

# The Politics of Exclusion in Judaism

## R. Akiva Eger

### I. Brief Biography

Rabbi Akiva Eger, or Akiva Güns, Yiddish: **עקיבא אייגער**, (Eisenstadt, 1761 – Poznań, 1837) was an outstanding Talmudic scholar, influential halakhic decisor and foremost leader of European Jewry during the early 19th century.

Akiva Eger was born in Eisenstadt - the most important town of the Seven Jewish Communities of Burgenland, Hungary, (now Austria). He was a child prodigy and was educated first at the Mattersdorf yeshiva and later by his uncle, Rabbi Wolf Eger, (1756-1795) (b. 5516, d. 6 Tishrei 5556), at the Breslau (Wrocław) yeshiva, who later became Rabbi of Tziltz and Leipnik. Out of respect for his uncle he changed his surname to Eger. He therefore shared the full name Akiva Eger with his maternal grandfather, the first Rabbi Akiva Eger (1722-1758) (b. 5482, d. 15 Elul 5518), the Mishnas De'Rebbi Akiva who was Rabbi of Zülz, Silesia from 1749 and Pressburg from 1756.

He was the rabbi of Märkisch Friedland, West Prussia, from 1791 until 1815; then for the last twenty two years of his life, he was the rabbi of the city of Posen (Poznań). He was a rigorous casuist of the old school, and his chief works were legal notes and responsa on the Talmud and the Shulkhan Arukh. He believed that religious education was enough, and thus opposed the party which favored secular schools. He was a determined foe of the Reform movement, which began to make itself felt in his time.

### II. Texts and Contexts

1. Eger's efforts to uphold tradition against the dangers of the modern world differed from those of his famous son-in-law [The Hatam Sofer]. The Hatam Sofer's rejectionist approach to modern ideas and political and religious change was characterized by his popularization of the rabbinic statement "all that is new is biblically forbidden." Eger, in contrast, was even willing to accept as sweeping a change as political emancipation for the Jews when he thought that its positive side outweighed the problems it created. It seems that this was partly due to a more utilitarian approach, in which he considered each change in society and its specific ramifications, rather than focusing on ideological battles, as did the Hatam Sofer.

It would appear that the differences between the two figures can be discerned in Eger's letter in *Eleh Divrei ha-Berit*, as well as in other writings related to Reform. One of the foci of his polemic against reform Jews was that they did not accept the authority of the Oral Law as written in the Talmud. What is interesting is how he expressed the problem he had with such a theological position:

A person who questions the words of the Talmud certainly does not don *tefillin* [phylacteries] and desecrates the Sabbath, since from where will he know that...it [*tefillin*] is worn between the scalp and the forehead and not between the eyes...from where will he know what acts are forbidden on the Sabbath.

Indeed, Eger attacked Reform Jews' lack of faith, but he seems to have been particularly concerned with the practical ramifications that their approach entailed. The most pressing problem with Reform was that it led to a lifestyle that was no longer characterized by halakhic observance (77-78).

2. [After ruling that a Jew who shared a courtyard with an apostate to Christianity should treat him as a Jew for the purposes of eruv]...Eger took a lenient approach, maintaining, "His status is that of an Israelite...just like regarding divorce and marriage."

The Hatam Sofer, however, in a similar case would have been apt to consider the apostate as a non-Jew regarding common property. Whereas regarding marriage and divorce he would have acquiesced to the overwhelming majority of authorities who recognized the Jewishness of the apostate, here he would not have done so...Eger, in contrast, seems to have focused here on enabling the observant Jewish neighbor to keep the laws of Shabbat with greater ease. This example is consistent with the following description written by his sons in their biography of their father: "Notwithstanding his great personal piety and meticulousness in all things...even so, in his halakhic renderings he was as lenient as possible, often he permitted that which no other rabbi would allow." (78-79)

3. Regarding Jews who deviated in practice but maintained a strong Jewish identification, Eger was extraordinarily accepting. Sometimes, this was done even at the cost of making a strict ruling that caused difficulties for more committed Jews. In one important statement, he discusses the reliability of a witness, where the witness has been accused of having his beard shaved regularly (with a razor by a non-Jewish barber)...

Thus, one can argue that shaving with a razor, which has spread, due to our sins, among so many, was not considered by him [the transgressor] to be such a forbidden act, for it is not apparent to people that it is forbidden...Therefore, since in our days, the 'plague has spread,' even among those who are careful in other areas, it appears to them [those who observe the behavior of the careful ones] that it is not so forbidden. (79)

4. [Regarding a mohel who didn't keep Shabbat]...his opinion was far more permissive. Not only did he validate the circumcisions that were performed in the past, he allowed this person to continue to act as the *mohel* of the town...First, Eger cited the opinion that one who only transgressed rabbinic prohibitions does not attain the status of a *mumar* regarding the entire Torah – who is unable to circumcise...Moreover...a person is only considered a public Sabbath desecrator when he transgresses a prohibition in front of ten Jews. Eger assumed that the ten Jews in front of whom the *mohel* most probably committed forbidden acts were "friends [who are like him]." Such a collection of Sabbath desecrators, he said did not fulfill the halakhic qualifications to render an act as public (*pharhesia*). The desecration had to occur in front of "ten **kosher Israelites**, for when it is in front of ten *mumarim* regarding the entire Torah, it appears that this is not a quorum of ten Jews at all."

Ferziger, Adam S. *Exclusion and Hierarchy: Orthodoxy, Nonobservance, and the Emergency of Modern Jewish Identity*. Philadelphia: University of Pennsylvania Press. 2005.