.

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5 See Responsa Mishpatei Uziel (Vol. 3, Orah Hayyim, Responsum no. 7).
The rabbis simply developed general, catch-all terms for all sorts of people, practices, or beliefs that they considered unacceptable, like *minut* (probably best translated as “dangerous distinctiveness”), or *meshummad* (“one who has become destroyed”). While these terms would eventually be used as code words for Christianity, or Jewish apostates to Christianity, that development took several centuries. But as far as rabbinic literature in late antiquity is concerned, one couldn’t use the terms “*minim*” or “*meshummadim*” to signify specific, historical communities that existed, in the same way that one very much could refer to the “Montanists,” “Valentinians,” or “Elchasaites” of Christian heresiological literature. Even terms in rabbinic literature that do refer to specific social groups—like “Sadducee” or “Boethusian”—are used interchangeably with each other. In any case, they appear to have been inherited by rabbinic literature from earlier historical periods.

The bottom line is that while the rabbis’ insistence on clear boundaries produced outsiders, they did not dwell on different communities of outsiders. This includes Christianity, which is why the Talmud does not engage with it as a distinct social category. Rather than spending time defining other groups, and analyzing what was wrong with them, rabbinic tradition overwhelmingly emphasized its own values, and its own vision for society. Naturally, this vision itself entailed that people would be excluded, perhaps just as many as those whom the heresiologists wished to expel. But the insistence on presenting a case for something, rather than a case against something else, is instructive.

So much of American political discourse has devolved into heresiology. We have grown obsessed with cataloguing the evils of our opponents and detailing the deviations of supposed allies. I don’t mean to minimize the sins at stake, but in light of the continuing corrosion of American civic discourse, it is high time for a course correction. What we need now is a positive vision for the future. We require a set of values to cherish rather than deficiencies to abhor.

In other words, we don’t need, at least at this moment in history, the heresiological fixation upon others. We need the Talmud’s focus upon ourselves, upon a positive case for a moral and just society.