

THREE YEARS IN AMERICA

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Volume I

by

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א' כן אמנם אוהבי ישראל ואוהבנו תצדקו בדבריכם תזכו בשפטיכם כי מצד
הדת המסורה אשר כמונו תאמינו בכל הקוחיה ומשפטיה לית דין צריך בשש. כי
עשית או הקמת תמונת אדם בולטת אסורה מה"ת וזה בברייחא ארוכה כל הפרצופין
מותרין חוץ מפרצוף אדם ומפרש שם בבולט (ר"ה כ"ד ב' ע"ז מ"ג ב') ורש"י אפילו
שלא לעבודי וכן בס' היר לרמב"ם (הל' ע"ז פ"ג ה') וכתב שם שלוקין מי שעובר
על זה (ש"ע י"ד סי' קמ"א סעיף ד'):.....
שלמה יהודה ליב ראפאפארט
רב ואב"ד בק"ק הנ"ל

החוחם פה ק"ק פראג יום ג' י' תמוז תרכ"א.

Rabbi S. R. Hirsch's Opinion*

To the Touro Monument Association, New Orleans.

Much Respected Sirs:

You will kindly excuse the delay of my answer to your esteemed communication of the 6th of June, being prevented by a press of official business, to attend to the same ere this; and even to-day I am obliged, in order not to defer my reply still farther, to limit my answers to the essential interrogatories propounded by you.

You purpose to honor the memory of a deceased philanthropist by the erection of a statue or of some other monument, provided that such action does not conflict with the religious laws and usages of the Jews, and you honor me with the request to express my opinion.

Whether it be permitted, in accordance with the Jewish law, to erect a statue of bronze or marble in some public place of a city, in honor of a deceased co-religionist?

Whether it be permitted, in accordance with the Jewish law, to erect a monument (pillar, &c.,) in the same manner and for the same object?

To this I have the honor to reply:

The erection of a statue, *i. e.*, of a human figure, of bronze, stone, or other material, is, according to Jewish law, prohibited in any place and for any object.

In like manner does the Jewish law distinctly prohibit the erection of a monument, utterly devoid of any image, of a pillar, a stone, &c., for purposes of divine worship, and be it even to gather around it for the worship of the Holy One. (See Maim. Accum vi.6.)

Not quite as explicit is the decision concerning the erection of such a monument, not for purposes of divine worship. According to ש"ח מ"ב סמ"ג on רש"ל it almost appears that the erection of a pillar, &c., not for purposes of worship even, was unlawful, and that, consequently, the passage of Maim. cited above had to be construed, that the erection of a *Mazebah* in general, and be it even for the worship of the Holy One, was not permitted. But the facts recorded in Joshua

* The English version is drawn from *The Occident*, XIX, pp. 55-58.

iv.24, 26, 27, 1 Samuel vii.12, testify that even *after* the promulgation of the Mosaic law, the erection of stones as monuments for profane purposes was not prohibited by the law.

But you have yourselves indicated in your esteemed communication, that you desire to observe in this question not only the express dicta of the law, but also the received usage in Israel, and that the project was only then intended to be executed, if it was not in conflict with the "laws and usages of Israel."

Looking upon this question in this light, it would indeed appear that the historical usage in Israel, prevailing throughout the whole Jewish past, would declare itself against the erection of a monument in honor of a man. As far as our knowledge reaches in ante-Mosaic or post-Mosaic times, monuments in commemoration of events or in relation to memorable localities are to be found; monuments as honorary mementoes of men are not to be found. Only one example is met with, that a monument was erected in commemoration of a man, and this — a vain man — Absalom, had erected to himself during his lifetime. However large the number of the great men of our nation (and there is assuredly no other nation which more gratefully cherishes the memory of its heroes in intellect and virtue), it has honored their memories by everything else except by monuments of metal or stone. And although no evidence can be deduced from the non-perception of a certain fact — לא ראינו אינה ראייה — yet (as shown at length by ש"ך, *Yoreh Deah*, חושן משפט, 37) with regard to a custom, and more especially such a one that runs through a period of several thousand years with thousandfold opportunities, the non-occurrence may certainly serve as a proof that usage did not regard it admissible.

Let it not be objected, that the period of exile under oppression and persecution was not favorable to the erection of such monuments. The Spanish epoch afforded full liberty; and although it could boast of not a few great men who, during their lifetime, had been honored as benefactors of their nation, some even in a princely manner, yet nobody even thought of honoring their memory by a monument. Nay, still more. Even in the time of the second temple, when, especially under the kings of the Asmonean and Herodean houses, personal attributes were made improperly conspicuous, and love of pomp and the aping of Grecian and Roman customs particularly invited to the erection of such monuments, we find that towers, castles, towns, &c., were built in commemoration of men, but to erect columns and similar monuments — as far as memory serves* — was not ventured. Taking all this into consideration the assumption will appear well founded that Jewish custom is

* Note by the Translator. — Statues of the daughters of King Agrippa I were extant. Vide *Jos. Ant.* xix.9.1.

decidedly opposed to the erection of columns and similar monuments to the memory of men.

Now you have intimated in your esteemed communication that in the settlement of this question not only the *larvs* but also the usages of Israel should be taken into account. It is, moreover, a religious *law* of Israel to conscientiously observe the usages of Israel; hence the violation of a Jewish custom of this kind would be a direct infringement of the Jewish religious law.

It is true, honored sirs, that, according to this view of the case, you are prevented from executing your design, quite laudable in itself, to honor the memory of a philanthropist in this manner; yet, in the abstract, let us rejoice that Jewish custom denies to itself the erection of pillars &c. as honorary personal memorials, equally with those pillars &c. prohibited by the law.

Let us preserve this Jewish custom which, considering the untitled name of the greatest distinction — גדול מרבן שמו — means also to honor most the memory of the distinguished dead by the very refusal of the commonest tomb אין עושין נפשות לצדיקים, because, as the motive expresses, דבריהם זכרונם, they have erected for themselves, by their words and deeds, the most indestructible monument.

Let us in particular, preserve the Jewish custom which, until now, has honored the memory of deceased distinguished men only by good, useful, and salutary works, and has thus in truth — זכר צדיק לברכה — caused the memory of the righteous after their death to redound to the blessing of the living.

Let us not forget that the Jewish mind does not recognize any thing praiseworthy in the erection of not useful and salutary, although magnificent structures. (End. v. ירושלמי שקלים.) A Rabbi who, on passing a magnificent Synagogue, boasted ממון שקעו כמה כאן, “How much money have my fathers sunk here?” received as reply, כמה נפשות שקעו אבותיך כאן, “How many souls have they sunk here!” לא הוי בנים דילעין באוריחא. Were there no people in need of assistance to enable them to study the law? — And thus I believe, honored sirs, will you perhaps share my conviction, that were you to devote, in honor of the name of the deceased, the interest of the amount which the erection of a monument would cost towards the annual bestowal of a physical, intellectual, or moral benefit upon a single human soul, you would honor his memory, the more he was actually deserving such honor, in a more Jewish, *i. e.* truer and worthier manner, than by the most magnificent monument which you may execute in bronze or marble.

Please accept the assurance of my most distinguished consideration with which I have the honor to be, honored sirs,

Yours, truly,

HIRSCH.